



## **G R E T A**

Group of Experts on Action  
against Trafficking in Human Beings

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# **Lithuania's reply to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties**

## **Third evaluation round**

**Thematic focus: Access to justice and effective remedies for  
victims of trafficking in human beings**

**Reply sent by 5 September 2022**

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## Part I - Access to justice and effective remedies

### 1. Right to information (Articles 12 and 15)

**1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.**

The content of the rights of the victim shall be detailed in Order No I-271 of the Prosecutor General of the Republic of Lithuania of 27 August 2020 'On the Approval of the Form of the Annex to the Protocol on the Explanation of the Rights of the Victim' <sup>1</sup>(hereinafter referred to as the 'Order'), in accordance with the provisions of the Code of Criminal Procedure <sup>2</sup>of the Republic of Lithuania (hereinafter referred to as the 'CCP') and other legal acts.

Article 8(2) of the CCP stipulates that the pre-trial investigation officer, prosecutor or court must ascertain, as soon as possible, whether the participant in the criminal proceedings (the victim is one of the participants in the criminal proceedings) has a good command of the Lithuanian language, and whether it is necessary for him/her to apply for the services of an interpreter in the course of the proceedings, in order for him/her to be able properly to exercise his/her rights or to understand the ongoing criminal proceedings. The legal status of an interpreter in criminal proceedings shall be enshrined in Article 43 of the CCP, which stipulates that an interpreter is a person who is proficient in the languages to be interpreted, or who understands the signs of a deaf or mute person, and who has been called by a pre-trial investigation officer, prosecutor, pre-trial judge or court to take part in the proceedings in accordance with the procedure laid down in the CCP. Pursuant to Paragraph 10 of Order No I-271, the pre-trial investigation institution shall be responsible for ensuring that a victim who does not speak Lithuanian is guaranteed the right to make statements, give testimony and explanations, make applications and complaints, and to be heard in court in the victim's mother tongue or in any other language that the victim speaks. In all these cases, as well as when accessing to the case file, the victim shall have the right to access an interpreter. Each victim shall be informed against signature of the rights of the victim set out in the Protocol on the Explanation of the Rights of the Victim.

Article 28(2) of the CCP sets out the rights of the victim in criminal proceedings, providing that the victim and his/her representative shall have the right to: receive information on the status of the criminal proceedings concerning him/her; to provide evidence; to make applications; to apply for disqualifications; to participate in the assessment of his/her special protection needs; to have access to the case during the pre-trial investigation and in court; to participate in the trial; to appeal against the actions of a pre-trial investigation officer, prosecutor, pre-trial judge and court, as well as against the judgement or ruling; to give a closing speech. It should be noted that Article 45 of the CCP lays down the obligation for the pre-trial investigation officer, prosecutor or judge to explain to the participants in the proceedings their procedural rights and to ensure that they have the opportunity to exercise those rights. In the light of this general obligation, in the context of all the above-mentioned measures of national law taken together, it should be presumed that, in the course of criminal proceedings, it shall be fully ensured that the victim of a criminal offence is communicated with in such a way as to ensure that the victim of the offence is able to understand the whole course of the criminal proceedings, and to know his or her rights, and to be able to comprehend the content of those rights, irrespective of the victim's age, level of intellect, disability, or any other handicap.

In accordance with the above legislation, the victim shall have the following rights:

<sup>1</sup> Order No I-271 of the Prosecutor General of the Republic of Lithuania of 27 August 2020 'On the Approval of the Form of the Annex to the Protocol on the Explanation of the Rights of the Victim. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/342454e2e85211ea8d16c98db9b69006>

<sup>2</sup>Code of Criminal Procedure of the Republic of Lithuania Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.163482/asr>

### **1. Receive information on the procedures related to making a complaint about a criminal offence and the role of the victim in such procedures**

A natural person who has been the victim of a criminal offence shall have the right to apply orally or in writing to a pre-trial investigation institution or prosecutor with an application for institution of a pre-trial investigation. After the receipt of a complaint, statement or report of a criminal offence, the pre-trial investigation officer or prosecutor shall institute a pre-trial investigation and shall notify the person who made the complaint, statement or report in writing thereof.

The prosecutor or pre-trial investigation officer shall only refuse to institute a pre-trial investigation if the information given about the criminal offence is obviously untrue, or if the circumstances referred to in Article 3(1) of the CCP, which make the criminal proceedings impossible, are clear. When refusing to institute a pre-trial investigation, the prosecutor or pre-trial investigation officer shall draw up a reasoned decision, which shall be sent to the person who made the complaint, report or statement. The decision of the pre-trial investigation officer to refuse to institute a pre-trial investigation shall be appealed against to the prosecutor, and the decision of the prosecutor shall be appealed against to the pre-trial judge.

### **2. Receive information on the status of the criminal proceedings he/she is involved**

A person who has applied to a pre-trial investigation institution or prosecutor for instituting a pre-trial investigation, or a victim, shall have the right to apply, orally or in writing, to the pre-trial investigation institution or the prosecutor who is conducting, organising and leading the pre-trial investigation, be provided with information on the status of the criminal proceedings in which he/she is involved. The pre-trial investigation officer and prosecutor must ensure that the scope of information to be provided to the victim at the different stages of the criminal proceedings shall be determined taking into account the victim's special needs and personal circumstances determined in accordance with the procedure of Article 186<sup>1</sup> of the CCP, as well as the type or nature of the offence. The victim shall also have the right to refuse to receive information on the status of criminal proceedings in which he/she is involved, unless such refusal would prejudice the rights of the suspect or accused person.

### **3. Make applications**

The victim shall have the right to make to the pre-trial investigation officer, prosecutor or pre-trial judge any application related to the pre-trial investigation. These applications shall be dealt with in accordance with the procedure and time limits laid down in the CCP and other legal acts. The victim can be summoned and interrogated as a witness. In cases of crimes and misdemeanours against freedom and integrity of sexual self-determination, domestic violence, trafficking in human beings, profiting from or engaging in prostitution of another person, or in cases involving discrimination or hatred on grounds of sex, the victim may apply to be interrogated by a pre-trial investigation officer of the same sex.

To the interrogation of a minor victim, and to the interrogation of a minor victim in cases of crimes against human life, health, liberty, freedom and integrity of freedom and integrity of sexual self-determination, child and family, profiting from or engaging in prostitution of a minor, or in any other cases, at the request of the parties to the proceedings or at the initiative of the pre-trial investigation officer, prosecutor or pre-trial judge, a psychologist must be always called to assist in the interrogation of the minor (entered into force on 1 July 2018).

### **4. Make disqualification**

The victim shall have the right to make disqualification of a pre-trial investigation officer, prosecutor, pre-trial judge, interpreter, expert and specialist on the grounds and in accordance with the procedure laid down in the CCP. The disqualification should be made and shall be reasoned in writing.

The decision to disqualify an interpreter, expert or specialist shall be taken by the pre-trial investigation officer or prosecutor. The prosecutor shall decide on the disqualification of a pre-trial investigation officer. The pre-trial judge shall decide on the disqualification of a prosecutor, lawyer and lawyer's assistant. The chairman of the district court shall decide on the disqualification of a pre-trial judge.

### **5. Access to pre-trial investigation material during the pre-trial investigation and in court**

The victim and his/her representative shall have the right at any time during the pre-trial investigation to have access to the pre-trial investigation data, with the exception of the personal data of the participants in the proceedings, which shall be kept separately from the other material of the pre-trial investigation, and to make copies of or extracts from the pre-trial investigation material.

A written application for access to the pre-trial investigation material or for making copies of or extracts from the pre-trial investigation material during the access shall be submitted to the prosecutor. The prosecutor shall have the right to refuse access to all or part of the pre-trial investigation data, as well as to refuse to make copies of or extracts from the pre-trial investigation material, if such access, in the opinion of the prosecutor, could prejudice the success of the pre-trial investigation. The prosecutor shall not be entitled to refuse access to the entire pre-trial investigation data if the pre-trial investigation has been completed and an indictment is being drawn up.

It shall be prohibited to make copies of pre-trial investigation material during access to pre-trial investigation material, if the data are: 1) on minor suspects and victims; 2) on the private life of participants in the proceedings; 3) on offences against the freedom and integrity of sexual self-determination; 4) recorded in the protocols of proceedings and their annexes, when the information was obtained by using the methods and means of gathering criminal intelligence information provided for in the Republic of Lithuania Law on Criminal Intelligence<sup>3</sup>, or by carrying out secret actions of pre-trial investigation, and the prosecutor exercised the right of access to the information in accordance with the procedure laid down in the CCP; 5) information that constitutes a state, official, professional or commercial secret. In this case, extracts from pre-trial investigation material shall be also prohibited.

When the criminal case has been forwarded with the indictment to the court, the victim shall have the right, from the date of receipt of the case in court, to have access to any additional material received (after the indictment has been drawn up), and, within a time limit set by the judge, also to any other material, as well as to take extracts from and make copies of the case file.

#### **6. Appeal against actions and decisions of a pre-trial investigation officer, prosecutor, pre-trial judge and court**

The victim shall have the right to appeal against the actions and decisions of the pre-trial investigation officer to the prosecutor organising and leading the pre-trial investigation. If the prosecutor refuses to admit the requirements of the appeal, the decision may be appealed to a higher prosecutor in accordance with the procedure laid down in Article 63 of the CCP.

The victim shall have the right to appeal against the prosecutor's actions and decisions to a higher prosecutor. If the higher prosecutor refuses to admit the appeal, this decision may be appealed to the pre-trial judge.

The victim shall have the right to appeal against the pre-trial judge's procedural actions and the orders made by the judge, except those that are not subject to appeal, to a higher court in accordance with the procedure laid down in the CCP.

#### **7. Provide evidence**

The victim shall have the right to submit, on his/her own initiative, to the pre-trial investigation officer, prosecutor or court, items and documents relevant for the investigation and examination of the criminal offence, or, on the grounds laid down in the CCP, to make an application to the pre-trial investigation officer or prosecutor for request for such items and documents.

#### **8. Get reimbursement of expenses incurred as a result of taking part in criminal proceedings**

Victims summoned to appear before a pre-trial investigation officer, prosecutor or judge and residing away from the place of summons shall be reimbursed for the cost of travelling from their place of residence to the place of summons and back, for the cost of renting an accommodation, and shall be paid a daily allowance. The victim shall be reimbursed for his/her salary (wage) or for the distraction from his/her usual occupation in proportion to the time spent by him/her in appearing before the officer, prosecutor or judge of the pre-trial investigation institution.

The expenses of the proceedings shall be reimbursed to the victim from the funds of the pre-trial investigation institution, prosecutor's office or court, on application made to the institution to which he/she has been summoned. The application must be accompanied by documents proving the expenses incurred. The procedure for reimbursement of such expenses and the amounts thereof shall be determined by the Government of the Republic of Lithuania or its authorised authority.

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<sup>3</sup>Law on Criminal Intelligence Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.434526/asr>

### **9. Obtain contact details for the relevant case**

A victim shall have the right to obtain the contact details of the officer or prosecutor who can provide information about the case. In the event of the transfer of the pre-trial investigation to another pre-trial investigation institution or prosecutor's office, the victim should be informed thereof.

### **10. Get interpretation and translation**

In the Republic of Lithuania, criminal proceedings shall be conducted in the official Lithuanian language. A victim who does not speak Lithuanian shall be guaranteed the right to make statements, give evidence and explanations, make applications and complaints, and speak in court in his/her mother tongue or in another language he/she knows. In all these cases, as well as when accessing to the case file, the person concerned shall have the right to use the services of an interpreter in accordance with the procedure laid down in the CCP.

Case documents served on the victim in the cases set out in the CCP must be translated into the victim's mother tongue or into another language he/she is proficient. The victim or his/her representative shall have the right to make a reasoned application to the pre-trial investigation officer, prosecutor or court for a written translation of other relevant documents or parts thereof in their mother tongue or in another language which they are proficient, which they have the right of access to in accordance with the procedure laid down in the CCP. The victim or his/her representative shall have the right to make such an application only if the translation of these documents or parts thereof is necessary for their active participation in the criminal proceedings.

A victim of a criminal offence who does not speak Lithuanian or his/her representative shall be guaranteed the right to make a complaint or statement in his/her mother tongue or in any other language he/she is proficient, or to use the services of an interpreter for the purpose of making an oral complaint.

### **11. Right to procedural equality between foreign nationals and citizens of the Republic of Lithuania**

A victim who resides in a Member State of the European Union other than the one in which the offence was committed shall have the same rights as persons residing in the State where the offence was committed. Such a victim shall have his/her rights explained in the conducting the procedure of the European Investigation Order or in accordance with the provisions of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 by serving the Annex to the Protocol on the Explanation of the Rights.

If the victim is unable to make a complaint in the Member State where the offence was committed, he/she can contact the competent authority in the Member State of residence. Such a complaint must be forwarded as soon as possible to the competent authority in the Member State where the offence was committed.

### **12. Right to indemnification of damage caused by a criminal offence**

A victim who has incurred pecuniary or non-pecuniary damage as a result of a criminal offence shall have the right to receive indemnification of damage caused by the criminal offence, and in the cases provided for by law, to receive indemnification from the Crime Victims Fund in accordance with the procedure laid down in the Republic of Lithuania Law on Compensation for Damage Caused by Crimes of Violence<sup>4</sup>.

Victims of terrorism who are residents of a Member State of the European Union other than the Member State where the terrorist offence was committed shall have the right to receive information on victims' rights, available support services and compensation schemes in the Member State where the terrorist offence was committed. In addition, victims of terrorism shall have access to long-term support services in their Member State of residence, even if the terrorist offence was committed in another Member State. The victim shall have the right to bring a civil action against the suspect or accused person, or against the persons who are pecuniarily responsible for the suspect's or accused person's acts, in criminal proceedings. It shall be heard by the court together with the criminal case. A civil action shall be brought by lodging a claim with the pre-trial investigation officer, prosecutor or court at any time during the proceedings, but not later than before the beginning of the evidence examination in court.

<sup>4</sup>Law on Compensation for Damage Caused by Crimes of Violence Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/67b3bf22199711e9bd28d9a28a9e9ad9>

### **13. Obtain protection, participate in the assessment of special protection needs and receive special protection measures**

The pre-trial investigation officer or prosecutor shall, no later than at the time of the victim's first interrogation, carry out an assessment and determine the victim's special protection needs, which shall be applied to minimise the traumatic effects of the criminal proceedings or other traumatic effects.

The assessment procedure shall be set out in the Recommendations for Assessment of the Special Protection Needs of Victims<sup>5</sup>, approved by Order of the Prosecutor General of the Republic of Lithuania.

The victim shall have the right to apply to the prosecutor or pre-trial investigation officer for anonymity or partial anonymity. This procedural protection measure may be applied if: 1) there is a real risk to the life, health, liberty or property of the victim, a witness or their family members or close relatives, as well as to the interests of the service, business or any other legitimate interests of the victim; 2) the victim's or witness's testimony is relevant to the criminal proceedings; 3) the victim or witness is involved in proceedings for a grave, serious or less serious crime. Partial anonymity may also apply in other cases where there are indications that the disclosure of certain data of the victim may have adverse consequences for the rights and legitimate interests of the victim, or of the victim's family members or close relatives, and where the confidentiality of part of the victim's personal data is sufficient for the protection of these rights and interests.

The victim may be subject to the measures provided for in the Republic of Lithuania Law on the Protection from Criminal Influence of Participants in Criminal Proceedings and Undercover Activities, Law Enforcement Officers and Justice Administration Officials<sup>6</sup>, if, in the course of pre-trial investigation or criminal proceedings for grave or serious crimes, as well as for the less serious crimes provided for in this Law, or after the completion of the criminal proceedings, verified information has been received from public or confidential sources that there is a real danger to the life or health of persons, or that their property might be destroyed or damaged. The victim shall be subject to measures to protect him/her from the effects of crime if he/she has actively cooperated with law enforcement officers and justice administration officials, or if he/she has assisted in the detection of a criminal offence or has provided them with other valuable information.

### **14. Have a representative**

The victim may have a representative. An authorised representative shall be a person who provides legal aid to certain participants in the proceedings (the victim, a witness, etc.) and defends their rights and legitimate interests. An authorised representative may be a lawyer or, if commissioned by a lawyer, a legal assistant, or, with the authorisation of the pre-trial investigation officer, prosecutor or judge, any other person of higher legal education who has been authorised by a party to the proceedings to represent his/her interests.

Parents, adoptive parents, guardians, custodians or persons authorised by the institution which has the guard or custody of the suspect, accused, convicted person or victim may act as legal representatives for a minor or an incapacitated victim. Legal representatives of the victim may participate in the proceedings and defend the interests of the parties they represent if they are minors or have been recognised legally incapacitated, unless this would be contrary to the interests of the minor or the incapacitated person. The representative may take part in the proceedings together with the represented person. The represented person may at any time refuse the services of a representative or choose another representative.

### **15. Get legal aid**

The victim's right to receive primary and secondary legal aid shall be enshrined in the Republic of Lithuania Law on State Guaranteed Legal Aid<sup>7</sup>, which lays down the conditions and procedures for receiving such aid. All citizens of the Republic of Lithuania and EU countries, as well as other natural persons legally residing in Lithuania and the EU, shall be entitled to receive an initial free one-hour legal advise.

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<sup>5</sup>Recommendations for Assessment of the Special Protection Needs of Victims. Internet Source: <https://www.e-tar.lt/portal/lt/legalAct/86bc22f0dfa611e58a92afc65dd68e97>

<sup>6</sup>Law on the Protection from Criminal Influence of Participants in Criminal Proceedings and Undercover Activities, Law Enforcement Officers and Justice Administration Officials. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.25072/asr>

<sup>7</sup>Law on State Guaranteed Legal Aid. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.98693/asr>



Persons wishing to receive primary legal aid shall have the right to apply to the municipal executive body by their registered place of residence or, if the person does not have a registered place of residence, to the executive body of the municipality in which the person resides.

The right to secondary legal aid under the Republic of Lithuania Law on State Guaranteed Legal Aid shall be available to victims in cases involving indemnification of damage caused by crime, including where the issue of indemnification is the subject of criminal proceedings.

#### **16. Have an accompanying person**

The victim may be accompanied by a person of his/her choice during the criminal proceedings. This person must comply with the procedure laid down during the pre-trial investigation and the trial. The participation of a person accompanying the victim in the criminal proceedings or parts thereof may be restricted by a decision of the pre-trial investigation officer or prosecutor, or by a decision of the pre-trial judge or court, where such participation is contrary to the interests of the victim or interferes with the investigation or examination of the case.

#### **17. Appeal against the court judgement and order**

The victim shall have the right to appeal against a judgment of the first instance court that has not validated, as well as to appeal in cassation against a judgment or order that has validated, passed by the courts of first instance and appeal.

#### **18. Make a closing speech**

The victim shall have the right to make a closing speech at the first instance court. The court shall start hearing closing speeches when the examination of the evidence is complete.

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It should be noted that the Ministry of Justice of the Republic of Lithuania, in accordance with Article 6 of the Republic of Lithuania Law on Assistance to Victims of Crime<sup>8</sup>, has developed and published on its website an e-information publication for victims of crime entitled ['What does a victim need to know?'](#). This e-publication is also made available to all first-contact institutions who may come into contact with a victim of crime, so that they can effectively inform potential victims of their rights, how to exercise them, and how to access aid. This information is provided to victims irrespective of whether a formal pre-trial investigation has been instituted or whether the victim has contacted the competent institution to report an alleged criminal offence.

It should be noted that police officers inform the victim of his/her rights and access to aid during the first conversation with the victim. Officers shall be guided by the Algorithm of Police Officers' Actions to Ensure Adequate Informing of Natural Persons Victimized by Criminal Offences of Their Rights and the Possibility of Receiving Aid, approved by Order No 5-V-326 of the Lithuanian Police Commissioner General of 25 March 2022 'On the Requirements for Informing of Physical Persons Victimized by Criminal Offences of Their Possibility of Receiving Assistance and for Consenting to Receiving such Aid'. Chiefs of police institutions shall ensure that in all cases, upon receiving a report of an alleged criminal offence (where a natural person may have been the victim of a criminal offence (hereinafter referred to as the 'victim')), police officers shall inform the victim of his/her rights and the possibility of receiving aid, and shall give him/her a leaflet, or, in the event that the victim expresses his/her desire to be provided with the information by the e-mail address he/she specifies, shall give him/her the link to the website of the Ministry of Justice of the Republic of Lithuania at <https://tm.lrv.lt/lt/nukentejusiems-nuo-nusikaltimu>, which contains additional information regarding the rights and the possibility to receive aid for the victim. If the victim agrees to receive assistance and consents to the transmission of his/her data to the assisting institution, refer him/her to the integrated specialised complex assistance centre of his/her choice, and transmit the victim's data to the chosen complex assistance centre.

The Recommendations for Identification of Victims of Trafficking in Human Beings, Pre-trial Investigation and Inter-institutional Cooperation<sup>9</sup>, approved by Order No I-327/1V-1015/A1-758 of the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Social Security and Labour of the Republic of Lithuania of 17 December 2015 'On Approval of

<sup>8</sup>Law on Assistance to Victims of Crime. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/ce7d8910571711eba1f8b445a2cb2bc7>

<sup>9</sup>The Recommendations for Identification of Victims of Trafficking in Human Beings, Pre-trial Investigation and Inter-institutional Cooperation. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/7a3026a0a8ae11e59010bea026bdb259/asr>

the Recommendations for Identification of Victims of Trafficking in Human Beings, Pre-trial Investigation and Inter-institutional Cooperation', stipulate that in all the cases, when identifying a person who may or might be a victim of trafficking in human beings, the person (his/her representative) shall be informed of the possibility of receiving assistance from non-governmental organizations providing assistance to victims of trafficking in human beings.

Specialists of non-governmental organisations (NGOs) who have the first conversation (contact) with an alleged victim of trafficking in human beings inform the person about his/her rights, the scope and procedure of provision of complex social assistance, as well as about the initial procedures/principles of the pre-trial investigation, as far as is necessary to ensure the victim's effective and best interest-oriented co-operation with the pre-trial and judicial institutions. Professional legal advice shall be provided to victims through budget allocations to NGOs and other, usually grant-aided, funds. Lawyers shall be hired to defend the interests of victims in complex and jurisprudence developing cases, both through the state-guaranteed primary legal aid financial mechanism and through NGOs' appeals for support to charitable and support organisations and foundations.

The legislation regulating the activities of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour (hereinafter referred to as the 'Service') and the protection of children's rights obliges the Service to react to every report it receives on an alleged violation of the rights of a child, including a violation of the rights of a child who is a victim of trafficking in human beings or who has been found to be an unaccompanied minor alien. Article 36 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child<sup>10</sup> (hereinafter referred to as the 'LFPRC') stipulates that the Service and/or its territorial division, upon receiving a report of an alleged violation of the rights of the child, either orally, in writing or by means of remote communication, shall begin to consider the report and shall meet with the child, and, after having taken into account the child's age and maturity, shall listen to the child in a manner that is acceptable to him/her on the alleged violation of the child's rights. It shall also assess, as appropriate, the child's living and/or social environment and the child's relationship with his/her parents or other legal representatives. In accordance with the Description of the Procedure for the Assessment of the Child's Situation<sup>11</sup>, approved by Order No A1-803 of the Minister of Social Security and Labour of the Republic of Lithuania of 30 December 2019, it shall carry out an assessment of the child's situation.

If the specialist(s) of the Service and/or its authorised territorial division identifies the features of a victim of trafficking in human beings during the consideration of a report on an alleged violation of the rights of a child, he/she shall inform the child (the child's representative(s)/legal representative(s)) about the further process and possible assistance taking into account the age and maturity of the allegedly affected child and his/her psychological state. In accordance with the Recommendations for Identification of Victims of Trafficking in Human Beings, Pre-trial Investigation and Inter-institutional Cooperation, approved by Order No I-327/1V-1015/A1-758 of the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Social Security and Labour of the Republic of Lithuania of 17 December 2015 'On Approval of the Recommendations for Identification of Victims of Trafficking in Human Beings, Pre-trial Investigation and Inter-institutional Cooperation', he/she shall fill in the Victim of Trafficking in Human Beings Identification Card, if it has not been filled in by other institutions, and shall forward it to the police or prosecutor's office with the rest of the information on the incident if there is no data that they have knowledge of the identified case of trafficking in human beings. He/she shall apply to the municipal administration of the child's place of residence in accordance with the procedure established by law and shall forward information on the needs of the child and/or the child's legal representative(s) to receive services or assistance, shall propose the involvement of non-governmental organisations in the process of assistance provision, and shall take an interest in the process of providing assistance. In cases where a child (unaccompanied minor) who may be a victim of trafficking in human beings is in a foreign country, the Service shall mediate the return of the minor to the Republic

<sup>10</sup>Law on Fundamentals of Protection of the Rights of the Child. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.26397/asr>

<sup>11</sup>Description of the Procedure for the Assessment of the Child's Situation Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/5ce006612b1311ea8f0dfdc2b5879561/asr>

of Lithuania. It shall participate in the interrogation of a minor who may have been victimised in accordance with the procedures laid down in the Code of Criminal Procedure of the Republic of Lithuania.

The Order No A1-538/1V-780/V-1067 of 18 September 2019 amended the Description of the Procedure for Determining the Age of Unaccompanied Alien Minors Who Are Not Asylum Seekers Established<sup>12</sup> in the Republic of Lithuania, Their Accommodation and Other Procedures approved by Order No A1-229/1V-289/V-491 of the Minister of Social Security and Labour of the Republic of Lithuania, the Minister of Interior of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania (hereinafter referred to as the 'Description of the Procedure'). The new wording of the Description of the Procedure more clearly regulates and provides for the actions of the institutions of the Republic of Lithuania when an unaccompanied minor alien is determined, as well as details the procedure for the return of an unaccompanied minor alien to his/her country of origin in those cases where it is established that the minor can be returned and that such return would be in the best interests of the child.

In order to improve the prevention of trafficking in human beings, in 2020 the Service developed an information tool for children aged 12-17 living in foster homes and organised the development and issuance of information leaflets for children on the issue of trafficking in human beings (informing them about what constitutes trafficking in human beings, and where they can refer for advising and/or assistance). 15,000 leaflets were issued and distributed by the territorial divisions authorised by the Service to the target group – children living in foster homes. The Service publishes information on child trafficking and possible ways of assistance on the website of the Service's Child Helpline: [www.pagalbavaikams.lt](http://www.pagalbavaikams.lt). Information on trafficking in human beings (children) and ways of assistance is presented in a clear and understandable way for children, and is available to anyone with access to the internet. Recognising the features of trafficking in human beings enables children to seek assistance for themselves or for another person.

For information on assistance for victims of trafficking in human beings, see<sup>13</sup>. The above information has also been provided to the courts by letter of the National Judicial Administration, and the courts have been advised to publish it (or links to it) on their websites as well. There is a link to 'Assistance to witnesses and victims' on the website: [www.teismai.lt](http://www.teismai.lt) under tab 'Public and media'<sup>14</sup>.

## **1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?**

As mentioned above, Article 8 of the CCP provides that throughout the criminal proceedings, victims shall have access to all procedural documents translated into a language they understand and/or have access to an interpreter. This Article also ensures that they can also exercise their rights in a language they understand, i.e. through the services of an interpreter.

The NGO manages the case of the victim of trafficking in human beings (aliens) by assigning a social worker or other specialist (psychologist, lawyer) who can communicate with the victim in a mutually understandable language (usually English). If specific linguistic expertise is required for initial communication with the victim in a foreign language that is rare or uncommon in Lithuania, the NGO may procure the services of an advisor who speaks that language.

The procedure for translation of documents produced and received at police offices, transcription and translation of video and audio recordings into and from the official language, as well as from and into foreign language(s), and interpretation from and into foreign language(s) for persons who do not speak the official language, in the course of clarification of the circumstances of the incident at the police offices, pre-trial investigation and administrative proceedings, as well as in the case of the appearance of representatives of foreign delegations to police offices and in other cases shall be laid down in the Description of the Procedure for Translations and Interpretations at Police Offices, approved by Order No

<sup>12</sup> Description of the Procedure for Determining the Age of Unaccompanied Alien Minors Who Are Not Asylum Seekers Established. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/3bf36e03d9e811e9a85be81119c7a8fa>

<sup>13</sup> Internet Source: <https://www.nukentejusiems.lt/kaip-pranesti-ir-gauti-pagalba/del-prekybos-zmonemis-ir-isnaudojimo/>

<sup>14</sup> Internet Source: <https://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/pagalba-liudytojams-ir-nukentejusiesiems/2648>

5-V-818 of the Lithuanian Police Commissioner General of 28 September 2021 'On Approval of the Description of the Procedure for Translations and Interpretations at Police Offices'.

If you need an interpretation, you can contact the on-call interpreter. On-call interpreters provide interpretation services both physically (depending on the area where the interpreter is on duty) and remotely. Monthly on-call interpreter schedules are drawn up and can be found on the website <https://polis.policija.lt> under tab 'Other' in 'Documentation', under the link 'Organisation of the Provision of the Translation and Interpretation Service at Police Offices'<sup>15</sup>. The schedule shows the contact details of on-call interpreters, the language of interpretation and the area (e.g. Vilnius) where the on-call interpreter physically provides the interpretation service.

In addition, it should be noted that in view of the threat assessment and the increased risk of refugees becoming victims of trafficking in human beings, the Police Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter referred to as the 'Police Department') has implemented the project No PMIF-3.1.2.-V-01-001 'Procurement of Assessment and Legal Services for the Implementation of the Procedures of the Deportation or Return of Aliens', financed by the Asylum, Migration and Integration Fund. During the implementation of the project, interpretation/translation and legal services were procured, and transportation of the target group persons was ensured. This allows aliens to reach their countries of origin or other countries to which they are being returned/expelled more quickly, and ensures their right to a fair trial and the protection of the rights of returned/expelled aliens. By 30 June 2019, translation/interpretation services were provided to 72 aliens, legal services were provided to 145 aliens, and transport services provided to aliens cover a distance of 14,823.7 km.

## **2. Legal assistance and free legal aid (Article 15)**

### **2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?**

State-guaranteed secondary legal aid, which includes the drawing up of procedural documents, defence, representation in court, including in enforcement proceedings, representation in the event of an early out-of-court settlement, and the reimbursement of litigation costs, shall be granted by a decision of the State-guaranteed Legal Aid Service following an assessment of the application of the person in need of the legal aid, as well as of the additional documents (Article 18 of the Law on State Guaranteed Legal Aid). The decision to grant secondary legal aid shall be passed within 7 days. Secondary legal aid shall be provided by lawyers (assistant lawyers in certain cases). Applications for legal aid for children are usually made by parents (legal representatives). However, in certain cases, such as when minors are victims of criminal offences against human health, liberty, freedom and integrity of sexual self-determination, child and family, morals and other criminal proceedings, where the pre-trial investigation officer, prosecutor or judge considers that the presence of an authorised representative (lawyer) is mandatory, a lawyer shall be appointed for the child on the basis of a report by the pre-trial investigation officer, prosecutor or judge, without a separate application from the child's legal representatives.

It should be noted that a minor shall acquire the right to legal aid from the moment he/she is recognised as a victim, i.e. when the pre-trial investigation officer or prosecutor passes decision to recognise the minor as a victim (Article 28(1) of the CCP).

