

Committee of the Parties  
to the Council of Europe Convention  
on Action against Trafficking in Human Beings



CP(2017)23

**Report submitted by the Lithuanian authorities  
on measures taken to comply with  
Committee of the Parties Recommendation  
CP(2015)4 on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings**

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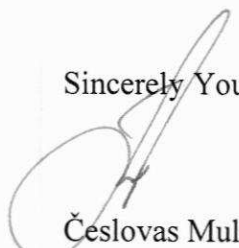
✓ Cc: Permanent Representation of Lithuania to the  
Council of Europe  
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**RE: REPORTING ON THE IMPLEMENTATION OF RECOMMENDATION CP(2015)4  
ON THE IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTION ON  
ACTION AGAINST TRAFFICKING IN HUMAN BEINGS BY LITHUANIA**

Please find attached the report on the implementation of Recommendation CP(2015)4 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania adopted by Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings at the 16<sup>th</sup> meeting of the Committee of the parties on 15 June 2015. Also information on activities and actions of the fight against trafficking in human beings in Lithuania is available in the website of the Ministry of the Interior of the Republic of Lithuania at <http://vrm.lrv.lt/lt/veiklos-sritys/kova-su-prekyba-zmonemis>.

Thank you for co-operation.

Sincerely Yours,



Česlovas Mulma  
Viceminister

Enc.

**Report on the implementation of  
Recommendation CP(2015)4 on the implementation of the Council of Europe Convention on  
Action against Trafficking in Human Beings by Lithuania  
adopted by Committee of the Parties to the Council of Europe Convention on Action against  
Trafficking in Human Beings  
at the 16th meeting of the Committee of the Parties on 15 June 2015**

**Comprehensive approach and co-ordination**

*1. GRETA invites the Lithuanian authorities to consider establishing an independent National Rapporteur or another independent mechanism for monitoring the anti-trafficking activities of State institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).*

Following the discussions and conclusions of responsible agencies in 2015–2016, since 2016, coordination of the fight against trafficking in human beings (THB) and monitoring of the situation have been completely separated and are performed by two different bodies in Lithuania.

On 23 November 2016 the Government of the Republic of Lithuania adopted Resolution No. 1161 on National Rapporteur of the Republic of Lithuania for counter-THB issues (the Resolution on National Rapporteur) (Register of Legal Acts, 28/11/2016, No. 27579, available online <https://www.e-tar.lt/portal/lt/legalAct/5899f9d0b53c11e6aae49c0b9525cbbb>), which defines the tasks of the National Rapporteur of the Republic of Lithuania for counter-THB issues (National Rapporteur) and empowers Minister of the Interior of the Republic of Lithuania to appoint the National Rapporteur and establish the procedures necessary to perform the tasks. Based on the Resolution on National Rapporteur, National Rapporteur collects statistical data and other relevant information on THB and counter-THB activities and actions, conducts their analysis and evaluates trends of THB and the results of counter-THB activities and actions, as well as issues recommendations to further progress of the fight against THB and presents them to Minister of the Interior of the Republic of Lithuania, the Commission of Coordination of the Fight against THB and the public. Minister of the Interior of the Republic of Lithuania informs the Government of the Republic of Lithuania on the recommendations by National Rapporteur each year until the 1<sup>st</sup> of March. In addition, National Rapporteur represents Lithuania in the Network of National Rapporteurs or Equivalent Mechanisms of the European Union (EU) and passes information to the EU Anti-Trafficking Coordinator.

National Rapporteur was appointed and the procedures necessary to perform the tasks were defined by Ruling No. 1V-245 on the Appointment of the National Rapporteur of the Republic of Lithuania for counter-THB issues and Approval of Procedures on Collection and Publishing of Statistical Data and Other Information regarding Trafficking in Human Beings, as well as Activities and Actions of the Fight against Trafficking in Human Beings issued by Minister of the Interior of the Republic of Lithuania on 31 March 2017 (Register of Legal Acts, 03/04/2017, No. 5425, available online <https://www.e-tar.lt/portal/lt/legalAct/9150c680160f11e79800e8266c1e5d1b>).

