

Protection of Children against Sexual Abuse in the Circle of Trust: Legal Frameworks (Lanzarote Convention Monitoring Questionnaire)

Fields marked with * are mandatory.

Introduction

1. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “the Lanzarote Convention” or “the Convention”), which entered into force in July 2010, requires criminalisation of all forms of child sexual abuse. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

2. The Committee of the Parties to the Convention (also known as the “Lanzarote Committee”), established to monitor whether Parties effectively implement the Convention (Article 1 § 2), decided that:

“1. The monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention.

2. The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.

3. The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time-limit set by the Lanzarote Committee.”[1]

The notion of the circle of trust

3. In January 2018, the Lanzarote Committee concluded its first monitoring round “Protection of children against sexual abuse in the circle of trust”. The notion of “circle of trust” includes members of the extended family, persons having care-taking functions or exercising control over the child, and any other persons with whom the child has relations, including his/her peers.[2]

The previous and current monitoring rounds on the circle of trust

4. The two implementation reports adopted as a result of the first monitoring round evaluated the frameworks and strategies put in place by the 26 States Parties to the Lanzarote Convention which had ratified it by the time the monitoring round was launched[3]. Since then, the Convention has been ratified by 22 other Parties,[4] and numerous changes have taken place in the subject area due to the development of international standards and national reforms. Furthermore, a child’s circle of trust remains the environment

where the vast majority of sexual abuse occurs.[5] The Committee therefore decided to come back to the subject matter of the first monitoring round in 2023, to both take stock of the situation in the 22 Parties that had not been examined in the first round and to evaluate the follow-up given to the Committee's recommendations by the 26 Parties that had.

5. All of the current 48 Parties will be monitored at the same time to create a momentum around specific aspects of the monitoring theme. To ensure a more accurate reflection of the situation in the Parties and a speedier publication of intermediary results, the monitoring round will be divided into several parts and conducted on the basis of information submitted by the Parties and other stakeholders in response to questionnaires specific for each part.

Involvement of civil society and other relevant stakeholders in the monitoring round

6. In accordance with paragraph 4 of Rule 26 of the Lanzarote Committee's Rules of Procedure, the Secretariat shall seek the views of the representatives of civil society and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children on the implementation of the Convention by Parties, in particular by asking them to comment on the replies to this questionnaire or by any other means (e.g. by offering the observers and participants in the Lanzarote Committee to submit any relevant information they may have with regard to any Party to the Convention by replying directly to some or all of the questions of this questionnaire). These comments and replies will be transmitted by the Secretariat to the Party(ies) concerned and made public.

Type of questions and elements to be borne in mind when replying

7. Each of the questionnaires of this monitoring round will contain questions derived from the Committee's first monitoring round recommendations and findings, as well as a few new questions based on the Committee's adopted texts and international standards that have emerged in the meantime, including the case-law of the European Court of Human Rights, to gather information for capacity-building purposes. The first part of the monitoring round will assess the legal framework and related procedures with respect to sexual abuse of children in the circle of trust ("Legal frameworks").

8. This specific first questionnaire was adopted by the Lanzarote Committee on 2 June 2023. It is recalled that, in accordance with Rule 26 of the Lanzarote Committee's Rules of Procedure:

"...2. The Secretariat shall address such questionnaires to the Parties through the member in the Lanzarote Committee representing the Party to be monitored, who will act as "contact person".

3. Parties shall submit their replies in one of the official languages of the Council of Europe to the secretariat within the time limit set by the Lanzarote Committee. The replies shall be detailed, answer all questions and contain all relevant reference texts. The replies shall be made public.

5. The Secretariat may request additional information if it appears that the replies are not exhaustive or unclear. Where warranted, with the consent of the Party(ies) concerned and within the limits of budgetary appropriations, the Bureau of the Lanzarote Committee may decide to carry out a visit in the Party(ies) concerned to clarify the situation."

9. In addition, Parties are kindly requested to:

- answer the questions with regard to central, regional and local levels to the extent possible. Federal States may, in respect of their sovereign entities, answer the questions in a summarised way;
- provide, whenever questions/answers refer to it, the relevant text (or a summary) of legislation or other regulations in English or French;

- answer the questions from a gender equality perspective, i.e. specifying, where relevant, whether and how measures for victims and/or offenders take into account gender-specific requirements.

10. The term “national legal framework” used in the questionnaire includes not only laws but also all forms of regulations (decrees, resolutions, administrative directions, instructions, and any other decisions creating legal consequences for more than one individual) and higher courts’ directive rulings.

11. The questions asked concern the legal frameworks pertaining to both online and offline forms of activity. Should your national legal framework distinguish between them, please provide details.

12. As indicated above, some of the questions are included for capacity-building purposes. Therefore, nothing in the wording of these questions should be taken as an indication of a preferred state of affairs or course of action.

13. The questionnaire uses a colour-coded system to help you differentiate questions based on the Lanzarote Committee’s 1st monitoring report’s “invite” recommendations (in blue) and “urge”/ “consider” recommendations (in red). The questions based on the European Court of Human Rights’ case law and the Committee’s adopted texts are coloured red. The questions included for capacity-building purposes are coloured blue.

14. Some of the questions are addressed only to specific Parties found to be not in compliance with a particular requirement of the Convention in the first monitoring round, or to those Parties and to the 22 Parties which had not been evaluated during the first monitoring round. All other questions are meant to be replied to by all Parties.

[1] Rule 24 of the Lanzarote Committee’s [Rules of Procedure](#)

[2] See [1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”](#), p. 12. Examples of the different categories of persons may be found in paragraphs 123-125 of the [Explanatory Report to the Lanzarote Convention](#)

[3] Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Portugal, Romania, San Marino, Serbia, Spain, Türkiye and Ukraine

[4] Andorra, Armenia, Azerbaijan, Cyprus, Czech Republic, Estonia, Georgia, Germany, Hungary, Ireland, Latvia, Liechtenstein, Monaco, Norway, Poland, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom

[5] See the [Explanatory Report to the Lanzarote Convention](#), paras. 48 and 123-125

IDENTIFICATION OF THE RESPONDER

* Name of the Party responding or concerned by your response

Lithuania

* Name of the contact person/coordinator

* Email address of the contact person/coordinator

KEY NOTIONS Question 1. Does your national legal framework:

a. **have a reference to “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children?**^[6] If yes, please provide a copy of the relevant provision(s).

[6] 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework” adopted by the Lanzarote Committee on 4 December 15, Recommendation 3.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.a Yes)

Article 151(1) of the Criminal Code of the Republic of Lithuania (hereinafter – CC) establishes this criminal offence in paragraph 3 and 4 (Satisfaction of Sexual Desires by Violating a Minor’s Freedom of Sexual Self-Determination and/or Inviolability).

Mentioned paragraphs contain the following statements:

3. A father, mother, guardian, custodian or other legal representative of the child, or a person with statutory authority over a minor, or a person who has abused his or her trust, authority or influence over a minor, who has had sexual intercourse or otherwise fulfilled his or her sexual passion with that minor, provided that there have been no indications of rape, sexual abuse or forcing the minor to have sexual relations, shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to six years.

4. A person who committed the acts provided for in paragraph 3 of this Article with a person under the age of 16 years shall be punished by a custodial sentence for a term of up to eight years.

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + Belgium and Luxembourg] establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an “aggravating circumstance”?**^[7] If yes, please indicate the specific legal provision.

[7] *Ibid.*, Recommendation 2

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.b Yes)

Article 151 of the CC (Sexual Abuse) establishes criminal liability for sexual abuse of children who are over 14 years old.

1. A person who, by threatening to resort to violence, using other mental coercion or by taking advantage of a person's dependency, compels the person to have sexual intercourse with or otherwise satisfy sexual desires of the offender or a third person shall be punished by arrest or by a custodial sentence for a term of up to three years.
2. A person who carries out the actions provided for in paragraph 1 of this Article in respect of a minor shall be punished by a custodial sentence for a term of up to eight years.
3. A person shall be held liable for the act provided for in paragraph 1 of this Article only under a complaint filed by the victim or a statement filed by the legal representative thereof or at the prosecutor's request or when the pre-trial investigation is initiated upon establishing signs of domestic violence.
4. A legal entity shall also be held liable for an act provided for in paragraph 2 of this Article.

If a child is under 14 years old, sexual intercourse with such person by anyone is considered as aggravating rape since young children are considered as in a helpless state.

Article 149. Rape

1. A person who has sexual intercourse with a person against his will by using physical violence or threatening the immediate use thereof or by otherwise depriving of a possibility of resistance or by taking advantage of the helpless state of the victim shall be punished by a custodial sentence for a term of up to seven years. <...>
4. A person who rapes a young child shall be punished by a custodial sentence for a term of five up to fifteen years.
<...>
6. A legal entity shall also be held liable for an act provided for in paragraphs 3 and 4 of this Article.