Paragraph 11 of the Recommendations for Interrogation of a Witness and a Victim Who Is a Minor<sup>16</sup>, approved by Order No I-126 of the Prosecutor General of the Republic of Lithuania of 16 September 2009, stipulates that the presence of a representative authorised to represent a minor victim shall be recognised as necessary in the following cases:

11.1. a minor has suffered directly from criminal offences against human life, health, liberty, freedom and integrity of sexual self-determination, child and family (with the exception of Article 164 of the Criminal Code) or morals;

<sup>15</sup>Internet Source: <http://pagalba.policija.lt/help.php?type=VPO>

<sup>16</sup>Interrogation of a Witness and a Victim Who Is a Minor. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.353000/asr>

11.2. an affected minor has been placed in the custody (guardian) in a child custody (guardian) institution, custody centre or family home or is being educated in a children's socialisation centre;

11.3. a decision of the pre-trial investigation officer or prosecutor not to allow the legal representative to participate in the proceedings as a representative has been passed;

11.4. the minor victim's legal representative is unable appropriately to protect the minor victim's rights and legitimate interests, as well as in other cases where the minor victim's rights and legitimate interests would not be appropriately protected without the assistance of an authorised representative (e.g. in cases with a large number of suspects in the case, etc.). The right to state-guaranteed legal aid shall have any victim of trafficking in human beings, regardless of his/her level of wealth and income; minor children who are victims of criminal offences against human health, liberty, freedom and integrity of sexual self-determination, child and family, morals and other criminal proceedings, where the presence of an authorised representative has been recognised as necessary by a reasoned decision of the pre-trial investigation officer, prosecutor or by a reasoned judgement of a court (Article 12 of the Law on State Guaranteed Legal Aid).

The minor and his/her legal representative shall have the right to waive the authorised representative, but the waiver of the authorised representative by the minor shall not be mandatory (Article 52 of the CCP). The rights of the authorised representative and the represented person shall be explained to them in the decision to allow the representative to take part in the proceedings (Paragraph 12 of the Recommendations for Interrogation of a Witness and a Victim Who Is a Minor). A minor shall acquire the right to legal aid from the moment of his/her recognition as a victim, i.e. passing the decision by the pre-trial investigation officer or prosecutor to recognise the minor as a victim (Article 28(1) of the CCP).

## **2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?**

Secondary legal aid is available to persons legally residing in Lithuania and EU Member States, as well as to the persons specified in international treaties of the Republic of Lithuania (Article 11(2) of the Law on State-Guaranteed Legal Aid). We also note that Article 40(12) of the Republic of Lithuania Law on the Legal Status of Foreigners<sup>17</sup> provides that a temporary permit may be issued to a foreigner for residence in the Republic of Lithuania if the foreigner is or was a victim of trafficking in human beings or illegal employment and cooperates with a pre-trial investigation institution or a court in combating trafficking in human beings or criminal offences related to trafficking in human beings or illegal employment, in the cases of particularly exploitative employment conditions or the employment of a minor. On these considerations, victims of trafficking in human beings, once they have been granted a residence permit in the Republic of Lithuania, can fully benefit from the guarantees provided for in the Law on State-Guaranteed Legal Aid, which ensures that a victim of trafficking gets State-guaranteed legal aid.

## **2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.**

Secondary State-guaranteed legal aid shall be granted by a decision of the State-Guaranteed Legal Aid Service after an assessment of the application of the person who seeks legal aid and scrutiny of additional documents (Article 18 of the Law on State-Guaranteed Legal Aid). Applications for legal aid for children shall be normally made by parents (legal representatives). However, in certain cases, for example, when minor children are victims of criminal offences against human health, liberty, freedom and inviolability of sexual self-determination, child and family, morals and in other criminal proceedings where the participation of an authorised representative (lawyer) has been recognised as necessary by a reasoned decision of a pre-trial investigation officer, a prosecutor or by a reasoned ruling of a court, a lawyer shall be appointed for the child on the basis of a report by the pre-trial investigation officer, prosecutor or judge, without a separate request from the child's legal representatives.

Secondary legal aid shall be available for all types of cases (civil, administrative, administrative offence and criminal). It shall, *inter alia*, be provided in proceedings for the compensation of damage and in

<sup>17</sup>Law on the Legal Status of Foreigners. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>

enforcement proceedings (Article 2(1) and (3) of the Law on State-Guaranteed Legal Aid). All victims of trafficking, including children, shall be eligible for secondary legal aid regardless of their assets and income (Article 12(2) of the Law on State-Guaranteed Legal Aid).

**2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?**

There is no specific regulation. According to Article 6 of the Republic of Lithuania Law on the Bar<sup>18</sup>, lawyers (advocates) shall have the right to choose a field of law where they provide legal services (specialisation), however, shall not be obliged to do so. The same rule applies to all practising lawyers (those providing State-guaranteed legal aid and those not participating in the State-guaranteed legal aid system).

When selecting a lawyer for the provision of secondary legal aid in a specific case, the State-Guaranteed Legal Aid Service shall take into account the applicant's proposal regarding the appointment of a specific lawyer, the applicant's home address, the lawyer's place of employment, workload, and other circumstances relevant to the provision of secondary legal aid (Article 18(5) of the Law on State-Guaranteed Legal Aid). In practice, such other relevant circumstances include, *inter alia*, the lawyer's specialisation or professional experience in specific cases.

**2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).**

State-guaranteed legal aid is financed from the State budget. Victims of trafficking in human beings are entitled to secondary legal aid regardless of their property situation, i.e. they do not have to pay any fees.

**3. Compensation from the perpetrators (Article 15)**

**3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?**

Chapter X of the CCP (Compensation of Damage where a Civil Claim is Lodged in Criminal Proceedings) establishes the institute of a civil claim in criminal proceedings. Article 109 of the CCP states that a person who suffers pecuniary or non-pecuniary damage as a result of a criminal offence shall have the right to submit a civil claim in criminal proceedings against the suspected or accused person, or against the persons who bear material liability for the acts of the suspect or the accused. The court shall hear such claim together with the criminal case. Where such civil claim is submitted during pre-trial investigation, the evidence to substantiate the basis and amount of the civil claim shall be collected during the pre-trial investigation. Article 112(1) of the CCP provides that a civil claim shall be lodged by submitting a statement of claim to a pre-trial investigation officer, a prosecutor or a court at any time during the proceedings, however, not later than before the start of the examination of evidence at the court. A victim who has not submitted a civil claim in criminal proceedings shall have right to submit a claim under the civil procedure. Paragraph 3 of this Article states that the civil claimant shall have right to withdraw the claim he/she has submitted until the court has not retired to the deliberation room to deliver a judgment. Article 115(1) of the CCP states that the court, shall grant a civil claim either in full or in part or shall dismiss on the basis of the evidence concerning the justification and amount of the civil claim. When granting a civil claim, the court may go outside the scope of the claim if the amount of the claim does not affect the qualification of the criminal offence and the level of the penalty. Paragraph 2 of this Article states that, in exceptional cases where a civil claim cannot be accurately estimated without postponing the criminal proceedings or obtaining additional material, the court may, when passing a judgment of conviction, declare that the civil claimant has the right to have the claim satisfied and refer the issue of the amount of the claim for hearing under the civil procedure.

This Chapter also establishes the role of the prosecutor in such proceedings. Article 116 of the CCP provides that a pre-trial investigation official, a prosecutor or a court shall take measures to secure a

<sup>18</sup>Law on the Bar. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.229789/asr>

potential civil claim during the proceedings: to locate the assets held by the suspect or the accused or by the persons who hold material liability for the actions of the suspect and the accused, and impose a temporary restriction on the ownership right to such assets. Article 117 of the CCP establishes the prosecutor's duty to bring a civil claim in criminal proceedings. The prosecutor who maintains accusations shall submit a civil claim at court, if it has not been submitted, in the cases when damage has been caused to the State or to the person who, due to his minority, disease or dependency on the accused or due to some other reasons is unable to defend his legitimate interests at court.

Article 107 of the CCP also allows the offender to make voluntary reparation for the damage caused. Paragraph 1 of this Article provides that a suspected or an accused person or a person who bears material liability for his/her acts may, at any time during the proceedings, voluntarily compensate the victim for the damage caused by the criminal offence. Where an application is received that the damage caused by the criminal offence has been compensated, no proceedings in relation to the civil claim in criminal proceedings shall be commenced and, where they have been commenced, shall be discontinued and the temporary restriction of property rights imposed as a result shall be revoked.

According to the established case law (e.g., Judgment of 6 December 2017 of Klaipėda Regional Court in criminal proceedings No. 1-48-557/2017; Judgment of 11 October 2018 of Vilnius Regional Court in criminal proceedings No. 1-70-315/2018; Judgment of 2 July 2021 of Panevėžys Regional Court in criminal proceedings No. 1-7-337/2021), if the court renders a judgment of conviction, pecuniary or non-pecuniary damage to the victim is normally awarded to the minor and/or his/her legal representative. Article 3 of the Law No XIII-1928 on the Compensation of Damage Caused by Violent Crimes of 11 January 2019 also reinforces the right to the compensation of damage for a victim (including a victim of trafficking in human beings) for whom the court has awarded the pecuniary or non-pecuniary damage caused by a violent criminal offence. This Law also provides for the compensation of the litigation (procedural) costs incurred by the victim and awarded by the court as well as the costs of enforcement.

### **3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?**

Article 6.249(1) of the Civil Code<sup>19</sup> of the Republic of Lithuania (hereinafter – the Civil Code) defines that damage means the loss of property or the injury sustained by a person, the expenses incurred (direct damages) as well as non-received income which the person would have received in the absence of the unlawful actions. Damage expressed in monetary terms shall constitute damages. Where the amount of damages cannot be proved by the party with precision, it shall be assessed by a court. Article 6.250(1) of the Civil Code states that non-pecuniary damage means a person's physical pain, emotional experiences, inconveniences, mental shock, emotional depression, humiliation, deterioration of reputation, diminution of possibilities to associate with others, etc., assessed by a court in terms of money. The above-referred concepts of damage are also used to determine the amount of a civil claim in criminal proceedings. At the same time, it should also be noted that the amount of damage awarded in criminal proceedings may be reduced depending on whether the offender has voluntarily compensated for part of the damage or whether the victim has received compensation from the State.

Non-pecuniary damage shall be compensated in all cases when it has been caused by the offence against the health or murder of a person. When determining the amount of non-material damage, the court takes into account its consequences, the fault of the person by whom the damage is caused, his/her financial status, the amount of material damage caused, any other circumstances of relevance for the case, as well as the criteria of good faith, justice and reason. The above-mentioned statutory provisions apply to victims of trafficking when calculating compensation amounts and courts always take into account an individual case, the pecuniary and non-pecuniary damage caused to the victim, the resultant consequences, the systematic nature of offences, the victim's relationship with the offender, the offender's guilt, personality and other criteria, as well as the case law developed in the proceedings of this nature.

To sum up the case law in criminal proceedings where damage compensation has been awarded to victims of trafficking in human beings, it should be noted that pecuniary compensations are awarded for the

<sup>19</sup>Civil Code. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.107687/asr>

exploitation of the victim for prostitution purposes; for the exploitation for forced labour in conditions of slavery or inhuman conditions; for forced labour or services, including begging; for forced commission of criminal offences (e.g., trafficking of narcotic drugs, etc.), as well as for actual losses of pecuniary nature.

In accordance with the case law, the amount of the damage to be compensated shall be reduced taking into account the victim's own behaviour at the time of commission of the criminal offence, the victim's participation in the criminal offence at its initial stage, the victim's status, relationship with the convicted person, the financial situation of the victim and the convicted person at the time of the offence, the duration of the criminal offence, and other aspects.

### **3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?**

A final judgment and ruling of the court shall be binding on all state and municipal authorities and officials, enterprises, institutions and organisations, as well as persons, and shall be enforced throughout the territory of the Republic of Lithuania without any objection or hindrance (Article 346(1) of the CCP). The prosecutor shall control the enforcement of the sentence. The pecuniary and non-pecuniary damage caused to a victim by an offender may be compensated voluntarily at any stage of the proceedings (Article 107 of the CCP), however, if that has not been done, the compensation of damage awarded to the victim shall be recovered from the offender by judicial bailiffs coercively once the judgment becomes enforceable (Article 24 of the Punishment Enforcement Code<sup>20</sup> of the Republic of Lithuania). An order to enforce the judgment shall be drawn up by a judge and shall, together with a copy of the judgment, be sent to the punishment enforcement institution and to the prosecutor who controls the referral of the judgment for enforcement (Article 342(2) of the CCP).

### **3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?**

The Republic of Lithuania Law on the Compensation of Damage Caused by Violent Crimes<sup>21</sup> (hereinafter – the Law) regulates cooperation with other European Union authorities in relation to applications to compensate for damage out of State funds:

#### **Article 17. Competent authorities of the Republic of Lithuania cooperating with competent authorities of other Member States of the European Union**

1. The Ministry of Justice of the Republic of Lithuania shall cooperate with the European Commission and with competent authorities of the other Member States of the European Union in order to ensure the proper implementation of the European Union legal instruments referred to in the Annex to this Law.

2. The Ministry of Justice shall be authorised to send to competent authorities of other Member States of the European Union applications from citizens of the Republic of Lithuania and other persons who have permanent legal residence in the Republic of Lithuania to compensate the damage caused by violent criminal offences committed in the territory of another Member State of the European Union. In implementing this function, the Ministry of Justice shall have the right to process the following personal data of the victim and the person responsible for the damage: name, surname, date of birth, personal ID, citizenship, place of residence, family relationship, contact details and other personal data which are necessary under legislation of other Member States of the European Union in order to make decisions on the compensation of the damage caused by violent criminal offences.

3. The Ministry of Justice shall have the authority to decide on the applications of persons who have legal permanent residence in other Member States of the European Union to compensate the damage caused by violent criminal offences committed in the territory of the Republic of Lithuania. When dealing with applications made by persons who have legal permanent residence in other Member States of the European Union to compensate the damage caused by violent criminal offences, the Ministry of Justice

<sup>20</sup>Punishment Enforcement Code. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.171368/asr>

<sup>21</sup>Law on the Compensation of Damage Caused by Violent Crimes. Internet Source: <https://www.e-tar.lt/portal/lt/legalAct/6b9d94401d4c11e9875cdc20105dd260>.



shall have the right to process and obtain the personal data of the victim and the person responsible for the damage, as referred to in Article 6(2) and (3) and Article 10(2) and (3) of the this Law.

4. The personal data obtained in the cases provided for in this Article shall be stored by the Ministry of Justice for 10 years and shall be destroyed at the expiry of this storage period.

In order to receive the compensation awarded after granting a civil claim in criminal proceedings, nationals of third countries shall have the right to apply for legal aid in accordance with bilateral and international treaties.

Lithuanian courts, when deciding on the issues of cross-border damage compensation (for example, where one of the subjects of the legal relationship in a dispute is a foreign citizen), shall apply the provisions (Articles 1.43 to 1.47 of the Civil Code) of Chapter VI of Book One of the Civil Code, the Republic of Lithuania Law on International Treaties, the 1969 Vienna Convention on the Law of Treaties, bilateral/multilateral international treaties of Lithuania on legal assistance and legal relations in civil, family, labour and criminal matters, as well as other legal instruments. The rules set out in Articles 1.43 to 1.47 of the Civil Code do not directly regulate the relationship of the parties to the proceedings concerning damage compensation, however, they refer to the legal system of a foreign state whose substantive law shall be applied in the specific situation.

**3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?**

Pursuant to the provisions of Article 56(1) of the Republic of Lithuania Law on Employment (hereinafter – the LoE), illegal work shall mean the work functions performed, for remuneration, by a natural person (an employee) who is subordinate to another person (an employer) for the benefit of the latter, where: (1) the employer has not concluded an employment contract or has not given a notification of the hiring of the employee to a territorial office of the State Social Insurance Fund Board at least one working day before the start of the work; 2) a third-country national who is employed without complying with the procedure laid down in the normative legal acts governing the employment of third-country nationals.

Paragraphs 4 and 5 of the same Article provide that, having established that the employer has committed a violation referred to in sub-paragraph 1 of paragraph 1 of this Article, the authority shall, irrespective of the formal expression of the activities of the illegal worker and/or the person that has permitted illegal work, obligate the employer to pay the agreed remuneration for work to the illegal worker, unless the payment has already been made.

Pursuant to Article 56(8) of the LoE, persons who worked illegally shall have the right to claim the unpaid remuneration payable to them under the procedure for disputes concerning a right as provided for by the Labour Code<sup>22</sup> of the Republic of Lithuania (hereinafter – the LC). Paragraph 9 of the same Article also provides that it shall be deemed, in the cases of illegal work, that illegal labour relations last for 3 months until the date when the fact of illegal work is established and that the employee is paid the minimum monthly pay set by the Government of the Republic of Lithuania as of such date. This provision shall not apply in cases when the controlling authority or the worker prove that a higher remuneration has been paid or the employer who recognises that the worker has been employed illegally proves a shorter period of illegal work.

Victims of labour exploitation may lodge civil claims in criminal proceedings for compensation of the pecuniary and non-pecuniary damage caused in the same way as in the case of other forms of trafficking and exploitation. The CCP allows each person who has been recognised to be a victim to request that the person who has committed the criminal offence is detected and punished fairly, as well as receive compensation for the damage caused as a result of the criminal offence (Article 44(10) of the CCP). In

<sup>22</sup>Labour Code. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/10c6bfd07bd511e6a0f68fd135e6f40c/asr>

such a case, the civil claim filed by the victim shall become part of the criminal proceedings and shall be heard under the rules set out in Chapter X of the CCP. The validity and amount of the civil claim, together with the other circumstances of the case, shall be proved in accordance with the rules of the CCP and, in case there are questions in relation to the civil claim not regulated by this criminal procedure law, the relevant rules of civil procedure shall be applied in so far as they do not conflict with the rules of criminal procedure (Article 113(1) and (2) of the CCP). The content of the rule of Article 113(2) of the CCP can be revealed by interpreting it systematically in conjunction with the provisions of other branches of law (civil law, civil procedure, private international law, etc.), taking into account the relevant aspects of the legal regulation of social relations, the objectives and purpose of the law of criminal procedure. The notion of human and civil rights also includes the right to claim compensation for the damage caused by a criminal offence, including for the work actually performed without an employment contract formally concluded by the employer, etc. Damage is one of the grounds for civil rights and obligations to arise (Article 1.136(2)(5) of the Civil Code).

### **3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?**

Each year, training courses are organised on various topics for the persons who provide State-guaranteed legal aid. For example, in 2017, the Ministry of Justice of the Republic of Lithuania, in cooperation with the British Embassy, organised a discussion on legal aid for victims of trafficking in human beings and on the role of legal aid in these cases.

Topics related to human trafficking and the hearing of cases of this category, as well as to the specifics of communication with victims are regularly included in the training curricula for judges:

**In 2017**, training was provided within the framework of the training programme "Trafficking in Human Beings" for judges of regional and district courts hearing criminal cases. Topics covered: legal concept of trafficking in human beings, evidentiary issues, identification of victims, and relevant case law. 78 participants (judges, assistant judges).

**In 2018**, training was provided within the framework of the training programme "Trafficking in Human Beings" for judges of regional and district courts hearing criminal cases. Topic covered: trafficking in human beings: proof, case law. 54 participants (judges, assistant judges).

**In 2018**, training was carried out under the inter-institutional training programme "Preventing, Combating and Responding to Sexual and Gender Based Violence and Trafficking in Human Beings in the Context of Asylum and Migration". Topic covered: Combating human trafficking and helping victims. 31 participants (judges, assistant judges).

**In 2019**, training was provided within the framework of the training programme "Trafficking in Human Beings" for judges of regional and district courts hearing criminal cases. Topics covered: specifics of different forms of exploitation in human trafficking cases; trafficking in human beings: problems of pre-trial investigation and case law. 40 participants (judges, assistant judges).

**In 2020**, training was provided within the framework of the training programme for judges of regional courts hearing criminal cases. Topic covered: issues relevant for proceedings on trafficking in human beings. 39 participants (judges, assistant judges).

**In 2021**, training was provided within the framework of the training programme for judges of regional courts hearing criminal cases. Topic covered: issues relevant for proceedings on trafficking in human beings. 70 participants (judges, assistant judges).

Training on trafficking in human beings organised by the Prosecutor General's Office of the Republic of Lithuania – Strengthening the capacity of relevant professionals to enable victims of trafficking to get compensation and other remedies:

**In 2018**, 6-hour training "Victims' Rights in Lithuania: Development and Prospects". Participated: 25 prosecutors.

**In 2018**, 6-hour training "Trafficking in Human Beings: Spot, Recognise, Respond, Support". Participated: 2 prosecutors.

**In 2018**, two prosecutors participated in the training organised by the United Kingdom Prosecutor's Office – "Improving the Quality of Prosecution of Human Trafficking, Modern Slavery and Forced Labour in Europe".

**In 2018**, three prosecutors participated in the 4-hour training organised by Kaunas Regional Court – "Human Trafficking in Lithuania: New Trends and Support for Victims".

**In 2018**, five prosecutors participated in the 16-hour training organised by the Lithuanian Police School – "Effective Implementation of Victims' Rights".

**In 2018**, 4-hour training "Trafficking in Human Beings in the Context of Global Migration: National, Regional and Global Dimensions". Participated: 6 prosecutors.

**In 2018**, 8-hour training "Preventing Sexual and Gender Based Violence and Trafficking in Human Beings". Participated: 28 prosecutors.

**In 2019**, 8-hour training "Issues and Relevant Developments in the Investigation of Human Trafficking Cases". Participated: 33 prosecutors.

**In 2019**, 4-hour training "Issues and Relevant Developments in the Investigation of Human Trafficking Cases". Participated: 12 prosecutors.

**In 2019**, the Lithuanian National Courts Administration and the Prosecutor General's Office organised the training "Trafficking in Human Beings" where 28 prosecutors participated.

**In 2020**, the Ministry of the Interior of the Republic of Lithuania and the Prosecutor General's Office organised an 8-hour training on the topic "Trafficking in Human Beings. Comprehensive Assistance to Victims. Prevention" where 45 prosecutors participated.

**In 2020**, 2-hour training "Protecting Refugees and Victims of Trafficking: Interrelation. Positive Obligations of the State and Applicable Safeguards". Participated: 14 prosecutors.

**In 2021**, five prosecutors participated in the remote training organised by the United States Department of Justice on the topic "Trafficking in Human Beings".

**In 2021**, one prosecutor participated in the 12-hour training "Together, towards a future without child trafficking" organised by the Committee of Ministers of the Council of Europe.

**In 2021**, one prosecutor participated in the training "Learn from the Experts: Gain Insights into Human Trafficking, Reintegration and More" organised by the Child Protection Centre.

**In 2021**, training "Investigation and Prosecution of Trafficking in Human Beings in the EU" was held where 1 prosecutor took part.

**In 2021**, 3-hour training "Present-Day Issues and Relevant Developments in the Investigation of Human Trafficking Cases" where 14 prosecutors took part.

The Lithuanian Police provides training under the programme of special training modules "Prevention and Investigation of Trafficking in Human Beings" as approved by Order No 5-V-747 of 5 September 2017 of the Commissioner General of the Lithuanian Police "On the approval of the programme of special training modules "Prevention and Investigation of Trafficking in Human Beings". A 16-hour programme "Prevention of Trafficking in Human Beings" has been developed and is delivered with the aim of providing public police officers with theoretical and practical knowledge and developing their practical skills necessary for the investigation and prevention of trafficking in human beings. The training provides officers with theoretical knowledge about the phenomenon of human trafficking, the specifics of investigation and prevention, the ability to identify cases of trafficking in human beings, to carry out initial actions of relevance for further course of the investigation, and to carry out preventive actions.

A 15-hour programme "Investigation of Trafficking in Human Beings" has also been developed and is delivered. Its objective is to train police officers to qualify criminal offences related to human trafficking, collect evidence in a proper manner, and carry out high quality investigations.

Notice should be made of the study carried out by the Lithuanian Police in 2022 – "Reasons for the decrease (non-initiation) of pre-trial investigations of trafficking in human beings and related crimes (under Articles 147, 147<sup>1</sup>, 147<sup>2</sup> and 157 of the Criminal Code of the Republic of Lithuania) between 2018-2021". One of the proposals stated in the study report (Letter No 38-S-3760 of the Police Department dated 14 April 2022) is to allocate funding and organise simulation training sessions to train practical pre-trial investigation actions, starting from the identification of the crime elements of human trafficking to the rendering of a final judgment.

Pre-trial investigation officers of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania take part in the training sessions organised by the Prosecutor General's Office of the Republic of Lithuania. In 2020, nine officers participated in such training.

In implementing Measure 3.1 “Developing and implementing measures to assess and improve the competence of specialists in the field of child rights protection and/or child welfare” of the Child Welfare Action Plan for 2019-2021 as approved by Order No A1-612 of 5 November 2018 of the Minister of Social Security and Labour of the Republic of Lithuania, the State Child Rights Protection and Adoption Service (hereinafter – the Service) organised the professional development and competence improvement training for specialists in the field of child rights protection and child welfare, including those working with unaccompanied minors and/or children deprived of parental care. In 2020, the Service initiated and organised 8 academic hours of training for the specialists of the Service on hearing the views of the child in civil and criminal proceedings; 101 specialists took part in the training.

The Service kept raising the awareness of and training the professionals working with children on the risk of human trafficking and effective prevention measures:

**In 2020**, organised a training course for professionals working at the Service and in the field of child welfare – “Identifying Victims of Child Trafficking, Assessing the Need for Support and Providing Support”. Two training groups were arranged and training was delivered to 63 child welfare professionals. In 2021, 241 child welfare professionals participated in the training, including 90 employees of the Service.

**In 2020**, 32 employees of the Service participated in the seminar “Human Trafficking. Integrated Support to Victims. Prevention” organised by the Ministry of the Interior of the Republic of Lithuania, 6 employees attended the conference “Identification of Victims of Trafficking in Human Beings, Protection of their Rights and Referral to Assistance” organised by Kaunas City Municipality.

**In 2021**, the Service carried out the training for the staff of the territorial offices of the Service on the topic “Safeguarding the Rights and Interests of Unaccompanied Minors, Refugee and Migrant Children” in order to strengthened its efforts to prevent child trafficking, in particular by preventing unaccompanied foreign children from escaping state care or Lithuanian children from fleeing from foster care, as well as to ensure better training and supervision of the staff in the institutions designated for such children. The training was attended by 230 employees of the Service.

In April to June **2022**, training was delivered on the topic “Identifying and Supporting Victims of Child Trafficking” for 168 child rights protection specialists and other professionals working in the field of child welfare.

#### **4. State compensation (Article 15)**

##### **4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?**

The compensation of the damage caused by violent criminal offences in Lithuania is regulated by a Law. Article 2(3) of the Law provides that the victim of a violent criminal offence entitled to a compensation shall be a citizen of the Republic of Lithuania, a citizen of another Member State of the European Union or a member of his/her family, another person legally residing permanently in the Republic of Lithuania or in another Member State of the European Union, or, in the cases referred to in the international treaties of the Republic of Lithuania, another person against whom a violent criminal offence has been committed. Thus, it should be emphasised in the answer to the first part of the question that the Law in principle imposes specific requirements for citizenship and permanent resident status and, in case the victim does not meet the requirements, compensation under the Law is not paid to such person.

According to the compensation scheme in force in the Republic of Lithuania, a crime victim may apply for compensation both during the pre-trial investigation and court proceedings, as well as after the final judgment of the court. According to the Law, a victim may receive part of the compensation in advance before a final judgment in criminal proceedings. In such a case, the victim may be paid half of the maximum amount of compensation, depending on the pecuniary claims made by the victim in the criminal proceedings (e.g. the amount of the civil claim). Later, when a final judgment is rendered in the criminal proceedings, the victim may ask for the remaining part of the compensation if more damage has been awarded in the judgment than already compensated in advance. If the possibility of obtaining

compensation in advance is not made use of, the victim shall have the right, after the final judgement in the criminal proceedings, to apply to the Ministry of Justice of the Republic of Lithuania for compensation, the amount whereof shall be calculated with reference to damage amounts awarded to the victim by the judgement. The compensation paid under the Law depends on the outcome of the criminal case, i.e. only the pecuniary and non-pecuniary damage awarded for the victim from the offender by the court in the criminal proceedings shall be compensated, up to the maximum amounts set by the Law.

It is important to emphasise that the compensation shall be paid to the victim according to the Law only in cases where it is identified that the person responsible for the damage has not compensated it voluntarily, the damage has not been compensated from other sources, and there are no objective possibilities to recover the damage awarded by the court from the guilty person in favour of the victim under the coercive procedure.

#### **4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?**

The Law sets different compensation amounts according to the gravity of the criminal offence, the subject and the nature of the damage. Article 7(2) of the Law provides that the amount of compensation for the pecuniary damage to victims of violent criminal offences may not exceed: (1) 100 basic social benefits (hereinafter – BSB<sup>23</sup>) in the case of deprivation of human life by a violent criminal offence; (2) 80 BSB in the case of serious impairment to human health by a violent criminal offence or damage to a minor by a violent criminal offence other than that referred to in sub-paragraph 1; (3) 60 BSB in the case of a violent criminal offence other than those referred to in sub-paragraph 1 and 2 of this paragraph. Article 7(3) of the Law states that the amount of non-pecuniary damage to be compensated to victims of violent criminal cases may not exceed: (1) 120 BSB in the case of deprivation of human life by a violent criminal offence; (2) 100 BSB in the case of serious impairment to human health by a violent criminal offence or damage to a minor caused by a violent criminal offence other than that referred to in sub-paragraph 1; (3) 80 BSB in the case of a violent criminal offence other than those referred to in sub-paragraph 1 and 2 of this paragraph.

Criminal offences such as trafficking in human beings, exploitation for forced labour or services, etc. are regulated in Chapter 20 “Crimes and Misdemeanours Against Human Freedom” of the Criminal Code of the Republic of Lithuania. This category of criminal offences is qualified as “other violent crimes” in the context of Article 7 of the Law, therefore, the victims of such criminal offences may be compensated for a maximum of 60 BSB (EUR 2,760) in respect of pecuniary damage and 80 BSB (EUR 3,680) in respect of non-pecuniary damage. If the victim of a criminal offence suffers, among other things, serious health impairment, the maximum compensation in the case of the ideal concurrence of criminal offences is 80 BSB (EUR 3,680) for pecuniary damage and 100 BSB (EUR 4,600) for non-pecuniary damage. It should be noted that, where a victim is a minor, the maximum compensation may be BSB 80 (EUR 3,680) for pecuniary damage and BSB 100 (EUR 4,600) for non-pecuniary damage.

#### **4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.**

Article 17(1) of the Law regulates that the Ministry of Justice of the Republic of Lithuania shall cooperate with the European Commission and with competent authorities of the other Member States of the European Union in order to ensure the proper implementation of Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims. Article 17(2) of the law states that the Ministry of Justice shall be authorised to send to competent authorities of other Member States of the European Union applications from citizens of the Republic of Lithuania and other persons who have permanent legal residence in the Republic of Lithuania to compensate the damage caused by violent criminal offences committed in the territory of another Member State of the European Union. Meanwhile paragraph 3 of this Article provides that the Ministry of Justice shall have the authority to decide on the applications of persons

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<sup>23</sup>The basic social benefit is EUR 46. Resolution No 1206 of 5 November 2014 of the Government of the Republic of Lithuania “On Approval of the amounts of the reference indicators of social support benefits”. Internet Source: <https://www.e-tar.lt/portal/lt/legalAct/fc390a20dc2511ec8d9390588bf2de65>.

who have legal permanent residence in other Member States of the European Union to compensate the damage caused by violent criminal offences committed in the territory of the Republic of Lithuania.