Coordination of the fight against THB is managed by the Commission of Coordination of the Fight against THB set up by Resolution No. 785 on Coordination of the Fight against THB adopted by the Government of the Republic of Lithuania on 11 August 2016 (Register of Legal Acts, 16/08/2016, Nr. 22334, available online <https://www.e-tar.lt/portal/lt/legalAct/19730980609211e68abac33170fc3720>).

*2. GRETA urges the Lithuanian authorities to strengthen anti-trafficking action by adopting a specific action plan on combating THB and ensuring funding for its activities.*

After discussions and exchange of opinions of responsible agencies, on 29 August 2016 the Minister of the Interior of the Republic of Lithuania signed Ruling No. 1V-598 on Approval of the National Action Plan against THB for 2017–2019 (Register of Legal Acts, 29/08/2016, No. 22812, available online <https://www.e-tar.lt/portal/lt/legalAct/5b99fd306ddc11e6a014b8463e530a88>). The National Action Plan against THB for 2017–2019 (the Plan for 2017–2019) covers a wide spectrum of activities and actions against THB on national and local levels with responsible bodies and financial resources under the following objectives: to strengthen counter-THB coordination, to improve THB prevention and prosecution, to strengthen the mechanism of assistance for victims or potential victims of THB and to develop competences and skills of responsible officials and specialists who may come into contact with victims of THB. The activities and actions are being implemented by state agencies, municipalities, NGOs and communities.

*3. Further, GRETA urges the Lithuanian authorities to strengthen the institutional framework for action against THB in order to improve co-ordination and ensure more effective involvement of all public bodies having a role in combating THB and protecting its victims. In this context, the Lithuanian authorities should ensure sufficient human and financial resources for the smooth operation of the co-ordination mechanism. Specialised NGOs and other relevant civil society actors such as trade unions should be effectively involved in the planning, co-ordination and evaluation of anti-trafficking activities.*

To strengthen the institutional framework for action against THB and involve more actors into the coordination mechanism, on 11 August 2016 the Government of the Republic of Lithuania adopted Resolution No. 785 on Coordination of the Fight against THB (the Resolution on Coordination) (Register of Legal Acts, 16/08/2016, Nr. 22334, available online <https://www.e-tar.lt/portal/lt/legalAct/19730980609211e68abac33170fc3720>). The Resolution on Coordination establishes the institutional composition of the Commission of Coordination of the Fight against THB (the Commission of Coordination), defines its tasks and functions, responsibilities and powers, as well as sets up that all state and municipal institutions represented in the Commission of Coordination plan counter-THB activities and actions which are included into the national action plan against THB approved by Minister of the Interior of the Republic of Lithuania and their representatives discuss the planned and implemented counter-THB activities and actions, as well as their results in the meetings of the Commission of Coordination and coordinate within their competence the decisions made by the Commission of Coordination in the institution or organisation which they represent. The Commission of Coordination consists of 23 high level state, municipality, non-governmental and church representatives from all responsible agencies and is tasked to coordinate all counter-THB efforts in (of) the country. The personal composition of the Commission of Coordination was approved on 26 September 2016 by Ruling No. 1V-673 on Approval of the Personal Composition of the Commission of Coordination of the Fight against Trafficking in Human Beings issued by Minister of the Interior of the Republic of Lithuania (Register of Legal Acts, 26/09/2016, No. 24039, available online <https://www.e-tar.lt/portal/lt/legalAct/631e9ab083b811e6b969d7ae07280e89>). Because of elections, a new composition of the Commission of Coordination was approved on 3 May 2017 by Ruling No. 1V-338 of Minister of the Interior of the Republic of Lithuania (Register of Legal Acts, 03/05/2017, No. 7390, available online <https://www.e-tar.lt/portal/lt/legalAct/f5ebc2102fc911e78397ae072f58c508>).