Article 150. Sexual Assault

1. A person who, against a person's will, satisfies his sexual desires through anal, oral or interfemoral intercourse by using physical violence or by threatening the immediate use thereof or by otherwise depriving the victim of a possibility of resistance or by taking advantage of the helpless state of the victim shall be punished by arrest or by a custodial sentence for a term of up to seven years. <...>
4. A person who carries out the actions provided for in paragraph 1 of this Article in respect of a young child shall be punished with a custodial sentence for a term of three up to thirteen years.
<...>
6. A legal entity shall also be held liable for an act provided for in paragraphs 3 and 4 of this Article.

Here you can upload any file(s) in support of your answer

c. [list specific categories of adults in contact with children automatically qualifying as holding this position?](#)^[8]

[8] *Ibid*, Recommendation 4. Examples: members of the extended family (including new partners), persons having caretaking functions (including trainers of any kind) or exercising control over the child professionally or on a voluntary basis (including persons who look after children in their leisure-time) and any other person trusted by the child (including other children).

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.c Yes)

Father, mother, guardian, custodian or other legal representative of the child, or a person with statutory authority over a minor, or a person who has abused his or her trust, authority or influence over a minor.

Here you can upload any file(s) in support of your answer

d. [define the notion of “circle of trust”](#)?^[9]

[9] *Ibid*

- Yes
 No

If appropriate, please provide more information (1.d No)

Here you can upload any file(s) in support of your answer

VICTIMS' AGE Question 2. Does your national legal framework:

a. **[for 22 Parties + Italy, Portugal, San Marino, and Türkiye] provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence?**^[10]Please refer to the specific legal provisions.

[10] *Ibid.*, Recommendation 6

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (2.a Yes)

Yes, aforementioned Articles of the CC cover all types of children (up to 14 years old, 14-16 and 16-18 age brackets).

Here you can upload any file(s) in support of your answer

b. [for 22 Parties + North Macedonia and Ukraine] indicate that the child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence?[1] Please provide details.

[1] *Ibid.*, Recommendation 5

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (2.b Yes)

Yes, child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence. Only in cases, described in CC, in Paragraph 1 of the Article 151(1) shall not be considered a crime, if there is no significant age, mental and physical maturity difference between participants in the action.

Article 151(1). Satisfaction of Sexual Desires by Violating a Minor's Freedom of Sexual Self-Determination and/or Inviolability

1. An adult person who has a sexual relationship or otherwise satisfies his sexual desires with a person under the age of sixteen years, in the absence of signs of raping, sexual abuse or coercing into a sexual act, shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to five years. <...>

6. The actions indicated in paragraph 1 of this Article shall not be considered a crime, if there is no significant age, mental and physical maturity difference between participants in the actions.

Here you can upload any file(s) in support of your answer

SCOPE OF OFFENCE Question 3. Does your national legal framework criminalise sexual abuse of children:

a. where the offender abuses a recognised position of influence? [12] Please refer to the specific legal provisions.

[12] *Ibid.*, Recommendation 1

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.a Yes)

Please, see answer to the question 1a answer to which is applicable to this question too.

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + Belgium]** where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim's spouse or marital partner?^[13] Please refer to the specific legal provisions.

[13] *Ibid.*, Recommendation 7

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.b Yes)

Aforementioned Article 151 of the CC would apply in these cases.

Here you can upload any file(s) in support of your answer

c. **[for 22 Parties + the Republic of Moldova]** where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence?^[14] Please refer to the specific legal provisions.

[14] *Ibid.*, Recommendation 8

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.c Yes)

Here you can upload any file(s) in support of your answer

SCOPE OF OFFENCE Question 4. Does your national legal framework:

a. criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions?^[15] Please specify which other acts are covered and whether violation of a child's "sexual integrity" specifically is criminalised.

[15] *Ibid.*, Recommendation 9

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.a Yes)

Yes, Chapter XXI of the CC criminalizes crimes and misdemeanours against freedom of a person's sexual self-determination and inviolability. Children are mentioned as the separate group. Please, find exact legal provisions in the file attached below.

Here you can upload any file(s) in support of your answer

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b. **[for 22 Parties + Bulgaria] ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity?**^[16] Please refer to the specific legal provisions.

[16] *Ibid.*, Recommendation 11

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.b Yes)

The actions of sexual abuse make no difference in respect to the penalty.

Criminal Code, Article 151. Sexual Abuse

1. A person who, by threatening to resort to violence, using other mental coercion or by taking advantage of a person's dependency, compels the person to have sexual intercourse with or otherwise satisfy sexual desires of the offender or a third person shall be punished by arrest or by a custodial sentence for a term of up to three years.
2. A person who carries out the actions provided for in paragraph 1 of this Article in respect of a minor shall be punished by a custodial sentence for a term of up to eight years.
3. A person shall be held liable for the act provided for in paragraph 1 of this Article only under a complaint filed by the victim or a statement filed by the legal representative thereof or at the prosecutor's request or when the pre-trial investigation is initiated upon establishing signs of domestic violence.
4. A legal entity shall also be held liable for an act provided for in paragraph 2 of this Article.

Here you can upload any file(s) in support of your answer

c. **[for 22 Parties + Albania and the Republic of Moldova] make any distinct reference to "homosexual activities" in the description of criminal offences involving sexual abuse and sexual exploitation of children?**^[17] Please refer to the specific legal provisions.

[17] *Ibid.*, Recommendation 12

- Yes
 No

If appropriate, please provide more information (4.c No)

There are no such references.

Here you can upload any file(s) in support of your answer

EX OFFICIO PROSECUTION Question 5. Does your national legal framework:

- a. **contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his/her legal representative?** [18] Please refer to the specific legal provisions.

[18] *Ibid.*, Recommendation 57

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.a Yes)

The Criminal Code of Procedure of the Republic of Lithuania establishes that only in some cases, mentioned in Article 167 (1), there is a requirement for a complaint. In cases with sexual abuse against children, there is no requirement of a complaint and all criminal proceedings take under general procedure. A pre-trial investigation related to sexual abuse of a child is started immediately upon receipt of information about the committed criminal act. A complaint or statement by the child victim or his/her legal representative is not necessary to start such investigation.

Article 167. Initiation of Pre-trial Investigation Only Under the Complaint Filed by a Victim or the Statement of His Legal Representative, or Under the Prosecutor's Request

1. In case of criminal acts provided for in Articles 139(1), 140(1), 145, 148, 1481 , 149(1), 150(1), 151(1), 152, 154, 165, 168, 178(1) and (4), 179(1) and (3), 182(1) and (3), 183(1) and (3), 184(1) and (3), 186, 187 (1) and (3), 188, 294(1), 313 of the Criminal Code of the Republic of Lithuania, a pre-trial investigation is initiated only under the complaint filed by a victim or the statement of his legal representative. In such cases, the proceedings take place under a general procedure.

Here you can upload any file(s) in support of your answer

- b. **contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint /statements?**[19] Please refer to the specific legal provision(s).

[19] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.b Yes)

The Law on Criminal Procedure of the Republic of Lithuania does not contain any provisions allowing the termination of criminal proceedings when a complaint is withdrawn. Therefore, all proceedings are conducted in all cases, regardless of whether the person who submitted the complaint or statement (incl. victim) wishes to withdraw it and terminate the pre-trial investigation.

Here you can upload any file(s) in support of your answer

c. **[for Portugal] in case of a sexual act committed by an adult in respect of a child aged 14-16 years old which does not result in the child's death or suicide, require the child victim to lodge a complaint as a prerequisite for investigation and prosecution?**^[20]

[20] *Ibid.*, Recommendation 56

- Yes
 No

Here you can upload any file(s) in support of your answer

MEASURES IN RESPECT OF CHILDREN WHO SEXUALLY OFFEND AND CHILDREN DISPLAYING RISKY AND HARMFUL SEXUAL BEHAVIOUR Question 6. Does your national legal framework:

a. **provide for non-criminal measures in respect of the children below the age of criminal responsibility who commit acts of sexual abuse towards other children?**^[21] Please provide details.

[21] Inspired by *X and Others v. Bulgaria* (no. 22457/16), 2 February 2021 and *A.P. v. the Republic of Moldova* (no. 41086/12), 26 October 2021

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.a Yes)

Children younger than 14 years old (in exceptional cases also those who already are fourteen-year-olds) may be subject to educational measures or other means of supervision for a certain period of time or until they reach the age of 18, in accordance with the procedure established by law. This can be an obligation to visit a specialist, to attend a Children Day Care Center or another institution or organization providing educational, cultural, sports, social or other services or performing activities in the community, to be treated for mental and behavioral disorders, other pathological disorders, habits and cravings, etc. When there is no basis for the application of responsibility (namely because the person has not reached the required age), as well as exemption from responsibility or no penalty, it is possible to issue educational measures, a warning, apply the Law on Minimum and Average Child Care of the Republic of Lithuania and the measures provided for therein. Such methods aim to help the child overcome the formed defective behavior, to develop the concept of a meaningful individual and social life.