As already mentioned in sub-paragraph 4.1 above, the persons entitled to compensation are those who meet the conditions set out in Article 2(3) of the Law. For the purposes of the Law, the victim of a violent criminal offence entitled to a compensation shall be a citizen of the Republic of Lithuania, a citizen of another Member State of the European Union or a member of his/her family, another person legally residing permanently in the Republic of Lithuania or in another Member State of the European Union, or, in the cases referred to in the international treaties of the Republic of Lithuania, another person against whom a violent criminal offence has been committed. Thus, if the victim fulfils the conditions set out in Article 2(3) of the Law and there are all other conditions specified in the Law (e.g. the violent criminal offence has been committed in the territory of the Republic of Lithuania, the damage caused by the violent criminal offence has not been compensated, etc.), an application of the prescribed form may be submitted, without any restrictions, to the Ministry of Justice of the Republic of Lithuania for the compensation of the damage caused by the violent criminal offence. For the purposes of the Law, it is not relevant in which country the victim resides at the moment of submission of the application, it is only important that he/she meets the conditions set out in Article 2(3) of the Law and other conditions. A person who has legal permanent residence in a Member State of the European Union may also apply for compensation of the damage caused by violent criminal offences committed in the territory of the Republic of Lithuania to the authorities of his/her own State, which are authorised to transmit such application of the victim in accordance with the provisions of Article 6 of Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims<sup>24</sup>. It should be noted that the Commission of the European Communities adopted Decision 2006/337/EC of 19 April 2006 establishing standard forms for the transmission of applications and decisions pursuant to Council Directive 2004/80/EC relating to compensation to crime victims.<sup>25</sup>

#### **4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?**

Article 7(1) of the Law provides for compensation of the pecuniary damage caused by violent criminal offences in the amount specified by the court up to the maximum amounts set by the Law. This provision also regulates that the pecuniary damage amount to be compensated shall include the litigation costs (costs of the proceedings) awarded by the court. In other words, according to the Law, the victim shall be, *inter alia*, compensated for the litigation costs – fees for the lawyer's services – to the extent awarded by the court decision. The compensation paid under the Law shall not be subject to taxes and shall not affect the possibility of getting social security or other benefits.

### **5. Sanctions and measures (Article 23)**

#### **5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?**

In accordance with Article 72 of the CC, confiscation of property shall be the compulsory uncompensated taking into the ownership of the State of any form of property subject to confiscation and held by the offender or other persons. An instrument or a means used to commit an act prohibited by this Code or the result of such an act shall be considered as property subject to confiscation. The result of the act prohibited by this Code shall be the property of any form directly or indirectly obtained from the act (paragraph 2). The property which is subject to confiscation and belongs to the offender shall be

<sup>24</sup>Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims. Internet Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004L0080>.

<sup>25</sup>2006/337/EC: Commission Decision of 19 April 2006 establishing standard forms for the transmission of applications and decisions pursuant to Council Directive 2004/80/EC relating to compensation to crime victims. Internet Source: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006D0337>.

confiscated in all cases (paragraph 3). The property which belongs to another natural or legal person and which is subject to confiscation shall be confiscated irrespective of whether that person has been sentenced for the commission of the act prohibited by this Code or not, if: (1) when transferring the property to the offender or other persons, he/she was or ought to and could have been aware that such property would be used for the commission of the act prohibited by this Code; (2) this property has been transferred to him/her in a fake transaction; (3) this property has been transferred to him/her as to a family member or close relative of the offender; (4) this property has been transferred to him/her as to a legal entity where the offender, his/her family members or close relatives hold a managerial position, membership in its management body or hold not less than fifty per cent of the shares (interest, contribution, etc.); (5) when acquiring this property, he/she or the persons who held the managerial position and had the right of representation of and decision making on behalf of or the control the performance of the legal entity were or ought to or could have been aware that this property is an instrument, means or result of the act prohibited by this Code (paragraph 4). Where the property which is subject to confiscation has been concealed, consumed, belongs to third parties or cannot be taken for other reasons, or when the confiscation of such property would be inexpedient, a court shall recover from the offender or other persons indicated in paragraph 4 of this Article a sum of money equivalent to the value of the property subject to confiscation (paragraph 5).

Article 72-3 of the CC also provides for extended property confiscation. Paragraph 1 of this Article provides that extended confiscation of property is the taking of the offender's property or its part which is not proportionate to the offender's legitimate income to the ownership of the State when there are grounds to believe that the property has been obtained in a criminal manner. Extended confiscation of property shall be applied when there are all of the following conditions precedent: (1) the offender is held guilty of having committed an intentional less serious, serious or grave offence, from which he/she has obtained or could have obtained property benefit; (2) the offender has the property acquired at the time of commission of the criminal offence prohibited by this Code, after the commission thereof or five years before the commission thereof, the value of which does not correspond to his/her legitimate income and the difference exceeds the amount of 250 MSLs, or he has transferred such property to other persons over the period of time specified in this paragraph; (3) the offender does not prove the lawfulness of acquisition of such property during the criminal proceedings (paragraph 2). The property referred to in paragraph 2 of this Article, which is subject to confiscation and which has been transferred to another legal entity or natural person, shall be confiscated from that person if there is at least one of the above-referred grounds (paragraph 3). Where the property or part of the property which is subject to confiscation has been concealed, consumed, belongs to third persons or cannot be taken for other reasons, or when the confiscation of such property would be inexpedient, a court shall recover from the offender or other persons indicated in paragraph 3 of this Article a sum of money equivalent to the value of the property or the part of the property subject to confiscation (paragraph 5).

In order to effectively ensure that the property subject to confiscation is not lost, Article 151 of the CCP establishes a procedural coercive measure – temporary restriction of property rights. Paragraph 1 of this Article provides that, for the purposes of securing a civil claim, potential confiscation of property or extended confiscation of property, a temporary restriction of ownership right may be imposed by a prosecutor's resolution on the suspect or on the natural person who holds material liability for the actions of the suspect under laws or on natural persons who possess the property obtained or acquired in a criminal manner or the property, which may be confiscated and conforms to the elements specified in Article 72-3 of the Criminal Code of the Republic of Lithuania. A temporary restriction of ownership right may be ordered together with seizure or search. The ownership right of a legal entity may be temporarily restricted by a prosecutor's resolution when: (1) it is sought to ensure potential confiscation of property in the cases provided for in Article 72 of the Criminal Code of the Republic of Lithuania and potential extended confiscation of property in the cases provided for in Article 723 of the Criminal Code of the Republic of Lithuania; (2) it is sought to secure a civil claim when there is a sufficient basis to include a legal entity as a civil respondent (paragraph 2). The inventory of the property of the person whose ownership right is restricted temporarily shall be drawn up with participation of the persons referred to in paragraph 4 of Article 145 of this Code. All the property inventoried shall be shown to the persons participating during the drawing up of the inventory. A protocol on the temporary restriction of ownership right or a separately drawn up annex to such protocol – property inventory shall state the quantity and

individual features of the items inventoried. It shall be prohibited to restrict temporarily the ownership right to such items, which, according to the list set out by the laws of the Republic of Lithuania, are necessary for the suspect or his family members or his dependants (paragraph 3). The property subject to a temporary restriction of ownership right shall, at the prosecutor's discretion, be transferred for custody to a representative of a municipal institution or to the owner of this property, or to his family member, or a close relative, or any other person. Liability under Article 246 of the Criminal Code of the Republic of Lithuania for the transfer, concealment, destruction of or damage to this property shall be explained to these persons. A written commitment shall be taken from these persons for this purpose. If necessary, such property may be taken. When the ownership right to monetary deposits is restricted temporarily, all transactions involving the deposits shall be terminated, unless the resolution on the temporary restriction of ownership right states otherwise (paragraph 4). In criminal proceedings concerning less serious offences as provided for in Article 189(1) and (2) of the Criminal Code of the Republic of Lithuania, serious or very serious offences, or in criminal proceedings where a civil claim for compensation of the damage caused by a criminal offence has been filed, or where the suspect has gone into hiding, the number of extensions of the term of the temporary restriction of the right to property shall not be limited (paragraph 7).

The legal regulation in force in Lithuania extensively regulates the investigation of assets in criminal investigations. Recommendations on Asset Investigation<sup>26</sup> has been approved by Order No I-219 of 27 June 2018 of the Prosecutor General of the Republic of Lithuania "On Approval of the Recommendations on Asset Investigation" (as subsequently amended and supplemented). The Recommendations ensure the compensation of damage caused by criminal offences, the effective location of the assets subject to confiscation and their potential taking as the assets of the State, define the procedures for initiating, conducting, completing an asset investigation, the search for property, define the main sources of data, and the principles of cooperation with specific institutions. Asset investigation shall be mandatory in the investigation of criminal offences relating to material gain directly or indirectly derived from the criminal offence. It should also be noted that Article 170-1 of the CCP confers powers to a prosecutor in ensuring property confiscation, i.e. during the proceedings, the prosecutor shall take measures to locate and potentially confiscate the assets that meet the criteria specified in Article 72 or 72-3 of the Criminal Code of the Republic of Lithuania.

The rules for the disposal of property have been laid down in the Rules for Transfer, Accounting Safekeeping, Selling, Returning and Recognizing as Waste of Unowned Property, Assets subject to Confiscation, Property Inherited by the State, Property Transferred as Revenue to the State, Material Evidence, Treasures and Findings<sup>27</sup> as approved by Resolution No 634 of 26 May 2004 of the Government of the Republic of Lithuania "On the Approval of the Rules for Transfer, Accounting Safekeeping, Selling, Returning and Recognising as Waste of Unowned Property, Assets subject to Confiscation, Property Inherited by the State, Property Transferred as Revenue to the State, Material Evidence, Treasures and Findings".

**5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.**

The institutes of damage compensation and property confiscation are separate in criminal proceedings. A person who suffers pecuniary or non-pecuniary damage as a result of a criminal offence shall have the right to submit a civil claim in criminal proceedings against the suspected or accused person, or against the persons who bear material liability for the acts of the suspect or the accused. The court shall hear such claim together with the criminal case (Article 109 of the CCP). Confiscation of property shall be the compulsory uncompensated taking into the ownership of a State of any form of property subject to

<sup>26</sup>Recommendations on Asset Investigation: Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/06b03b607a0811e89188e16a6495e98c/asr>

<sup>27</sup>Rules for Transfer, Accounting Safekeeping, Selling, Returning and Recognizing as Waste of Unowned Property, Assets subject to Confiscation, Property Inherited by the State, Property Transferred as Revenue to the State, Material Evidence, Treasures and Findings. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.234132/asr>



confiscation and held by the offender or other persons (Article 72(1) of the Criminal Code of the Republic of Lithuania (CC)). If there is a temporary restriction of property rights to secure a civil claim and property confiscation imposed in the proceedings, recovery shall be, first of all, made in order to satisfy the civil claim and the remaining property shall be confiscated and transferred to the possession of the State.

The court may impose a penal sanction on a person – a contribution to the Fund of Crime Victims in the amount of 10 to 250 minimum living standards (MLS) or 3 to 25 MLS for a minor. A contribution to the Fund of Crime Victims shall be imposed on a minor only if the minor is employed or has his/her own property (Article 71 of the CC).

A penal sanction may be imposed, together with a penalty, either to a person released from criminal liability or from a penalty or to a person conditionally released from a correctional institution. A contribution to the Fund of Crime Victims shall not be imposed together with the penalty of a fine.

There is no mechanism for the transfer of confiscated property in order to fund programmes of assistance or support to victims of trafficking or to compensation funds.

**5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?**

Article 147 of the Criminal Code (Trafficking in Human Beings), which establishes criminal liability for trafficking in human beings, only provides for serious and grave criminal offences. In view of this, the institute reconciliation established in Article 38 of the CC may not be applied in respect of such cases and the person who commits such a criminal offence may not be released from criminal liability on bail (Article 40 of the CC). There are no other institutes in Lithuanian national law whereby the offender could get a plea bargaining agreement with the prosecutor who is in charge of public prosecution. However, the attention should be drawn to the fact that Article 147<sup>1</sup>(1) of the CC (Exploitation for forced labour or services) provides for a minor criminal offence (1. A person who, through the use of physical violence, threats, deception or other means listed in Article 147 of this Code, unlawfully forces another person to perform certain work or to provide certain services, including begging, 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 three years). It is possible to apply the institute of reconciliation provided for in Article 38 of the CC in respect of this criminal offence if the following conditions are met: (1) he/she has confessed to commission of the criminal offence, and (2) voluntarily compensated for or eliminated the damage caused to a natural person or legal entity or agreed on the compensation for or elimination of this damage, and (3) reconciled with the victim or a representative of a legal entity, and; (4) there is a basis for believing that he/she will not commit new criminal offences. Thus, only with the consent of the victim can such a person be released from criminal liability through the institute reconciliation.

**5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?**

An analysis of the criminal cases of trafficking in human adjudicated by courts of the Republic of Lithuania during the period from 2015 to 2021 shows that approximately 60 criminal cases of this category have been disposed of during this period. One such case takes approximately more than a year to be heard at court, i.e. 422 days, as detailed in paragraph 14 of the Questionnaire of Group of Experts of the Council of Europe on Action against Trafficking in Human Beings (GRETA) (hereinafter – the Questionnaire). In response to the second part of the question, it is important to note that paragraph 17 of the Recommendations for the Questioning of Minor Witnesses and Victims<sup>28</sup> as approved by Order No I-126 of 16 September 2009 of the Prosecutor General of the Republic of Lithuania states that, in view of the harmful effect of criminal proceedings on the psyche of a minor, the risk of secondary traumatising, and

<sup>28</sup>Recommendations for the Questioning of Minor Witnesses and Victims. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.353000/asr>

the requirements of Article 186(2) of the CCP, efforts shall be made to question a minor only once during pre-trial investigation; paragraph 19 of the Recommendations provides that the provisions of Article 276(2) of the CCP allow reading out during the trial the testimony given only to the pre-trial judge and relying on such testimony. Thus, the effective legal regulation allows for maximum mitigation of the potential negative impact of the length of criminal proceedings on witnesses and/or minor victims. It is important to note the principle of speed (promptness) of criminal proceedings, which is set out in Articles 1, 2 and 44(5) of the CCP; this principle is expressed as the right of participants in the proceedings to the case hearing within the shortest time possible. The principle of procedural speed (promptness) imposes an obligation to make effort to minimise the time elapsing between the commission and detection of a criminal offence and the imposition of a sanction on the offender, however, this principle does not release law enforcement officials and the court from the obligation to ascertain all the relevant circumstances of the case. It should be noted that data on the duration of judicial proceedings are collected in the Information Systems of Lithuanian Courts (LITEKO).

### **5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?**

Article 147 of the CC regulates the liability for trafficking in human beings; the sanction of paragraph 1 of this Article provides for imprisonment of the offender from 2 to 10 years without any alternatives, while paragraph 2 of the same Article provides for imprisonment from 4 to 12 years. Article 157 of the CC, which establishes liability for the purchase or sale of a child, provides for imprisonment of the offender from 3 to 12 years without any alternatives, and paragraph 2 – from 5 to 15 years. Article 147<sup>1</sup> of the CC, which establishes liability for exploitation for forced labour or services, provides for a broader range of penalties and the offender may be subject to a fine or restriction of liberty, or arrest, or imprisonment for up to 8 years. For the offences provided for in Article 147<sup>2</sup> of the CC, i.e. the use of a person for forced labour or services, a fine or restriction liberty, or arrest, or imprisonment for up to 2 years may be imposed on the offender. Thus, the penalties for the criminal offences and misdemeanours provided for in Chapter XX of the CC are adequately severe and dissuasive; the court decides on the penalty in each individual case, taking into account the specific circumstances ascertained in the case, the offender's personality, his/her relationship with victim, resultant consequences, and other relevant aspects.

## **6. Ex parte and ex officio applications (Article 27)**

### **6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?**

Article 53 of the CCP provides that the legal representatives of the victim may participate in the proceedings and defend the interests of the parties they represent if the latter are minors, unless this would be contrary to the interests of the minor or prejudicial to the criminal proceedings. The parents, adoptive parents, guardians, custodians or persons authorised by the institution having custody or care of the minor victim may be legal representatives. Legal aid to a minor victim is provided by an authorised representative (for more see in paragraph 2.1).

Article 56-1 of the CCP also provides for the possibility for a person accompanying the victim, who may be a representative of an NGO, to participate in criminal proceedings. NGOs providing integrated assistance to victims of trafficking in human beings provide or organise assistance in relation to pre-trial investigation (accompany to interviews, provide emotional support during interviews, organise, if necessary, the bringing of the victim of trafficking to interviews, hire a lawyer, etc.). The participation of an NGO employee in an interview shall be authorised by the pre-trial investigator. An NGO may not represent a victim in criminal proceedings, however, may hire a lawyer and take part in judicial proceedings to support the victim's emotional state. However, paragraph 81 of the Recommendations for the Questioning of Minor Witnesses and Victims state that the presence of an accompanying person shall be recommended to a minor victim in exceptional cases, as the interests of the minor are safeguarded by a legal representative, a psychologist or a representative of the public authority for the protection of child's rights.

The questioning of a minor witness or a minor victim at all times, as well as the questioning of a minor witness or a minor victim in connection with criminal offences against human life, health, liberty, freedom and inviolability of sexual self-determination, the child and the family, gaining profit from the prostitution of a minor or from involving a minor in prostitution, or in any other cases where requested by participants in proceedings or at the initiative of the pre-trial investigation officer, the prosecutor or the pre-trial investigation judge, shall have a psychologist invited to assist in the questioning of the minor taking into account his/her social and psychological maturity, as well as a representative of the state authority for the protection of the child's rights who shall monitor from another room whether the rights of the minor witness or the minor victim are not violated during the questioning (Article 186(3) of the CCP).

## **6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?**

Article 28(3) of the CCP states that the victim shall have the right to complain against the actions of the pre-trial investigation officer, the prosecutor, the pre-trial investigation judge and the court as well as appeal against the court's judgment or ruling. The victim shall get an explanation of his/her right to request the removal of a representative of the competent authority; this right is detailed in the Annex to the Protocol on the Explanation of the Victim's Rights as approved by Order No I-271 (which is handed over to the victim with signed acknowledgement), where it is stated that the victim shall have the right to request the removal of a pre-trial investigation officer, a prosecutor, a pre-trial investigation judge, an interpreter, an expert, and a specialist under the grounds and procedure set out in the CCP (paragraph 4). The victim shall also have the right to complain against the actions and resolutions of a pre-trial investigation officer to the prosecutor organising or leading the pre-trial investigation. If the prosecutor refuses to satisfy the complaint, his/her resolution may be appealed against to a pre-trial investigation judge. The victim shall have the right to complain against the actions and resolutions of the prosecutor to a superior prosecutor. If the superior prosecutor refuses to satisfy the complaint, a complaint against such resolution may be submitted to a pre-trial investigation judge. The victim shall have the right to appeal against procedural actions and rulings of the pre-trial investigation judge, unless they are not subject to appeal, to a higher instance court under the procedure laid down in the CCP (paragraph 6).

Article 168(4) of the CCP provides that, following the refusal to open a pre-trial investigation, a person who has lodged a complaint, application or report shall have the right to have access to all or part of the material on the basis whereof the resolution to refuse to commence pre-trial investigation has been made by the pre-trial investigation officer or prosecutor, as well as get copies of, or excerpts from, that material during such access. A written request for access to the material referred to in this paragraph and/or for copies or extracts of such material during such access shall be submitted to the head of the pre-trial investigation institution (its unit), and in cases where the complaint, application or report was dealt with and the procedural decision was made by a prosecutor – to the prosecutor. The head of the pre-trial investigation institution (its unit) or the prosecutor shall examine the request not later than within three days of its receipt. The head of the pre-trial investigation institution (its unit) or the prosecutor shall specify the scope of the material to which the person who submitted the complaint, application or report shall be granted access. The prohibitions set out in Article 181(6) of this Code shall also apply during the access to the material referred to herein. Paragraph 5 of this Article provides that a resolution of a pre-trial investigation officer to refuse to open pre-trial investigation may be appealed against to a prosecutor, and a resolution of the prosecutor – to a pre-trial investigation judge. If the prosecutor does not revoke the resolution to refuse to open pre-trial investigation, a complaint against his/her decision may be submitted to the pre-trial investigation judge. The decision of the pre-trial judge shall be appealed under the procedure laid down in Section X of this Code. Complaints may be submitted within twenty days after the day of receipt of a copy of the resolution or the ruling. The persons entitled to make a complaint who miss the time limit for complaining due to important reasons shall have the right to request the prosecutor who has the powers to deal with the complaint or the pre-trial investigation judge to renew the time limit. An application to renew the aforementioned time limit may not be submitted where more than six months have elapsed after the day of rendering of the decision under appeal.

Article 214 of the CCP regulates the procedure for appealing against terminated pre-trial investigation. Paragraph 4 of this Article provides that a complaint against the resolution to terminate pre-trial investigation may be submitted to a higher prosecutor who shall examine the complaint not later than within twenty days after its receipt. If the superior prosecutor refuses to satisfy the complaint, a complaint against his/her resolution may be submitted to a pre-trial investigation judge. Complaints against the decision of the pre-trial investigation judge concerning the complaint, as well as the decision of the pre-trial investigation judge provided for in paragraph 2 of this Article may be submitted under the procedure set out in Part X of this Code.

In this context, the CCP provides for a full opportunity for the victim to appeal against decisions and actions of a pre-trial investigation officer or a prosecutor refusing to carry out criminal prosecution or terminating such prosecution.

Moreover, it should be noted that Lithuanian citizens may defend their violated human rights and freedoms at court or out of court. Justice in Lithuania is administered by courts, therefore, they can be accessed for dispute resolution. However, there is another extra-judicial way – the system of independent institutions defending human rights. The heads of such institutions are called ombudspersons. An ombudsperson is a position created by the State to endure independent and impartial mediation between the authorities and the people. In Lithuania, the ombudsperson normally starts an investigation after receiving a complaint, however, he/she may also start it on his/her own initiative. There are five authorities of ombudspersons in Lithuania<sup>29</sup>. The following institutions would be relevant for victims of trafficking in human beings:

Seimas Ombudsmen's Office<sup>30</sup>, which can be contacted in the event of abuse of office, bureaucracy, protracted decisions or other violations by state officials (employees carrying out public administration functions) in the field of public administration (provision of mandatory administrative services). This office is also responsible for the national prevention of torture and ill-treatment (complaints can be lodged online via the e-Government Gateway or by delivering them to the office itself).

Office of the Ombudsperson of Child's Rights,<sup>31</sup> which can be contacted for violations of the rights and freedoms of a child under the age of 18, physical, psychological, sexual violence, abuse or bureaucracy by officials in the area of child protection, or if he/she has been subjected to discrimination on the basis of his/her own or his/her parent's or other legal representative's sex, age, nationality, race, language, religion, beliefs, social status, wealth, family situation, state of health or other circumstances.

Office of the Equal Opportunities Ombudsperson,<sup>32</sup> which can be contacted in case of discrimination on the grounds of sex, age, nationality, social status, and other personal characteristics. It investigates violations in the areas of employment relations, consumer right protection, education, state and municipal authorities, associations and organisations.

### **6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?**

The State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (SBGS) has set up mailboxes in the Foreigners' Registration Centres where foreigners can put their applications, anonymous requests for an individual interview with the administration on issues of concern to them (legal status, violence, medical assistance, visits, social services, other relevant information), the use of mobile phones is not restricted, and open wireless WiFi connection is available. There are conditions / possibilities to meet relatives, friends, representatives of NGOs, representatives of public authorities, lawyers and other persons through whom foreigners can report violations of law. Common areas display the following information in well visible places with contact details of the official on duty of the Foreigners' Registration Centre, NGOs: Red Cross, Caritas, UNHCR, IOM.

<sup>29</sup>Internet Source: <https://www.lygybe.lt/lt/lietuvos-ombudsmenai-kokia-ju-atsakomybe>

<sup>30</sup>Internet Source: <https://ennhri.org/our-members/lithuania/>

<sup>31</sup>Internet Source: <http://vtaki.lt/en/>

<sup>32</sup>Internet Source: <https://www.lygybe.lt/en/>

SBGS officers are guided by the Recommendations on the Identification of Victims of Trafficking in Human Beings, Pre-trial Investigation and Inter-institutional Cooperation as approved by Order No I-327/1V-1015/A1-758 of 17 December 2015 by the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, and the Minister of Social Security and Labour of the Republic of Lithuania (hereafter – the Recommendations). The Recommendations set out the characteristics of potential victims, identification criteria, the qualification of a criminal offence, and cooperation between authorities in providing support to victims of trafficking in human beings.

In accordance with the provisions of the Recommendations, the main actions to be taken by the SBGS officers in case of a potential case of human trafficking:

1. Completion of a card where (and, if possible, in its annex) the circumstances of a potential criminal offence are noted.
2. Organisation of the assistance (e.g. medical assistance) necessary for the victim of human trafficking in accordance with his/her competences and recording the type of assistance provided on the card.
3. Informing the NGO providing assistance to victims of human trafficking about the event without disclosing the personal data of the victim of human trafficking. If the adult victim or the legal representative of the child victim wishes to receive assistance from the NGO, the data of the person/child shall be communicated to the NGO under the established procedure. If the victim of human trafficking is a child, the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour or its territorial division shall be informed.
4. The completed card shall be immediately handed over to the prosecutor's office and the issue of initiating a pre-trial investigation shall be decided in accordance with the procedure established by law.

**6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.**

The CCP allows each person who has been recognised to be a victim to request that the person who has committed the criminal offence is detected and punished fairly, as well as receive compensation for the damage caused as a result of the criminal offence (Article 44(10) of the CCP). The CCP does not provide for any exceptions for proceedings in case the offence of trafficking in human beings is committed by the State or its state officials. Victims may apply to the Ombudsperson (the ombudsperson is a position created by the state to endure independent and impartial mediation between the authorities and the people) concerning the failure of the authorities and officials to take action.

The Civil Code regulates the provisions concerning the compensation of damage caused by unlawful actions of public authorities, pre-trial investigation officers, prosecutors, and courts:

**Article 6.271 of the CC. Liability for damage caused by unlawful actions of public authorities**

1. Damage caused by unlawful acts of public authorities must be compensated by the State from the means of the State budget, irrespective of the fault of a particular public official or other employee of the public authority. Damage caused by unlawful acts of municipal authorities must be redressed by the municipality from its own budget, irrespective of its employee's fault.
2. For the purposes of this Article, the notion "public authority" means any subject of public law (state or municipal authority, official, public servant or any other employee of such authorities, etc.), as well as a private person carrying out functions of public authority.
3. For the purposes of this Article, the notion "act" means any action (action or inaction) of a public authority or its employees that directly affects the rights, liberties and interests of persons (legal acts or individual acts adopted by state or municipal authorities, administrative acts, physical acts, etc., with the exception of court judgements, decisions and rulings).
4. Civil liability of the State or municipality, subject to this Article, shall arise where employees of a public authority fail to act in the manner prescribed by laws for these institutions and their employees.

**Article 6.272. Liability for damage caused by unlawful actions of pre-trial investigation officers, prosecutors, judges and the court**

1. Damage resulting from unlawful conviction, unlawful detention applied as a remand measure, unlawful arrest, unlawful application of procedural coercive measures, unlawful administrative penalty – arrest shall be compensated fully by the State irrespective of the fault of the pre-trial investigation officers, the prosecutor's office, and the court.

2. Damage resulting from unlawful actions of a judge or court in the hearing of a civil case shall be compensated by the State in full if the damage has been caused through the fault of the judge or any other court official.

3. In addition to pecuniary damage, non-pecuniary damage shall be compensated.

4. Where the damage results from intentional acts of pre-trial investigation officers, officials of the prosecutor's office or the court, after compensating for the damage, the State shall acquire the right of recourse to recover the amounts specified by laws from the officials concerned.

In case public servants or officials are involved in trafficking in human beings, they shall be prosecuted under Article 147 of the CC (Trafficking in Human Beings) or any other criminal offence provided in the CC in relation to trafficking in human beings.

We do not have any information about any cases where representatives of the State or persons acting on behalf of or under the authority of the State have been found liable for involvement in trafficking in human beings or about criminal prosecutions of diplomatic and consular officers for alleged involvement in trafficking in human beings.

**6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?**

In order to ensure the prompt sharing of best practices, timely provision of advice, dissemination of information about professional development events and international projects on trafficking in human beings, a platform dedicated for trafficking in human beings was set up in March 2020 for mutual communication between prosecutors' offices and pre-trial investigation officers. The platform was set up using internal resources and is administrated by the General Prosecutor's Office.

There is an ongoing direct communication and consultation between prosecutors and with pre-trial investigation officers.

Court decisions and judgments (both first instance and appeal or cassation instance courts) are discussed with the prosecutors who organised the pre-trial investigations.

The prosecutors specialising in trafficking in human beings organise professional development events for prosecutors of district prosecutor's offices.

**7. Non-punishment provision (Article 26)**

**7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.**

Article 147(3) (Trafficking in Human Beings) of the CC provides that the victim of the offence provided for in this Article may be released from criminal liability for the criminal offence which he/she was directly forced to commit as a result of the offence provided for in this Article and committed against him. Article 147<sup>1</sup> (Exploitation for Forced Labour or Services) establishes a similar rule that the victim of the offence provided for in this Article may be released from criminal liability for the criminal offence which he/she was directly forced to commit as a result of the offence provided for in this Article and committed against him. A similar rule also applies in the case of Article 157 (Purchase or Sale of a Child) as paragraph 3 of this Article states the victim of the offence provided for in this Article may be released from criminal liability for the criminal offence which he/she was directly forced to commit as a result of the offence provided for in this Article and committed against him. In this context, the CC establishes the legal regulation, which ensures that victims of trafficking in human beings can be released from criminal liability for the criminal offences they have been forced to commit as victims of trafficking.

Article 2(3) of the CC states that a person shall be held liable under a criminal law only when he/she is guilty of commission of a criminal offence and only if at the time of commission of the offence the conduct of the person could have been reasonably expected to conform to the requirements of law, and paragraph 4 of this Article provides that only a person whose offence as committed corresponds to a definition of a body of a criminal offence or misdemeanour provided for by a criminal law shall be liable under the criminal law. The act committed as a result of mental or physical coercion, where such a coercion does not eliminate criminal liability, shall be the circumstance describing the objective preconditions of commission of a criminal offence. This circumstance is generally recognised as mitigating when it is established that the offender's ability to choose a lawful course of action has been reduced due to circumstances beyond his/her control, when there is reason to believe that the person would not have chosen to commit the offence on his/her own initiative, and when the initiator of the criminal offence is another person who has forcibly induced the defendant to commit the wrongful act. Within the meaning of Article 59(1)(5) of the CC, mental coercion means the threats to use violence, destroy or damage property, spread unfavourable news about the offender or his/her close relatives, etc. Physical coercion – the use of physical force against a person by inflicting pain or other consequences to health or life. Where the nature of a threat or coercion necessitates, e.g., self-defence, without exceeding its scope and immediate necessity (Articles 28, 31 of the CC) and other circumstances excluding criminal liability, the person shall not be liable under the criminal law.

In one of the criminal cases, on the basis of the decisions rendered pursuant to Article 212(8), Article 214 and Article 216 of the CCP and Article 147(3) of the Criminal Code, E.V., L.M., E.K., V.L., M.P., A.M., and L.K. were released from criminal liability for the criminal offence provided for in Article 25(3) and 178(2) of the Criminal Code and the pre-trial investigation was terminated in respect of them.

## **7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?**

In case a person commits the relevant criminal offences as a result of being a victim of trafficking in human beings, he/she shall be exempt from criminal liability for the commission of such offences in accordance with the above-referred provisions of the CC and the CCP. If such a person gets the status of a victim in criminal proceedings, he/she shall be guaranteed all the rights set out in the CCP, a detailed list of whereof was provided in the answer to question 1.1.

Exemption from administrative liability for an administrative offence that a person was forced to commit as a direct result of a human trafficking offence committed against him/her is not provided for in Lithuanian law.

## **8. Protection of victims and witnesses (Articles 28 and 30)**

### **8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?**

The Law on Assistance to Victims of Criminal Actions of the Republic of Lithuania stipulates that the first-contact institution shall provide information to the victims on how and under what conditions the victim may obtain special protection measures, i.e. measures of protection against intimidation, retaliation or other adverse effects, provided for in the Code of Criminal Procedure (CCP) and other legal acts, and to obtain the necessary assistance in the course of criminal proceeding.