*4. GRETA also considers that co-ordination of anti-trafficking activities at municipal level needs to be streamlined vertically and horizontally between the central authorities, on the one hand, and among the municipalities, on the other hand.*

Representatives of municipalities and the Association of Local Authorities in Lithuania are the members of the Commission of Coordination with equal rights and responsibilities, they coordinate

within their competence planning, implementation, and evaluation of counter-THB activities and actions, as other members of the Commission of Coordination together and each in their territory, the representative of the Association of Local Authorities in Lithuania connects their efforts and ensures integrity, continuity and distribution of expertise, as well as coordination of efforts of several municipalities, renders methodical assistance, if necessary, and etc. Other members of the Commission of Coordination, including the ones from the state institutions, exchange information, plan activities and actions, coordinate their implementation, discuss issues and look for solutions among themselves and together with the representatives of municipalities. In addition, representatives of central institutions are members of local counter-THB commissions. The members of the Commission of Coordination are chairs of counter-THB commissions in their municipalities. Furthermore, the municipalities activities and actions of the Plan for 2017–2019 are implemented under coordination or methodical assistance of relevant central institutions what also ensures that their implementation is coordinated among municipalities. To conclude, the municipality counter-THB coordination mechanism is an integral part of the national counter-THB coordination mechanism and this institutional framework streamlines the coordination of counter-THB activities and actions at municipality level vertically and horizontally between the central authorities and municipalities themselves.

### **Training of relevant professionals**

*5. GRETA considers that the Lithuanian authorities should develop and sustain their efforts to provide periodic training on THB and the rights of victims to relevant professionals (in particular, police officers, prosecutors, judges, labour inspectors, child protection specialists, social workers, medical professionals involved in assistance to victims). The authorities, in co-operation with competent NGOs, should design training programmes with a view to improving the knowledge and skills of relevant professionals so as to enable them to identify victims of trafficking for different forms of exploitation, to assist and protect them, including during criminal proceedings, to facilitate compensation for victims, and to secure convictions of traffickers.*

Training sessions on THB crimes and their investigations, rights of victims of these crimes including their identification and assistance have been organised for different specialists on national and municipality levels, also responsible specialists developed their professional skills in numerous international initiatives. Regularly and specifically focused on THB related issues nationally coordinated training sessions have been arranged for police, probation and consular officers, border guards, prosecutors, labour inspectors, social workers, and child rights specialists. In addition, training sessions in the period of 2015–2017 have been arranged for other specialists on national or local levels (e. g. teachers, church representatives), or specialists have had an opportunity to develop their professional skills abroad (e. g. judges, journalists issuing information related to THB issues), or they have received knowledge at other seminars closely related to THB (e. g. judges on the rights of victims and their interviews). Furthermore, specialists working on municipality level have had an extra opportunity to develop their skills in the field of the fight against THB at local seminars. Also it is important to mention that THB situation and issues with their solutions were analysed at round table discussions attended by responsible governmental, municipality and NGOs specialists, including church representatives. The majority, if not all, training sessions and round table discussions involved NGOs. A summarized overview on training and round table discussions is available online in the website of the Ministry of the Interior of the Republic of Lithuania at <http://vrm.lrv.lt/lt/veiklos-sritys/kova-su-prekyba-zmonemis>.

Since 2017, regular training sessions on THB issues have been started for police, probation and consular officers, border guards, migration specialists, prosecutors, labour inspectors and labour exchanges specialists, social workers, child rights and health care specialists, heads of schools,

educational assistance specialists and teachers, judges and their assistants, and journalists (a separate chapter on training of different specialists on THB has been incorporated into the Plan for 2017–2019).

### **Data collection and research**

*6. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the Lithuanian authorities should further develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors, including NGOs involved in victim identification and assistance, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.*

Procedures on Collection and Publishing of Statistical Data and Other Information regarding Trafficking in Human Beings, as well as Activities and Actions of the Fight against Trafficking in Human Beings approved on 31 March 2017 by Ruling of Minister of the Interior of the Republic of Lithuania establishes a comprehensive and coherent system on collection of data and other information on THB, activities and actions to fight against this crime, as well as their results (reliable statistical data and other information allow disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.) and measuring the results from all main actors, including NGOs, IOM Vilnius Office and others who might receive relevant data through their activities. The content of the legal act was agreed with the State Data Protection Inspectorate and it respects the right of data subjects to personal data protection.