Here you can upload any file(s) in support of your answer

b. differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children?^[22] Please refer to the specific legal provision(s) and specify the age of criminal responsibility in your legislation.

[22] Question included for capacity-building purposes

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.b Yes)

Yes, Criminal law lays down special rules for sentencing minors. Compared to adults, these provisions are more lenient. Please, see attached file for specific legal provisions and their exact wording.

Here you can upload any file(s) in support of your answer

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CHILD VICTIMS' RIGHT TO PROTECTION AND PARENTAL RIGHTS

Question 7. Does your national legal framework:

a. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?^[23] Please provide details.

[23] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 26

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.a Yes)

Lithuanian laws establish the right of the child rights protection specialists to speak to the child in all cases of possible violations of the rights of the child without the need to ask parents or other legal representatives of the child for their permission/consent. This includes the right of the child rights protection specialists to decide that they will speak to the child without presence of their parents or other legal representatives of the child.

The Law on Fundamentals of Protection of the Rights of the Child (Article 36) says that:

“The State Child Rights Protection and Adoption Service or its territorial unit, upon receiving a report submitted verbally, in writing or by any means of remote communication about a possible violation of the rights of a child, as soon as possible, but no later than within 3 working days from the date of receipt of the report, begins to examine the report and meets with the child, ensuring the opportunity to listen to the child’s opinion and communicate with the child without restrictions, and if there is a need, - without the presence of the child’s parents or other legal representatives. Taking into account the child’s age and maturity, the child rights protection specialist listens to the child in a manner acceptable to him/her about the possible violation of his/her rights, also, if necessary, assesses the child’s living and/or social environment and the child’s relationship with his/her parents or other legal representatives. If there are suspicions of the violence against a child, or if the child has special needs, developmental and/or other disorders, he/she is listened to with the help of psychologist if needed.”.

Here you can upload any file(s) in support of your answer

b. **provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians’ prior consent in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?**^[24] Please provide details.

[24] *Ibid*

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.b Yes)

As stated above, according to the law, the child rights protection specialists have the right to conduct exploratory interviews of a child in all cases when they have received a report (complaint) about possible violation of the rights of the child. There is no need for the child rights protection specialist to obtain parents /legal guardians’ prior consent to talk to the child, does not matter if that is a case related to violence against the child or any other possible violation of the rights of the child.

Here you can upload any file(s) in support of your answer

c. **allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect?**^[25] Please provide details.

[25] This question results from the Committee’s reasoning that “before resorting to the removal of the victim, the removal of the perpetrator should be preferred” (page 28 of the 1st implementation report).

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.c Yes)

Ensuring the best interests of the child, law enforcement authorities remove the suspected abuser from the family environment by the means and methods prescribed by law, imposing preventive measures on him/her - arrest, intensive supervision, the obligation to live apart from the victim and/or not to approach the victim closer than the prescribed distance (these preventive measures are appointed by a pre-trial investigation judge). Priority is given to removing the abuser from the living environment, not the victim.

Here you can upload any file(s) in support of your answer

d. **consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal?**^[26] Please provide details.

[26] *Ibid.*, Recommendation 27

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.d Yes)

The Law on Fundamentals of Protection of the Rights of the Child establishes the general rule that child's removal from the family environment should always be considered as the last resort procedure. The Article 4, point 2 establishes the principle of the priority of the biological family: "<...> when making decisions or taking any actions related to the child, the natural right of the child to grow up in the biological family and preserve family ties must be taken into account, if this does not conflict with the child's interests. Separation of children and parents against their will is possible only as last resort procedure, when, taking into account the best interests of the child, it is unavoidable and necessary to protect the child from a real danger to his /her physical and mental safety, health or life, or significant damage to his/her health, and there are no opportunities to protect the child in other ways". Therefore, in all cases, incl. any form of violence against the child, child rights protection specialists assess all possibilities for the child to stay in the family ensuring necessary measures for the child to be safe and protected. Only if it is not possible to ensure safe environment for the child, the decision is made for the child to be removed.

Also, The Law on Fundamentals of Protection of the Rights of the Child describes comprehensively conditions and duration of the removal of the child. Article 36(5) "The procedure for removing a child from his /her parents and other representatives of the child" of the mentioned law describes the procedure of separating the child from the family. It says the following: "1. The State Child Rights Protection and Adoption Service or its authorized territorial unit (hereinafter - CP Service), having determined the need for child protection, may take a child from his/her parents or other representatives of the child in accordance with the law on the grounds specified in point 2 or 3 of Article 3.254 of the Civil Code and if:

- 1) it is not possible to ensure a safe environment for the child in accordance with the measures specified in Article 36(4) of this law, and there continues to be a real danger to the child's physical or mental safety, which may cause significant damage to the child's health or threaten his/her life, or
- 2) during the application of the measures referred to in Article 36(4) of this law, the child's parents or other representatives of the child do not make efforts, do not change their behaviour, and there continues to be a real danger to the child's physical or mental safety in the family, which may cause significant damage to the

child's health or threaten his/her life.

2. According to the law, the child's parents or other representatives have the right to be present at the time of the child's removal from the family, if that is in line with the child's rights and legitimate interests. If, for objective reasons, the child's parents or other representatives are not able to participate, the CP Service shall immediately, but no later than on the same day, by any means of remote communication or in writing, inform about it parents or other legal representatives of the child.

3. The child's parents or other representatives have the right to appeal the actions of the CP Service regarding a case of possible illegal removal of a child from the family, as provided for in Article 29, Paragraph 8 of this Law.

4. In accordance with the law, the child's parents or other representatives have the right to receive detailed information from the CP Service about the possibility of communicating with the child, the conditions for the child's return.

5. Child's parents or other representatives have the obligation to provide detailed information to the employee of the CP Service, who took the child, about the child's special needs and other necessary information in order to protect the child's legitimate interests.

6. The removal of the child must be done so that it makes as less negative affect on the child as possible. The CP Service must explain to the child, according to his/her level of understanding, and/or to his/her parents, according to their level of understanding, how the procedure will be done.

7. The CP Service, having taken a child from his/her parents or other legal representatives of the child, in the cases specified in part 1 of this article, in accordance with the procedure and deadlines established in part 2 of article 42 of this law and article 3.2541 of the Civil Code, must apply to court for permission to take the child from his/her parents or other legal representatives.

Here you can upload any file(s) in support of your answer

e. [ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate?](#)^[27] Please provide details.

[27] *Ibid.*, Recommendation 25

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.e Yes)

Based on the principle of the best interests of the child as well as on national legislation and inter-institutional agreements, the institutions are obliged to exchange and do exchange the available information, which is necessary for the performance of the functions and activities of each of the institutions (e.g. there is an agreement signed between Ministry of the Social Security and Labour, the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour, the Police Department, the General Prosecutor's Office of the Republic of Lithuania and the Office of the Child Rights Protection Ombudsman of the Republic of Lithuania. This agreement describes functions, actions and exchange of the information between mentioned institutions in cases of violence againsts children, incl. sexual violence).

Also, in case of suspicion of sexual violence against a child, the child is provided with complex assistance at the Help center for child victims of sexual abuse (Lithuanian Barnahus), where the child is provided with

temporary accommodation, a psychological assessment of the child is carried out, a legal questioning and examination by a forensic expert are carried out, as well as long-term comprehensive assistance recommendations are prepared etc.

Here you can upload any file(s) in support of your answer

CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

Question 8. Does your national legal framework clearly distinguish:

- cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken, and
- cases of withdrawal of parental rights once the court has convicted the said parent?^[28] Please provide details.

[28] *Ibid.*, Recommendation 32

- Yes
- No

If appropriate, please provide more information (8 No)

Provisions related to the limitation or suspension of the parental rights/authority are established in the Civil Code of the Republic of Lithuania, as following:

Civil Code, Article 3.180. Conditions, ways and consequences of limiting parental authority

1. When parents (father or mother) avoid fulfilling their duties to raise children, abuse parental authority, treat children cruelly, have a harmful influence on children with their immoral behavior, or do not take care of children, the court may make a decision on temporary or indefinite limitation of the parental authority (of father or mother).
2. When temporary foster care of a child is established on the basis mentioned in point 3 of Article 3.254 of the Civil Code (this specific Article says: the parents or the only available parent does not care for, is not interested in the child, does not raise a child properly, uses violence or otherwise abuses parental authority and as a result endangers the physical, mental, spiritual, moral development and safety of the child), the state child rights protection institution shall apply to the court for the restriction of the parental authority (of father or mother) no later than within 60 calendar days from the establishment of temporary care of the child, except in cases, in which, after establishing the child's temporary care, the parents (father or mother) make efforts to change their behavior or there are other reasons that allow the state child rights protection institution to reasonably believe that there is a real possibility of returning the child to the family.
3. The court applies a temporary or indefinite restriction of parental authority (of father or mother), taking into account the specific circumstances for which the restriction of parental authority is requested. Indefinite restriction of parental authority can be applied when the court concludes that the parents (father or mother) cause special damage to the child's development or do not care for him at all, and there is no evidence that the situation may change.
4. If parental authority is limited temporarily or indefinitely, parents' personal and property rights, based on kinship and established by law, are suspended. The right to see the child remains, except in cases where it is against the child's best interests. After limiting parental authority for an indefinite period, the child can be adopted without the separate consent of the parents.