According to Article 198 of the CCP a victim or witness may ask the prosecutor or pre-trial investigation officer to grant him/her anonymity, or the prosecutor/pre-trial investigation officer may decide on his/her own initiative to grant anonymity. In addition, point 3 of the "Recommendations on the Assessment of the Protection Needs of Victims" (hereinafter, the Recommendations), approved by Order of the Prosecutor General of the Republic of Lithuania No. I-63 of 29 February 2016, stipulates that an initial assessment of the special needs shall be carried out within the shortest time possible from the moment of the receipt of the notification of a crime, but no later than during the first interrogation, which means that the protection of victims shall generally be taken care of by the prosecutors.

With a view to protecting victims from traumatic effects, police officers are also obliged to follow the Recommendations on the Special Protection needs and, at the latest during the first interview, fill in a special protection needs statement and, after assessing the level of risk, apply a combination of the measures set out in the Recommendations, both remote interviews, interviews with the pre-trial investigation prosecutor, or the interviews with same-gender individuals. Having received any data on the possible impact on a witness, acting within the limits of their competence take relevant measures, such as initiate a pre-trial investigation into the impact on a witness, initiate a change of remand in custody of suspects. Thus, if there are identified threats and a legal basis, protection from criminal influence may be granted to victims in accordance with the Law on the Protection of Participants in Criminal Proceedings and Criminal Intelligence, Justice and Law Enforcement Officials against Criminal Influences of the Republic of Lithuania. The police are equipped with video and audio tools for remote interviewing, which protects victims from meeting the suspect and being re-victimised.

## **8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?**

According to Article 28(2) of the CCP the victim and his/her representative shall have the right: to receive information on the state of criminal proceedings concerning him/her; to submit evidence; to make applications; to make representations; to take part in the assessment of his/her special protection needs; to have access to the case file in the course of pre-trial investigations and in court; to take part in the proceedings; to challenge the actions of the pre-trial investigator, the public prosecutor, the pre-trial judge, and the court as well as the court's sentence or ruling; and to make a closing speech. The victim also has the right to refuse to be informed about the course of criminal proceedings concerning him or her, unless that could violate the rights of the suspect or the accused person.

Pursuant to Article 308(5) of the CCP, when a sentence of actual arrest or imprisonment is imposed on a convicted person, the presiding judge must ascertain whether the victim wishes to be informed of the convict's imminent release or the convict's escape from the place of detention. The victim shall also be informed of the legal safeguards that may be applied to him or her and the procedure for applying them. If the victim was not present at the hearing, this information shall be ascertained within five days of the delivery of the judgment. It is not necessary to find out if the victim's place of residence is unknown, or if such notification could cause harm to the convicted person.

If the victims are numerous, it is sufficient to find out this information through the person(s) representing their interests. If the victim wishes to be informed of the future release of the convicted person or of the escape of the convicted person, the presiding judge of the hearing shall draw up a respective statement. After the judgment has become final, this certificate, together with a copy of the judgment, shall be sent to the executing authority in accordance with Article 342 of the CCP. The victim and its counsel for defence shall not be allowed access to the content of the certificate.

By its Order No. 5-N-5 "On Additional Information of Victims Natural Persons" of 17 February 2021, the Commissioner General of the Lithuanian Police instructed the heads of regional Chief Police Commissariats to ensure that, upon the initiation of a pre-trial investigation or clarification of the circumstances (after receipt of the material in the operational unit), the officer in charge should, no later than within two working days from the day of the receipt of the material, contact the victim and provide his/her contact details: name, surname, position, place of work, telephone number, e-mail address, informing the victim that these contacts may be contacted if he/she has any further information or questions concerning the progress of the investigation; in this relation the responsible officer shall ask the victim regarding the preferred mode of receipt of information of the progress of the investigation; by telephone or e-mail, and, if necessary, agree on the time, place and manner of the procedural steps to be taken with the victim.

## **8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?**

Legislation introduces additional safety requirements for vulnerable participants in proceedings - witnesses and victims in criminal proceedings and minors. In order to ensure procedural guarantees for a minor victim, a minor witness, and a minor victim with special protection needs, as well as to ensure adequate protection of their rights in criminal proceedings, the legal framework of the CCP provides for the



participation of a psychologist in criminal proceedings (Articles 89, 186, 280 and 283). Pursuant to Article 89(5) of the CCP, psychologists who are present during the questioning of a minor victim, a minor witness, a minor suspect, a minor accused or a minor victim with special protection needs must be specialists who shall assist in the questioning of the persons concerned, taking into account their socio-psychological maturity and/or special protection needs. These psychologists are also involved in other criminal proceedings where necessary.

For the purpose of implementing the provisions of the CCP as discussed above, the courts established posts of forensic psychologists. The first team of forensic psychologists was formed at the beginning of 2015 with the establishment of the post of forensic psychologist in the regional Courts of the Republic of Lithuania; in the second half of 2021, it expanded to 17 professional psychologists, who help to effectively ensure the emotional security of minors involved in the court proceedings (victims and witnesses in the first place) during the course of the interrogations.

Court psychologists periodically organise internal consultations/meetings to discuss challenges and difficulties in the work of the court psychologist, to clarify problematic aspects and find possible solutions. At such meetings and in cooperation with forensic psychologists' mentors (researchers from Vilnius University) analyse forensic psychologists' activities at the cognitive and emotional level and develop forensic psychologists' competences and professional confidence, provide in-depth discussions and reflections, analyse the legal and organisational aspects of the work of forensic psychologists, assess the information on the tools available to forensic psychologists and the impact of these tools on the quality of their work, and provide answers to the questions arising in the daily work of the forensic psychologists. In 2021, a Good Practice Guide for Forensic Psychologists was prepared. By its Minute Resolution of 29 June 2022 the Judicial Council adopted the "Recommendations on the organisation of the activities of court psychologists". The Recommendation details the objectives, tasks and functions of the position of psychologists, as well as the performance of the functions of psychologists and the development of their qualifications. These measures help to ensure that interviews with minors are carried out in a qualified manner, to protect against the traumatic effects of criminal proceedings, and to safeguard the child's best interests.

Regarding the technical measures to protect victims from secondary victimisation, unnecessary contact with the suspect, etc. it should be noted that according to Clause 49 of the Description of Security in courts approved<sup>33</sup> by its Resolution No. 13P-89-(7.1.2) the Judiciary Council concluded that in order to ensure the protection of vulnerable persons and their interests, in newly constructed (reconstructed) court buildings, special premises shall be provided, in accordance with the procedure laid down by law, for persons who have been recognised as victims and witnesses in criminal proceedings and who need to be protected from the negative impact of other participants in the proceedings, to await the court hearing (separate waiting rooms), and for the conduct of the hearings of these persons (interview rooms). Currently, witnesses and victims are provided with safe conditions in about 33% of district courts and 40% of regional courts. By 2030, 85% of court premises should be equipped or adapted to protect vulnerable people and their interests.

Seeking to help people feel more confident and safer in court, court volunteers started working in Lithuanian courts in 2017. They have received specific training and have the necessary knowledge of the judicial system and the judicial process, the rights and duties of witnesses and victims, are familiar with the court premises, know how to communicate with people who have gone through difficult experiences and how to provide the necessary assistance to court visitors. A volunteer helps you to find a way around the court, provides practical information about the court process and how it works, explains the rights and responsibilities of a witness or victim, listens to your concerns and helps you feel safer and more confident in court.

Pursuant to Article 9(3) of the CCP, the court may hear cases in private, *inter alia*, in relation to offences in which minors have been recognised as victims, offences and criminal offences against the freedom and integrity of the person's sexual decision, where the aim is to prevent the disclosure of knowledge of the

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<sup>33</sup>Description of Security in courts approved: Internet Source: <https://webcache.googleusercontent.com/search?q=cache:XFVbI0jveNwJ:https://www.teismai.lt/data/public/uploads/2019/06/20190531-89.docx&cd=1&hl=lt&ct=clnk&gl=lt&client=firefox-b-d>

private life of the participants in the proceedings, or where it is necessary for the victim's special protection needs, or in the case a witness or a victim being interviewed are covered by anonymity. According to Article 9<sup>1</sup>(2) of the CCP empowers the court, once a verdict has been delivered in open court or a closing decision, to declare, at the request of the persons involved in the case or on its own initiative, by a reasoned decision, that all or part of the material in the case is to be kept as private, where there is a need to protect the privacy of the human being, his/her private life, and the confidentiality of information about the person's health.

#### **8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?**

The measures for protection against the impact of criminal impact and the procedure for imposing such measures are defined in the Law of the Republic of Lithuania on the Protection of Participants in Criminal Proceedings and Criminal Intelligence, Officials of Justice and Law Enforcement Agencies from Criminal Impact. The latter Law stipulates that protection against criminal influence may be applied if, in the course of criminal intelligence, pre-trial investigations or criminal proceedings in respect of very serious, serious and certain (as provided for in the articles of the Criminal Code) minor offences, the life or health of the persons is at risk. Trafficking in human beings is a severe crime, so in case any threats are identified and provided there is an adequate legal basis, protection from criminal influence may be granted to victims in accordance with the procedures laid down in the Act and its sub-legislative provisions. The data on protected persons and the organisation of security is not public.

#### **8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?**

Inter-institutional cooperation and actions in providing assistance to victims of trafficking in human beings are regulated by the Recommendations on the Identification of Victims of Trafficking in Human Beings, Pre-trial Investigation and Inter-institutional Cooperation, approved by the Order No. I-327/1V-1015/A1-758 of the Prosecutor General of the Republic of Lithuania, the Minister of Interior of the Republic of Lithuania, and the Minister of Social Security and Labour of the Republic of Lithuania of 17 December 2015 'On the Approval of the Guidelines for Identifying Victims of Trafficking in Human Beings, Pre-trial Investigation and Inter-institutional Cooperation'.

Prosecutors supporting the public prosecution are in direct contact with representatives of NGOs that provide assistance to a specific victim of trafficking in order to ensure the victim's protection from criminal influence during the trial, to best represent the victim's interests in court (e.g., by organising the victim's remote interview), and to provide information to the victim on the ongoing process and the follow-up procedures.

Every year, the Ministry of Social Security and Labour of the Republic of Lithuania finances NGO projects aimed at providing social assistance to victims and potential victims of trafficking in human beings. The funding allocated for the projects is regularly increased. The funding from EUR 43,400 (in 2015) increased to EUR 300,000 (2022). NGOs provide temporary accommodation and overnight services if the victim's safety is sufficient (no programme of protection of participants in criminal proceedings is being launched). The temporary accommodation and overnight stays of the victims are paid from the project resources. Some partner NGOs have premises suitable for temporary shelter, while others rent premises when needed. In the event of a threat to the safety of a victim receiving comprehensive assistance, the police in the area where the NGO operates are informed and can be engaged. Alternatively, if necessary, the victim may be sheltered by a project partner NGO in another region.

#### **8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?**

Article 186 of the CPC provides for special procedures for interviewing child victims and witnesses. A minor witness or a minor victim shall be questioned during pre-trial investigation in premises adapted for the questioning of children and, as a general rule, no more than once. In cases where it is necessary to re-interview a juvenile witness or a juvenile victim during a pre-trial investigation, they shall normally be interviewed by the same person. The interviews of such minors shall be recorded. A minor witness and a minor victim shall be summoned to the hearing only in exceptional cases. A psychologist will be invited to be present at inquiries of juvenile victims in all cases, and inquiries of minor victims or a minor witnesses regarding crimes to life, health, freedom, sexual self-determination and inviolability, children and family, profiteering from prostitution of minors, or enticement into prostitution, also other cases when requested by participants of the proceeding or at the initiative of a pre-trial investigation officer, a prosecutor or a pre-trial investigation judge; the psychologist will help inquiring the juvenile or the minor person taking properly into account his social and psychological maturity; also shall be invited a representative of the State authority for the protection of the rights of the child, who monitors from another room to ensure that the rights of the minor witness or the minor victim are not violated during the interview. A representative of the State authority for the protection of the rights of the child may ask questions of the person to be interviewed and make requests for questioning. A representative of a minor witness or a minor victim shall have the right to be present during the questioning of the minor witness or minor victim only provided it is concluded that the representative will not affect the minor.

According to the data of report on the audit "Judicial System" conducted by the National Audit Office (2020), children's interview rooms are set up in 40 courts (court chambers), so children are interviewed in specially adapted rooms (if there are no such rooms in one court, they are used in the rooms of the other court, or in the rooms of the police institutions).

In order to ensure that a child is interviewed no more than once, it is important to prepare for the interview properly and to familiarise oneself with the information. As already mentioned in point 8.3 above, in this category of cases the proceedings and all or part of the case file may be declared non-public (Article 9(3) and Article 9<sup>1</sup>(2) of the CCP). It is the preparation for the interview that is essential if the child is to be interviewed in a single interview or to express his/her views in a single meeting. This is possible if the interview is organised after collecting and analysing as much case material as possible from different sources.

Clause 17 of the Recommendations on the Questioning of a Minor Witness and Victim, approved by the Order No I-123 of the Prosecutor General of the Republic of Lithuania of 16 September 2009 provides that, taking into account the detrimental effect of the criminal proceedings on the psyche of the minor, the risk of secondary traumatising, and the requirements of Article 186(2) of the CCP, efforts must be made to ensure that in the course of the pre-trial investigation a minor must be interviewed only once; Clause 19 of the Recommendation provides that the provisions of Article 276(2) of the CCP allow to read out loud and follow only the testimony given to the judge of the pre-trial investigation. Therefore, in order to protect a minor witness or victim from damaging effects of criminal proceedings on his or her psyche and from secondary traumatising during the court proceedings, the prosecutor must assess the importance of the minor's testimony in establishing the essential facts to be proved in the court proceedings, in each case, while the preliminary investigation is still under way, and come to a conclusion, that the minor's testimony is of particular importance for the establishment of the essential facts to be proved and that it is not possible to prove these facts by other sources of evidence or that it is difficult to prove them by other sources of evidence, he or she must apply to the pre-trial judge for the minor to be examined and must seek to have the minor excluded from the hearing and to have his/her testimony given to the pre-trial judge read out at the hearing in accordance with the procedure laid down in Article 276(2) of the CCP.

Lithuanian police officers who organise interviews of minors are trained according to the qualification development programme "Tactical aspects of interviewing minors with a psychologist present".

Police offices have set up child interview rooms and acquired video and audio recording equipment.

With a view to ensuring a smooth process of using psychologists, payment for their work and reimbursement of expenses, by its Order No 5-V-587 of 25 June 2018 the Commissioner General of the Lithuanian Police "On the Approval of the Description of the Procedure for Payment of Psychologists in

Pre-Trial Investigations Conducted by Police Agencies” approved the Description of the Procedure for Payment of Psychologists in Pre-Trial Investigations Conducted by Police Agencies. The Procedure establishes payment arrangements for psychologists to participate in police interviews of minor witnesses, victims, suspects or victims with special protection needs in the cases referred to in the CCP.

In order to ensure more effective protection of children's rights and legitimate interests and representation of children's interests, a cooperation agreement between the Office of the Prosecutor General of the Republic of Lithuania, the Police Department, the Ministry of Social Security and Labour of the Republic of Lithuania, the Office of the Ombudsperson of Child's Rights, and the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour of the Republic of Lithuania was signed on 28 June 2018.

In order to ensure immediate, round-the-clock protection of children's rights and assistance to a child who may be a victim of a criminal offence or who may be in an unsafe environment, on 2 July 2018, the Police Department and the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour of the Republic of Lithuania entered into a cooperation agreement.

In order to ensure the rights of the child and to identify risks, a monitoring exercise of the practice of the use of child rights protection specialists and psychologists in police institutions was carried out in 2018 (Order No. 5-V of the Commissioner General of the Lithuanian Police of 28 June 2018 “On the Monitoring of the Practice for the Use of Specialists and Psychologists in the Protection of Children's Rights”). The Police Department has submitted proposals to the Ministry of the Interior of the Republic of Lithuania on the amendment of the Resolution No. 338 of the Government of the Republic of Lithuania of 9 April 2018 “On the Approval of the Description of the Procedure for the Administration of the List of Psychologists Willing to Assist in the Interviewing of Individuals in Criminal Proceedings and the Procedure for Compensation of the Psychologists”.

It should be noted that from 3 January 2022 to 31 December 2025, the Police Department will be collecting and evaluating information on the use of specialists (both psychologists and State Child Rights Protection Officers) in pre-trial investigations involving minor witnesses and minor victims.

## **9. Specialised authorities and co-ordinating bodies (Article 29)**

### **9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?**

There is no specific funding or technical support for the investigation and prosecution of trafficking in human beings in court. This area is financed from the prosecution service's general budget for prosecution functions. The Prosecutor's Office has appointed 14 prosecutors specialised in the fight against trafficking in human beings: three prosecutors of the Prosecutor General's Office (including 1 deputy chief prosecutor of the department and 2 prosecutors), 11 prosecutors of specialised divisions of district prosecutor's offices (including 5 prosecutors who are permanently working in the field of trafficking in human beings, and 6 deputies).

The fight against trafficking in human beings is organised in police agencies along two main lines of prosecution and prevention. The Lithuanian Criminal Police Bureau and district chief police commissariats carry out criminal intelligence and pre-trial investigations, as well as preventive activities to detect and prevent criminal acts related to human trafficking.

The Description of the Competences in Carrying out Pre-trial Investigation at Units of Police Institutions approved by Order No. 5-V-890 of the Commissioner General of the Lithuanian Police of 17 October 2014 “On the Approval of the Description of the Competences in Carrying out Pre-trial Investigation at Units of Police Institutions” sets out the limits (competences) of the pre-trial investigation units of the police in the exercise of the functions assigned to the police under the CCP in preventing, detecting and investigating criminal offences. According to the above-mentioned list of competences, the conduct of pre-trial investigations on trafficking in human beings under Articles 147, 147<sup>1</sup>, 147<sup>2</sup>, 157 of the Criminal Code has been assigned to the compulsory competence of the specialised organised crime investigation units of the Criminal Police.

Police agencies (the Lithuanian Criminal Police Bureau and district chief police commissariats) develop and implement regional and local, and within their competence international, programmes, plans and measures to prevent criminal offences, including trafficking in human beings, as well as administrative offences.

The Public Police Board of the Police Department, within its competence, participates in shaping the activities of police institutions, coordinates, analyses and controls the activities of these institutions in the field of crime and offence prevention.

The principles for allocating funding to police agencies are not associated to individual offences, so we are unable to provide figures on the amount of spending on combating human trafficking.

The State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania does not have any specialised units for combating trafficking in human beings or conducting respective investigations.

**9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?**

With a view to ensuring that any property-related investigations are carried out by specialised criminal police units of all regional chief police commissariats, both at the criminal intelligence and pre-trial investigation stages, Order No. 5-V-644 "On Approval of the List of Positions to be Established by the Chief Police Commissariats of Kaunas, Klaipėda, Panevėžys, Šiauliai and Vilnius Counties" of the Commissioner General of the Lithuanian Police of 9 August 2021 approved the lists of positions of the Criminal Police Property Investigation Units to be established at the Chief Police Commissariats of Kaunas, Klaipėda, Panevėžys, Šiauliai and Vilnius Counties.

The Model Regulations and Job Descriptions of the Criminal Police Property Investigation Division of the District Chief Police Commissariat have been approved by the Order No 5-V-684 "On Approval of the Model Regulations and Job Descriptions of the Criminal Police Property Investigation Units of the District Chief Police Commissariat" of the Commissioner General of the Lithuanian Police of 20 August 2021 (Regulations). Pursuant to those Regulations, the Property Investigation Unit shall carry out property investigation in criminal intelligence and pre-trial investigations carried out by the County Chief Police Commissariat in respect of serious and very serious, petty crimes involving property benefit directly or indirectly derived from a criminal offence, with a view to locating and determining the result of a criminal offence or the value of the property corresponding to its value, the property not disproportionate to the income of the person under investigation, where there are grounds for believing that this property has been obtained by criminal means, or property corresponding in value to lawfully possessed property, property for the purpose of securing a possible civil claim and, if there are legal grounds to apply the legal measures provided for by the legislation to seize this property for the ownership of the State, and to ensure the fulfilment of the tasks entrusted to the police by the Law on Civil Confiscation of Property. It should be noted that police officers also follow the recommendations of the Prosecutor General of the Republic of Lithuania on the investigation of property.

**10. International co-operation (Article 32)**

**10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?**

According to Article 56(8) of the Law on Employment<sup>34</sup> of the Republic of Lithuania, persons who worked illegally shall have the right to claim unpaid remuneration for work according to the procedure prescribed by the Labour Code of the Republic of Lithuania for the resolution of labour disputes. Pursuant to the provisions of Article 221 of the Labour Code, the Labour Disputes Commissions are permanent and are attached to the territorial divisions of the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour (hereinafter, SLI). The Labour Disputes Commission shall be

<sup>34</sup>Law on Employment. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b9ca8ad03de611e68f278e2f1841c088/asr>

composed of three members - the chairperson of the Labour Disputes Commission and representatives of trade unions and employers' organisations appointed by the decision of the governing bodies of the trade unions and employers' organisations operating in the territory of the territorial units of the State Labour Inspectorate.

In labour disputes, the SLI also uses remote hearings, during which the claimants may be located outside of Lithuania, so the labour dispute commissions can also award damages and compensation, including unpaid wages, to the employer in the absence of the claimant, i.e., by remote means.

### **10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.**

In the last five years, two joint investigation teams of Lithuanian and foreign law enforcement authorities have been established. One of them was linked to a Lithuanian Organised Crime Group (OCG), which transported large quantities of heroin to Ireland and Northern Ireland. In addition, the leader of the OCG recruited and transported victims from Lithuania for the specific purpose of trafficking heroin on the streets. Since 2015, OCG has developed a sophisticated drug trafficking and distribution network. A significant number of Lithuanian victims have been found to be dealing drugs on the streets in Ireland and Northern Ireland, mostly from vulnerable backgrounds or with addictions. The proceeds of crime were laundered mainly through the purchase of real estate. A Joint Investigation Team (JIT) was set up with the support of Eurojust, involving Lithuanian, Irish and UK authorities. The cooperation was very effective and was successfully implemented in August 2020. A criminal network responsible for drug trafficking, money laundering and human trafficking was dismantled (18 suspects arrested and various assets seized with a total value of EUR 700,000). A financial investigation is still ongoing.

Another JIT was concluded with Norway, in which minors were taken to Norway to be exploited for shoplifting.

Both JITs were facilitated by Eurojust and proved to be very effective and successful.

In 2017, border guards opened a pre-trial investigation into trafficking in human beings (exploitation in the form of forced labour). For the purpose of the investigation a JIT was set up with Ukrainian officials; the investigation included a request for the identification of the suspects' assets in Ukraine, the seizure of the bank statements of the suspects, citizens of the Republic of Lithuania (which were of no use, as the suspects and the victims were using cash to make payments to each other); using the European Investigation Warrant (EIO) the officials applied to the officials of the UK and used the Europol information system, SIENA.

Also in 2017, the Border Representative attended a coordination meeting on the Joint Investigation Team (JIT) between officials of the Republic of Lithuania and the Republic of Ukraine at Eurojust headquarters in the Hague, the Netherlands. The creation of the Joint Investigation Team was initiated in the context of a pre-trial investigation by border guards into trafficking in human beings and the smuggling of human beings across national borders. The other participants of the meeting were a representative of Europol, a representative of Eurojust, the Prosecutor of the Vilnius Regional Prosecutor's Office, and the Prosecutor of the Ivan Frankovsk Region of Ukraine.

In 2018, in Kiev, Ukraine, three border officials, together with the Prosecutor of the Vilnius Regional Prosecutor's Office, attended a bilateral coordination meeting of members of the JIT.

### **10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?**

The International Legal Assistance Module started operating within the Integrated Information System of Penal Process (IBPS) in August 2018. The IBPS is accessible to investigators, prosecutors and pre-trial judges conducting pre-trial investigations; it is used to draw up and store minutes of the actions provided for by the CCP, as well as procedural decisions taken during pre-trial investigations; the system makes it possible to break down the statistics of the measures of international co-operation on the basis of a number of different criteria, including the type of the offence. Lithuania has issued four EIOs in human trafficking cases (two to France, one to Sweden and one to Germany) and four requests for legal assistance

(one to Iceland, three to Ireland). All of them have been executed, except for one case where the suspect exercised his right to remain silent and refused to testify about a possible criminal offence.

#### **10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?**

Experience has shown that JIT are the most effective means of investigating and prosecuting trafficking in human beings. In the period from 2017 to 2019, total nine Joint Investigation Teams of Lithuanian and foreign law enforcement authorities were established, Lithuanian officers participated in joint European operations, and they also improved their professional qualifications attending international trainings events or seminars. The results of these international cooperation measures include: joint pre-trial investigations, some of which resulted in indictments, exchange of best practices, shorter timeframes for pre-trial investigations, and professional development.

#### **10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?**

The Lithuanian police cooperate with the relevant authorities through attachés, liaison officers, as well as through the Republic of Lithuania's missions or consular offices.

The Prosecutor's Office does not have any means of international cooperation in the above-mentioned matter.

If a third-country national wishes to return to his/her country of origin and funding is available, the Vilnius Office of the International Organisation for Migration (IOM) will fill in an *Assisted Voluntary Return Form*, process his/her travel documents, purchase travel tickets, and organise temporary accommodation, transit and reception assistance. If the third-country national is detained and accommodated in a border Alien Registration Centre, his/her return is organised in cooperation with the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania. If the victim of trafficking in human beings is a child, a respective notice shall be communicated to the State Child Rights Protection and Adoption Service.

#### **10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?**

In order to gather the required evidence pre-trial investigations are launched, cooperation with foreign law enforcement authorities (European Investigation Order, Request for Legal Assistance, etc.), in addition to all the other required measures. It should be noted that the Lithuanian Criminal Police Bureau has prepared guidelines for officers conducting pre-trial investigations and criminal intelligence who, during the course of an investigation, need to obtain data from private companies operating abroad providing various electronic services, e.g. Microsoft, TikTok, Ebay, PayPal, etc. In the Guidelines, officers can find instructions on how to contact the relevant companies, the contact details of the companies, the services they provide and the data they can obtain (data available via the police intranet).

A victim-centred approach is ensured through multi-agency cooperation involving responsible authorities, bodies and organisations (International Organisation for Migration) and NGOs, which work together in a structured and coordinated manner to ensure that all victims, including victims of trafficking for sexual exploitation, have access to assistance and that their needs are effectively addressed. It is recommended that prosecutors and investigators consider victims of trafficking in human beings (especially in cases of sexual or criminal exploitation) as victims rather than as potential suspects. Officials should demonstrate to the victim that they are interested in their safety and well-being and do not intend to prosecute them for the crimes they were forced to commit. Therefore, measures are taken to reduce unnecessary procedures that lead to secondary victimisation. Lithuanian prosecutors rely on the evidence obtained in the context of an EIO or TPP and avoid unnecessary re-interviews or direct visual contact between the victim and the accused (including by video conference).

## **11. Cross-cutting questions**

### **11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?**

The CCP does not differentiate between victims of crime according to their legal status. Pursuant to Article 28 of the CCP, any natural person who has suffered physical, material or non-material damage as a result of a criminal offence, or a member of the family or close relative of the deceased who has suffered physical, material or non-material damage as a result of the death of the natural person, shall be considered as a victim. In view of the above, the rights and guarantees of victims provided for in the CPC are fully guaranteed to all victims of trafficking in human beings, irrespective of their country of origin and legal status in the Republic of Lithuania. It should also be noted that victims of trafficking in human beings are guaranteed all the rights guaranteed by the CPC, regardless of the form of exploitation they had been subjected to.

### **11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?**

The procedural laws of the Republic of Lithuania do not contain any independent provisions granting exclusive procedural rights based on a person's gender. All persons, irrespective of their gender, have the same procedural rights and obligations.

Order No I-63 of the Prosecutor General of the Republic of Lithuania of 29 February 2016 approves the Recommendation on the Assessment of Special Protection Needs of Victims. These Recommendation set out the procedure for assessing the special protection needs of victims as provided for in Article 362 of the CCP and the factual basis for the application of special protection measures. Clause 2.4 of the Recommendation provides:

- 2.4.3. an interview by the officer of the same gender;
- 2.4.4. an interview by the officer specialising in the area;
- 2.4.5. a repeated interview conducted by the same officer;

The victim may be subject to the measures provided for in the Law of the Republic of Lithuania on the Protection of Participants in Criminal Proceedings and Criminal Intelligence, Officials of Justice and Law Enforcement Agencies from Criminal Impact, in the event of pre-trial investigations or in criminal proceedings in respect of very serious or serious offences, for the offences provided for in that Law, or at the end of the criminal proceedings, verified information has been received from public or confidential sources that there is a real danger to the life or health of persons or that their property may be destroyed or damaged. The victim is subject to measures to protect him or her from the effects of crime provided he or she has actively cooperated with justice and law-enforcement officials, or if he or she has contributed to the detection of the offence or has provided them with other valuable information.

In labour disputes cases concerning the employer's damages and compensation, including unpaid wages, gender is not taken into account, because according to Article 2 of the Labour Code of the Republic of Lithuania, labour relations shall be regulated in accordance with the principles of legal certainty, the protection of legitimate expectations and comprehensive defence of labour rights, the provision of safe and healthy working conditions, stability of labour relations, freedom to choose a job, fair remuneration for work, equality for the subjects of labour law regardless of their gender, sexual orientation, race, nationality, language, origin, social status, faith, intention to have a child/children, marital and family status, age, convictions or views, political affiliation, or circumstances unrelated to the employees' professional qualities, freedom of association, free collective bargaining and the right to take collective action.

It should also be noted that in Lithuania, the majority of victims of trafficking in human beings for labour exploitation or forced labour are men.

### **11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?**



As a general rule, the CPC provides that, in every criminal investigation, the judge, the prosecutor and the pre-trial investigation officer must explain to the participants in the proceedings their procedural rights and ensure that they have the opportunity to exercise them (Article 45 of the CPC). According to Article 28(2) of the CCP the victim and his/her representative shall have the right: to receive information on the state of criminal proceedings concerning him/her; to submit evidence; to make applications; to make representations; to take part in the assessment of his/her special protection needs; to have access to the case file in the course of pre-trial investigations and in court; to take part in the proceedings; to challenge the actions of the pre-trial investigator, the public prosecutor, the pre-trial judge, and the court as well as the court's sentence or ruling; and to make a closing speech. <...> (Article 28(2) of the CCP); Article 186 of the CCP (Interviewing Minor Witnesses and Victims) provides for special interviewing rules applicable to minors and securing the interests of the minors. The right of the victim and his/her representative to receive information on the status of the criminal proceedings concerning him/her, as enshrined in Article 28(2) of the CPC, is also specified in point 2 of the Annex to Order No I-271 (Annex to the Protocol on the Clarification of the Rights of Victims). That Clause provides that a person who has applied to a pre-trial investigation body or a public prosecutor with a request to initiate a pre-trial investigation, or a victim, shall have the right to request, orally or in writing, that the pre-trial investigation body or the public prosecutor who is carrying out the pre-trial investigation, who is organising it, and who is in charge of it, be provided with information on the state of the criminal proceedings concerning him or her. The pre-trial investigation officer and the public prosecutor must ensure that the amount of information to be provided to the victim at the different stages of the criminal proceedings is determined taking into account the victim's special needs and personal circumstances, as determined in accordance with Article 186<sup>1</sup> of the CCP, as well as the type or nature of the offence. The victim also has the right to refuse to be informed about the course of criminal proceedings concerning him or her, unless that could violate the rights of the suspect or the accused person. Each victim is informed in a signed statement of his or her rights as set out in the Victim's Rights Awareness Protocol.

The rights of the victim as enshrined in the CPC, as well as the special institutes for the protection of victims, fully ensure that the minor victim and his/her legal representatives have the right to receive all the information concerning the ongoing pre-trial investigation and the special measures which are exclusively applicable to minor victims. In addition to the provisions specifically applicable to criminal proceedings, there are specific laws which ensure that the principle of the best interests of the minor victim is safeguarded. In national law, juveniles who are victims of crime are always considered to be more vulnerable, and the special needs of juveniles are carefully considered and taken into account in this context.