*7. GRETA considers that the Lithuanian authorities should conduct and support research on THB-related issues as an important source of information on the impact of current policies as well as a basis for future measures. Areas where further research is needed in order to shed more light on the extent of the problem of THB in Lithuania include trafficking for the purpose of forced labour and forced criminality, internal trafficking, and child trafficking.*

The researchers of the Ministry of the Interior of the Republic of Lithuania continuously incorporate questions related to THB to their research works, the results are spread among specialists and the public. Also research is made by experts on project basis (e. g. coordination of the fight against THB on municipality level, sham (forced) marriages, implementation of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA). Furthermore, a separate funded activity has been included into the Plan for 2017–2019 (“To perform the functions of the national rapporteur for human trafficking”, each year, in pursuant to the needs and recommendations of the National Rapporteur, independent research is ordered).

### **International co-operation**

*8. GRETA invites the Lithuanian authorities to continue their efforts in the area of international co-operation with a view to preventing THB and providing assistance to victims of trafficking.*

The Lithuanian authorities have continued and further developed their international cooperation in different areas of the fight against THB and have ensured active participation in regional, EU and international formats, as well as on country-by-country and projects basis. E. g. on regional level Lithuanian specialists take part in the Expert Group for Cooperation on Children at Risk and the Task Force against THB of the Council of the Baltic Sea States (11 countries around the Baltic Sea) and implement joint activities, such as regional data collection, development of municipality coordination

mechanisms, and etc.), in addition, a Lithuanian expert is Adviser on THB issues at the Steering Committee to the EUSBSR PA Secure Steering Group. Furthermore, a very active cooperation has been developed with the Nordic Council of Ministers (exchange of information, joint actions and projects). On EU level Lithuanian representatives participate in the EMPACT, Europol, Interpol, Eurojust and Frontex initiatives, take part in the Network of National Rapporteurs or Equivalent Mechanisms of the EU and EASO expert group on THB, as well as the Lithuanian Governmental agencies and NGOs have implemented projects in cooperation with other EU member states, some of the projects have been funded by EU funds. Bilateral cooperation has been especially developed with Baltic Sea Region countries and the United Kingdom (the main target country for Lithuanians). On international level cooperation has been developed with international organisations and third countries (mostly information exchange and joint activities).

### **Measures to raise awareness and discourage demand**

*9. While welcoming the efforts to raise awareness about THB, GRETA considers that the Lithuanian authorities should continue to implement awareness-raising activities on THB and provide information to the general public on emerging trends in THB, such as for the purpose of labour exploitation, forced criminality, and marriages of convenience which result in exploitation. The Lithuanian authorities should plan future information, awareness-raising and education campaigns with the involvement of civil society, on the basis of the assessment of the impact of previous preventive measures. Further, targeted preventive measures should be implemented for groups vulnerable to THB, such as persons with mental disorders, children in special schools and foster homes, and men in difficult life circumstances.*

The Lithuanian authorities have continued implementing awareness raising and educational campaigns on THB for the general public and vulnerable groups. A numerous number of such activities have been conducted by Lithuanian authorities in cooperation with civil society organisations or by civil society organisations under funding and coordination by Lithuanian authorities, e. g. many preventive activities have been implemented under the projects run by NGOs funded by the Ministry of Social Security and Labour of the Republic of Lithuania, also by the police, especially informing the public on THB and assistance possibilities, as well as sharing knowledge with others, especially teachers and other school staff, parents and students at schools, vocational training entities, special schools and foster homes, social workers, child rights and other specialists working on municipality level. A tremendous number of preventive activities have been organised at different schools by schools personnel and other actors and the teachers have been provided with an information and methodology package for teachers on prevention of human trafficking and live video streaming of information on THB was arranged at schools. A summarized overview on preventive activities is available online in the website of the Ministry of the Interior of the Republic of Lithuania at <http://vrm.lrv.lt/lt/veiklos-sritys/kova-su-prekyba-zmonemis>.