5. The restriction of parental authority applies only to those children and only to that parent for whom the court decision was made.

So it is more complex procedure to limit or suspend parental rights/authority. In cases of suspicion of the sexual violence from parent side, pre-trial measures can be applied until the decision is made if the violence took place - these measures limit possible perpetrators possibilities to contact the possible victim or have any interaction with him/her, and that is how victims safety is ensured. Also, after the conviction, the parental rights/authority are not limited or suspended automatically.

Here you can upload any file(s) in support of your answer

CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

Question 9. Does your national legal framework provide for:

a. [automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending](#)?^[29] Please provide details.

[29] Question included for capacity-building purposes, i.e. to map whether there are Parties that have a particular legal framework in such cases.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (9.a Yes)

As mentioned before, preventive measures of the pre-trial investigation can be applied (as stated in the answer to the question 7c.

Here you can upload any file(s) in support of your answer

b. [automatic withdrawal of parental rights of parents convicted of sexual abuse of own child](#)?^[30] Please provide details.

[30] *Ibid*

- Yes
 No

If appropriate, please provide more information (9.b No)

Please, refer to answer to the question 8.

Here you can upload any file(s) in support of your answer

GUARANTEES OF PROTECTION FOR PERSONS REPORTING SUSPECTED OFFENCES Question 10.

How does your national legal framework ensure that any person reporting in good faith suspected sexual abuse and sexual exploitation of a child, including a person bound by professional confidentiality rules, does not get prosecuted or punished by judicial proceedings for defamation, libel or similar offences?^[31]

[31] Based on *Yuppala v. Finland* (no. 18620/03), 2 December 2008 and *M.P. v. Finland* (no. 36487/12), 15 December 2016. Partly based on Article 12 of the Lanzarote Convention.

A person reporting a possible crime that may have been committed is given a warning in accordance with Article 236 of the Criminal Code related to the punishment in cases when intentionally false complaint or report of a crime is made. In any case, upon receipt of information about a possibly committed criminal act, all the circumstances of the incident are assessed and, in the case of reasonable suspicions of a committed crime, a pre-trial investigation is initiated and conducted, and only when all the circumstances of the incident are clarified and it is clearly established that the person intentionally, maliciously, with the aim of harming or defaming another person, reported a non-existent sexual crime, he may be prosecuted under Article 236 of the Criminal Code. Also in such cases, after receiving a complaint from a person about his defamation, allegedly after committing an intentional crime, a pre-trial investigation may be conducted according to Article 154 of the Criminal Code for defamation. So, it must be established that the person intentionally knew that he or she was disseminating information which was untrue and the disclosure of which could bring the person into disrepute. Thus, in the absence of a finding of intent to communicate knowingly false information, criminal liability is not available in Lithuania.

Here you can upload any file(s) in support of your answer

ASSISTANCE TO THIRD PARTIES Question 11.

What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care?^[32]

[32] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 30

The Article 29 of Law on the Fundamentals of the Protection of the Rights of the Child says that a child who may have suffered from a criminal act or violence, and his/her legal representatives must be provided with the necessary comprehensive assistance and other support and protection in accordance with the law, so that the child, his/her parents or other legal representatives can restore their health after physical or mental trauma. This assistance must be provided immediately and must be provided as long as the child and his/her legal representatives need it.

Also, in case of possible sexual violence against a child, the child can be provided with complex assistance at the Help center for children victims of sexual abuse (i.e., Lithuanian Barnahus), where the child is

provided with temporary accommodation, a psychological assessment of the child is carried out, a legal questioning and examination by a forensic expert are carried out, as well as long-term comprehensive assistance recommendations are prepared etc. In this case, short-term psychological assistance and consultations are provided to child's legal representatives too (except if the suspected perpetrator is the legal representative him/herself).

Here you can upload any file(s) in support of your answer

ASSISTANCE TO THIRD PARTIES Question 12.

When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family?^[33]

[33] *Ibid.*, Recommendation 31

First of all, all specialists working with the child and his/her family must ensure the proper protection of personal data of the child and the family, according to the laws protecting use of personal data. It means that no one who is not necessary to help the child and the family will be involved in the process of providing services, help or support to the family and will not have access to their personal information, incl. information of what has happened to the child.

Also, all children whose rights have been violated (which also covers all cases of possible violence against the child) have the right to receive necessary help and assistance that is organized by applying case management. Case managers are working with the child and the family according to the "description of the Procedures of Case Management", approved by the Minister of Social Security and Labour. In this procedures Chapter VI "Case management process in the cases of possible domestic violence" has following rules:

"57. If case management in the family has been initiated or during the case management process it becomes clear that domestic violence is suspected or recorded in the family, representatives of specialized support centers (hereinafter - SPC) may be included in the case management process.

58. In order to prevent re-victimization, case management meetings for the possible victim(s) and the alleged abuser(s) must be organized separately, if the victim so requests, regardless of the opinion of the abuser about it. In such a case, measures are determined separately for the victim and the abuser in the help plan.

59. When it is necessary for the victim and the abuser to make joint decisions regarding the family situation, the child or other issues important to the family, the victim may be represented at the meeting by representatives of the SPC who have a notarized power of attorney to represent them. Such a power of attorney must be drawn up and submitted to the case manager in writing no later than 3 working days before the day of the case management meeting.

60. If the SPC representatives invited to the case management meeting are unable to participate in it, they may present their opinion in writing regarding the case, regarding the assistance and/or services provided to the victim, or refuse to participate in the case management process, giving the reasons for such a decision in writing.

61. When organizing assistance to victims of domestic violence, the regulations of the Republic of Lithuania on protection against domestic violence are followed."

Also, point 22 of the Description of the Procedures of Case Management says that "All information gathered in relation to the family case can be provided to the parents or other legal representatives of the child upon

their written request, except in cases where the parents or other legal representatives of the child live separately, divorce proceedings are underway, one of the parents or other legal representatives of the child has preventive measures of the pre-trial investigation appointed for them, or the parents or one of the parents or another legal representative of the child is suspected of domestic violence and the disclosure of the data collected in the family case would be against the best interests of the child. In such a case, the parents or one of the parents or other representatives of the child may, in accordance with the law, only access their personal data stored in the family file. Information (including personal data) is provided to these persons when the circumstances specified in this section of the Description disappear”.

Here you can upload any file(s) in support of your answer

MONITORING OF OFFENDERS Question 13. Does your national legal framework provide for:

a. a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority or influence?^[34]

Please provide details.

[34] *Ibid.*, Recommendation 33

- Yes
 No

If appropriate, please provide more information (13.a No)

The Law on Fundamentals of Protection of the Rights of the Child has only such requirement:

Article 30. Restrictions on working with children

1. Persons who are found guilty by a valid indictment of a court of crimes against the freedom of sexual self-determination and inviolability of a person, for exploiting a child for pornography, profiting from child prostitution, involving a child in prostitution or possessing items with pornographic content that depict a child or a person is presented as a child or sale, as well as for other intentional serious or very serious crimes or for similar acts provided for in the criminal laws of other countries, regardless of whether the conviction has been extinguished or canceled, are prohibited:

- 1) to work or engage in voluntary activities in institutions, companies and organizations providing children's rights protection, children's social, educational and sports activities, health care services;
 - 2) to work in institutions, companies and organizations other than those specified in point 1 of paragraph 1 of this article, as well as to engage in voluntary activities in them, if this work or voluntary activities are related to the upbringing, education, care or safety of children through direct and regular contacts with children;
 - 3) provide services or other activities within scope of self-employment, if these activities are directly and regularly related to raising, teaching, caring for children or ensuring their safety.
2. Teachers are additionally subject to work restrictions established by the Law on Education.
3. The government or its authorized institution approves the list of works, activities or services specified in clauses 2 and 3 of part 1 of this article, which persons who have been found guilty of crimes by a valid court verdict do not have the right to work, perform or provide due to direct and regular contact with children, specified in paragraph 1 of this article.
4. The employer, intending to employ a person to carry out professional activities or to accept persons for

voluntary activities related to direct and regular contact with children, in the institutions, companies and organizations specified in paragraph 1, point 1 of this article or accepting to work in the jobs included in the list specified in paragraph 3 of this article, may hire a person or carry out such voluntary activities only after receiving information from the Suspects, Accused and Convicted Register that the person has not been convicted of the crimes specified in paragraph 1 of this article.

5. The recipient of services included in the list referred to in paragraph 3 of this article, who concludes a contract with a person performing individual activities on the provision of services to a child, must request the service provider, and the service provider must provide a certificate regarding the data of the Suspects, Accused and Convicted Register about the physical person.