In each case, no later than at the time of the victim's first interview, the pre-trial investigation officer or the public prosecutor shall carry out an assessment of the victim's special protection needs. The data about the victim's special protection needs gathered during the assessment are properly taken into account in the organisation of the criminal proceedings and, in the cases provided for in this Code, in deciding whether it is necessary to apply to the victim, on account of the victim's special protection needs, one or more of the safeguards laid down in the CCP (Article 186<sup>1</sup> (2) of the CCP). Special protection needs are the victim's needs, based on personal characteristics, the nature of the offence or the circumstances in which it was committed to benefit from the guarantees laid down in the CCP, in order to protect the victim from mental trauma, criminal influence or other adverse effects (Article 362 of the CCP). Every victim has the right to protection, to participate in the assessment of special protection needs and to receive special protection measures (Clauses 2, 13 of the Annex to the Protocol on the Clarification of the Rights of Victims) (Order No I-271). Irrespective of the general special protection needs of the minor, the following special protection measures are compulsorily applied during the pre-trial investigation in the case of a minor who is a victim of a criminal offence: Non-public hearings in court, <...> video and audio recording during the interrogation (Clause 17 of Order No I-63). Finally, the specific Law on Fundamentals of Protection of the Rights of the Child<sup>35</sup> guarantees that parents, other legal representatives of the child, state and municipal institutions and bodies, non-governmental organisations, other natural and legal persons are obliged to comply with these principles: 1) the best interests of the child as a priority, meaning

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<sup>35</sup>Law on Fundamentals of Protection of the Rights of the Child. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.26397/asr>

that the best interests of the child are at the centre of any decision or action taken in relation to the child. The best interests of the child principle is applied on the basis of the specific situation of the individual child, to determine what is in the best interests of the child in the immediate and future, indicating that the child's best interests have been examined and taken into account as a priority. The child must be afforded the protection necessary for his or her well-being, with all possible coordinated and integrated assistance; (3) listening to the views of the child and ensuring the child's participation - a child who is capable of forming his or her own views must be listened to in all matters affecting him or her and the views of the child must be taken into account in a child-friendly way, taking into account the child's age and maturity, if it is not in his or her best interest.

Since 2020, the Prosecutor General's Office, together with the PI "Paramos vaikams centras" has been implementing the project "Together We Can Protect and Help", funded by the European Commission's Rights, Equality and Citizenship Programme; the purpose of the programme is to combat and prevent violence against children. The main objective of this project is to promote the early identification and protection of child victims of violence, taking into account the specific needs of children in criminal proceedings, and to provide them with comprehensive assistance. The Prosecutor's Office's action line is to strengthen inter-institutional cooperation and the competence of professionals. The aim is to strengthen inter-institutional cooperation and the competence of professionals working with child victims of violence and those involved in criminal proceedings, by codifying and standardising procedures in line with international and European Union requirements. To this end, 20 inter-institutional trainings are planned, involving prosecutors, pre-trial investigation officers, judges, psychologists and specialists from the Child Rights Protection Service, in addition to the plans to prepare a manual on inter-institutional cooperation and assistance to children in criminal proceedings.

On 28 June 2018, a cooperation agreement was signed between the Prosecutor General's Office, the Police Department, the Ministry of Social Security and Labour, the State Child Rights Protection and Adoption Service, and Office of the Ombudsperson of Child's Rights. Under the Agreements the Parties undertook to strive, within their respective competences and insofar as this does not contradict the provisions of the legal acts regulating their functions and activities, for greater cooperation between the public prosecutor's office, the police authorities, the Ministry of Social Security and Labour, the Office of the Ombudsman for the Protection of the Rights of the Child, and for the more effective protection of the child's rights and the legitimate interests of the child, and for the effective protection of the children's best interests. The Agreement establishes the rules and cases for the exchange of information between the State Child Rights Protection and Adoption Service, prosecutors and pre-trial investigation officers, as well as the obligations of each party to the Agreement. This agreement must be followed throughout the criminal proceedings.

Recommendations on the specialisation of prosecutors in criminal proceedings, pre-trial investigations, allocation of criminal cases and complaints to prosecutors<sup>36</sup>, approved by Order No. I-126318 of the Prosecutor General of the Republic of Lithuania of 30 October 2012, (wording of Order No I-305 of the Prosecutor General of the Republic of Lithuania of 10 December 2021) establishes the specialisations of prosecutors, including in juvenile justice cases, at both district and regional prosecutor's offices, as well as at the Office of the Prosecutor General.

One of the priorities of the Public Prosecutor's Office of the Republic of Lithuania, as set out in the Long-Term Strategic Plan of the Public Prosecutor's Office of the Republic of Lithuania for 2013–2023<sup>37</sup>, is the effective prosecution of offences related to sexual exploitation of children. This priority of the Prosecutor's Office aims to maximise the number of criminal offences investigated per prosecutor and the staff of the Prosecutor's Office, as well as to minimise the average duration of pre-trial investigations. Accordingly, by Order No I-72 of the Prosecutor General of 23 February 2022, the Strategic Action Plan of the Prosecutor General's Office for the years 2022-2024 was approved, where one of the priority areas of the Prosecutor General's Office's activities is the strengthening of the prosecution of criminal offences related to the sexual exploitation of children and other violent criminal offences affecting children. This priority area aims to

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<sup>36</sup>Recommendations on the specialisation of prosecutors in criminal proceedings, pre-trial investigations, allocation of criminal cases and complaints to prosecutors Internet Source: <https://www.e-tar.lt/portal/lt/legalAct/TAR.6A4EE3E2EE7E/asr>

<sup>37</sup>Internet Source: <https://www.prokuraturos.lt/lt/administracine-informacija/planavimo-dokumentai-ataskaitos/strateginiai-veiklos-planai/135>

intensify pre-trial investigations, to minimise the time required for collecting and scheduling an expert examination, to implement the principle of interviewing the child once, and to reduce the length of pre-trial investigations.

**11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?**

The Criminal Code criminalises all offences related to trafficking in human beings and also provides for the criminal liability of legal persons for their commission. In the event that legal persons are involved in criminal offences related to trafficking in human beings, they are subject to particularly severe criminal liability.

**Article 147. Trafficking in Human Beings**

1. A person who sells, buys or otherwise transfers or acquires, recruits, transports or holds a person captive by physical violence or threats, or by otherwise depriving him of the possibility to resist or by using the victim's dependence or vulnerability, or by using deceit, or by taking or paying money, or by receiving or providing other benefits to a person who actually controls the victim, provided that the offender was aware or sought that the victim, whether he agreed or not, would be exploited under the conditions of slavery or under the conditions similar to slavery for prostitution, pornography or other forms of sexual exploitation, forced marriage or marriage of convenience, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes, shall be punished by a custodial sentence for a term of two up to ten years.

2. A person who commits the act provided for in paragraph 1 of this Article against two or more victims or by endangering the victim's life, or by participating in an organised group, or being aware or seeking that the victim's organ, tissue or cells would be taken, or being a civil servant or a person performing the functions of public administration and exercising his mandate shall be punished by a custodial sentence for a term of four up to twelve years.

3. A victim of an offence under this Article may be released from criminal liability for an offence which he/she was directly compelled to commit as a result of the offence under this Article.

4. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.

**Article 147<sup>1</sup>. Exploitation for Forced Labour or Services.**

1. A person who, through the use of physical violence, threats, deception or other means listed in Article 147 of this Code, unlawfully forces another person to perform certain work or to provide certain services, including begging, 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 three years.

2. A person who commits the act indicated in paragraph 1 of this Article by forcing another person to perform work or to provide services under the conditions of slavery or under other inhuman conditions, shall be punished by arrest or by a custodial sentence for a term of up to eight years.

3. A victim of an offence under this Article may be released from criminal liability for an offence which he/she was directly compelled to commit as a result of the offence under this Article.

4. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.

**Article 147<sup>2</sup>. Use of a Person's Forced Labour or Services.**

1. A person who uses another person's work or services, including prostitution, while being aware or being obliged and likely to be aware that the person performs this work or provides these services as a result of using against him, for exploitation purposes, physical violence, threats, deception or other means listed in Article 147 of the Code, 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 two years.

2. A person who commits an act provided for in this Article shall be released from criminal liability if he, prior to his declaration as the suspect, voluntarily notifies thereof a law enforcement institution and actively cooperates in identifying the victim of trafficking in human beings (Article 147) or purchase or sale of a child (Article 157) and detecting any of these criminal acts.

3. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 157. Purchase or Sale of a Child.**

1. A person who proposes to purchase or otherwise acquire, sells, purchases, otherwise transfers, acquires, recruits, transports or holds captive a child while being aware or seeking that, regardless of the child's consent, he would be unlawfully adopted, exploited under the conditions of slavery or under the conditions similar to slavery for prostitution, pornography, other forms of sexual exploitation, forced marriage or marriage of convenience, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes shall be punished by a custodial sentence for a term of three up to twelve years.

2. A person who commits the act provided for in paragraph 1 of this Article against two or more children or a young child or by endangering the victim's life, or by participating in an organised group, or being aware or seeking that the victim's organ, tissue or cells would be taken, or being a civil servant or a person performing the functions of public administration and exercising his mandate shall be punished by a custodial sentence for a term of five up to fifteen years.

3. A victim of an offence under this Article may be released from criminal liability for an offence which he/she was directly compelled to commit as a result of the offence under this Article.

4. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.

**11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.**

Chapter XXXIII of the Criminal Code (Crimes and Misdemeanours Against Civil Service and Public Interest) establishes criminal offences related to corruption and the non-performance or improper performance of the duties of a civil servant. In this context, all public servants or officials can be prosecuted, irrespective of the sector in which the offence of corruption has been committed. The Criminal Code currently criminalises the following offences of a corrupt nature:

**Article 225. Bribery**

1. A civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly on his own or through an intermediary, promises or agrees to accept a bribe, demands or provokes giving it or accepts it for a lawful act or omission in exercising his powers shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

2. A civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly on his own or through an intermediary, promises or agrees to accept a bribe, demands or provokes giving it or accepts it for an unlawful act or omission in exercising his powers shall be punished by a fine or a custodial sentence for a term of up to seven years.

3. A civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly on his own or through an intermediary, promises or agrees to accept a bribe, demands or provokes giving it or accepts a bribe of the value exceeding 250 MSLs for a lawful or unlawful act or omission in exercising his powers shall be punished by a custodial sentence for a term of two up to eight years.

4. A civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly on his own or through an intermediary, promises or agrees to accept a bribe,

demands or provokes giving it or accepts a bribe of the value lower than 1 MSL for a lawful or unlawful act or omission in exercising his powers shall be punished by a fine or by arrest.

5. A civil servant or a person equivalent thereto shall be held liable in accordance with this Code for a promise or agreement to accept a bribe or for a demand or provocation to give a bribe or for the acceptance of a bribe both for a specific act or omission in exercising his powers and for exceptional position or favour.

6. A legal entity shall also be held liable for the acts provided for in this Article.

### **Article 226. Trading in Influence**

1. A person who, by seeking that a person, in taking advantage of his social status, office, powers, family relationship, contacts or other likely influence on a state or municipal institution or agency, international public organisation, a civil servant thereof or a person equivalent thereto, would exert an influence on the respective institution, agency or organisation, civil servant or person equivalent thereto to ensure their lawful or unlawful act or omission in exercising their powers, directly or indirectly on his own or through an intermediary offers, promises to him or to a third party or agrees to give or gives a bribe, 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 four years.

2. A person who, by taking advantage of his social status, service, powers, family relationship, contacts or other likely or alleged influence on a state or municipal institution or agency, international public organisation, a civil servant thereof or a person equivalent thereto and for own benefit or for the benefit of other persons, directly or indirectly on his own or through an intermediary promises or agrees to accept a bribe or demands or provokes to give a bribe or accepts a bribe in exchange for a promise to exert an influence on the respective institution, agency or organisation, civil servant or person equivalent thereto to secure their lawful or unlawful act or omission in exercising their powers shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

3. A person who carries out the actions provided for in paragraph 1 of this Article by offering, promising or agreeing to give or giving, directly or indirectly on his own or through an intermediary, a bribe of the value exceeding 250 MSLs shall be punished by a fine or a custodial sentence for a term of up to seven years.

4. A person who carries out the actions provided for in paragraph 2 of this Article by promising or agreeing or demanding or provoking to give or accepting, directly or indirectly on his own or through an intermediary, a bribe of the value exceeding 250 MSLs shall be punished by a custodial sentence for a term of two up to eight years.

5. A person who carries out the actions provided for in paragraph 1 or 2 of this Article by offering, promising or agreeing to give or giving or by promising or agreeing to accept or demanding or provoking to give or by accepting, directly or indirectly on his own or through an intermediary, a bribe of the value lower than 1 MSL shall be considered to have committed a misdemeanour and shall be punished by a fine or by restriction of liberty or by arrest.

6. A person who commits an act provided for in paragraph 1, 3 or 5 of this Article shall be released from criminal liability where he was demanded or provoked to give a bribe and he, upon offering or promising to give or giving the bribe directly or indirectly on his own or through an intermediary, voluntarily notifies a law enforcement institution thereof within the shortest possible time, but in any case before the delivery of a notice of suspicion raised against him, shall also be released from criminal liability where he promises to give or gives the bribe with the law enforcement institution being aware thereof.

7. [Paragraph 6 of this Article shall not apply to a person who offers or promises to give or gives, directly or indirectly on his own or through an intermediary, a bribe to a person referred to in Article 230 \(2\) of the Criminal Code.](#)

8. A legal entity shall also be held liable for an act provided for in paragraphs 1, 2, 3, 4 and 5 of this Article.

### **Article 227. Graft**

1. A person who, directly or indirectly on his own or through an intermediary, offers, promises or agrees to give or gives a bribe to a civil servant or a person equivalent thereto or a third party in exchange for a desired lawful act or omission of the civil servant or person equivalent thereto in exercising his powers 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 four years.

2. A person who, directly or indirectly on his own or through an intermediary, offers, promises or agrees to give or gives a bribe to a civil servant or a person equivalent thereto or a third party in exchange for a desired unlawful act or omission of the civil servant or person equivalent thereto in exercising his powers shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

3. A person who carries out the actions provided for in paragraph 1 or 2 of this Article by offering, promising or agreeing to give or giving, directly or indirectly on his own or through an intermediary, a bribe of the value exceeding 250 MSLs shall be punished by a fine or a custodial sentence for a term of up to seven years.

4. A person who carries out the actions provided for in paragraph 1 or 2 of this Article by offering, promising or agreeing to give or giving, directly or indirectly on his own or through an intermediary, a bribe of the value lower than 1 MSL shall be considered to have committed a misdemeanour and shall be punished by a fine or by restriction of liberty or by arrest.

5. A person who carries out the actions provided for in paragraphs 1, 2, 3, or 4 of this Article shall be held liable in accordance with this Code for seeking, by bribing, both a specific act or omission of a civil servant or a person equivalent to him in exercising his powers, as well as exceptional position or the favour of this person, regardless of how his actions are understood by the civil servant or the person equivalent to him.

6. A person shall be released from criminal liability for grafting where he was demanded or provoked to give a bribe and he, upon offering or promising to give or giving the bribe directly or indirectly on his own or through an intermediary, voluntarily notifies a law enforcement institution thereof within the shortest possible time, but in any case before the delivery of a notice of suspicion raised against him, also where he promises to give or gives the bribe with the law enforcement institution being aware thereof.

7. Paragraph 6 of this Article shall not apply to a person who offers or promises to give or gives, directly or indirectly on his own or through an intermediary, a bribe to a person referred to in Article 230(2) of this Code.

8. A legal entity shall also be held liable for the acts provided for in paragraphs 1, 2, 3 and 4 of this Article.

#### **Article 228. Abuse of Office**

1. A civil servant or a person equivalent thereto who abuses his official position or exceeds his powers, where this incurs major damage to the State, the European Union, an international public organisation, a legal or natural person, shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years.

2. A person who commits the act provided for in paragraph 1 of this Article seeking material or another personal gain, in the absence of characteristics of bribery, shall be punished by a fine or a custodial sentence for a term of up to seven years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

#### **Article 229. Failure to Perform Official Duties**

A civil servant or a person equivalent thereto who fails to perform his duties through negligence or performs them inappropriately, where this incurs major damage to the State, the European Union, an international public organisation or a legal or natural person, shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

At the same time, please be informed that we have no information that officials of the Republic of Lithuania or officials of the Republic of Lithuania have been actively involved in human trafficking offences, in particular those which in order to assist traffickers.

## **Part II – Country-specific follow-up questions**

**12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:**

➤ **emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);**

The modus operandi of trafficking in human beings has remained similar for several consecutive years, and no new recruitment methods or forms have been identified. The offences take advantage of the vulnerability of the victims, i.e. their difficult material situation, behavioural and health problems, their inexperience, naivety, gullibility, the fraudulent promise of a good material reward, the lack of strong social ties, the fact that the victims live in families at risk or that their relatives are deceased. There have been cases where victims' resistance has been overcome by psychological violence or by taking advantage of victims' alcohol and/or drug addictions. Men are most often exploited for forced labour and criminal activities, while women are most often exploited for forced marriages, prostitution and forced labour. Victims of trafficking are most often recruited by word of mouth, less frequently via the internet or through advertisements in the press. Victims are sought and recruited through the most popular method of recruitment, i.e. direct contact with the victim. Often the exploiter knows the victim's social and financial situation. In the Republic of Lithuania, there are more male victims of trafficking in human beings recognised by the pre-trial investigation authorities than female victims. It should also be noted that among the forms of trafficking in human beings in the country, trafficking in human beings for purposes other than sexual exploitation predominates. Children are trafficked less frequently than adults, at a rate of 1-4 children per year, with the most frequent forms of exploitation being children from foster homes for criminal offences, sexual exploitation or begging. The vast majority of all victims are citizens of the Republic of Lithuania. There is a tendency for Lithuania to change from a source country to a destination country, i.e. more and more pre-trial investigations are being opened where victims are exploited on the territory of the Republic of Lithuania. According to the data from pre-trial investigations, foreign nationals from Ukraine, Thailand, India, China and Vietnam are among the persons exploited for trafficking in human beings in Lithuania, and Lithuanians are also exploited for various forms of trafficking in human beings. As far as the destination countries are concerned, they are still the same: the United Kingdom, Ireland, Norway, Sweden, France, the Netherlands, Germany, Spain and others. In foreign countries, Lithuanian citizens are exploited for trafficking in human beings for sexual exploitation, forced labour, criminal offences, marriages of convenience and fraud.

Since 2018, the Anti-Trafficking in Human Beings Report has also included data on the age of victims. Trends in trafficking in human beings between 2018 and 2021 show that people aged between 21 and 40 are the most likely to be victims in Lithuania, but there are also older people aged 60 and over.

It should be noted that suspects are mostly in the 21-30 age group, and are mostly male. Suspects often act as accomplices. In the Vilnius District, it has been found that the traffickers and exploiters of human beings are more likely to be socially vulnerable persons with financial capital and high education, while their associates are persons with lower education and less financial stability.

➤ **the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);**

The Criminal Code of the Republic of Lithuania criminalises all offences related to trafficking in human beings and also provides for the criminal liability of legal persons for their commission.

**Article 147. Trafficking in Human Beings**

1. A person who sells, buys or otherwise transfers or acquires, recruits, transports or holds a person captive by physical violence or threats, or by otherwise depriving him of the possibility to resist or by using the victim's dependence or vulnerability, or by using deceit, or by taking or paying money, or by receiving or providing other benefits to a person who actually controls the victim, provided that the offender was aware or sought that the victim, whether he agreed or not, would be exploited under the conditions of slavery or under the conditions similar to slavery for prostitution, pornography or other forms of sexual exploitation, forced marriage or marriage of convenience, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes, shall be punished by a custodial sentence for a term of two up to ten years.

2. A person who commits the act provided for in paragraph 1 of this Article against two or more victims or by endangering the victim's life, or by participating in an organised group, or being aware or seeking that the victim's organ, tissue or cells would be taken, or being a civil servant or a person performing the functions of public administration and exercising his mandate shall be punished by a custodial sentence for a term of four up to twelve years.

3. A victim of an offence under this Article may be released from criminal liability for an offence which he/she was directly compelled to commit as a result of the offence under this Article.

4. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.

**Article 147<sup>1</sup>. Exploitation for Forced Labour or Services**

1. A person who, through the use of physical violence, threats, deception or other means listed in Article 147 of this Code, unlawfully forces another person to perform certain work or to provide certain services, including begging, 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 three years.

2. A person who commits the act indicated in paragraph 1 of this Article by forcing another person to perform work or to provide services under the conditions of slavery or under other inhuman conditions, shall be punished by arrest or by a custodial sentence for a term of up to eight years.

3. A victim of an offence under this Article may be released from criminal liability for an offence which he/she was directly compelled to commit as a result of the offence under this Article.

4. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.

**Article 147<sup>2</sup>. Use of a Person's Forced Labour or Services.**

1. A person who uses another person's work or services, including prostitution, while being aware or being obliged and likely to be aware that the person performs this work or provides these services as a result of using against him, for exploitation purposes, physical violence, threats, deception or other means listed in Article 147 of the Code, 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 two years.

2. A person who commits an act provided for in this Article shall be released from criminal liability if he, prior to his declaration as the suspect, voluntarily notifies thereof a law enforcement institution and actively cooperates in identifying the victim of trafficking in human beings (Article 147) or purchase or sale of a child (Article 157) and detecting any of these criminal acts.

3. A legal entity shall also be held liable for the acts provided for in this Article.

**Article 157. Purchase or Sale of a Child.**

1. A person who proposes to purchase or otherwise acquire, sells, purchases, otherwise transfers, acquires, recruits, transports or holds captive a child while being aware or seeking that, regardless of the child's consent, he would be unlawfully adopted, exploited under the conditions of slavery or under the conditions similar to slavery for prostitution, pornography, other forms of sexual exploitation, forced marriage or marriage of convenience, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes shall be punished by a custodial sentence for a term of three up to twelve years.

2. A person who commits the act provided for in paragraph 1 of this Article against two or more children or a young child or by endangering the victim's life, or by participating in an organised group, or being aware or seeking that the victim's organ, tissue or cells would be taken, or being a civil servant or a person performing the functions of public administration and exercising his mandate shall be punished by a custodial sentence for a term of five up to fifteen years.

3. A victim of an offence under this Article may be released from criminal liability for an offence which he/she was directly compelled to commit as a result of the offence under this Article.

4. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.



It should be noted that in 2020, recent amendments were made to Article 147<sup>1</sup> of the Criminal Code on "Exploitation for forced labour or services". By Law No XIII-3350 (adopted by the Seimas on 5 November 2020) amending Articles 60, 147<sup>1</sup>, 151<sup>1</sup>, 189, 214, 218, 224-1 and the Annex to the Criminal Code of the Republic of Lithuania, the rule was introduced in Article 147<sup>1</sup> of the Criminal Code, 'Exploitation for forced labour or services', to the effect that the victim of an act provided for in this Article may be exempted from criminal liability for the criminal offence which he or she has been compelled to commit as a direct consequence of the offence under this Article.

In 2015, the institutions and organisations of the Republic of Lithuania, in order to identify victims of trafficking in human beings, apply in their work the Recommendations on Identification of Victims of Trafficking in Human Beings for Pre-Trial Investigation and Inter-institutional Cooperation (hereinafter, Recommendations), approved by Order No. I-327/1V-1015/A1-758 of 17 December 2015 of the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, and the Minister of Social Security and Labour of the Republic of Lithuania. The Recommendations set out the criteria for the identification of victims, the procedure for the organisation of the pre-trial investigation and the conduct of inter-institutional cooperation. The Recommendations are updated annually, as required, and the General Prosecutor's Office of the Republic of Lithuania is responsible for this function.

The Law on Assistance to Victims of Crime came into force on 14 January 2021 to ensure that natural persons who are victims of a criminal offence committed in the territory of the European Union, before, during and, if necessary, after criminal proceedings and in all cases where criminal proceedings are not initiated, or who are victims of a criminal offence committed outside the territory of the European Union, where the criminal proceedings are taking place in the territory of the Republic of Lithuania, while they are in the territory of the Republic of Lithuania, are provided assistance.

Articles 40 and 130 of the Law on the Legal Status of Foreigners provide that an alien who has been granted a period of self-determination in accordance with the established procedure, during which he or she, as a victim or former victim of trafficking in human beings, has to make a decision on whether or not to co-operate with a pre-trial investigation body or a court, shall not be expelled from Lithuania or returned to a foreign country. Such a foreigner shall be issued with a temporary residence permit valid for a maximum period of one year. In addition, the Government of the Republic of Lithuania, by its Resolution No 430 of 18 April 2012, approved the Description of the procedure for granting a period of self-determination to a foreigner who is or has been a victim of trafficking in human beings-related crimes, during which he/she has to make a decision on whether or not to co-operate with a pre-trial investigation body or a court, which sets out the procedure for granting a period of self-determination for the foreigner.

Article 40 of the Law on the Legal Status of Foreigners sets out the grounds for issuing and amending a temporary residence permit. Paragraph 1(12) of the aforementioned Article provides that a temporary residence permit may be issued or changed to an alien who is or has been a victim of trafficking in human beings or illegal employment, who cooperates with the pre-trial investigation body or the court in the fight against trafficking in human beings or offences related to trafficking in human beings or to illegal employment, who has worked in conditions of extreme labour exploitation, or who has employed minors.

The Law on Public Procurement of the Republic of Lithuania implements Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 laying down minimum standards on sanctions and measures against employers of illegally staying third country nationals.

- **the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);**

On 11 August 2016, the Government of the Republic of Lithuania adopted Resolution No 785 "On Coordination of the Fight against Trafficking in Human Beings", which established the Commission for Coordination of the Fight against Trafficking in Human Beings<sup>38</sup> (hereinafter, the Commission) and

<sup>38</sup>Resolution No 785 On Coordination of the Fight against Trafficking in Human Beings. Internet Source: <https://www.e-tar.lt/portal/lt/legalAct/19730980609211e68abac33170fc3720/asr>

approved its composition. The Commission is composed of representatives of ministries, institutions and organisations which, according to their competence and due to the nature of their activities, may be confronted with the issue of human trafficking. The Vice-Minister of the Interior of the Republic of Lithuania has been appointed as the Chairperson of the Commission, and the Vice-Minister of Social Security and Labour of the Republic of Lithuania has been appointed as the Deputy Chairperson. The Commission shall also include members of the following ministries, institutions and organisations: The Commission shall include representatives of the Ministry of Education, Science and Sports, the Ministry of Justice, the Ministry of Foreign Affairs, the State Labour Inspectorate under the Ministry of Social Security and Labour, the Ministry of the Interior, the Government Chancellery of the Republic of Lithuania, representatives of the Association of Municipalities of the Republic of Lithuania, representatives of the Lithuanian Bishops' Conference (up to 4 representatives), the National Judicial Administration, representatives of non-governmental organisations working in the field of combating trafficking in human beings (up to 4 representatives), representatives of the Police Department under the Ministry of the Interior of the Republic of Lithuania, the Vilnius Office of the International Organisation for Migration, the Employment Service under the Ministry of Social Security and Labour of the Republic of Lithuania, the Lithuanian Community Abroad, the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania, and the State Service for Protection of the Rights of the Child and the Office of Child Protection and Adoption under the Ministry of Social Security and Labour.

The above-mentioned Resolution also instructs the Commission to coordinate measures and actions of state and municipal institutions and bodies in the field of combating trafficking in human beings, to analyse and evaluate the results of the fight against trafficking in human beings; to submit proposals to state institutions on the formulation of policies to combat trafficking in human beings; to submit proposals to state and municipal institutions and bodies and to international and non-governmental organisations on the improvement of their activities in the field of combating trafficking in human beings; and to submit proposals to state and municipal institutions and bodies for the inclusion of measures and actions into the action plan for combating trafficking in human beings to be adopted by the Minister of Interior. It should be noted that the Commission meets at least once every 6 months, and if necessary, extraordinary meetings of the Commission are convened.

The members of the Commission shall carry out the instructions of the Chairperson of the Commission within their respective spheres of competence and shall coordinate the implementation of the decisions taken by the Commission within the institution, body, office or organisation which delegated them. The work of the Commission shall be organised by a working group composed of representatives of the ministries participating in the activities of the Commission, coordinated by the representative of the Ministry of the Interior of the Republic of Lithuania to the Commission.

In 2020, due to the COVID-19 pandemic and the high level of preoccupation of the Government of the Republic of Lithuania on this issue, the Commission held one meeting dedicated to the fight against trafficking in human beings, on 20 October. The participants of the meeting discussed the situation of the fight against trafficking in human beings in Lithuania in 2019, the assessment of the United States of America, the impact of the COVID-19 pandemic on trafficking in human beings, consular practice and other issues.

Institutions and ministries are tasked with continuing to ensure Lithuania's progress on trafficking in human beings.

Two remote meetings of the Anti-Trafficking Coordination Commission were held in 2021. On 1 July 2021, the meeting discussed the 2020 overview of the trafficking situation in Lithuania, the European Union Strategy for Combating Trafficking in Human Beings 2021-2025, the results of the independent evaluation of the implementation of the Action Plan for Combating Trafficking in Human Beings 2017-2019. The meeting of 23 November 2021 discussed the Trafficking in Persons Report by United States of America (USA) State Department, questions on irregular migrants and possible manifestations of trafficking in human beings, the procedure for granting reflection and rehabilitation periods to foreign nationals, and the results of the study "Public opinion on prostitution in Lithuania: ending the commercial sexual exploitation in Lithuania".

The Commission also requested the ministries and institutions to assess the possibility of implementing in 2021-2022 the measures and actions of the Action Plan to Combat Trafficking in Human Beings 2020-2022 that were not implemented in 2020 due to the COVID-19 pandemic;

Institutions and ministries are instructed to implement the recommendations of the US State Department and to address the shortcomings in the near future:

- organise a meeting between NGOs and camp administrators of irregular migrants to discuss effective ways of detecting trafficking in human beings and opportunities for cooperation, etc.

In the first half of 2022, the Commission held two meetings to discuss issues related to the prevention of Ukrainian citizens fleeing military aggression. The Commission received the following mandates at these meetings:

- to organise information for volunteers working in the registration centres on the forms and signs of trafficking in human beings and referral to assistance.
- ensuring that the registration centres are secured to prevent access by potential traffickers and that volunteers are on duty at the queues outside.
- intensify risk analyses and inform the MoI on emerging risks of trafficking in human beings and ensure necessary preventive measures.
- ensure the control of the flow of transport at the Polish border for persons fleeing the military aggression in Ukraine on the basis of risk analysis, etc.

Resolution of the Government of the Republic of Lithuania of 23 November 2016 No.1161 "On the National Rapporteur of the Republic of Lithuania on Trafficking in Human Beings" established that the National Rapporteur of the Republic of Lithuania on Combating Trafficking in Human Beings<sup>39</sup> (hereinafter, the National Rapporteur) is a representative of the Ministry of Interior of the Republic of Lithuania appointed by the Minister of the Republic of Lithuania. The National Rapporteur shall perform the following tasks:

1. collect and publish on the website of the Ministry of the Interior statistical data and other information on the situation of trafficking in human beings and measures and actions to combat trafficking in human beings in accordance with the procedure established by the Minister of the Interior;

2. analyse and evaluate the trends in trafficking in human beings and the results of the fight against trafficking in human beings, prepare proposals for further progress of the Republic of Lithuania in the fight against trafficking in human beings and submit them to the Minister of the Interior and to the Coordination Commission for Combating Trafficking in Human Beings established by the Government of the Republic of Lithuania by Resolution No 785 of 11 August 2016 "On the coordination of combating trafficking in human beings";

3. represent the Republic of Lithuania in the European Union Network of National Rapporteurs or equivalent mechanisms on trafficking in human beings;

4. provide information on the situation of the fight against trafficking in human beings in the Republic of Lithuania to the European Union Coordinator for Combating Trafficking in Human Beings, if necessary.