Since 2017, preventive activities and actions for the general public and targeted at vulnerable groups, including children, unemployed and other persons under social exclusion, on national and local levels, among them measures of building specialist and public awareness on THB in order to inform about THB trends, counter-THB initiatives, provided support and problems, and to reduce the demand for services of sold persons in all the areas of their exploitation are under implementation by different actors (the Plan for 2017–2019 incorporates a separate chapter on prevention). Also preventive activities are implemented under projects, e. g. preventive campaigns have been implemented under the projects “Strengthening the Role of Municipalities in the Work against Trafficking in Human Beings (STROM II)” (a transnational project that aims to strengthen the capacity and role of municipalities in the fight against THB in the Baltic Sea Region funded by the Nordic Council of Ministers and the Swedish Institute, coordinated by the Council of the Baltic Sea States Task Force

against Trafficking in Human Beings (CBSS TF-THB), in Lithuania – by the Ministry of the Interior of the Republic of Lithuania), „Preventing human trafficking and sham marriages: A multidisciplinary solution” (HESTIA) (with the support of Directorate General of Home Affairs of European Commission “Prevention of and Fight against Crime Programme”, coordinated by the Ministry of the Interior of the Republic of Latvia, in Lithuania – by NGO Lithuanian Caritas, and others). Responsible agencies communicate information on THB related issues in their websites.

*10. GRETA considers that the Lithuanian authorities should make additional efforts to discourage demand for services from trafficked persons as regards all forms of exploitation.*

Labour inspectors together with police and social workers arranged 7012 preventive raids and checked 6749 subjects. The checks resulted in issuing 778 administrative violations protocols and distributing 65 reports to responsible agencies for further actions within their competence. The police with partners (labour inspectors, social workers, child rights specialists) took part in international operations to prevent forced labour and sexual exploitation. On 12 December 2016 the State Labour Inspectorate under the Ministry of Social Security and Labour of the Republic of Lithuania signed a cooperation protocol with the State Labour Agency of the Ukraine to exchange information on the nationals working on the territory of another country and possible labour law violations related to them (an increasing number of Ukrainians have been detected as arriving for work to Lithuania). In addition, the police arranged special raids to the locations where sexual services might be served what resulted in issuing administrative law violations protocols and informing the prostituting persons on the possibilities to get assistance. The public is kept informed of the situation and the results of the activities conducted. Since 2017, a special preventive activity “To organise information campaigns to reduce the demand for services of sold persons in all the areas of their exploitation” on municipality level is planned in ten major municipalities (the Plan for 2017–2019).

### **Social, economic and other initiatives for groups vulnerable to THB**

*11. GRETA considers that the Lithuanian authorities should strengthen the aspect of prevention of THB through social and economic empowerment measures for persons vulnerable to THB and integrate the prevention of THB in the policies to combat gender-based violence.*

The Ministry of Social Security and Labour of the Republic of Lithuania has been implementing activities to decrease social exclusion of vulnerable people, as well as municipalities have funded and coordinated projects on prevention of violence and THB implemented by NGOs. The prevention of THB policies are reflected in the Law on Equal Opportunities for Women and Men applicable in the areas of employment, education and science, the supply of goods and services and social security. This law prohibits harassment, sexual harassment, or any form of discrimination (direct or indirect) on the basis of sex and establishes the actions which are mandatory for employers, institutions of education and science, authorities responsible for the protection of consumer rights and social security systems in order to ensure equal opportunities for women and men. The law also defines which actions in the areas concerned are considered to be in violation of the equal rights of men and women. The National programme on equal opportunities for women and men 2015–21 ensures consistent, complex and systematic dealing with the gender equality issues in all fields.

Furthermore, on 28 May 2014 the Government of the Republic of Lithuania approved the State Programme on Prevention of Domestic Violence and Victims Assistance for 2014–2020. This Programme aims to increase public awareness regarding various forms of violence, its consequences and the need to prevent it, to develop intolerance to violent behavior, improve the mechanism of comprehensive assistance to persons affected by violence, based on the cooperation of the state and municipal institutions, NGOs, other bodies, and the society.



The Action plan on the implementation of the State Programme on Prevention of Domestic Violence and Victims Assistance for 2014–2020 approved on 18 April 2017 by Ruling of the Minister of Social Security and Labour of the Republic of Lithuania provides a wide range of preventive measures: publishing information brochures about the provision of assistance to domestic violence victims, spreading information on statistical data on domestic violence and investigations, as well as promoting the participation of local authorities and communities in long-term prevention of these law violations and the establishment of safe neighborhood groups.