6. Suspects, Accused and Convicted Register must submit a certificate to the employer referred to in paragraphs 4 and 5 of this article or a person engaged in individual activity regarding the data of the register of suspects, accused persons and convicted persons about a natural person who works or engages in voluntary activities, specified in paragraph 1 of this article part.

7. The entity appointing a person to a position may not transfer information about the person obtained in accordance with the procedure established in this article to third parties, except in the cases established by the laws of the Republic of Lithuania.

8. If a person to whom the restrictions set out in paragraph 1 of this article apply, is accepted to work or engage in the provision of services specified in this article and it turns out that he has provided false or untrue data about him/herself, the service contract for the provision of services to a child with him/her shall be terminated. Persons who are accepted for work or volunteering despite the work restrictions set forth in this article are immediately removed from contact with children and dismissed from work in accordance with the procedure established by the Labor Code of the Republic of Lithuania or the Civil Service Law of the Republic of Lithuania, and their volunteering contract is terminated. The employer and the service recipient are responsible for compliance with these requirements.

There are too requirement for persons who want to work as child rights protection specialists established in this article too.

Here you can upload any file(s) in support of your answer

b. **sharing with other countries data concerning persons convicted of child sexual abuse?**^[35] Please provide details.

[35] Based on Article 38 of the Lanzarote Convention.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

Here you can upload any file(s) in support of your answer

MEASURES IN RESPECT OF PROFESSIONALS AND LEGAL PERSONS Question 14. Does your national legal framework:

a. allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child?^[36] Please provide details.

[36] Based on Article 27§3(b) of the Lanzarote Convention.

- Yes
 No

If appropriate, please provide more information (13.a No)

Please, see the answer to the question 13a.

Here you can upload any file(s) in support of your answer

b. ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in “out-of-home care”^[37] settings are held liable?^[38] Please provide details.

[37] In accordance with the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse adopted at its 25th meeting (15-18 October 2019), “out-of-home care” represents all settings in which children can be placed out of their home for care (see point b of the Declaration).

[38] Based on the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse, point 6.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

Part 1 of Article 238 of the Criminal Code provides for criminal liability for failure to report a crime: "Anyone who, without a good reason, has not reported to a law enforcement agency or a court a very serious crime known to him to have been committed or is being committed, shall be punished by public service or a fine, or by arrest, or by deprivation of liberty for up to one year However, in the same article of the Criminal Code, part 2, it is established that "the close relatives and family members of the person who committed the crime are not responsible for not reporting the crime."

Also, Article 35 “Obligation to report a possible violation of the rights of the child, actions of institutions after receiving the report” of the Law on Fundamentals of Protection of the Rights of the Child establishes that:
“1. Employees of education, personal health care, protection of children’s rights, social services, law enforcement and other institutions and institutions, non-governmental organizations whose work is related to the upbringing, training, care of children or ensuring their safety:

1) if they see a child who does not comply with generally accepted norms of behavior, violates the rights and freedoms of other persons or public order, must immediately take appropriate measures to discipline the child, excluding any form of violence, and if they fail to do so, inform the parents (if they are known) , if they

are not found or not known, - inform the State Child Rights Protection and Adoption Service or its authorized territorial unit or the police about such case;

2) having reasonable information about the committed or potentially committed criminal act against a child, referred to in Article 29, Paragraph 1 of this law, must immediately inform the police and/or the State Child Rights Protection and Adoption Service or its authorized territorial unit. The State Child Rights Protection and Adoption Service or its authorized territorial unit, having detected a committed or potentially committed criminal act against a child, specified in Article 29, Paragraph 1 of this Law, must immediately take the actions specified in Article 36, Paragraph 5 of this Law.

2. Employees of education, personal health care, protection of children's rights, social services, law enforcement and other institutions, as well as all other persons who have data about a child's behavior that poses a risk to his/her health or life, or about minor children left without parental care or the need to protect the rights and legitimate interests of minors (due to abuse of parental authority, violence against a child, parental illness, death, departure or disappearance, refusal of parents to pick up children from educational, upbringing or medical institutions or similar reasons), must immediately inform the police and/or The State Child Rights Protection and Adoption Service or its authorized territorial unit according to the child's or own place of residence.

3. A person who is aware of a very serious crime being committed or committed against a child and without good reason not reporting it to the police or the State Child Rights Protection and Adoption Service or its authorized territorial unit shall be liable in accordance with the procedure established by the Criminal Code. The person referred to in paragraphs 1 and 2 of this article, who has not reported other violations of the child's rights, shall be held liable as provided for in other laws.

4. At the express written or verbal request of the person who submitted the information referred to in paragraphs 1 and 2 of this article, his/her anonymity must be maintained in front of third parties, with the exception of pre-trial investigation institutions, the prosecutor's office and courts. This provision does not apply to employees of the institutions, bodies, organizations specified in paragraphs 1 and 2 of this article. The identity of the person who submitted the information referred to in paragraphs 1 and 2 of this article may also be disclosed when it is determined that false information was provided.

5. The State Child Rights Protection and Adoption Service or its authorized territorial unit:

1) upon determining or receiving the information referred to in point 2 of paragraph 1 of this article or upon receiving this information from other sources, must immediately, but no later than within 24 hours, notify the police or another entity organizing the pre-trial investigation about the possible criminal act committed against the child;

2) upon receiving the information referred to in point 1 of paragraph 1 and paragraph 2 of this article, or upon receiving this information from other sources, must immediately begin examining the report in the manner prescribed in article 36 of this law.

Here you can upload any file(s) in support of your answer

c. **ensure that legal persons failing to protect children in their care from sexual abuse are held liable?**^[39]

Please provide details.

[39] *Ibid.*, see point 7.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.c Yes)

Administrative Offences Code says that „Non-fulfilment or improper fulfillment of their duties, physical or mental injury of the child or other violation of the child's rights by managers, tutors or other persons equal to them, of teaching, upbringing, health care and other institutions, organizations and companies under care of which is the child shall result in a warning or a fine from thirty to one hundred and fifty euros.“.

Also, if the legal person is appointed as the legal representative of the child, and fails to perform its' duties properly, including child's protection from the violence, procedure can be started to remove such legal person from their duties of the legal representative.

Here you can upload any file(s) in support of your answer

SPECIAL REPRESENTATIVES Question 15. How does your national legal framework ensure that special representatives and guardians ad litem who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:

- a. [receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings?](#)^[40]

[40] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 35

There are some training organized for different specialists in different areas, but no specialized and consistent training or requirement for such training is available.

Here you can upload any file(s) in support of your answer

- b. [avoid combining the functions of a lawyer and guardian ad litem in one person?](#)^[41]

[41] Ibid., Recommendation 36

The Code of Criminal Procedure of the Republic of Lithuania provides for two separate categories of personal representation - a representative according to the law (or legal representative) (Articles 53 and 54 of the mentioned Code) and an authorized representative who perform representation functions. A representative according to the law in the criminal proceedings can be such person – the parents, adoptive parents, foster parents or persons authorized by the institution in whose care is the victim, who participate in the process and defend the interests of the participants in the process they represent. Authorized representatives are persons who provide legal assistance to victims, and in criminal proceedings these can be lawyer or a lawyer's assistant on behalf of a lawyer, and with the permission of a pre-trial investigation officer, a prosecutor or a judge, also another person with a higher legal education who has been authorized by a participant in the process to represent his or her interests .

Here you can upload any file(s) in support of your answer

c. [are provided free of charge for the child victim?](#)^[42]

[42] *Ibid.*, Recommendation 37

These are provided free of charge for the child victim.

Here you can upload any file(s) in support of your answer

SPECIAL REPRESENTATIVES Question 16. **[for 22 Parties + Malta]**

a. **Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child?**^[43] Please provide details.

[43] *Ibid.*, Recommendation 34

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (16.a Yes)

Yes, Article 53 (3) of the CC provides for this possibility.

Article 53. Statutory Representatives

1. Statutory representatives of a suspect, an accused, a convicted person or a victim may be present in the proceedings and to defend the interests of the represented participants to the proceedings, if they are minors or declared as incapacitated in accordance with the established procedure, except for cases where this would result in a conflict with the interests of a minor or an incapacitated person or would jeopardise the criminal procedure.

2. Statutory representatives may include the parents, adoptive parents, guardians, caregivers of a suspect, an accused, a convicted person or a victim who is a minor or incapacitated person or authorised persons of the establishments that have the guardianship/custody of a suspect, an accused, a convicted person or a victim.