The Resolution also obliges the institutions and bodies accountable to the Government of the Republic of Lithuania, as well as institutions, bodies and organisations not subordinate to the Government of the Republic of Lithuania, to cooperate with the National Rapporteur and to provide information to the National Rapporteur, in accordance with the competence and in accordance with the procedure established by the Minister of the Interior. It also instructs the Minister of the Interior to submit to the Government of the Republic of Lithuania, by 30 April each year, information from the National Rapporteur on the situation in the fight against trafficking in human beings and proposals for further progress of the Republic of Lithuania in the fight against trafficking in human beings.

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<sup>39</sup>Resolution of the Government of the Republic of Lithuania of 23 November 2016 No.1161 On the National Rapporteur of the Republic of Lithuania on Trafficking in Human Beings" Internet Source: <https://www.e-tar.lt/portal/lt/legalAct/5899f9d0b53c11e6aae49c0b9525cbbb/asr>

For the period 2020-2021, the independence of the National Rapporteur from policy-making was addressed by proposing to transfer this function to the Office of the Equal Opportunities Ombudsperson or to the Seimas Ombudsman's office. Following a meeting and correspondence with the Equal Opportunities Ombudsperson's Office, it was concluded that this function could not be transferred to the Office due to the data collection function, which would result in the loss of the Office's independent status. The Seimas Ombudsman's Office has also relinquished the function. Since the beginning of 2022, the Centre for Strategic Analysis of the Government (STRATA), commissioned by the MoI, is carrying out a study on the assessment of the eligibility of the status of the National Rapporteur, which considers 4 alternatives for the transfer of the function in order to ensure the independence of this institution. The results of this study are expected to be presented to the MoI in the near future.

- **the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);**

Order No 1V-577 "On the Approval of the Action Plan for Combating Trafficking in Human Beings for 2020-2022" of 12 June 2020 of the Minister of the Interior of the Republic of Lithuania approved the Second Action Plan for Combating Trafficking in Human Beings for 2020-2022<sup>40</sup>(hereinafter, the Action Plan). The Action Plan was prepared as part of implementation of the objective "Developing an effective fight against trafficking in human beings" of the Public Security Development Programme 2015-2025, approved by the Resolution of the Seimas of the Republic of Lithuania No XII-1682 of 7 May 2015 "On the Approval of the Public Security Development Programme 2015-2025". The Action Plan also takes into account the report of the Group of Experts on Action against Trafficking in Human Beings (GRETA) on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in Lithuania and its recommendations to the responsible Lithuanian authorities, the United States Department of State's international reports on the fight against trafficking in human beings and other documents. The Action Plan is designed to strengthen inter-institutional and inter-sectoral cooperation and inter-institutional coordination in the fight against trafficking in human beings. The Action Plan sets out the objectives and measures, the actions to be taken to implement them, the persons responsible for carrying out these actions, the criteria for evaluating implementation and the targets to be achieved and the appropriations. The implementation of the Action Plan shall be financed by the State budget of the Republic of Lithuania and other sources, or by the joint efforts of the responsible institutions and organisations, without additional funds. It is foreseen that the evaluation of the implementation of the objective and targets of the Action Plan will take place in 2023. The implementation of the Action Plan is coordinated by the Ministry of the Interior of the Republic of Lithuania. Information on the results of the implementation of the measures and actions of the Action Plan for the current year shall be provided by the implementing institutions, bodies and organisations by completing the table on the implementation of the measures and actions of the Action Plan and submitting it to the Ministry of the Interior of the Republic of Lithuania by 1 February of the following year. The Ministry shall monitor the implementation of the Action Plan and evaluate and discuss the performance on an annual basis.

The Action Plan consists of four tasks: strengthening coordination in the fight against trafficking in human beings, improving the prevention and pre-trial investigation of trafficking in human beings, strengthening the system for providing assistance to victims of trafficking in human beings and those who are at high risk of being victims of trafficking in human beings, and improving the competences and capacities of staff of State institutions and bodies who may have to deal with victims of trafficking in human beings. The Action Plan consists of 48 measures aimed at coordinating national and international, institutional and inter-institutional actions in the field of cooperation, prevention, victim assistance and the development of the skills of professionals in the fight against trafficking. The implementation of the tasks, measures and actions of the Action Plan involves the Ministries of the Republic of Lithuania (the Ministry of the Interior (MoI), the Ministry of Social Security and Labour (SADM), the Ministries of Foreign Affairs, the Ministries of Health, the Ministries of Education, Science and Sport), the Institutions (the State Labour Inspectorate under the Ministry of the Interior (MoI), the Children's Rights Protection and Adoption Service under the Ministry of Education, Science and Sport, and the Employment Service under the Ministry of Labour

<sup>40</sup>The Second Action Plan for Combating Trafficking in Human Beings for 2020-2022. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/66466882ace511ea8aadde924aa85003?jfwid=mmceoqyd9>

(SADM)), Police Department under the Ministry of the Interior, State Border Guard Service under the Ministry of the Interior, Migration Department under the Ministry of the Interior, General Prosecutor's Office, National Judicial Administration, National Education Agency, National Transplantation Bureau under the Ministry of Health, municipalities), and organisations (the National Association against Trafficking in Human Beings, PI Ramintoja).

The evaluation of the implementation of the 2020 Action Plan could be presented as an example. The implementation of the measures and objectives of the Action Plan has been affected by the COVID-19 pandemic and the restrictions imposed on the country as a result of it: ministries, institutions and organisations had to adapt to the new working conditions and to the remote implementation of the objectives, measures and actions of the Action Plan. Of the four objectives of the Plan, three have been partially implemented: Objective 2: "Improve prevention and pre-trial investigation of trafficking in human beings", Objective 3: "Strengthen the system for providing assistance to victims of trafficking in human beings and those who are at high risk of being victims of trafficking in human beings", and Objective 4: "Increase the competences and skills of staff of public institutions and bodies who may have to deal with victims of trafficking in human beings". In order to implement the measures and actions of the 2020 Action Plan, the amount of EUR 696.7 thousand was foreseen to be allocated by the institutions, but the actual amount allocated was only EUR 336.7 thousand. Institutions that did not organise the training events for professionals foreseen in the Plan due to the pandemic, participated in inter-institutional training on trafficking in human beings of other institutions, where possible. Ministries, institutions and organisations were proposed to implement the measures and actions that were not implemented during the pandemic in 2021-2022.

It should be noted that an independent evaluation of the Action Plan to Combat Trafficking in Human Beings 2017-2019 (hereinafter, the Plan) was carried out in 2020 at the request of the Ministry of the Interior of the Republic of Lithuania by the NGO *Diversity Development Group*. Among the positive aspects, the independent experts mentioned that the adoption of the first Plan and the implementation of its objectives was a major advantage in the fight against trafficking in human beings, as well as the clear structure of the Plan and the funding allocated for its implementation. The lack of division of responsibilities between the Plan's implementers, the lack of clarity on how the Plan's implementers should report to the coordinating authority on the implementation of the measures, and the lack of clarity on how the Plan's implementers should report to the coordinating authority on the implementation of the measures were among the things that need to be improved. In view of the above, it was recommended to strengthen inter-institutional cooperation by clearly identifying the implementers of a specific Plan measure, their roles and responsibilities; and provide advice and methodological support to the authorities responsible for the implementation of measures. It was noted that not all measures in the Plan are funded and that funds should be made available to finance the measures throughout the implementation of the Plan. Furthermore, the Plan does not sufficiently reflect the complexity of trafficking in human beings, the different forms of the crime and the measures to prevent it, and it is therefore recommended that the different forms of trafficking in human beings be included in the Plan and that the needs of different groups, such as women and girls or third-country nationals, be taken into account. The Plan also does not take into account the current socio-economic and political situation of the country, the changes in contemporary migration processes and crime, which have an impact on the forms of exploitation and on the groups of victims, and it is therefore recommended to carry out a contextual analysis or to build on the existing one before approving the Plan. Consideration should also be given to the possibility of improving the arrangements for the organisation of professional development. The study is published on the website of the Ministry of the Interior of the Republic of Lithuania<sup>41</sup>.

➤ **recent case law concerning THB for different forms of exploitation.**

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<sup>41</sup>Study "Independent Evaluation of the Implementation of the Action Plan to Combat Trafficking in Human Beings 2017-2019": [https://vrm.lrv.lt/uploads/vrm/documents/files/LT\\_versija/Viesasis\\_saugumas/Prekyba\\_zmonemis/Veiksm%C5%B3%20plano%20vertinimas\\_DDG\\_2020\\_final.pdf](https://vrm.lrv.lt/uploads/vrm/documents/files/LT_versija/Viesasis_saugumas/Prekyba_zmonemis/Veiksm%C5%B3%20plano%20vertinimas_DDG_2020_final.pdf)

An analysis of the criminal cases on trafficking in human beings heard in Lithuanian courts between 2015 and 2021 shows that the forms of exploitation of victims have remained essentially unchanged compared to the criminal cases heard in previous years. On the other hand, it is important to note that there has been a clear decrease in the number of cases of this type in Lithuania. This is confirmed by LITEKO data: 9 cases in 2015; 10 cases in 2016; 16 cases in 2017; 19 cases in 2018; 7 cases in 2019; 3 cases in 2020; 8 cases in 2021. Below is a detailed description of the most recent criminal cases handled in 2021, including the forms of exploitation of victims.

### **Court judgments handed down in the Republic of Lithuania in the reporting year 2021**

| <b>No.</b> | <b>Criminal case No.</b> | <b>Number of convicted persons, type of sentence, length of sentence</b>                                                                | <b>Exploitation for forced labour</b>                                                                                                                                                                                                                                                                    | <b>Date of the judgement</b> |
|------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 1.         | 1-23-238/2021            | 1 person is sentenced to 4 years' imprisonment. Pursuant to Art. 75 of the CC, the execution of the sentence was suspended for 2 years. | Forcing a person to commit criminal acts, namely to organise the activities of girls engaged in prostitution, etc. (Art. 147(1) of the Criminal Code).                                                                                                                                                   | 19 February 2021             |
| 2.         | 1-7-337/2021             | 1 person is sentenced to 9 years' imprisonment.                                                                                         | Recruited for prostitution, including a child (Art. 147(1), 157(1) of the Criminal Code).                                                                                                                                                                                                                | 2 July 2021                  |
| 3.         | 1-9-491/2021             | 1 person is sentenced to 6 years imprisonment.                                                                                          | Recruited and transported the victim to the Kingdom of Spain to commit the offence of illicit cultivation, production, possession and transportation of the narcotic drug substance cannabis in large quantities (Art. 147(1) of the CC).                                                                | 30 November 2021             |
| 4.         | 1-49-337/2021            | 1 person is sentenced to 3 years' imprisonment.                                                                                         | Exploited the victim for the fulfilment of his sexual passion, persuaded the victim to provide various sexual services to other persons, while the convicted person himself monitored the whole thing by video call via the messenger messaging and chat application (Art. 147(1) of the Criminal Code). | 17 November 2021             |
| 5.         | 1-35-316/2021            | 1 person is sentenced to 3 years and 6 months imprisonment.                                                                             | By means of intimidation and threats, he forced the victim to distribute the narcotic drugs and psychotropic substances                                                                                                                                                                                  | 7 July 2021                  |

|    |               |                                                                                                                                                                 |                                                                                                                                                 |               |
|----|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|    |               |                                                                                                                                                                 | which had been handed over to him (Art. 147(1) of the CC).                                                                                      |               |
| 6. | 1-23-417/2021 | 1 person was sentenced to 3 years' imprisonment, and the execution of the sentence was suspended for 3 years in accordance with Art. 75(1), 75(2)(8) of the CC. | Recruited, transported and handed over a person for the purpose of exploiting the victim for a marriage of convenience (Art. 147(1) of the CC). | 30 March 2021 |
| 7. | 1-88-658/2021 | 2 people are sentenced to 3 years' imprisonment.                                                                                                                | Recruited a minor to travel to the Federal Republic of Germany to commit a robbery of a jewellery shop (Art. 157(1) of the CC).                 | 2 April 2021  |
| 8. | 1-27-581/2021 | 2 persons were sentenced to 2 years and 2 years and 6 months' imprisonment respectively.                                                                        | Recruited a marriage of convenience (Art. 147(1) of the Criminal Code).                                                                         | 29 April 2021 |

**13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:**

- **Improve the identification of victims of THB, including by encouraging a proactive approach by frontline professionals to the identification of victims of THB for different purposes of exploitation, effectively disseminating the Recommendations on Victim Identification, and providing training to all frontline professionals;**

Since 2015, the institutions and organisations of the Republic of Lithuania have been applying the Recommendations on the Identification of Victims of Trafficking in Human Beings, Pre-trial Investigation and Inter-Institutional Cooperation (hereinafter, the Recommendation) approved by Order No I-327/1V-1015/A1-758 issued by the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, and the Minister of Social Security and Labour of the Republic of Lithuania on 17 December 2015. The Recommendations set out the criteria for the identification of victims, the procedure for the pre-trial investigation and the process of inter-institutional cooperation. It should be noted that the Recommendations are evaluated annually and supplemented as necessary. Below is detailed information on the efforts of institutions and organisations in the field of victim identification:

In the framework of one of the measures of the Action Plan to Combat Trafficking in Human Beings 2020-2022 approved by Order No 1V-577 of the Minister of the Interior of the Republic of Lithuania of 12 June 2020 (measure code 01.01.06), the General Prosecutor's Office of the Republic of Lithuania periodically emphasises and reminds the need to continuously improve qualifications, encourages the organisation of inter-institutional trainings, and reminds the public of the need for the implementation of the Recommendations.

To ensure the prompt sharing of good practices, timely provision of consultations, dissemination of information related to the organisation of refresher training events, and information on international projects on trafficking in human beings, a platform for communication between prosecutors and pre-trial investigation officers (THB platform) has been established and coordinated by the GP. A description of the activities of this platform is currently being drafted and the possibility of expanding the range of institutions using it is being considered.

Prosecutors specialising in trafficking in human beings also provide advice to pre-trial investigation officers and actively participate in good practice sharing events.

Practical training (including theoretical (presentations) and practical (staging) parts, and discussions).

The Lithuanian Police conducts training in accordance with the Special Training Modules Programme "Prevention and Investigation of Trafficking in Human Beings", approved by the Order No 5-V-747 of the Commissioner General of the Lithuanian Police "On the Approval of the Special Training Modules Programme "Prevention and Investigation of Trafficking in Human Beings" of 5 September 2017.

There is also constant monitoring of pre-trial investigations into trafficking in human beings offences through the application of various internal control measures, and methodological and practical assistance is provided to officials where necessary.

Taking into account the increase in the flow of refugees from Ukraine as a result of the open military aggression of the Russian Federation against Ukraine and its people, which started on 24 February 2022, the assessment of the risks of refugees from Ukraine becoming victims of human trafficking and the efforts to manage these risks, the Lithuanian Police has established the Working Group for Coordination of Police Activities for the Protection of Refugees from Ukraine from Becoming Victims of Trafficking in Persons (Order No 5-V-362 "On the Establishment of a Working Group on the Coordination of Police Activities to Protect Refugees from Ukraine from Becoming Victims of Trafficking in Human Beings" of the Commissar General of the Lithuanian Police of 1 April 2022). The Working Group has developed a questionnaire to be used in preventive interviews with those most at risk, and has recruited Ukrainians in the police system that have also been trained to identify potential victims of trafficking.

The main task of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (SBGS) in the fight against human trafficking is to identify potential victims of human trafficking as they are crossing the state border and to prevent the crime from being committed. In this context, the border guards working for the SBGS are periodically and systematically provided with refresher courses on "Combating Trafficking in Human Beings", which provide officers with special knowledge, thus enabling them to effectively prevent and combat trafficking in human beings. The aim of the course is to develop officers' capacity to identify potential victims of trafficking and suspected traffickers. SBGS officers also participated in international seminars, webinars organised by CEPOL, and other events on combating trafficking in human beings. In addition, every year SBGS officers participate in international operations coordinated by the European Border and Coast Guard Agency (FRONTEX), during which they receive initial training on the identification of victims of human trafficking.

At the same time, it should be noted that in 2021, the SBGS has also paid significantly more attention to potential victims of human trafficking among irregular migrants and asylum seekers accommodated in Foreigner's registration centres. Although in the vast majority of cases Lithuania is only a transit country for irregular migrants, where they are not yet exploited, and as this crime is quite latent, criminal intelligence plays a key role. At present, the SBGS does not have criminal intelligence information on trafficking in human beings. In 2017, the SBGS identified 1 case of trafficking in human beings, which was identified through criminal intelligence within the scope of its competence, in the context of the investigation of another criminal offence. Please note that in case of a large number of migrants accumulated in the accommodation places of illegal migrants, a letter (reminder) on identification of victims of trafficking in human beings. i.e. application of the Recommendations, was sent to the structural units of the SBGS in 2021; and that in case of identification of a possible case of trafficking in human beings, a respective notification is issued to the non-governmental organisation providing assistance to victims of trafficking in human beings (24-hour helpline for reporting of cases of trafficking in human beings and/ or its victims: +37061691119).

In response to the Ukrainian refugee crisis and in order to ensure the protocol decision of the Commission for the Coordination of the Fight against Trafficking in Human Beings, on 30 March 2022, the SBGS sent a letter to the Varėna Border Guard Unit regarding the identification of possible victims of human trafficking among Ukrainian war refugees.

The State Labour Inspectorate under the Ministry of Social Security and Labour (SLI) has been following the Recommendations since 2016. The Recommendations set out the actions to be taken by a SLI



inspector who identifies a possible case of human trafficking. The SLI organises annual training on trafficking in human beings for forced labour. On 16 March 2021, training was organised at its own expense for SLI inspectors on the application of good practices for the control of undeclared work and trafficking in human beings for labour exploitation. The training also provided an update on the practical application of the Recommendations. 95 inspectors participated. In addition, 15 SLI inspectors participated in the Anti-Trafficking in Persons Distance Training organised by the US Department of Justice on 3 March 2021.

On August 1, 2020, the Vilnius Territorial Department of the SLI has established a pilot group of inspectors specialised in the fight against trafficking in human beings for forced labour. The main task of the group is to analyse identified potential cases of forced labour, collect and systematise information about them, collect evidence and forward it to the pre-trial investigation authority. During the period 2020-2021, the Group has been in contact with NGOs, Police officers responsible for the control and prevention of trafficking in human beings. During 2021, the team filled in four forms of the identification card of a victim of trafficking in human beings with annexes and handed them over to the pre-trial investigation authorities. Following the success of the group's activities, the following will be added as of 1 June 2022. Another specialised group of inspectors for the fight against trafficking in human beings for forced labour was established in the Kaunas Territorial Department of the SLI.

On 27 September 2021, the SLI participated in a meeting of municipal anti-trafficking coordinators organised by the Ministry of the Interior of the Republic of Lithuania, where we gave a presentation on forced labour and the pilot group of anti-trafficking inspectors. The participants of the meeting were introduced to the rights, duties and initiatives of the SLI in controlling forced labour, as well as to the pilot group of inspectors for the fight against trafficking in human beings for forced labour, its competences and results.

It should be noted that every year, SLI inspectors, together with police officers, take part in inspection weeks organised by the European Police Office *Europol* to identify trafficking in human beings for forced labour. During the campaign, unscheduled inspections are carried out to identify persons who have been illegally (illegally) employed. The information gathered is transmitted to *Europol*.

In 2020, the Employment Service under the Ministry of Social Security and Labour organised 10 trainings on the topic "Combating Human Trafficking" (recognition (identification) of persons who may have been or have been victims of human trafficking, principles of communicating with them and providing assistance to them) for 197 specialists of the Employment Service's customer service units.

The State Child Rights Protection and Adoption Service (hereinafter referred to as the Service) is stepping up its efforts to prevent child trafficking, in particular by preventing unaccompanied foreign children from escaping from state care, or Lithuanian children from escaping from foster care, as well as by better training and supervision of the staff of the institutions dedicated to such children:

1. In January-April 2021, conducted training for the staff of the territorial units of the Office on the topic "Safeguarding the rights and interests of unaccompanied minors, refugee and migrant children". The aim of the training was to get acquainted with the differences in the legal status of foreign minors, the specifics of ensuring their rights and interests and possible difficulties, as well as to discuss the best practices of foreign countries. The training was attended by 230 employees of the Office.

2. In order to improve the competences of the staff working with children deprived of parental care in Community Children's Foster Homes (CCFHs), the Office will, in 2019–2020, provide the following services. The Service has organised training for the staff and family members of the CCFH within the framework of the Training and Counselling Programme for Foster Carers, Guardians, Adoptive Parents, and Staff of Community Children's Foster Homes (hereinafter referred to as the CFCP programme), which provides knowledge and skills to better know and understand the child without parental care, to create a safe environment and to be able to provide assistance and services that meet the child's needs, with a particular focus on children at risk. The training was attended and completed by 595 CCFH staff members.

3. Measure 3.1 "Developing and implementing measures to assess and improve the competences of specialists in the field of child rights protection and/or child welfare", approved by Order No A1-612 of the Minister of Social Security and Labour of the Republic of Lithuania of 5 November 2018, aims to ensure that every employee working in the Care Centre and the CCFH has been trained in accordance with the

CFCP programme. By letter No S-383 of 4 February 2020, the Office issued a recommendation to the Guardianship Centres on the provision of training in the CFCP programme for the staff of the CCFH and Guardianship Centres, which included the duration of the training in the CFCP programme in terms of academic hours (60 acres) and the content of the training to be attended. Also, the training of CCFH staff on the CFCP programme for the period 2021-2022 was carried out by contact. The training was attended and completed by 292 CCFH staff members. .

4. In 2020, the State Child Rights Protection and Adoption Service provided training to 36 child rights specialists on the topic "Identifying victims of child trafficking, assessing the need for assistance and providing assistance". The aim of the training was to provide specialists with theoretical knowledge and practical skills necessary for identifying potential victims of child trafficking, ensuring the safety of minors who are victims of trafficking and providing the necessary assistance.

5. The Service organised qualification and competence development trainings for specialists in the field of child rights protection and child welfare, including those working with unaccompanied minors and/or children deprived of parental care. The Service has initiated and organised the following trainings in 2020-2021:

5.1. 8 hours of training for professionals of the Office on listening to the views of the child in civil and criminal proceedings, attended by 101 professionals (2021).

5.2. 8 hours of training for professionals working in the field of child welfare on "Listening to the opinion of the fostered child in order to better select a foster carer (guardian) that meets the child's needs", 52 employees of foster care centres participated in the training (2020).

5.3. 8 acres-hour training course "Listening to the opinion of a child with a (non)diagnosed developmental disorder and/or disability (mental, physical)", attended by 233 professionals working in the field of child welfare, including 134 professionals from the Service (2020).

5.4. 8 acres of training for the staff of the CPAG and other professionals working in the field of child welfare, on the topic "The role of children's homes in the preparation of a child for foster care and family adoption. Rights and duties of the foster carer, representation of the child's interests", 300 professionals working in the field of child welfare attended the training (2020).

5.5. team training for coordinators of foster care centres, persons certified by the Service, specialists of territorial divisions of the Service and municipal administrations working with children deprived of parental care and coordinating cases of child guardianship (care). The aim of the training is to improve teamwork and cooperation when dealing with cases of temporary or permanent guardianship of a child. Between 2020 and 2021, 234 professionals working in the field of child welfare attended the training, including 52 staff of the Service.

6. In 2021, in cooperation with the Child Victims of Sexual Abuse Assistance Centre of the Foster Home "Užuovėja", the Service prepared recommendations for the specialists of the territorial divisions of the Service on the communication with children who may have been sexually abused and on the provision of the intensive assistance of the mobile team of the Service to the children and/or their legal representatives, in order to ensure that the child's rights and the best interests of the child are guaranteed and that the Service's functions provided for by law are implemented.

7. The Foster Home "Užuovėja" organised training on "Sexual Violence against Children: recognition and response" for the staff of the Service in 2020-2021. The training was attended by 120 staff of the Service.

8. In 2021, the staff of the Mobile Team of the Service participated in the training course "Working with children: identification of children who have experienced violence (sexual, physical, psychological, neglect), first intervention". The aim of the training is to ensure the provision of targeted assistance to a child with an identified child protection need by the mobile team specialists of the territorial divisions of the Service (hereinafter referred to as "MC specialists"), to increase the professionalism of the MC specialists and to improve the quality and effectiveness of the counselling provided by the MC to children who have experienced violence, to improve the ability of the MC specialists in the application of effective

counselling methods for children who have experienced violence, through the work of an intense mobile team. The training was attended by 52 employees of the Service.

9. The Office also cooperates with the National Association Against Trafficking in Human Beings and on 2 June 2022 organised a meeting during which representatives of the National Association Against Trafficking in Human Beings shared their practical experience, presented the possible cases of child trafficking currently faced in Lithuania, as well as the issue of missing children.

Commissioned by the Ministry of Education the National Agency for Education has developed a mobile application "NOU" for the prevention of human trafficking. The app is available free of charge to users on Google Play and Apple Store. It is designed for teachers and students, but can also be used by educational support professionals working in the field of trafficking prevention. The mobile app consists of 3 parts:

1. Simulation game for students aged 14 and up - Playing a job search simulation game, teenagers and young people can assess their earning potential without falling for traffickers' tricks. The game "Neužkibk, o užsidirbk" is based on real-life situations, shows how traffickers are most often operate, an how one can be trapped in human trafficking, and are designed to enable users to recognise the potential dangers and risks involved. The game shows the levels of risk of trafficking in human beings and, as a result, the user is presented with 2 types of choices: one with behavioural choices and the other with real-life stories.

2. Sources of help: contacts of institutions, bodies and organisations operating in Lithuania and abroad are provided so that victims of trafficking can find help - where to apply if they fall into the trap of traffickers.

3. Information: a preventive tool to educate adolescents and young people about the phenomenon of trafficking in human beings, covering topics such as the concept of trafficking in human beings, the risk factors, the dangers and how to avoid them, response and assistance, and other sources of methodological information.

On 19 October 2021, the National Transplantation Bureau under the Ministry of Health (hereinafter - the Bureau) organised a distance learning course. The training was aimed at healthcare professionals preparing donors and was entitled "New forms of trafficking in human beings: organ trafficking, what is it?" The aim of the training was to inform healthcare professionals who prepare donors for organ transplantation about a new form of trafficking in human beings: organ trafficking, what it is, how to recognise it, and the experience of other countries in this area. The training was attended by 65 health professionals delegated from personal health care institutions where donors are prepared.

Healthcare professionals working in the field of organ transplantation shall be guided by the guidelines of the Republic of Lithuania of 19 November 1996 in order to prevent the possibility of organ trafficking. The Law on Donation and Transplantation of Human Tissues, Cells and Organs No. I-162 of 19 November 1996 sets out the conditions and procedures for donation and transplantation.

The National Association against Trafficking in Human Beings (a network of NGOs working in the field of trafficking in human beings) is organising a training on victim identification.

It should also be noted that the Anti-Trafficking in Human Beings Coordination Commission meeting in 2021 examined the effectiveness of the training and tasked the National Association Against Trafficking in Human Beings to coordinate the dissemination of information on the training.

The Consular Department of the Ministry of Foreign Affairs of the Republic of Lithuania organises and conducts annual trainings for diplomats and civil servants going to diplomatic missions and consular offices of the Republic of Lithuania to carry out consular functions, where 1.5 - 2 hours are devoted to reports/information on identifying and assisting victims of trafficking in human beings. In 2019, 30, in 2020, 38, in 2021, 83 and in 2022, 32 staff members participated in the training (in 2020-2022, due to the COVID-19 pandemic, the training has been transferred to the digital space: in 2020 it was held on the Moodle distance learning platform, in 2021 and 2022 on the Microsoft Teams platform). Participants were provided with information on how to identify and assist victims of trafficking in human beings in diplomatic missions and consular offices of the Republic of Lithuania, and on cooperation between Lithuanian competent authorities and NGOs in identifying victims.

Prior to the pandemic, consular officers working in diplomatic missions and consular offices of the Republic of Lithuania were also trained through seminars. In September 2019. The training seminar held at the Embassy of the Republic of Lithuania in Ireland in September 2019 was attended by 25 consular officers from Lithuanian embassies in Ireland, Great Britain, Norway and Spain, representatives of foreign Lithuanian communities, employees of the Consular Department of the Ministry of Foreign Affairs of the Republic of Lithuania, a representative of a Lithuanian NGO, as well as representatives of the Irish police, the Ministry of Justice of the Republic of Lithuania and representatives of an NGO working in Ireland. The seminar shared experiences, discussed the issues of cooperation between the missions and the Lithuanian communities in the field of prevention of trafficking in human beings, as well as the problems of identification and assistance to victims in different countries.

In November 2019, the Consulate of the Republic of Latvia in Valencia hosted a regional training for consular scribes, who are the first people to greet people who contact the diplomatic mission. 17 scribes working on contract in Lithuanian diplomatic missions and consular posts in the EU, Norway and Israel participated. The participants listened to a presentation by representatives of the Consular Department of the Ministry of Foreign Affairs on the identification of a victim of human trafficking.

During the COVID-19 pandemic, Lithuanian consular officers residing in countries where the highest number of victims of trafficking in human beings is found, participated in remote anti-trafficking events (trainings, seminars, conferences) organised by the U.S. Embassy in Vilnius, the competent institutions and organisations of Lithuania and other EU countries.

In 2020, the Consular Department of the Ministry of Foreign Affairs of the Republic of Lithuania, on the basis of the material provided by the Ministry of the Interior of the Republic of Lithuania, has developed a course "Trafficking in human beings and its prevention" on the distance learning platform Moodle, aimed at clerks working in Lithuanian diplomatic missions and consular offices. In September–December, 68 consular clerks accessed and completed the course material.

The Ministry of the Interior of the Republic of Lithuania (MoI) actively contributes to improving the qualifications of officials and municipal specialists in the identification of victims of trafficking in human beings, for example:

An international seminar on "Responsibility and Role of the Diaspora in Combating Trafficking in Human Beings" was organised under the chairmanship of the Baltic Sea Council Working Group on Combating Trafficking in Human Beings. In view of the increasing influx of these diasporas to the European Union countries, the aim was to find out why the Republic of Lithuania is a transit country for these emigrants and where these persons go from Lithuania. During the seminar, Baltic law enforcement officials and labour inspectors also adopted the experience of officials from the Kingdom of the Netherlands and Poland on the factors and determinants of trafficking for forced labour, criminal offences and sexual exploitation in the Asian and African diasporas based in EU countries.

In December 2020, the MoI organised a seminar on "Trafficking in Human Beings. Comprehensive Assistance to Victims. Prevention". During the seminar, the training platform on human trafficking<sup>42</sup>, developed for the MoI, was presented. The platform is designed to provide a broad spectrum of professionals with information on trafficking in human beings and its forms, to learn how to identify victims of trafficking in human beings, as well as to improve the skills of prosecutors in conducting pre-trial investigations. Over 250 participants from various institutions (law enforcement officers, municipal staff, psychologists and social workers, consuls, lawyers, judges) attended the seminar. Currently, more than 300 professionals from various fields are registered and self-studying on trafficking in human beings on the training platform.

In order to broaden the knowledge about the peculiarities of recruitment of Lithuanians for exploitative work in other countries, a study was conducted in Lithuania (as the country of origin) in March-May 2020 within the framework of the Council of the Baltic Sea States-funded project CAPE, in order to identify the recruitment methods and means used by recruitment agents (natural and legal persons), as well as the other reasons why Lithuanian job seekers believe in the promises of recruitment agents of excellent

<sup>42</sup>Internet Source: Ministry of the Interior of the Republic of Lithuania distance learning course on human trafficking: <https://pzmokymai.vrm.lt/>

working conditions abroad and end up in exploitative working conditions. The results of the survey were presented to the specialists of the Employment Service under the Ministry of Social Security and Labour.