### **Identification of victims of trafficking in human beings**

*12. GRETA considers that the manual for victim identification by NGOs can be usefully updated and expanded to cover all victims of THB, for different purposes of exploitation.*

On 17 December 2015, Prosecutor General, Minister of the Interior and Minister of Social Security and Labour of the Republic of Lithuania approved Recommendations regarding Identification of Victims of Trafficking, Criminal Investigations and Interagency Cooperation by Ruling No. I-327/1V-1015/A1-758 on Approval of Recommendations regarding Identification of Victims of Trafficking, Criminal Investigations and Interagency Cooperation (available online <https://www.e-tar.lt/portal/lt/legalAct/801bbb20ad5311e5b12fbb7dc920ee2c>). At the same ceremony, four NGOs rendering assistance to victims of THB supported by the state through the Ministry of Social Security and Labour of the Republic of Lithuania and IOM Vilnius Office signed a cooperation declaration on applying the document in their daily tasks. Since then, the approved recommendations are used by all responsible actors.

*13. GRETA urges the Lithuanian authorities to take further steps to ensure that all victims of trafficking are properly identified and can benefit from all the assistance and protection measures provided for under the Convention, and in particular to:*

- ensure that the NRM involves all relevant actors and formalises the role and input of specialised NGOs
- harmonise the operational indicators, guidance and toolkits to be used in the identification process and disseminate them to all relevant professionals to ensure that they adopt a proactive approach to detecting and identifying victims of trafficking; the indicators should be regularly updated in order to reflect the changing nature of human trafficking and types of exploitation;
- enhance the role of labour inspectors in the detection of THB for labour exploitation in Lithuania and improve the identification of victims of THB among foreign nationals;
- improve the identification of victims of THB among children by setting up a specific identification mechanism which takes into account the special circumstances and needs of child victims of THB, involves child specialists and ensures that the best interests of the child are the primary consideration;
- improve the identification of victims of trafficking among asylum seekers, migrant workers and irregular migrants.

Recommendations regarding Identification of Victims of Trafficking, Criminal Investigations and Interagency Cooperation (the Recommendations) approved by Prosecutor General, Minister of the Interior and Minister of Social Security and Labour of the Republic of Lithuania by Ruling of 17 December 2015 establishes unified victim identification criteria with explanation of necessary terms, defining the identification process and cooperation of relevant actors in referral of such victims, including NGOs and IOM Vilnius office. The Recommendations were distributed and explained to relevant actors through training sessions and regular discussions on their application are ongoing (also specialists meet once a year to discuss the needs to supplement the Recommendations as incorporated

in the Plan for 2017–2019). The Recommendations contain the description of the role of labour inspectors, as well as special identification of child victims and foreign victims of THB. Since the approval of the Recommendations, any training related to identification and referral of victims also refers to the application of the Recommendations. On 24 February 2016, Minister of the Interior of the Republic of Lithuania signed Ruling No. 1V-131 on Approval of Procedures for Granting and Withdrawal of Asylum in the Republic of Lithuania which describes identification of vulnerability of asylum seekers including THB victims (available online [https://www.e-tar.lt/portal/lt/legalAct/ebc768d0dadd11\\_e583a295d9366c7ab3](https://www.e-tar.lt/portal/lt/legalAct/ebc768d0dadd11_e583a295d9366c7ab3)). In case of THB, procedures described in the Recommendations are used for further actions.

### **Assistance to victims**

*14. GRETA urges the Lithuanian authorities to strengthen their efforts to provide assistance to victims of trafficking, and in particular to:*

- ensure that all victims of THB have effective access to assistance, including adequate accommodation, emergency and long-term medical assistance, as well as social assistance, according to their needs;
- ensure that male victims of trafficking are provided with suitable accommodation adapted to their needs and have effective access to all assistance measures provided for in law;
- ensure that all child victims of trafficking benefit from the assistance measures provided for under the Convention, including appropriate accommodation, specialised support services and access to education.