3. Upon a written or verbal petition of a statutory representative, he is permitted to participate in the proceedings, when a resolution is passed by a pre-trial investigation judge, a prosecutor or a ruling of a court. Statutory representative usually participates in the proceedings together with a person he represents. A pre-trial investigation officer, a prosecutor may pass a resolution or a court may pass a ruling to refuse the statutory representative to participate in the proceedings as a representative, where this would result in a conflict with the interests of a minor or an incapacitated person or would jeopardise the criminal procedure. In such case, as well as in case where it is impossible to contact the statutory representative or his identity is unknown, the statutory representative of a minor may be his chosen statutory representative who is declared by a pre-trial investigation officer, a prosecutor or a court as suitable to be a representative. If a minor fails to choose another person or a person chosen by him is not suitable to be a statutory representative, a pre-trial

investigation officer or a prosecutor, a pre-trial investigation judge or a court shall appoint another person able to represent the minor in a due manner irrespective of the interests of a minor. Where a person is refused to participate in a criminal procedure as a statutory representative of an incapacitated person, a pre-trial investigation officer, a prosecutor or a court shall ensure that another statutory representative is present in the proceedings. A pre-trial investigation officer, a prosecutor or a court shall appoint temporarily, until the matter of a new statutory representative is resolved, any other person to be a representative who is able to represent the interests of a minor or an incapacitated person in a due manner.

4. By the resolution of a prosecutor or a ruling of a court, a family member or a close relative of a person who is not declared as incapacitated in accordance with the established procedure, but cannot make use of the statutory rights in a due manner due to his old age, disability, illness or any other important reasons shall be permitted to participate in the proceedings with the rights of a statutory representative, upon his written or verbal petition.

5. Persons indicated in paragraph 2 of this Article may be statutory representatives of a questioned witness who is a minor.

Here you can upload any file(s) in support of your answer

b. **Is this person allowed to be present throughout the criminal proceedings?**^[44]Please provide details.

[44] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (16.b Yes)

CC, Article 54. Rights and Obligations of a Statutory Representative

1. Statutory representative shall have a right to accompany the represented person throughout the criminal proceedings, to be present in performance of procedural actions related to the represented actions and to assist this person in exercising his rights provided under the laws. If a represented person is arrested, a statutory representative can meet with him upon the permission of a pre-trial investigation officer, a prosecutor or a judge. A statutory representative shall also have a right to receive information about the rights of a minor in the criminal proceedings. Where the circumstances provided for in Article 53(3) of this Code that prevented the statutory representative of a minor to be present in the proceedings as a representative cease to exist, he shall also be provided with the information about the rights of a minor in the criminal procedure.

2. A statutory representative shall appear before a pre-trial investigation officer, a prosecutor and a court when summoned and to comply with the established procedure during the pre-trial investigation and hearing at the court.

3. A statutory representative may be questioned as a witness as well as involved in a proceedings as a defendant in a civil action. In such cases, he shall also have the rights and obligations of a witness or a defendant in a civil action.

Here you can upload any file(s) in support of your answer

SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 17. In investigative and judicial proceedings how does your national legal framework ensure that:

- a. [protection measures are available to all children irrespective of their age](#)?^[45] Please provide details.

[45] *Ibid.*, Recommendation 38

Such measures are available. Please, see attached document for more information.

Here you can upload any file(s) in support of your answer

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- b. [specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child](#)?^[46] Please provide details.

[46] *Ibid.*, Recommendation 39

The general protection mechanisms that apply to minors also apply to victims of sexual offences. However, victims of sexual offences are also subject to additional safeguards. Article 185 (2) of the Criminal Procedure Code (CPC) states that where a victim is questioned by a pre-trial investigation officer in cases involving crimes and misdemeanours against liberty of a person's sexual self-determination and inviolability, cases related to domestic violence, trafficking in human beings, profiting from prostitution of other person and enticement into prostitution or cases related to discrimination and hatred based on sex, a victim may request to be questioned by a person of the same sex. A pre-trial investigation officer may refuse, by a virtue of a resolution, to meet this application, if this would be prejudicial to the success of a pre-trial investigation. Article 186 (3) of the CPC states that a psychologist who helps to question a minor in view of his social and psychological maturity as well as a representative of the State Child's Rights Protection Institution who supervises from the other room, if the rights of a witness or a victim who are minors are not breached must be called to the interview of a witness or a victim who are minors in all cases as well as to the interview of a witness or a victim who are minors regarding crimes against person's life, health, freedom, liberty of sexual self-determination and inviolability, child and family, regarding profiting from prostitution of a minor or enticement of a minor to prostitution or in other cases where participants to the proceedings request so or on the initiative of a pre-trial investigation officer, a prosecutor or a pre-trial investigation judge. Representative of the State Child's Right Protection Institution can ask questions of the person questioned and submit requests regarding the questioning. A representative of a witness or a victim who are minors shall have a right to participate in their questioning only after evaluation, if he will exert no influence on the minor.

Also, The recommendations on the questioning of a minor witness and the victim, approved by the Prosecutor General of the Republic of Lithuania, provide: "Due to the peculiarities of social and psychological maturity and in order to avoid the traumatic effects of the criminal process, procedural actions with minors, and especially very young children, are carried out only in cases where criminal matters that are important for the correct resolution of the case the circumstances of the act cannot be determined in other

ways or it would require high procedural costs. Considering the possible risk of secondary trauma, it is also necessary to aim for the minor to be interviewed once during the pre-trial investigation.” See also answer 17c.

Here you can upload any file(s) in support of your answer

c. **a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children’s psychological well-being?**^[47] Please provide details.

[47] Based on *N.Ç. v. Türkiye* (no. 40591/11), 9 February 2021

Part 3 of Article 186 of the Code of Civil Procedure stipulates that "in the interrogation of a minor witness or minor victim, as well as in the interrogation of a minor witness or minor victim regarding crimes against human life, health, freedom, freedom of sexual decision and inviolability, child and family, for profiting from a minor prostitution or involvement of a minor in prostitution or in other cases, when requested by the participants in the process or at the initiative of the pre-trial investigation officer, prosecutor or pre-trial investigation judge, a psychologist must be invited to help interrogate the minor, taking into account his social and psychological maturity <...>" .

Here you can upload any file(s) in support of your answer

SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 18.

Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences?^[48] Please provide details.

[48] 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”, Recommendation 40

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (18 Yes)

More information is in the file attached. Also, it is important to mention that Lithuanian Barnahus is currently in the process of being moved under the State Child Rights Protection and Adoption Service.

Here you can upload any file(s) in support of your answer

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INVESTIGATION Question 19. In the investigation phase:

In 2023 the Steering Committee for the Rights of the Child (CDEF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

a. are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory?^[49] Please provide details.

[49] *Ibid.*, Recommendation 41

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.a Yes)

Article 186 (2) of the Criminal Procedure Code states that a witness or a victim who are minors shall be questioned during a pre-trial investigation in the premises customised for the questioning of children and usually more than once. In cases where it is necessary to repeat the questioning of a witness or a victim who are minors during pretrial investigation, they are usually questioned by the same person. Audio and video recordings of their questionings shall be made. A witness and a victim who are minors shall be summoned to the court hearing in exclusive cases only.

Also, Point 29 of the The recommendations on the questioning of a minor witness and the victim, approved by the Prosecutor General of the Republic of Lithuania says that: "A minor is interviewed by a pre-trial investigation officer, prosecutor or pre-trial investigation judge in a room specially equipped and adapted for the interrogation of a minor. If the court does not have a room suitable for questioning children, it is necessary to inform the judge of the pre-trial investigation about the possibility of conducting the questioning in the nearest institution (e.g. the district court, other district courthouses, police station, public organization) where this room is equipped." Point 29 of the recommendations also establishes that "if the police institution does not have a room adapted for the interrogation of children, the pre-trial investigation officer organizing the interview applies to another police institution where such a room is equipped". The police have put a lot of emphasis on preparing to apply the provisions of the CPC relating to the questioning of minors, i.e. i.e. child interrogation rooms were set up in every police station in the country, video and audio recording equipment was purchased and installed and is always in use. See also answer 7d.

Here you can upload any file(s) in support of your answer

b. are all staff responsible for interviewing child victims required to undergo suitable qualifying training?^[50] Please provide details.

[50] *Ibid.*, Recommendation 42

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.b Yes)

Article 186 of the Criminal Procedure Code (Interviewing minor witnesses and victims) requires a psychologist to be invited to the interview of a minor witness during the pre-trial investigation, who helps to interview the minor, taking into account his/her social and psychological maturity. In order to improve the cooperation between officers and psychologists when conducting interviews of minors, the training program "Tactical aspects of the interview of minors, when a psychologist participates in the interview" (hereinafter - the Program) has been developed, which is implemented in the remote learning environment "Moodle". The purpose of the program is to provide officers with theoretical and practical knowledge about juvenile interrogations, factors affecting the quality of interrogations, the reliability of testimony, and knowledge necessary for cooperation with psychologists in the process of juvenile interrogations. The target group of training participants is police officers of operational units of police institutions, who conduct pre-trial investigation. Heads of police institutions are obliged by the General Commissioner of the Lithuanian Police (according to the order approved in in 2019 "Regarding the approval of the qualification improvement program "Tactical aspects of the interrogation of minors, when a psychologist , participates in the interrogation") to propose candidates to the Lithuanian Police School for training and ensure their participation.