In 2021, in order to increase the capacity of specialists and officials in various fields to identify human trafficking crimes, the MoI produced and distributed 45,000 leaflets on the most common forms of trafficking in human beings in Lithuania, as well as on the characteristics of adults and children that indicate that a person is a potential victim of trafficking. The leaflet also contains a QR code for professionals to access the legislation on the victim referral mechanism - the Recommendations.

The Lithuanian Criminal Police Bureau, commissioned by the Ministry of the Interior, carried out a study on the "Reasons for the decrease (non-initiation) of pre-trial investigations of trafficking in human beings and related crimes (under Articles 147, 147<sup>1</sup>, 147<sup>2</sup> and 157 of the Criminal Code of the Republic of Lithuania) in the period 2018-2021". This study aimed to find out, among other things, possible problems in identifying cases of trafficking in human beings, as well as the reasons for the refusal to open a pre-trial investigation into trafficking in human beings in the period 2018-2021. The results of the study showed the need for inter-institutional and specialised training in order to improve the capacity of staff, professionals and officials of different institutions and bodies to identify victims of trafficking in human beings in a proper, qualitative and timely manner.

Every year, the Ministry of Social Security and Labour of the Republic of Lithuania funds NGO projects aimed at providing social assistance to victims and potential victims of human trafficking. NGOs provide free, timely social assistance to victims of trafficking in human beings: temporary accommodation, social services (information, counselling, mediation, representation, provision of essential clothing and footwear, organisation of meals, personal hygiene and care services, organisation of transport, socio-cultural services), psychological, health, legal, educational assistance, assistance during pre-trial and trial proceedings, employment and job placement, as well as with the processing of personal documents, etc.), as well as a 24-hour, 7-day-a-week free telephone line. The NGO provides assistance to all victims or potential victims of trafficking in human beings, including men and foreigners.

- **Improve assistance for victims of trafficking, by guaranteeing the availability of accommodation and assistance for all victims of THB, including men and foreign victims, providing adequate advance financing for specialised NGOs assisting victims of THB, and ensuring access of victims to health care, irrespective of their residence address;**

Every year, the Ministry of Social Security and Labour of the Republic of Lithuania finances NGO projects, funded by the state budget, aimed at providing social assistance to victims and potential victims of human trafficking. In 2021, EUR 300,000 from the state budget has been allocated for the implementation of the project. It should be noted that funding for victim assistance has increased significantly in the last five years, e.g. in 2017, EUR 80,000 was allocated for victim assistance.

Victims and presumed victims of trafficking do not need to be formally identified as victims of trafficking to receive assistance. Also, assistance is provided irrespective of whether the victims co-operate with law enforcement authorities or not. However, unconditional assistance is only provided to Lithuanian nationals and those with a right of residence in the country.

State funded specialized NGOs provide assistance based on individual needs of victims and presumed victims of trafficking:

- Counselling;
- Assistance in liaising with state and local government authorities;
- Psychological assistance;
- Legal assistance;
- Urgent medical assistance;
- Safe accommodation;
- Social services (information, consultations, intermediation and representation, catering, clothes, transportation, socio-cultural and hygienic services);
- Labour market integration.

There are several NGOs specialised providing support for the victims of human trafficking:

**National association against trafficking in human beings.** Founded in 2019, National Anti-Trafficking Association is a non-governmental organization, a unifying organization that provides comprehensive Lithuanian social assistance to victims of human trafficking, the entirety of which covers the entire territory. E-mail: [info@stop-trafficking.lt](mailto:info@stop-trafficking.lt) or a 24/7 +370 616 91119.

The association consists of the members of non-governmental organizations working in the field of assistance for the victims of human trafficking:

- *Centre against Human Trafficking and Exploitation.* The centers are located in Kaunas, Vilnius, Klaipėda, Šiauliai, Panevėžys, Marijampolė, Tauragė. Assistance is provided to female, male victims and children. Email: [centras@anti-trafficking.lt](mailto:centras@anti-trafficking.lt) or a 24/7 information hotline (+370) 679 61617
- *Missing Persons Families Support Centre in Vilnius* provides assistance to female and male victims. Email: [centras1@missing.lt](mailto:centras1@missing.lt) or phone (+370) 652 98187 (24/7).
- *Association Men' Crisis Centre in Kaunas* provides assistance to men and boys. Email: [info@vyrukizes.lt](mailto:info@vyrukizes.lt) or a 24/7 information hotline (+370) 662 26770.
- *Klaipėda Social and Psychological Support Centre* provides assistance and support to women and girls. Email: [kmn@moteriai.lt](mailto:kmn@moteriai.lt) or phone (+370) 607 81688 (M-F: 9.00-18.00). Free of charge 24/7 hotline for women (+370) 8 800 66366.
- *Caritas in the Vilnius Archdiocese* provides assistance and support to female, male victims and children. E-mail: [pagalba@vilnius.caritas.lt](mailto:pagalba@vilnius.caritas.lt) or a 24/7 information hotline (+370) 699 90866.

In addition, victims who cooperate with law enforcement are entitled to receive assistance related to pre-trial investigation (accompanying to and support during interviews, transportation to interviews, legal aid etc.).

Foreign victims of human trafficking are entitled to receive the same long-term assistance as citizens of the Republic of Lithuania within the limits of available funds. Assistance is organised and coordinated by specialised NGOs in cooperation with the administration and social service of the municipality where the foreigner is registered. Based on the Law on Social Services, municipalities are responsible for providing and financing social services and assistance for residents of the municipality. However, municipalities are not eligible specifically to seek any reimbursement/extra funding for assisting officially identified victims of trafficking who are residents in the municipality.

In 2021, the Description of the provision of personal health care services to female persons who may have experienced sexual violence<sup>43</sup> established. Description establishes requirements for personal health care institutions (hereinafter - ASPI), personal health care specialists who provide services to female persons who may have experienced sexual violence, premises and medical equipment of personal health care institutions providing these services, as well as the organization of these services. Assistance in five ASPI will be available continuously (24/7), and if necessary, transportation to the nearest one is organized.

- **Review the procedure for granting a recovery and reflection period and ensure that all possible victims of trafficking, including EU and EEA citizens, are effectively provided such a period with all the measures of protection envisaged by the Convention;**

It should be noted that Articles 40 and 130 of the Law on the Legal Status of Aliens provide that an alien who has been granted a period of decision-making in accordance with the established procedure, during which he or she, as a current or former victim of trafficking in human beings, must decide whether to cooperate with the pre-trial investigation body or the court, shall not be expelled from Lithuania or returned to a foreign country. Such a foreigner shall be issued with a temporary residence permit valid for a maximum period of one year. In addition, the Government of the Republic of Lithuania, by its Resolution No 430 of 18 April 2012, approved the Description of the procedure for granting a period of self-determination to an alien who is or has been a victim of trafficking in human beings-related crimes, during

<sup>43</sup>Description of the provision of personal health care services to female persons who may have experienced sexual violence. Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/16b74191f16d11ebb4af84e751d2e0c9?jfwid=bkaxlhw2>

which he/she has to make a decision on whether or not to co-operate with a pre-trial investigation body or a court, which sets out the procedure for granting a period of self-determination for an alien.

In 2021, the issue of the practical implementation of this period for foreign nationals was raised at a meeting of the Commission for the Coordination of the Fight against Trafficking in Human Beings. It stated that there is no practical experience with the application of such a procedure in Lithuania, as the victim of trafficking is immediately interviewed by an official and is not given time to reflect on whether he/she would like to communicate with an official on this issue. The authorities have been instructed to submit to the Ministry of the Interior, within their competence, proposals for amending the legal framework in order to provide third-country nationals who may have been victims of trafficking in human beings with a period of reflection and rehabilitation without direct contact with the law enforcement authorities. In view of the disagreement between the institutions on this issue, an expert-level consultation was organised on 7 June 2022. It was noted that there is a conflict between legal regulation and practice, as a pre-trial investigation must be opened irrespective of the victim's willingness to cooperate, as the CPC obliges both the investigator and the prosecutor to open a pre-trial investigation if there are indications of a criminal activity. The granting of victim status to the victim is subject to the decision of the law enforcement officer (there is no specific time limit), but law enforcement officers have a duty to collect all relevant data for the investigation as soon as possible. In view of this, it was decided to:

1. The General Prosecutor's Office of the Republic of Lithuania, in cooperation with the National Association Against Trafficking in Human Beings, to evaluate the practice of implementation of the Recommendations and, if appropriate, to ensure that pre-trial investigation officials and prosecutors take into account the victim's right to decide to cooperate for a period of time, e.g. the victim is interviewed last, after all other possible data has been collected, as the period of decision-making and rehabilitation cannot be a condition for the opening of pre-trial investigation.

2. The Migration Department under the Ministry of the Interior of the Republic of Lithuania (MoI) and the National Association Against Trafficking in Human Beings to consider the possibility of amending the MoI resolution on the provision of rehabilitation and self-determination to a foreigner, whereby an NGO representing a victim of trafficking in human beings would apply directly to the MoI, and to make proposals to the MoI on the amendment of the legal act.

➤ **Strengthen efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector;**

The legal framework of the Republic of Lithuania fully ensures that all crimes related to trafficking in human beings are adequately criminalised in national law and subject to strict criminal liability, and that victims of such crimes are provided with comprehensive legal and, if necessary, physical protection during criminal proceedings.

April 2021. In April 20 2020, the Government of the Republic of Lithuania discussed the Draft Law No XIIIP-4099 on the Supplementation of the Criminal Code with Article 147<sup>3</sup> and the Draft Law No XIIIP-4100 on the Repeal of Article 487 of the ANC. This draft proposed to criminalise the use of sexual services for remuneration, while abolishing administrative liability not only for the use of prostitutes for remuneration, but also for the practice of prostitution. The draft was partially approved. The draft is now submitted to the Seimas of the Republic of Lithuania.

➤ **Take additional steps to ensure that all victims of trafficking can fully benefit in practice from the right to obtain a renewable residence permit, without prejudice to the right to seek and enjoy asylum;**

Article 40 of the Law on the Legal Status of Aliens regulates the grounds for issuing and changing a temporary residence permit in the Republic of Lithuania. Paragraph 12 of this Article regulates that

"he/she is allowed to stay in the Republic of Lithuania because he/she is or has been a victim of trafficking in human beings or illegal work and cooperates with the pre-trial investigation body or the court in the

fight against trafficking in human beings or crimes related to trafficking in human beings or illegal work, where the work has been carried out in conditions of extreme exploitation or where a minor has been employed;"

Article 49<sup>1</sup> of the same Law "Issuance of a temporary residence permit to a foreigner who cooperates with a pre-trial investigation body or a court in combating trafficking in human beings or crimes related to trafficking in human beings or illegal work" provides:

1. A temporary residence permit may be issued to an alien who is or has been a victim of trafficking in human beings or illegal employment and who cooperates with a pre-trial investigation agency or a court in combating trafficking in human beings or offences related to trafficking in human beings or illegal employment, in cases of extremely exploitative working conditions or in cases where a minor has been employed, provided that the pre-trial investigation agency or a court mediates the issue of a temporary residence permit to such an alien.

2. A temporary residence permit is issued for 6 months to an alien who is the subject of an intermediary action by a pre-trial investigation agency or a court.

3. The temporary residence permit referred to in paragraph 2 of this Article may be amended if it is subject to mediation by a pre-trial investigation body or a court.

4. After the issue of a temporary residence permit to an alien referred to in paragraph 1 of this Article, the alien shall be allowed, by decision of the intermediary pre-trial investigation agency or the court, to take up residence in a place of his/her choice or in a place determined by the said agency.

5. A foreigner who has been issued a temporary residence permit on the grounds provided for in Article 40(1)(12) of this Law and who does not have sufficient means of subsistence shall have the right to receive necessary medical assistance as well as social services in accordance with the procedure laid down by the legislation of the Republic of Lithuania.

6. A foreigner who has been issued a temporary residence permit on the grounds provided for in Article 40(1)(12) of this Law shall have the right to work during the period of validity of the temporary residence permit.

Article 65 of the same Law provides that a foreigner has the right to apply for and receive asylum in the Republic of Lithuania in accordance with the procedure established by this Law. If there are indications that an alien in a detention facility, border control point or transit zone may wish to apply for asylum, such alien shall be provided with information in a language which he/she understands about this right and the applicable procedures.

➤ **Continue developing a comprehensive and coherent statistical system on THB by eliminating any inconsistencies in the data collected by different agencies.**

Sub-paragraph 1.2.1 of the Resolution of the Government of the Republic of Lithuania of 23 November 2016 No 1161 "On the National Rapporteur of the Republic of Lithuania on Combating Trafficking in Human Beings" provides that the National Rapporteur, in the performance of his/her tasks in accordance with the procedure established by the Minister of the Interior, shall collect and publish on the website of the Ministry of the Interior statistics and other information on the situation of trafficking in human beings and on the measures and actions taken in the fight against trafficking. In this regard, Order No 1V-245 of 31 March 2017 of the Minister of the Interior of the Republic of Lithuania approved a description of the procedure for collecting and publishing statistical data and other information on the situation of trafficking in human beings and measures and actions to combat trafficking in human beings, on the basis of which data on the situation of trafficking in human beings in Lithuania are collected and analysed annually by various ministries, institutions and organisations and an overview of the year in question is published on the Ministry's website.

It should be noted that the Ministry has repeatedly encountered inconsistencies in the data provided regarding the number of pre-trial investigations and the number of persons recognised as victims of trafficking in human beings, but the Ministry has been addressing the problem by cooperating with the pre-trial investigation authorities in the joint analysis of the data provided.



## Part III - Statistics on THB

**14. Please provide the following statistics, per year starting with 2015, where available disaggregated as indicated below:**

- **Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

Below is the data on persons who were recognised as victims of trafficking in human beings in pre-trial investigations conducted in the Republic of Lithuania in 2015–2021:

### 2015

62 victims in total:

*By gender and age:* 45 adults (24 women, 21 men) and 17 children (12 girls and 5 boys).

*By form of exploitation, gender and nature of the destination country:*

21 persons (11 women and 10 girls) - trafficking for prostitution, domestic and international trafficking;

32 persons (8 women, 17 men, 2 girls and 5 boys) - trafficking in human beings for criminal activities, international trafficking in human beings;

5 persons (1 woman and 4 men) - trafficking in human beings for forced labour, international trafficking;

4 persons (4 women) - trafficking for forced marriage, international trafficking.

*By nationality:* 61 victims were citizens of the Republic of Lithuania, 1 was a citizen of the Russian Federation.

### 2016

45 victims in total:

*By sex and age:* 41 adults (19 women, 22 men) and 4 children (1 girl and 3 boys);

*By form of exploitation, gender and nature of the destination country:*

11 persons (11 women, including 1 girl) - trafficking in human beings for prostitution, domestic and international trafficking;

14 persons (14 men, 3 of them boys) - trafficking in human beings for criminal offences, international trafficking in human beings;

12 persons (9 men and 3 women) - trafficking in human beings for forced labour, international trafficking;

5 persons (5 women) - trafficking for forced marriage, international trafficking;

2 persons (2 men) - trafficking in human beings for criminal offences and forced labour, international trafficking;

1 person (1 woman) - no form identified (the person was not exploited, offered to buy the child in Lithuania), internal trafficking.

*By nationality:* 44 victims were citizens of the Republic of Lithuania, 1 was a Colombian citizen.

### 2017

60 victims in total:

*By gender and age:* 50 adults (20 women and 30 men) and 8 children (5 girls and 3 boys).

*By form of exploitation, gender and nature of the destination country:*

35 people (24 men and 11 women) - trafficking for forced labour, domestic and international trafficking;

11 persons (7 men, 1 boy and 3 women) - trafficking in human beings for criminal offences, domestic and international trafficking in human beings;

9 persons (6 women, 3 girls) - trafficking for sexual exploitation, domestic and international trafficking;

2 persons (a boy and a girl) - trafficking in human beings for the purpose of illegal adoption, internal trafficking;

1 person (female) - trafficking for forced marriage, international trafficking.

*By nationality:* 18 victims were citizens of the Federal Democratic Republic of Nepal (male), 2 victims were citizens of Ukraine, 40 victims were citizens of Lithuania.

## 2018

44 victims in total:

*By sex and age:* 43 (34 women and 9 men) and 1 child (1 boy).

*By form of exploitation, gender and nature of the destination country:*

31 persons (women) - trafficking for sexual exploitation and forced labour, internal trafficking;

8 persons (5 men, 1 child and 2 women) - trafficking in human beings for criminal offences, domestic and international trafficking in human beings;

4 persons (3 men and 1 woman) - trafficking in human beings for forced labour, international trafficking;

1 person (male) - trafficking in human beings for begging, internal trafficking;

*By nationality:* 44 of the victims were citizens of the Republic of Lithuania.

## 2019

39 victims in total:

*By gender and age:* 35 adults (17 women and 18 men) and 4 children (1 girl and 3 boys).

*By form of exploitation, gender and nature of the destination country:*

17 persons (15 women, 1 girl and 1 man) - trafficking for sexual exploitation, domestic and international trafficking;

10 persons (8 men and 2 boys) - trafficking in human beings for criminal offences, domestic and international trafficking;

7 persons (6 men and 1 woman) - trafficking for forced labour, domestic and international trafficking;

3 persons (2 men and 1 woman) - human trafficking for fraud, internal trafficking;

2 persons (1 man and 1 boy) - trafficked for begging, internal trafficking.

*By nationality:* 33 victims were citizens of the Republic of Lithuania, 4 victims were citizens of the Republic of Ukraine (2 men and 2 women) and 2 victims were citizens of the Czech Republic (2 men).

## 2020

24 victims in total:

*By sex and age:* 43 adults (16 women and 7 men) and 1 child (boy)

*By form of exploitation, gender and nature of the destination country:*

9 persons (women) - trafficking for sexual exploitation, internal trafficking;

6 persons (3 men and 3 women) - trafficking for forced labour, internal trafficking;

6 persons (5 men and 1 woman) - trafficking in human beings for criminal offences, domestic and international trafficking in human beings;

3 persons (women) - trafficking for forced marriage, domestic and international trafficking.

*By nationality:* 21 victims are citizens of the Republic of Lithuania, 1 victim is a citizen of the Czech Republic (male), 1 victim is a citizen of the Kingdom of Thailand (female) and 1 victim is a citizen of the Republic of India (female).

## 2021

26 victims in total:

*By sex and age:* 25 adults (10 women and 15 men) and 1 child (1 boy).

*By form of exploitation, gender and nature of the destination country:*

10 persons (6 men and 4 women) - trafficking for forced labour, domestic and international trafficking;

9 persons (7 men, 1 boy and 1 woman) - trafficking in human beings for the purpose of committing criminal offences, international trafficking;

4 persons (2 men and 2 women) - human trafficking for fraud, internal trafficking;

3 persons (women) - trafficking for sexual exploitation, domestic and international trafficking.

*By nationality:* 24 victims are citizens of the Republic of Lithuania, 1 victim (male) is a citizen of the Kingdom of Cambodia and 1 victim (male) is a citizen of the Republic of Tajikistan.

- **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**

No such persons were identified.

- **Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

Below are the data on people who received comprehensive assistance from NGOs in 2015-2021:

### **2015**

Comprehensive assistance was organised for 139 people who had been or could have been victims of trafficking in human beings.

*By sex and age:* 119 adults (47 men and 72 women) and 20 children.

*By form of exploitation and gender:*

55 people trafficked for sexual exploitation;

42 people *are* trafficked for forced labour;

42 people are trafficked for other forms of exploitation.

*By country of destination:* 69 victims of domestic trafficking, 70 victims of international trafficking.

*By nationality:* no data.

### **2016**

Comprehensive assistance was organised for 179 persons who had been or could have been victims of trafficking in human beings.

*By sex and age:* 168 adults (88 men and 80 women) and 11 children.

*By form of exploitation and gender:*

59 people trafficked for sexual exploitation;

59 people *are* trafficked for forced labour;

52 persons for trafficking in human beings offences;

9 persons are trafficked for other forms of exploitation.

*By country of destination:* 76 victims of domestic trafficking, 103 victims of international trafficking.

*By nationality:* 177 persons - citizens of the Republic of Lithuania, 2 persons - foreigners.

### **2017**

Comprehensive assistance was organised for 219 people who had been or could have been victims of trafficking in human beings.

*By sex and age:* 181 adults (103 men and 78 women) and 38 children (19 boys and 19 girls).

*By form of abuse and gender:* no data available.

*By country of destination:* 112 victims of domestic trafficking, 107 victims of international trafficking.

*By nationality:* 179 persons - citizens of the Republic of Lithuania, 40 persons - foreigners.

### **2018**

Comprehensive assistance was organised for 239 persons who had been or could have been victims of trafficking in human beings.

*By gender and age:* 234 adults and 5 children.

*By form of abuse and gender:* no data available.

*By country of destination:* 112 victims of domestic trafficking, 107 victims of international trafficking.

*By nationality:* 203 persons - citizens of the Republic of Lithuania, 36 persons - foreigners.

### **2019**

Comprehensive assistance was organised for 224 people who had been or could have been victims of trafficking in human beings.

*By sex and age:* adults (116 men and 108 women).

*By form of exploitation and gender:*

100 people are trafficked for forced labour;

66 people trafficked for sexual exploitation;

58 persons - other forms of trafficking in human beings;

*By country of destination:* 110 victims of domestic trafficking, 114 victims of international trafficking.  
*By nationality:* 211 persons - citizens of the Republic of Lithuania, 13 persons - foreigners.

## **2020**

Comprehensive assistance was organised for *208 persons* who had been or could have been victims of trafficking in human beings.

*By sex and age:* 194 adults (106 men and 88 women) and 14 children (6 boys and 8 girls).

*By form of exploitation and gender:*

110 people (73 men and 37 women) were trafficked for forced labour;

45 persons (38 men and 7 women) for trafficking in human beings offences;

44 persons (women) - trafficked for sexual exploitation;

6 persons (women) - trafficked for forced marriages;

2 persons (1 man and 1 woman) - human trafficking for fraud.

*By country of destination:* 138 victims of domestic trafficking, 70 victims of international trafficking.

*By nationality:* 172 persons - citizens of the Republic of Lithuania, 36 persons - foreigners.

## **2021**

Comprehensive assistance was organised for *247 persons* who had been or could have been victims of trafficking in human beings.

*By sex and age:* 239 adults (145 men and 93 women) and 8 children (4 boys and 4 girls).

*By form of exploitation and gender:*

125 people (90 men and 35 women) were trafficked for forced labour;

66 persons (54 men and 12 women) for trafficking in human beings offences;

42 persons (42 women) trafficked for sexual exploitation;

8 persons (4 men and 4 women) - human trafficking for fraud;

3 persons (3 women) trafficked for forced marriages;

2 persons (1 man and 1 woman) - trafficking for begging.

*By country of destination:* 159 victims of domestic trafficking, 91 victims of international trafficking.

*By nationality:* no data.

### ➤ **Number of child victims of THB who were appointed legal guardians.**

In 2015, one case of trafficking in human beings was detected in a child who was in the care of a children's home at the time of the incident, and one case of trafficking in human beings was detected in a child living with a family, but there is no data available on whether or not the child was subsequently placed in care.

In 2016, one case of trafficking in human beings was detected in a child living in an institution and one case of trafficking in human beings was detected in a child living in a family, who was placed in temporary care in a Community Children's Home after the incident.

In 2017, there was also one case of trafficking in human beings of a child growing up in a family, who was placed in temporary institutional care as a result of these events.

In 2018, 3 cases of trafficking in human beings were detected in one children's institution for its wards.

No further cases of trafficking in human beings have been identified since the beginning of 2019 up to the date of completion of this questionnaire.

In all identified cases of possible child trafficking, psychological, legal and social assistance was provided to minors, and cooperation was established with a non-governmental organisation providing assistance to victims of trafficking.

| Year | PJ for children in care | PJ cases detected in children living in families | Children in families placed in care after a PE determination |
|------|-------------------------|--------------------------------------------------|--------------------------------------------------------------|
| 2015 | 1                       | 1                                                | -                                                            |
| 2016 | 1                       | 1                                                | 1                                                            |
| 2017 | 0                       | 1                                                | 1                                                            |
| 2018 | 3                       | 0                                                | 0                                                            |
| 2019 | 0                       | 0                                                | 0                                                            |
| 2020 | 0                       | 0                                                | 0                                                            |
| 2021 | 0                       | 0                                                | 0                                                            |
| 2022 | 0                       | 0                                                | 0                                                            |

- **Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).**

No rehabilitation and reflection period was provided in the 2015-2021 period.

- **Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).**

| Nationality | Year of TRP* issuance | Sex    | Age | Form of exploitation              | Number of persons |
|-------------|-----------------------|--------|-----|-----------------------------------|-------------------|
| Colombia    | 2020                  | Female | 35  | Exploitation for the prostitution | 1                 |
| Tajikistan  | 2021                  | Male   | 40  | Forced labour or services         | 1                 |
| Kenya       | 2021                  | Female | 43  | Forced labour or services         | 1                 |
| Kenya       | 2021                  | Female | 39  | Forced labour or services         | 1                 |

- **Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).**

No such status has been granted for the period 2015-2021.

- **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).**

Number of victims in the cases of human trafficking who have been ordered by the court of first instance to pay pecuniary or non-pecuniary damage:

| No.         | Victim's gender | Amount awarded (EUR) | Type of damage             |
|-------------|-----------------|----------------------|----------------------------|
| <b>2014</b> |                 |                      |                            |
| 1.          | Female          | 289.62<br>4 344.30   | Pecuniary<br>Non-pecuniary |
| 2.          | Female          | 1 448.10             | Non-pecuniary              |
| 3.          | Female          | 291.65<br>5 792.40   | Pecuniary<br>Non-pecuniary |
| 4.          | Female          | 233.72<br>6 371.74   | Pecuniary<br>Non-pecuniary |

|             |        |                   |                            |
|-------------|--------|-------------------|----------------------------|
| 5.          | Female | 1 448.10          | Non-pecuniary              |
| 6.          | Female | 4 344.30          | Non-pecuniary              |
| 7.          | Female | 4 344.30          | Non-pecuniary              |
| <b>2015</b> |        |                   |                            |
| 8.          | Female | 1 000             | Non-pecuniary              |
| 9.          | Female | 4 000             | Non-pecuniary              |
| 10.         | Female | 6 000             | Non-pecuniary              |
| 11.         | Female | 7 240.50          | Non-pecuniary              |
| 12.         | Male   | 2 896.20          | Non-pecuniary              |
| <b>2016</b> |        |                   |                            |
| 13.         | Female | 4 000             | Non-pecuniary              |
| 14.         | Female | 2 000             | Non-pecuniary              |
| 15.         | Male   | 5 000             | Non-pecuniary              |
| 16.         | Male   | 5 000             | Non-pecuniary              |
| 17.         | Male   | 1 000             | Non-pecuniary              |
| 18.         | Male   | 4 000             | Non-pecuniary              |
| 19.         | Male   | 500               | Non-pecuniary              |
| 20.         | Male   | 275.14<br>200     | Pecuniary<br>Non-pecuniary |
| 21.         | Female | 5 000             | Non-pecuniary              |
| 22.         | Male   | 5 000             | Non-pecuniary              |
| 23.         | Female | 6 000             | Non-pecuniary              |
| 24.         | Female | 2 000             | Non-pecuniary              |
| 25.         | Male   | 1 448             | Pecuniary                  |
| 26.         | Male   | 1 149.74<br>2 027 | Pecuniary<br>Non-pecuniary |
| <b>2017</b> |        |                   |                            |
| 27.         | Male   | 700               | Non-pecuniary              |
| 28.         | Female | 4 228.45          | Non-pecuniary              |
| 29.         | Female | 4 344.30          | Non-pecuniary              |
| 30.         | Female | 4 344.30          | Non-pecuniary              |
| 31.         | Female | 4 300             | Non-pecuniary              |
| 32.         | Male   | 300               | Non-pecuniary              |
| 33.         | Male   | 450               | Non-pecuniary              |
| 34.         | Male   | 3 000             | Non-pecuniary              |
| 35.         | Female | 3 000<br>500      | Non-pecuniary              |
| 36.         | Female | 2 000             | Non-pecuniary              |
| 37.         | Female | 1 500             | Non-pecuniary              |
| 38.         | Female | 1 000             | Non-pecuniary              |
| 39.         | Male   | 5 000             | Non-pecuniary              |
| <b>2018</b> |        |                   |                            |
| 40.         | Male   | 1 000             | Non-pecuniary              |
| 41.         | Female | 1 000             | Non-pecuniary              |
| 42.         | Female | 5 000             | Non-pecuniary              |
| 43.         | Male   | 450               | Non-pecuniary              |
| 44.         | Male   | 500               | Non-pecuniary              |
| 45.         | Female | 3 000             | Non-pecuniary              |
| 46.         | Female | 1 000             | Non-pecuniary              |
| 47.         | Female | 2 000             | Non-pecuniary              |
| 48.         | Male   | 2 500             | Non-pecuniary              |
| 49.         | Female | 5 000             | Non-pecuniary              |
| 50.         | Male   | 1 000             | Non-pecuniary              |

|             |        |                                         |                            |
|-------------|--------|-----------------------------------------|----------------------------|
| 51.         | Female | 7 000                                   | Non-pecuniary              |
| 52.         | Female | 3 000                                   | Non-pecuniary              |
| 53.         | Male   | 8 000                                   | Pecuniary                  |
| 54.         | Male   | 5 000                                   | Non-pecuniary              |
| 55.         | Female | 200                                     | Non-pecuniary              |
| 56.         | Female | 3 000                                   | Non-pecuniary              |
| 57.         | Female | 200                                     | Non-pecuniary              |
| 58.         | Female | 4 000                                   | Non-pecuniary              |
| 59.         | Female | 8 000                                   | Non-pecuniary              |
| 60.         | Female | 3 000                                   | Pecuniary                  |
| 61.         | Female | 2 000                                   | Pecuniary                  |
| 62.         | Female | 2 000                                   | Non-pecuniary              |
| 63.         | Female | 300                                     | Non-pecuniary              |
| <b>2019</b> |        |                                         |                            |
| 64.         | Male   | 2 000                                   | Non-pecuniary              |
| 65.         | Male   | 3 000                                   | Non-pecuniary              |
| 66.         | Male   | 5 000                                   | Non-pecuniary              |
| 67.         | Male   | 3 000                                   | Non-pecuniary              |
| 68.         | Female | 2 500                                   | Non-pecuniary              |
| 69.         | Male   | 4 000                                   | Non-pecuniary              |
| 70.         | Female | 4 000<br>144,31<br>In total: 4 144,31   | Non-pecuniary<br>Pecuniary |
| 71.         | Female | 7 000                                   | Non-pecuniary              |
| 72.         | Female | 4 000                                   | Non-pecuniary              |
| 73.         | Male   | 3 480<br>2 638,96<br>In total: 6 118,96 | Non-pecuniary<br>Pecuniary |
| 74.         | Female | 1 500<br>2 714,15<br>In total: 4 214,15 | Non-pecuniary<br>Pecuniary |
| 75.         | Female | 1 892,19                                | Pecuniary                  |
| 76.         | Male   | 1 737,72                                | Pecuniary                  |
| 77.         | Female | 5 498,91                                | Pecuniary                  |
| 78.         | Female | 6 986,03                                | Pecuniary                  |
| 79.         | Female | 5 295,50                                | Pecuniary                  |
| 80.         | Female | 965                                     | Pecuniary                  |
| 81.         | Female | 3000<br>3844,48<br>In total: 6 844,48   | Non-pecuniary<br>Pecuniary |
| 82.         | Male   | 695                                     | Pecuniary                  |
| 83.         | Female | 7000                                    | Non-pecuniary              |
| <b>2020</b> |        |                                         |                            |
| 84.         | Male   | 1 500                                   | Non-pecuniary              |
| 85.         | Male   | 2 000                                   | Non-pecuniary              |
| 86.         | Female | 2 000                                   | Non-pecuniary              |
| 87.         | Male   | 2 000                                   | Non-pecuniary              |
| 88.         | Male   | 2 000                                   | Non-pecuniary              |
| 89.         | Male   | 2 000                                   | Non-pecuniary              |
| 90.         | Male   | 500<br>275,14<br>In total: 775,14       | Non-pecuniary<br>Pecuniary |
| 91.         | Male   | 500                                     | Non-pecuniary              |

|     |      |       |               |
|-----|------|-------|---------------|
| 92. | Male | 2 000 | Non-pecuniary |
|-----|------|-------|---------------|

- **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**

We are not aware of any other financial support for victims of trafficking in human beings other than payments from the Fund for Victims of Violent Crime.