The procedures for identification and referral of victims of THB have been defined in the Recommendations. Their implementation is reviewed each year. The Regulations on the organisation of the projects for social assistance victims of THB competition for 2016–2018 approved on 22 January 2017 by Ruling No. A1-38 of Minister of Social Security and Labour of the Republic of Lithuania set out the requirements for social assistance to victims of THB for the NGOs which are financed by the state to render assistance to victims of THB: the assistance has to be rendered in a coordinated and complex manner and consist of social assistance, temporary accommodation, psychological care and healthcare, legal, educational and employment help, and etc. based on the evaluation of individual needs of the victim and following the individual social assistance plan. The NGOs rendering assistance to victims of THB are financed by the state through the Ministry of Social Security and Labour of the Republic of Lithuania. Extra funding to NGOs is allotted by municipalities to implement prevention and assistance projects in their territory. In addition, social services, including temporary accommodation, legal, psychological assistance, organisation of education to victims of THB and their children – residents of the municipality are provided by municipality specialised assistance agencies.

Besides the consular assistance to the victims of any crime, Lithuanian Ministry of Foreign Affairs provides help, including financial assistance for the repatriation, for the victims of THB as a separate group. Upon establishing that a Lithuanian national is a victim of THB, diplomatic missions and consulates of Lithuania provide assistance in return of such persons to Lithuania upon their consent. The Ministry of Foreign Affairs allocates an annual budget to cover the return of Lithuanian victims.

Activities and actions with responsible institutions and funding related to assistance to victims of THB have been also incorporated into the Plan for 2017–2019 (there is a separate chapter). The state

funds allotted to NGOs projects related to assistance to victims of THB through the Ministry of Social Security and Labour of the Republic of Lithuania have been increasing.

To introduce best practice in Lithuania, the Ministry of Social Security and Labour of the Republic of Lithuania together with the Icelandic Government Agency for Child Protection implement the project "Establishment of the Support Centre for Child Victims of Sexual Abuse" (co-funded from the European Economic Area Financial Mechanism and the state budget of the Republic of Lithuania). Upon the completion of the project child victims of sexual abuse will get integrated services in one location.

*15. Further, GRETA considers that the Lithuanian authorities should increase their efforts to provide adequate funding, sufficient to cover the actual needs of victims of trafficking.*

Commented under 14.

### **Recovery and reflection period**

*16. GRETA urges the Lithuanian authorities to review the procedure for granting a recovery and reflection period with a view to ensuring, in compliance with the obligations under Article 13 of the Convention, that all possible victims of trafficking are systematically informed of the possibility to benefit from a recovery and reflection period, and are offered such period without having to apply for it. The authorities should establish clear criteria for granting a recovery and reflection period, taking into account the personal situation and need to recover of the possible victim, and provide training to the competent authorities in order to ensure that these criteria are effectively applied in practice.*

The Recommendations establish the obligation for officers and specialists to inform the victim of THB of his/her rights and those provisions have been analysed in training sessions. Resolution No. 430 of the Government of the Republic of Lithuania of 18 April 2012 establishes that a victim expresses willingness for reflection period and it is considered in case there are data that the person has become a victim of THB. If it is considered as a possible THB case, a potential victim of THB is informed of the possibility to be granted a reflection period.

### **Residence permits**

*17. GRETA invites the Lithuanian authorities to consider granting residence permits to victims who, for various reasons, do not co-operate with the law enforcement authorities, but their stay would be necessary owing to their personal situation, as envisaged by Article 14 of the Convention.*

Yes, there is such a possibility under migration legislation.

### **Compensation and legal redress**

*18. GRETA considers that the Lithuanian authorities should adopt further measures to facilitate access to compensation for victims of trafficking, and in particular to:*

- ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid, by building the capacity of legal practitioners to support victims to claim

compensation and by including the issue of victim compensation in training programmes for law enforcement officials, prosecutors and judges.