The modular training program "Formation and improvement of the basic competencies of officers of specialized criminal police units", approved by the General Commissioner of the Lithuanian Police in 2021 (hereinafter - the SKPP program), intended for the consistent education of officers of criminal police units, in order to ensure the implementation of the goals and tasks set at work. The improvement of the competences specified in the SKPP program is carried out in accordance with the valid legal acts, which determine the requirements, goals and tasks for the positions of training participants. In one of the stages of this SKPP program, intended for officers of specialized criminal police units, the training module "Peculiarities of the interview of minors in the criminal process: preparation for the interview and tactics of its execution" is carried out, the purpose of which is to provide officers with theoretical knowledge about the stages of development of minors, the principles of their interview, legal bases, sequence and content management methods, to improve practical skills in conducting the survey of minors.

Here you can upload any file(s) in support of your answer

c. [does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child's age and attention span?](#)^[51] Please provide details.

[51] *Ibid.*, Recommendation 43

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.c Yes)

The recommendations on the questioning of a minor witness and the victim, approved by the Prosecutor General of the Republic of Lithuania, point 21.3. states that when choosing the time of the interview, take into account that the shorter the time between the offence and the interview, the more complete and accurate the testimony of the persons concerned is likely to be; however, if the minor has suffered a severe mental shock, it is necessary to consult a specialist, such as a psychologist, a representative of the authority for the protection of the rights of the child, or a doctor, in order to determine whether an interview can be carried out.

Article 186 (2) of the CPC states that a witness or a victim who are minors shall be questioned during a pre-trial investigation in the premises customised for the questioning of children and usually more than once. In cases where it is necessary to repeat the questioning of a witness or a victim who are minors during pretrial investigation, they are usually questioned by the same person. Audio and video recordings of their questionings shall be made. A witness and a victim who are minors shall be summoned to the court hearing in exclusive cases only.

Point 17 of the Recommendations on the questioning of a minor witness and the victim, approved by the Prosecutor General of the Republic of Lithuania states that in view of the detrimental effect of criminal proceedings on the psyche of the minor, the risk of secondary traumatising, and the requirements of Article 186(2) of the CPC, it is necessary to aim for the minor to be interviewed once during the pre-trial investigation. The interview should be carried out by a pre-trial investigation officer or prosecutor specialised in juvenile justice. In cases where it is necessary to re-interview a witness or a victim who is a minor in the course of a pre-trial investigation, they will normally be interviewed by the same person.

Article 186(1) states that no later than during the first questioning of a victim, a pre-trial investigation judge or a prosecutor shall consider if a victim needs special protection. Where necessary, a psychologist or other persons with special knowledge and skills may be employed. Any data collected during the assessment of the special needs for protection of a victim shall be considered when organising a criminal procedure and deciding whether application of one or more guarantees stipulated by this Code is necessary to the victim due to his special needs for protection in cases established in this Code.

Here you can upload any file(s) in support of your answer

d. **[for Serbia] how do you ensure that child victims of sexual abuse by someone in a recognised position of trust, authority or influence are not repeatedly interviewed during the proceedings?**^[52]

[52] *Ibid.*, Recommendation 54

Here you can upload any file(s) in support of your answer

e. **where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first?**^[53] Please provide details.

[53] *Ibid.*, Recommendation 44

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.e Yes)

Article 186 (2) of the CPC states that a witness or a victim who are minors shall be questioned during a pre-trial investigation in the premises customised for the questioning of children and usually more than once. In cases where it is necessary to repeat the questioning of a witness or a victim who are minors during pretrial investigation, they are usually questioned by the same person. Audio and video recordings of their questionings shall be made. A witness and a victim who are minors shall be summoned to the court hearing in exclusive cases only.

Point 17 of the Recommendations on the questioning of a minor witness and the victim, approved by the Prosecutor General of the Republic of Lithuania states that in view of the detrimental effect of criminal proceedings on the psyche of the minor, the risk of secondary traumatising, and the requirements of Article 186(2) of the CPC, it is necessary to aim for the minor to be interviewed once during the pre-trial investigation. The interview should be carried out by a pre-trial investigation officer or prosecutor specialised in juvenile justice. In cases where it is necessary to re-interview a witness or a victim who is a minor in the course of a pre-trial investigation, they will normally be interviewed by the same person.

Also, mentioned Recommendations on the questioning of a minor witness and the victim, approved by the Prosecutor General of the Republic of Lithuania in English language are attached in the file.

Here you can upload any file(s) in support of your answer

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f. [does your national legal framework offer criminal defence the possibility to contest a child's disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings?](#)^[54] Please provide details.

[54] *Ibid.*, Recommendation 45

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.f Yes)

Article 283 (3) of the CPC establishes that a psychologist who helps to question a minor in view of his social and psychological maturity as well as a representative of the State Child's Rights Protection Institution who supervises from the other room if the rights of a witness who is a minor are not breached must be called in all exclusive cases to the interview of a victim who is a child and in all cases when the victim is a minor regarding crimes against person's life, health, freedom, liberty of sexual self-determination and inviolability, child and family, regarding profiting from prostitution of a minor or enticement of a minor to prostitution or in other cases where participants to the proceedings request so or on the initiative of a court. Representative of the State Child's Right Protection Institution can ask questions of the person questioned and submit requests regarding the questioning. An accused person and other participants to the proceedings, except for a psychologist and a representative of a victim who is a minor, are not allowed to be in the premises where the questioning is conducted. In such case, audio and video recordings are mandatory and an accused person as well as other participants to the proceedings shall be allowed to monitor and to hear the questioning from

another room and ask questions of a person questioned through the judge or the court. A representative of a victim who is a minor shall have a right to participate in his questioning only after evaluation if he will exert no influence on the minor. A victim who is a minor and his representative may, under a court ruling, be present only during a part of the court hearing. Paragraph 6 states that where this is necessary for the special needs for protection of a victim, a victim may, under a court ruling, be present only during a part of the court hearing. Such victim may not be questioned during the court proceedings as well. In such case, the court shall read the testimony of the victim given to a pre-trial investigation judge aloud or the audio and video recording made during pre-trial investigation may be published. If such victim is summoned to the court, in the interests of his protection, under a ruling of a judge or a court, the accused person and other participants to the proceedings may not be allowed to be in a room where the questioning is conducted. In such case, audio and video recordings are mandatory and an accused person as well as other participants to the proceedings shall be allowed to monitor and to hear the questioning from another room and ask questions of a person questioned through the judge or the court.

Here you can upload any file(s) in support of your answer

JUDICIAL PROCEEDINGS Question 20. In the judicial proceedings:

In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

a. **is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings?**^[55] Please provide details.

[55] *Ibid.*, Recommendation 46

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.a Yes)

Yes. It is mandatory to use video equipment when questioning a child victim.

Here you can upload any file(s) in support of your answer

b. **does your national legal framework make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse, including when they are giving evidence?**^[56] Please provide details.

[56] *Ibid.*, Recommendation 59

- Yes

No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.b Yes)

Article 283 (3) of the CPC states that a psychologist who helps to question a minor in view of his social and psychological maturity as well as a representative of the State Child's Rights Protection Institution who supervises from the other room if the rights of a witness who is a minor are not breached must be called in all exclusive cases to the interview of a victim who is a child and in all cases when the victim is a minor regarding crimes against person's life, health, freedom, liberty of sexual self-determination and inviolability, child and family, regarding profiting from prostitution of a minor or enticement of a minor to prostitution or in other cases where participants to the proceedings request so or on the initiative of a court. Representative of the State Child's Right Protection Institution can ask questions of the person questioned and submit requests regarding the questioning. An accused person and other participants to the proceedings, except for a psychologist and a representative of a victim who is a minor, are not allowed to be in the premises where the questioning is conducted. In such case, audio and video recordings are mandatory and an accused person as well as other participants to the proceedings shall be allowed to monitor and to hear the questioning from another room and ask questions of a person questioned through the judge or the court. A representative of a victim who is a minor shall have a right to participate in his questioning only after evaluation if he will exert no influence on the minor. A victim who is a minor and his representative may, under a court ruling, be present only during a part of the court hearing.

Here you can upload any file(s) in support of your answer

c. [is there any difference in the scope of the application of this requirement based on the child's age?](#)^[57] Please provide details.

[57] *Ibid.*, Recommendation 60

Yes
 No

If appropriate, please provide more information (20.c No)

No, all children under-18s are covered by the same guarantees.

Here you can upload any file(s) in support of your answer

d. [are video recordings of interviews of child victims regarded as admissible evidence?](#)^[58] Please provide details.

[58] *Ibid.*, Recommendation 47

Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.d Yes)

Yes, Article 20 (1) of the CPC states that evidence in criminal proceedings shall include data obtained in the manner prescribed by the laws. As mentioned above, during the questioning of a child victim, a video recording is mandatory, which is provided as part of legally obtained data.