Please note that the systematisation of compensation paid for individual offences for statistical purposes only started in October 2021. Since October 2021: 6 cases of trafficking in human beings, with a total payment of €13,398.

- **Number of victims of THB who received free legal aid.**

Below are the data on persons who have received state-guaranteed secondary legal aid:

No data available for 2015-2017.

78 victims in 2018;

8 victims in 2019;

4 victims in 2020;

13 victims in 2021.

- **Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).**

On 17 November 2020, the Minister of Foreign Affairs of the Republic of Lithuania approved a new description of the procedure for the identification of victims of trafficking in human beings in foreign countries, the provision of assistance to them, and the use of funds for the return of victims and for the prevention of trafficking in human beings<sup>44</sup>. According to this Regulation, victims of trafficking in human beings are identified in diplomatic missions and consular offices of the Republic of Lithuania, assistance is provided, and, if necessary, material assistance is provided to victims returning to Lithuania free of charge.

| Consular officers of the Republic of Lithuania identified and provided assistance to victims or potential victims of trafficking in human beings in foreign countries: | Year      |           |          |           |           |           |          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|----------|-----------|-----------|-----------|----------|
|                                                                                                                                                                        | 2015      | 2016      | 2017     | 2018      | 2019      | 2020      | 2021     |
| <b>Total persons:</b>                                                                                                                                                  | <b>12</b> | <b>11</b> | <b>9</b> | <b>19</b> | <b>18</b> | <b>11</b> | <b>8</b> |
| <b>By gender:</b>                                                                                                                                                      |           |           |          |           |           |           |          |
| men                                                                                                                                                                    | 8         | 10        | 8        | 14        | 17        | 10        | 7        |
| women                                                                                                                                                                  | 4         | 1         | 1        | 5         | 1         | 1         | 1        |
| <b>By age:</b>                                                                                                                                                         | No data   |           |          |           |           |           |          |
| Under 17 years.                                                                                                                                                        |           | -         | -        | -         | -         | -         | -        |
| 18-20 m.                                                                                                                                                               |           | 3         | 1        | 2         | 3         | 3         | -        |
| 21-30 m.                                                                                                                                                               |           | 3         | 4        | 11        | 5         | 3         | 1        |
| 31-40 m.                                                                                                                                                               |           | 2         | 3        | 2         | 5         | 3         | 3        |
| 41-50 m.                                                                                                                                                               |           | 3         | -        | 3         | 2         | 1         | 1        |
| 51-60 m.                                                                                                                                                               |           | -         | -        | 1         | 3         | -         | 3        |
| 60 years and over                                                                                                                                                      |           | -         | 1        | -         | -         | 1         | -        |
| <b>By type of exploitation:</b>                                                                                                                                        | No data   |           |          |           |           |           |          |
| for sexual                                                                                                                                                             |           | -         | -        | -         | 1         | -         | -        |

<sup>44</sup>Internet Source: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/c54d52622efb11eb8c97e01ffe050e1c>



|                             |         |        |        |        |        |        |        |
|-----------------------------|---------|--------|--------|--------|--------|--------|--------|
| for forced labour           |         | 6      | 5      | 15     | 13     | 10     | 5      |
| for domestic work (service) |         | -      | 1      | 1      | -      | -      | -      |
| for begging                 |         | -      | -      | -      | -      | -      | -      |
| for criminal offences       |         | 4      | 3      | 2      | 4      | 1      | 3      |
| for organ donation          |         | -      | -      | -      | -      | -      | -      |
| for fraud                   |         | 1      | -      | -      | -      | -      | -      |
| for pornography             |         | -      | -      | 1      | -      | -      | -      |
|                             |         |        |        |        |        |        |        |
| <b>By nationality:</b>      | No data | All LT | All LT | All LT | All LT | All LT | All LT |

➤ **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**

Below are data on pre-trial investigations into trafficking in human beings by form of trafficking in human beings opened in Lithuania in 2015-2021.

| Year                     | Number of pre-trial investigations (IT) opened by form | Exploitation for human trafficking form |
|--------------------------|--------------------------------------------------------|-----------------------------------------|
| <b>2015</b>              | 11                                                     | For prostitution                        |
| Number of IT starts - 27 | 9                                                      | For criminal offences                   |
|                          | 2                                                      | For forced labour                       |
|                          | 2                                                      | For forced marriages                    |
|                          | 1                                                      | Criminal offences and prostitution      |
|                          | 1                                                      | For forced marriage and prostitution    |
|                          | 1                                                      | Attempting to buy a child               |
| <b>2016</b>              | 13                                                     | For criminal offences                   |
| Number of IT starts - 29 | 7                                                      | For prostitution                        |
|                          | 4                                                      | For forced labour                       |
|                          | 2                                                      | For forced marriages                    |
|                          | 1                                                      | For forced labour and criminal offences |
|                          | 1                                                      | For pornography                         |
|                          | 1                                                      | No form of abuse was identified         |
| <b>2017</b>              | 9                                                      | For criminal offences                   |
| Number of IT starts - 35 | 8                                                      | For sexual exploitation                 |
|                          | 8                                                      | For forced labour                       |
|                          | 4                                                      | For forced marriages                    |
|                          | 3                                                      | For forced labour and criminal offences |
|                          | 1                                                      | For pornography                         |

|                          |   |                                         |
|--------------------------|---|-----------------------------------------|
|                          | 1 | For begging                             |
|                          | 1 | For illegal adoptions                   |
| <b>2018</b>              | 7 | For criminal offences                   |
| Number of IT starts - 14 | 3 | For forced labour                       |
|                          | 3 | For sexual exploitation                 |
|                          | 3 | For begging                             |
| <b>2019</b>              | 7 | For criminal offences                   |
| Number of IT starts - 16 | 1 | For forced labour                       |
|                          | 1 | For forced labour and criminal offences |
|                          | 5 | For sexual exploitation                 |
|                          | 1 | For begging                             |
|                          | 1 | For forced marriages                    |
| <b>2020</b>              | 4 | For criminal offences                   |
| Number of IT starts - 11 | 3 | For forced labour                       |
|                          | 2 | For sexual exploitation                 |
|                          | 1 | Sexual exploitation and begging         |
|                          | 1 | For forced marriages                    |
| <b>2021</b>              | 3 | For criminal offences                   |
| Number of IT starts - 7  | 3 | For forced labour                       |
|                          | 1 | Sexual exploitation and begging         |

➤ **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**

Below are data on the number of criminal cases and the number of accused persons between 2015 and 2021:

**2015**

7 criminal cases have been referred to Lithuanian courts of first instance.

Charges of trafficking in human beings were brought against 32 people (24 men and 8 women). More detailed data by gender and form of exploitation are not available.

**2016**

18 criminal cases have been referred to Lithuanian courts of first instance.

14 people (13 men and 1 woman) were charged with trafficking in human beings. Charges of trafficking in human beings by sex and form of exploitation:

8 persons (8 men) were charged with trafficking in human beings offences;

3 people (2 men and 1 woman) were charged with trafficking for prostitution;

3 people (3 men) are charged with trafficking in human beings for forced marriage.

**2017**

20 criminal cases have been referred to Lithuanian courts of first instance.  
 47 people (36 men and 11 women) were charged with trafficking in human beings. Charges of trafficking in human beings by gender and form of exploitation:  
 24 persons (23 men and 1 woman) were charged with trafficking in human beings offences.  
 8 people (4 men and 4 women) are charged with trafficking for sexual exploitation.  
 5 people (1 man and 4 women) were charged with trafficking in human beings for forced marriages.  
 3 people (1 man and 2 women) are charged with trafficking in human beings for pornography.  
 1 person (a man) is charged with trafficking in human beings for forced labour.

### **2018**

10 criminal cases have been referred to Lithuanian courts of first instance.  
 22 people (7 women and 15 men) were charged with trafficking in human beings. Charges of trafficking in human beings by gender and form of exploitation:  
 6 persons (1 woman and 5 men) were charged with trafficking in human beings offences;  
 3 people (2 women and 1 man) were charged with trafficking for forced labour;  
 8 people (2 women and 6 men) are charged with trafficking for sexual exploitation;  
 5 people (3 women and 2 men) are charged with trafficking in human beings for illegal adoption.

### **2019**

5 criminal cases are referred to Lithuanian courts of first instance.  
 A total of 11 people (1 woman and 10 men) have been charged with human trafficking. Accused of trafficking in human beings by sex and form of exploitation:  
 8 persons (men) are charged with trafficking in human beings offences;  
 2 people (1 man and 1 woman) were charged with trafficking for begging;  
 1 person (a man) is charged with trafficking for sexual exploitation.

### **2020**

9 criminal cases have been referred to Lithuanian courts of first instance.  
 Charges were brought against 16 people (1 woman and 15 men). Charged with trafficking in human beings by sex and form of exploitation:  
 2 persons (men) are charged with trafficking for sexual exploitation;  
 10 persons (men) are charged with trafficking in human beings offences;  
 4 people (3 men and 1 woman) were charged with trafficking for forced marriage.

### **2021**

19 criminal cases have been referred to Lithuanian courts of first instance.  
 Charges have been brought against 10 people (7 men and 3 women). Charged with trafficking in human beings by sex and form of exploitation:  
 1 person (male) is charged with trafficking in human beings for forced labour;  
 5 people (4 men and 1 woman) were charged with trafficking for forced labour;  
 2 persons (men) are charged with trafficking in human beings offences;  
 2 persons (women) are charged with trafficking for forced marriage.

#### ➤ **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).**

Below are data on convictions for trafficking in human beings between 2015 and 2021:

### **2015**

In total, 16 people are convicted.

*By gender and age: adults, 14 men and 2 women.*

*By form of exploitation and gender:*

11 persons (9 men and 2 women) for trafficking in human beings for prostitution;

3 persons (men) for trafficking in human beings offences.

*By nationality: citizens of the Republic of Lithuania.*

### **2016**

In total, 23 people are convicted.

*By gender and age:* adults, 20 men and 3 women.

*By form of exploitation and gender:*

19 persons (18 men and 1 woman) for trafficking in human beings offences;

3 persons (2 men and 1 woman) trafficked for sexual exploitation;

1 person (a woman) trafficked for forced marriage.

*By nationality:* no data.

## **2017**

A total of 20 people are convicted.

*By sex and age:* adults, 18 men and 2 women.

*By form of exploitation and gender:*

5 persons (4 men and 1 woman) for trafficking for sexual exploitation;

13 persons (men) for trafficking in human beings offences;

2 persons (1 man and 1 woman) for trafficking in human beings for forced marriages.

*By nationality:* citizens of the Republic of Lithuania.

## **2018**

In total, 48 people are convicted.

*By gender and age:* adults, 35 men and 13 women.

*By form of exploitation and gender:*

15 people (11 men and 4 women) for trafficking for sexual exploitation;

4 persons (men) for trafficking in human beings for exploitation as forced labour;

12 persons (men) for trafficking in human beings offences;

10 people (4 men and 6 women) for trafficking in human beings for the purchase or sale of a child (illegal adoption);

3 persons (1 man and 2 women) for trafficking in human beings for the purpose of purchasing and disposing of pornographic material depicting a child.

*By nationality:* citizens of the Republic of Lithuania.

## **2019**

A total of 10 people are convicted.

*By sex and age:* adults, 8 men and 2 women.

*By form of exploitation and gender:*

5 persons (4 men and 1 woman) for trafficking for sexual exploitation;

4 persons (3 men and 1 woman) for trafficking in human beings offences;

1 person (male) for trafficking in human beings for fraud.

*By nationality:* 2 persons - citizens of the Republic of Lithuania, others - no data.

## **2020**

A total of 17 people are convicted.

*By gender and age:* adults, men.

*By form of exploitation and gender:*

2 people trafficked for sexual exploitation;

7 people trafficked for forced labour;

3 persons for trafficking in human beings offences;

5 people for human trafficking fraud;

*By nationality:* citizens of the Republic of Lithuania.

## **2021**

A total of 30 people are sentenced.

*By gender and age:* adults, 27 men and 3 women.

*By form of exploitation:*

4 people trafficked for sexual exploitation;

6 persons trafficked for forced labour;

15 people for trafficking in human beings;  
4 people trafficked for forced marriage;  
1 person for selling a child.

*By nationality:* 10 persons - citizens of the Republic of Lithuania, 1 person - citizen of the Republic of Uzbekistan, 17 persons - unknown.

- **Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.**

Court judgments handed down in the Republic of Lithuania between 2015 and 2021

| <b>Length of court proceedings</b> | <b>Number of convicted persons, type of sentence, length of sentence</b>                                | <b>Form of exploitation</b>                                                                                          | <b>Victim, child or adult</b>           | <b>Execution of a sentence</b>                                                                                                                |
|------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 1 month                            | 1 person is sentenced to 2 years' imprisonment.                                                         | The victim was exploited for a financial reward in a sham marriage (Article 147(1) and (2) of the Criminal Code).    | 1 adult was injured.                    | Pursuant to Article 75 of the CC, the execution of the sentence is suspended for 2 years.                                                     |
| 4 months, 16 days                  | 2 convictions: 1 person sentenced to 4 years' imprisonment; 1 person sentenced to 2 years' imprisonment | Forcing the victims to commit theft (Art. 147(1) of the Criminal Code).                                              | 5 adults were injured.                  | In respect of one of the convicted persons, in accordance with Article 75 of the CC, the execution of the sentence was suspended for 3 years. |
| 9 months, 15 days                  | 2 convictions: 1 person sentenced to 4 years' imprisonment; 1 person sentenced to 3 years' imprisonment | Exploited victims to commit criminal offences (Art. 147(1) of the Criminal Code).                                    | 2 adults were injured.                  | In respect of one of the convicted persons, in accordance with Article 75 of the CC, the execution of the sentence was suspended for 3 years. |
| 12 months, 23 days                 | 2 persons sentenced to 9 years' imprisonment                                                            | Exploited the victims to commit criminal acts (Art. 147(1) of the CC).                                               | The victims were 5 adults and 2 minors. |                                                                                                                                               |
| 5 months, 10 days                  | 2 persons sentenced to 7 years' imprisonment                                                            | The minor is exploited for the commission of criminal offences such as shoplifting (Art. 147(2) CC, Art. 157(2) CC). | Affected 1 minor <sup>45</sup>          |                                                                                                                                               |

<sup>45</sup> 'minor' means a person under the age of 14 (CC provision)

|                   |                                                                                                                     |                                                                                                                             |                                         |                                                                                                                                               |
|-------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
|                   |                                                                                                                     |                                                                                                                             |                                         |                                                                                                                                               |
| 1 year, 9 months  | 5 persons were sentenced to imprisonment: (9 years; 7 years, 6 months; 6 years, 4 months; 6 years; 4 years          | Exploiting victims to commit criminal offences - fraud (Art. 147(1) of the Criminal Code).                                  | 5 adults were injured.                  |                                                                                                                                               |
| 2 years, 2 months | 6 persons were sentenced to imprisonment: (5 years (3 persons); 6 years (1 person); 8 years (2 persons)             | Exploiting victims to commit criminal acts - theft (Art. 147(1) of the CC)                                                  | 6 adults were injured.                  |                                                                                                                                               |
| 1 year, 11 months | 3 persons were sentenced to imprisonment: (5 years (1 person); 6 years (2 persons)                                  | The minor was involved in prostitution and profited from her prostitution (Article 157(1) of the CC).                       | 1 minor was affected.                   |                                                                                                                                               |
| 1 year, 3 days    | 2 persons sentenced to imprisonment: 1 person sentenced to 3 years 6 months; 1 person sentenced to 2 years 6 months | Transporting victims for prostitution and profiting from their prostitution (Article 147(2) of the Criminal Code).          | 2 adults were injured.                  |                                                                                                                                               |
| 1 year, 9 months  | 4 persons sentenced to 9 years 6 months; 7 years 6 months; 3 years (2 persons)                                      | Proceeds from prostitution of victims (Art. 147(2), 307(2), 157(1) of the Criminal Code).                                   | The victims were 5 adults and 2 minors. | In respect of one of the convicted persons, in accordance with Article 75 of the CC, the execution of the sentence was suspended for 2 years. |
| 1 year, 9 months  | 1 person sentenced to 5 years imprisonment                                                                          | Organised the transportation of a child abroad for the commission of a criminal offence (Art. 157(1) of the Criminal Code). | 1 minor was affected.                   |                                                                                                                                               |
| 1 year, 9 months  | 5 persons sentenced to 9 years' imprisonment; 8 years' imprisonment; 5 years' imprisonment (2 persons); 4 years'    | Engaging in prostitution (Art. 147(2); 307(2) of the CC).                                                                   | The victims were 3 adults and 1 minor.  |                                                                                                                                               |

|                    |                                                                               |                                                                                                                                                   |                        |                                                                                                                |
|--------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------------------------------------------------------------------------------------------|
|                    | imprisonment                                                                  |                                                                                                                                                   |                        |                                                                                                                |
| 10 months, 5 days  | 1 person sentenced to 3 years 6 months imprisonment                           | Exploited the victim for the distribution of narcotic drugs and psychotropic substances (Article 147(1) of the CC).                               | 1 adult has been hit.  |                                                                                                                |
| 8 months, 18 days  | 1 person sentenced to 3 years' imprisonment                                   | A person is exploited for the purpose of entering into a sham marriage for financial gain (Art. 147(1) of the CC).                                | 1 adult was injured.   | Pursuant to Article 75 of the CC, the execution of the sentence is suspended.                                  |
| 8 months, 28 days  | 2 persons sentenced to 3 years' imprisonment                                  | Exploited a minor to commit robbery (Art. 157(1) of the CC).                                                                                      | 1 minor was affected.  |                                                                                                                |
| 11 months, 4 days  | 2 persons sentenced to 2 years 6 months imprisonment                          | A person is exploited for the purpose of entering into a sham marriage for financial gain (Art. 147(1) of the CC).                                | 1 adult was injured.   |                                                                                                                |
| 1 year, 19 days    | 2 persons sentenced: 1 person - 1 year 10 months; 1 person - 2 years 6 months | Unlawfully and without remuneration forced the victim to do farm work in his home (Art. 147 <sup>1</sup> (1) of the CC).                          |                        | Pursuant to Article 75 of the CC, the execution of the sentence of 1 person was suspended for 1 year 6 months. |
| 2 years, 7 months  | 1 person sentenced to 4 years' imprisonment                                   | Exploitation of a person for the unlawful manufacture, possession and subsequent smuggling of the narcotic drug cannabis (Art. 147(1) of the CC). | 1 adult was injured.   |                                                                                                                |
| 1 year, 6 months   | 1 person sentenced to 9 years' imprisonment                                   | Exploitation of victims for prostitution (Art. 147(2) of the Criminal Code).                                                                      | 1 adult, 1 minor.      |                                                                                                                |
| 11 months, 17 days | 1 person sentenced to 4 years' imprisonment                                   | Profiting from the prostitution of others (Art. 147(1) of the Criminal Code).                                                                     | 2 adults were injured. | Pursuant to Article 75 of the CC, the execution of the sentence is suspended for 2                             |

|                           |                                                                                                                                                        |                                                                                                                                          |                                | years.                                                                                                                                     |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1 year, 3 months, 20 days | 1 person sentenced to 8 years imprisonment                                                                                                             | Exploited the victim under conditions of slavery for the distribution of narcotic drugs (Article 147(2) of the CC).                      | 1 adult was injured.           |                                                                                                                                            |
| 1 year, 8 months, 15 days | 1 person sentenced to 4 years' imprisonment                                                                                                            | Persons have been exploited to commit various criminal offences (Art. 147(2) of the CC).                                                 | 8 adults were injured.         |                                                                                                                                            |
| 1 year, 7 months, 14 days | 3 persons sentenced to 5 years' imprisonment                                                                                                           | Persons exploited for forced labour in slavery or slavery-like conditions (Art. 147(2) CC).                                              | 12 adults were injured.        |                                                                                                                                            |
| 1 year, 7 months, 8 days  | 3 persons sentenced to 8 years, 3 months; 7 years, 4 months; 4 years, 6 months                                                                         | Exploitation of victims to commit crimes (Art. 147(2) of the Criminal Code).                                                             | 5 adults were injured.         |                                                                                                                                            |
| 4 months                  | 6 people are convicted: 2 persons with custodial sentences (1 year, 6 months; 1 year, 4 months), 4 persons with fines of 100 and 170 MGL <sup>46</sup> | He offered to sell his unborn child and bought the child (Art. 157(2) of the Criminal Code).                                             | 2 small children were injured. | In accordance with Article 54(3) of the CC, lighter sentences of imprisonment than those provided for by law were imposed on all 6 persons |
| 1 year, 1 month           | 1 person sentenced to 6 years imprisonment                                                                                                             | Systematically used mental and physical violence against the victim, exploited him for forced labour (Art. 147(1) of the Criminal Code). | 9 adults were injured.         |                                                                                                                                            |
| 7 months, 4 days          | 2 persons sentenced to 8 years, 7 years, 9 months imprisonment                                                                                         | The victim would be exploited to commit criminal acts (Art. 157(2) CC).                                                                  | 1 minor was affected.          |                                                                                                                                            |
| 1 year, 1 month, 25 days  | 1 person sentenced to 2 years 8 months imprisonment                                                                                                    | The victim is exploited in a foreign country to commit criminal                                                                          | 3 adults were injured.         |                                                                                                                                            |

<sup>46</sup> MGL - shall be equal to the basic amount of fines and penalties approved by the Government of the Republic of Lithuania Resolution No 707 of 30 August 2017, and shall be equal to 1 MGL - EUR 50.



|                           |                                                                                                                          |                                                                                                                                    |                                         |                                                                                                                                                                       |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           |                                                                                                                          | acts (Art. 147(1) of the CC).                                                                                                      |                                         |                                                                                                                                                                       |
| 1 year                    | 3 persons were sentenced to imprisonment: 2 persons to 5 years' imprisonment; 1 person to 5 years, 6 months.             | Exploited the victims to commit criminal offences (Art. 147(2) of the CC).                                                         | 2 adults were injured.                  |                                                                                                                                                                       |
| 3 years, 3 months         | 3 persons sentenced to 5 years, 6 months; 4 years; 3 years                                                               | Exploited the victims for forced labour and for the commission of criminal offences (Art. 147(1), 147 <sup>1</sup> (1) of the CC). | 2 adults were injured.                  |                                                                                                                                                                       |
| 4 months, 7 days          | 1 person sentenced to 5 years imprisonment                                                                               | The victim has been exploited in a sham marriage (Art. 147(2) of the Criminal Code).                                               | 2 adults were injured.                  |                                                                                                                                                                       |
| 6 months, 14 days         | 1 person sentenced to 3 years' imprisonment                                                                              | The victim was exploited to profit from a marriage of convenience (Art. 147(1) of the Criminal Code).                              | 1 adult was injured.                    | Pursuant to Article 75 of the CC, the execution of the sentence is suspended for 3 years.                                                                             |
| 8 months, 6 days          | 1 person sentenced to 5 years imprisonment                                                                               | Exploited the victims to commit a criminal offence (Art. 147(2) of the CC).                                                        | 2 adults were injured.                  |                                                                                                                                                                       |
| 1 year, 2 months, 7 days  | 3 persons were sentenced to 6 years' imprisonment; 4 years; 2 years. 1 person sentenced to 1 year, 6 months imprisonment | Exploited girls, including minors, for prostitution (Art. 147(1), 147(2), 157(1) of the Criminal Code).                            | 1 adult and one minor were injured.     | In accordance with Article 54(3) of the Criminal Code, 1 person has been sentenced to a lesser penalty than the one provided for by law, namely a custodial sentence. |
| 1 year, 5 months, 22 days | 1 person sentenced to 4 years' imprisonment                                                                              | The victim has been exploited for prostitution (Art. 147(1) of the CC)                                                             | 1 adult was injured.                    |                                                                                                                                                                       |
| 1 year, 7 months, 5 days  | 5 persons sentenced to 5 years' imprisonment: 3 persons sentenced to 5 years' imprisonment; 2                            | Exploited citizens of the Republic of Lithuania for the commission of criminal offences in foreign countries (Art. 147(2),         | The victims were 4 adults and 2 minors. |                                                                                                                                                                       |

|                            |                                                                                                                                |                                                                                                                                                                     |                                    |                                                                                                                                                                         |
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|                            | persons sentenced to 4 years' imprisonment                                                                                     | 157(2) of the CC).                                                                                                                                                  |                                    |                                                                                                                                                                         |
| 3 years, 4 months, 14 days | 5 persons were sentenced to 6 years' imprisonment: 1 person to 6 years; 2 persons to 5 years; 2 persons to 4 years             | Exploited victims to commit criminal offences in foreign countries (Art. 147(2) of the CC).                                                                         | 5 adults were injured.             |                                                                                                                                                                         |
| 3 months                   | 1 person sentenced to 3 years' imprisonment                                                                                    | Exploited the victim for profit from a marriage of convenience (Art. 147(1) of the Criminal Code).                                                                  | 1 adult was injured.               | Pursuant to Article 75 of the CC, the execution of the sentence is suspended for 3 years.                                                                               |
| 3 months, 17 days          | 3 persons sentenced to 4 years, 3 years and 2 years imprisonment                                                               | Exploited the victims to commit a criminal offence (Art. 147(1) of the Criminal Code).                                                                              | 1 adult was injured.               | Pursuant to Article 75 of the CC, the execution of the sentence of 1 person was suspended for 2 years.                                                                  |
| 11 months, 4 days          | 4 persons sentenced to imprisonment: 3 persons sentenced to 5 years' imprisonment, 1 person sentenced to 2 years' imprisonment | Exploited victims, including children, to commit crimes in foreign countries (Art. 147(1), 157(2) of the Criminal Code).                                            | 1 adult and 2 minors were injured. | In accordance with Article 54(3) of the Criminal Code, 1 person has been sentenced to a lesser penalty than the one provided for by law, i.e. a restriction of liberty. |
| 6 months                   | 2 persons sentenced to 5 years' and 4 years' imprisonment                                                                      | The victims were used to commit criminal offences in foreign countries (Art. 147(1) and (2) of the CC).                                                             | 1 adult, 1 minor.                  |                                                                                                                                                                         |
| 1 year, 6 months, 21 days  | 3 people are sentenced to prison sentences: 7 years; 4 years 6 months; 3 years imprisonment                                    | He exploited the victims for a marriage of convenience, induced them into prostitution and exploited them for the purposes of prostitution (Art. 147(1) of the CC). | 7 adults were injured.             |                                                                                                                                                                         |
| 6 months, 4 days           | 1 person sentenced to 4 years' imprisonment                                                                                    | Exploited and profited from the exploitation of                                                                                                                     | 1 adult was injured.               | Pursuant to Article 75(1) and (8) of Article 75(2) of the                                                                                                               |

|                            |                                                                                                           |                                                                                                                                                                                        |                                    |                                                                                                                                                                        |
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|                            |                                                                                                           | persons for the commission of a criminal offence (Art. 147(2) of the CC).                                                                                                              |                                    | CC, the execution of the sentence was suspended for 3 years                                                                                                            |
| 1 year, 23 days            | 1 person sentenced to 2 years' imprisonment                                                               | In complicity with other persons, facilitated the exploitation of prostitution (Art. 24(6) Art. 147(1) of the CC).                                                                     | 2 adults were injured.             | Pursuant to Article 75 of the CC, the execution of the sentence is suspended for 2 years.                                                                              |
| 3 years, 2 months, 14 days | 3 persons sentenced to 8 years, 4 months, 5 years, 6 months and 4 years, 3 months imprisonment            | Exploited persons to commit criminal offences (Art. 147(2) of the CC).                                                                                                                 | 5 adults were injured.             |                                                                                                                                                                        |
| 9 months, 12 days          | 1 person sentenced to 10 years imprisonment                                                               | Exploited a child for prostitution and profited from such prostitution (Art. 157(1) of the Criminal Code).                                                                             | 1 minor was affected.              |                                                                                                                                                                        |
| 2 years, 2 months, 14 days | 3 persons sentenced to 15 years' imprisonment; 12 years' and 5 years' imprisonment                        | Exploited the victims for illegal forced labour - distribution of narcotic substances, exploitation of a minor for prostitution (Art. 147(2), 147 <sup>1</sup> (1), 157(1) of the CC). | 2 adults and 1 minor were injured. |                                                                                                                                                                        |
| 2 years, 4 months          | 3 persons sentenced to 6 years, 4 years and 2 years imprisonment                                          | Exploited the victims for prostitution (Art. 147(1), 147(2) of the Criminal Code).                                                                                                     | 3 adults were injured.             | Pursuant to Article 75 of the CC, the execution of the sentences of 2 persons was suspended for 2 years.                                                               |
| 2 years, 8 days            | 5 persons were sentenced to 8 years; 5 years; 4 years; 2 years; 2 years and 1 year 6 months imprisonment. | Profiting from the prostitution of minors (Art. 157(1) of the CC).                                                                                                                     | 6 minors were affected.            | Pursuant to Article 92(1) of the Criminal Code, the execution of the sentence was suspended for 4 convicted persons - two persons for 3 years each; one person - for 2 |

|                            |                                                      |                                                                                                                                                   |                                   |                                                                                                                                                                                |
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|                            |                                                      |                                                                                                                                                   |                                   | years, one person - for 1 year, 6 months.                                                                                                                                      |
| 2 years, 6 months, 23 days | 2 persons sentenced to 2 years 3 months imprisonment | Exploited the victims for prostitution (Art. 147(1) of the Criminal Code).                                                                        | 3 adults were injured.            | Pursuant to Articles 75(1) and 75(2)(8) of the Criminal Code, the execution of the sentence against the 2 persons was suspended for 2 years and 2 years 6 months respectively. |
| 3 years, 16 days           | 2 persons sentenced to 7 years' imprisonment         | Exploited the victims for pornography (Article 147(1), 147 <sup>1</sup> (1), 147 <sup>2</sup> (1) of the Criminal Code).                          | 11 adults were injured.           |                                                                                                                                                                                |
| 11 months, 10 days         | 1 person sentenced to 3 years' imprisonment          | He sexually abused the victim by monitoring a video call through the messenger messaging and chat application (Art. 147(1) of the Criminal Code). | 1 adult was injured.              |                                                                                                                                                                                |
| 2 years, 5 months, 14 days | 1 person sentenced to 9 years' imprisonment          | Exploitation of victims for prostitution (Art. 147(1), 157(1) of the Criminal Code).                                                              | 1 adult and 1 minor were injured. |                                                                                                                                                                                |

➤ **Number of judgments in THB cases resulting in the confiscation of assets.**

According to LITEKO search data, one case has been identified in which the convict's property - money obtained from criminal offences (EUR 3,788.46), income from prostitution (EUR 52,945) - was confiscated by the judgment of 19 February 2021.

➤ **Number of convictions of legal entities for THB.**

In 2018, for the first time in Lithuania, a legal person was charged with trafficking in human beings in slavery-like conditions and other forms of sexual exploitation for forced labour. In this case, 31 persons (women) were recognised as victims in 2018.