Article 45 of the Criminal Procedure Code of the Republic of Lithuania stipulates that judges, prosecutors and investigators must inform the victims of their procedural rights and ensure that they gain access to them. In Article 46, paragraph 2, it is stated that if a person is recognized as a victim or has suffered damage as a result of a violent crime, the investigator or the prosecutor must immediately inform the victim of his or her right to compensation under the Lithuanian Violent Crimes Compensation Act. In accordance with recently amended Article 8, the investigator, prosecutor or the court must determine if the victim is fluent in Lithuanian and able to properly exercise his or her rights and understand the ongoing criminal proceedings or if an interpreter is needed. In case the participant of the criminal process is not fluent in Lithuanian, the state guarantees the right to make statements, give evidence and explanations, to file requests or complaints and to speak in court in their native language or any other language in which the participant is fluent. During all the process, including the initial introduction to the case file, the participants of the criminal proceedings have the right to use interpreter services in accordance to the procedures established in the Criminal Procedure Code of the Republic of Lithuania. In addition, the rights to file a complaint or a statement in verbal or written form in the native language or any other language of the victim or his (her) representative are ensured. Finally, the Ministry of Justice of the Republic of Lithuania has recommended the State Guaranteed Legal Aid Service, which organizes training for state-guaranteed legal assistance (including training for lawyers who provide state-guaranteed secondary legal aid), to discuss during training sessions the rights and interests of THB victims and their proper ensurance.

*19. Further, GRETA considers that the Lithuanian authorities should review the legislation in order to make it possible for victims of THB to receive state compensation regardless of whether criminal proceedings are initiated.*

The Lithuanian Violent Crimes Compensation Act establishes two cases under which compensation is possible: compensation in advance (before the end of the criminal proceedings) for the damages sustained during the violent crime and compensation for damages after the criminal proceedings are over. It should be noted that the possibility to get the compensation for the damages sustained before the criminal proceedings are over are quite broad and there are several possibilities. Separation of only THB victims to the group of victims which are granted compensation without undergoing criminal proceedings would go against the principles of equality and non-discrimination, distort all the compensation system for the violent crimes and would require a separate compensation mechanism, as well as additional state budget allocations.

### **Repatriation and return of victims**

*20. GRETA urges the Lithuanian authorities to adopt a clear legal and policy framework for the return of trafficked persons. In this context, the Lithuanian authorities should take steps to:*

- ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person and the status of the legal proceedings; this implies informing victims of trafficking about the possibility of voluntary return, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;
- introduce proper risk assessment procedures and make efforts to ensure safe return of victims, as well as their effective reintegration;
- ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention.

The procedures on victims identification and assistance, types of assistance described above are applicable to national and foreign victims including repatriation and return cases.

### **Non-punishment of victims of trafficking in human beings**

*21. GRETA considers that the Lithuanian authorities should ensure that the non-punishment provision contained in Article 26 of the Convention is applied in practice through developing guidance for police officers and prosecutors concerning the application of Articles 147(3) and 157(3) of the CC. Police officers and prosecutors should be encouraged to be proactive in establishing whether a person accused of a criminal offence or administrative violation is a potential victim of trafficking. While the identification procedure is on-going, presumed victims of trafficking should not be punished for immigration related offences or offences relating to identity documents.*

Relevant norms have been incorporated into the Penal Code of the Republic of Lithuania and they are analysed during training sessions for responsible officers and specialists. In recent years, there have not been any case in Lithuania when a presumed victim of THB was punished for immigration or any other crime related to her situation as a victim of THB.

### **Investigation, prosecution and procedural law**

*22. GRETA urges the Lithuanian authorities to strengthen their efforts to ensure that THB offences leading to different types of exploitation are proactively investigated and effectively prosecuted. In this context, the Lithuanian authorities should develop the training and specialisation of investigators, prosecutors and judges to tackle this complex crime with a view to ensuring that all human trafficking offences for different types of exploitation lead to effective, proportionate and dissuasive sanctions. In addition, GRETA considers that the Lithuanian authorities should take steps to guarantee the effective application of the legal provisions concerning the confiscation of traffickers' assets.*

There are specialised investigators and prosecutors in Lithuania. They are under continuous training (see above) and have been disclosing an increasing number of cases of THB and exploitation for labour or services what has resulted in increasing number of prosecutions and substantial convictions.

### **Protection of victims and witnesses**

*23. GRETA considers that the Lithuanian authorities should make full use of the available measures to protect victims of THB, including the victim/witness protection programme. In this context, reference is made to paragraphs 63 and 167 concerning the training provided to prosecutors, judges and other relevant professionals.*

Topics on identification and referral of victims of THB, including their assistance and support, are included into training programmes for relevant officers (see above). The possibility to use the state victims and witnesses protection programme is also known for NGOs rendering assistance to victims of THB.