Here you can upload any file(s) in support of your answer

e. [what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the criminal proceedings?](#)^[59]

[59] *Ibid.*, Recommendation 48

Suspects and accused persons may be subject to supervision measures, which ensure that the subjects in question are prevented from contacting or meeting the victim. Supervision measures shall include arrest, intensive supervision, house arrest, obligation to live separately from the victim and/or prohibition to approach the victim closer than a prescribed distance, bail, surrender of documents, suspension of a special right, injunction to report periodically to the police, written promise not to leave.

Article 1321 of the CPCP establishes one of the supervision measures - Obligation to Live Separately from the Victim and/or Prohibition to Approach the Victim Closer Than a Prescribed Distance.

Paragraph 1 A suspect may be obliged to live separately from the victim and/or prohibited from approaching the victim closer than a prescribed distance, if it is reasonably assumed that he will try to exert unlawful influence against the victim or will commit new criminal acts against the victim or cohabiting persons. When imposing an obligation to live separately from the victim and/or prohibition from approaching the victim closer than a prescribed distance, a suspect may also be obliged not to communicate and not to seek any contact with the victim and cohabiting persons as well as not to visit certain places, where the victim or cohabiting persons may be present. A victim shall stay living in a housing that was a permanent place of residence of a suspect and a victim.

During the pre-trial investigation, an obligation to live separately from the victim and/or prohibition from approaching the victim closer than a prescribed distance shall be imposed, by the petition of a prosecutor, by a ruling of a pre-trial investigation judge (Paragraph 2) . When imposing supervision measure (obligation to live separately from the victim and/or prohibition from approaching the victim closer than a prescribed distance), a suspect shall be warned that he may be subject to another supervision measure for failure to comply with this obligation (Paragraph 3).

National law also provides for the possibility to apply physical protection measures to the victim, such as physical protection of the person and his/her property, temporary relocation of the person to a place of safety, the establishment of a special regime for the provision of data on the person from the State and public registers and information systems, the alteration of the person's residence, place of work, or place of study, the alteration of the person's identity and biographical data, the provision of a plastic surgery that alters the appearance of the person, the provision of a firearm, the provision of a special device, and the provision of financial support.

Here you can upload any file(s) in support of your answer

f. [does your national legal framework allow taking the child's testimony without the presumed offender being present?](#)^[60] Please provide details.

[60] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.f Yes)

Article 186 (4) states that a suspect and other participants to the proceedings, except for a psychologist and a representative of a witness or a victim who are minors, are not allowed to be in the premises where the questioning is conducted. In such case, audio and video recordings are mandatory and a suspect as well as other participants to the proceedings shall be allowed to monitor and to hear the questioning from another room and ask questions of a person questioned via a pre-trial investigation judge. If it is impossible to enable a suspect and other participants to the proceedings to monitor and hear the questioning from another room, questioning shall be conducted without a suspect and other participants to the proceedings being present. Audio and video recording of such questioning shall be presented immediately after the questioning to the suspect and other 80 participants to the proceedings who shall have a right to ask questions of a person questioned via a pre-trial investigation judge.

Regarding the criminal procedure in court, same rule is established in Article 283 (3), which states that <...> an accused person and other participants to the proceedings, except for a psychologist and a representative of a victim who is a minor, are not allowed to be in the premises where the questioning is conducted. In such case, audio and video recordings are mandatory and an accused person as well as other participants to the proceedings shall be allowed to monitor and to hear the questioning from another room and ask questions of a person questioned through the judge or the court. A representative of a victim who is a minor shall have a right to participate in his questioning only after evaluation if he will exert no influence on the minor. <...>

Here you can upload any file(s) in support of your answer

g. [how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?](#)^[61]

[61] *Ibid*

Resolution of the Judicial Council No 13P-87-(7.1.2) on the amendment of Resolution of the Judicial Council No 13P-16-(7.1.2) of 30 January 2015 on the approval of the model description of the requirements for the design and construction of the main buildings and premises of the courts, point 1 of which amends the Resolution of the Council of Judges of 30 January 2015 No 13P-16-(7. 1.2), paragraph 931, establishes that a separate waiting room shall be installed next to the largest criminal courtrooms, i.e. a room intended for persons recognised as victims and witnesses in criminal proceedings who need to be protected from the negative impact of other participants in the proceedings, to wait for the court hearing. Newly constructed court buildings shall provide at least one separate waiting room for each of the three criminal courtrooms. Also, as mentioned above, it is forbidden for the suspect or accused person to be directly present during the questioning of a minor victim.

Here you can upload any file(s) in support of your answer

h. [what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?](#)^[62]

[62] *Ibid.*, Recommendation 49

Article 9 (3) of the CPCP states that in addition to cases specified in paragraph 1 of this Article, private hearings at the court are permitted in case of proceedings for criminal activities in which the accused persons or victims are minors, proceedings for crimes and misdemeanours against the freedom of a person's sexual self-determination and inviolability as well as other proceedings in order to prevent from publication of information about a private life or participants to the proceedings or where it is necessary in order to ensure the needs for special protection of the victim as well as in case of questioning of a witness or a victim who are subject to anonymity.

Also, the Article 6 of the Law of the Republic of Lithuania on the Protection of Minors against the Adverse Effects of Public Information states that the dissemination in the media of information which is prejudicial to the development of minors and which relates to the personal data of a minor which can be used to identify him or her is prohibited:

(1) where personal data of a minor suspected of a criminal offence, accused, convicted or a victim of a criminal offence or other offences, who is not absconding from law enforcement authorities or the court, are disseminated in connection with a criminal offence or other <...>

Here you can upload any file(s) in support of your answer

i. [does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults?](#)^[63] Please provide details.

[63] *Ibid.*, Recommendation 50

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.i Yes)

Yes, Article 55 (4) of the CPC states that a pre-trial investigation officer, a prosecutor, by a virtue of reasoned resolution, or a court, by a virtue of a reasoned ruling, shall declare that participation of an authorised representative is mandatory in proceedings for criminal acts against human health, freedom, liberty of sexual self-determination and inviolability, child and family as well as morality, where a victim of such acts is a minor, as well as in case where the rights and legitimate interests of a victim, who is a minor, would not be duly defended without the assistance of an authorised representative. In such cases, the provisions of Articles 51 and 52 of this Code shall be applied accordingly regarding the participation of an authorised representative.

Article 51 (1) of the CPC states that the presence of a defence counsel shall be obligatory in the following cases: 1) in the hearing of cases, where a suspect or an accused person is a minor; 2) in the hearing of cases of blind, deaf, mute and any other persons who cannot make use their right to a defence due to their physical or mental disabilities;. Paragraph 3 states that in cases provided for in this Article as well as in cases

provided for in paragraphs 4 and 5 of Article 50 of this Code, if a defence counsel is not called by a suspect, an accused or a convicted person himself or by other persons on the instruction or at the consent thereof, a pre-trial investigation officer, a prosecutor or a court must explain to a suspect, an accused or a convicted person that the expenses of the provided State-guaranteed legal aid regarding the obligatory presence of a defence counsel, in view of the property status of a suspect, an accused or a convicted person, save for the cases specified in paragraphs 1 and 2 of this Article, may be recovered from the State budget in accordance with the procedure laid down by this Code and to notify the institution responsible for the organisation of provision of the State-guaranteed legal aid or its delegated coordinator about the fact that a defence counsel is obligatory for a suspect, an accused or a convicted person and to appoint a defence counsel chosen by this institution.

This means that in cases where a victim is a minor, mandatory legal aid is provided free of charge.

This is also confirmed in the Article 12 of the Law on State Guaranteed Legal Aid of the Republic of Lithuania, which states that the following persons shall be entitled to receive secondary legal aid regardless of the levels of property and income established by the Government:

<...> 2) victims of terrorist offences, human trafficking offences, domestic violence offences, offences against the freedom and integrity of human sexual decision, offences committed by an organised group or a criminal association, as well as when the offence was committed with the intention of expressing hatred towards the victim on the grounds of his/her age, gender, sexual orientation, disability, race, ethnicity, nationality, language, origin, social status, faith, beliefs or opinions <...>.

Here you can upload any file(s) in support of your answer

j. [does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters?](#)^[64] Please provide details.

[64] *Ibid.*, Recommendation 51

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.j Yes)

Yes, not only is it allowed, but it is compulsory under Lithuanian national law for a lawyer to represent the interests of a child victim in criminal proceedings. Article 55 (4) of the CPC states that a pre-trial investigation officer, a prosecutor, by a virtue of reasoned resolution, or a court, by a virtue of a reasoned ruling, shall declare that participation of an authorised representative is mandatory in proceedings for criminal acts against human health, freedom, liberty of sexual self-determination and inviolability, child and family as well as morality, where a victim of such acts is a minor, as well as in case where the rights and legitimate interests of a victim, who is a minor, would not be duly defended without the assistance of an authorised representative.

Here you can upload any file(s) in support of your answer

k. what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority or influence, once a criminal justice decision has been taken?^[65]

[65] *Ibid.*, Recommendation 52

No specialized assistance is provided - there is a general process of providing the child who have been possible victim of the abuse, with services and other assistance, according to the child's needs and best interests,

Here you can upload any file(s) in support of your answer

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