

Lithuania

(Abt 6 pages)

The phenomenon

- Different forms of trafficking in human beings
- Trafficked persons:
 - Countries or areas of origin
 - Gender and age
 - The process of trafficking (recruitment, journey, main routes)
 - Forms of exploitation

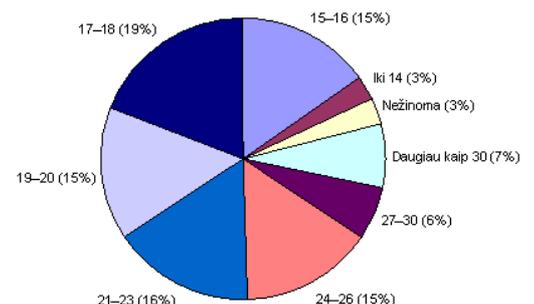
Lithuania is a source, transit and destination country for human trafficking. Mostly victims of this offence are children and women trafficked for sexual exploitation. There are just few investigations of the cases of human trafficking for forced labour exploitation. According to LR Ministry of the Interior Report of human trafficking in Lithuania 2009, 16 pre-trial investigations of human trafficking for sexual exploitation and 3 of human trafficking for forced labour exploitation were started in 2008. Meanwhile in 2009 (for the period from January to October), there were 20 persons prosecuted for human trafficking for sexual exploitation and there is no data about the cases of human trafficking for forced labour exploitation. Because of using different points in victims identification process, the numbers of the victims provided by government institutions and NGOs differ a lot (according to IOM depersonalize data base, individuals are identified as victims according to UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), which in Lithuania was ratified in 2003 (V-bės Žn., 2003, Nr. 49-2157), art. 3 that identifies victims independently a person participates in pre-trial investigation. Meanwhile IT and Communication Department under the Ministry of interior includes data about the persons that were identified as victims in pre-trial investigation and suspected persons according to the articles 147, 147⁽¹⁾, 157 of the Criminal Code). According to IT and Communications Department, there were 25 victims, meanwhile IOM database indicates 86

victims in 2008. According to Ministry of Social Security and Labour that indicates number of victims and potential victims who received assistance provided by NGOs, there were 621 such persons in 2008.

Lithuania is principally a country of origin. The main destination countries are United Kingdom (17 persons came back to Lithuania from this country in 2008) and Germany (9 persons). As well as among destinations countries are Greece (3 persons), Ireland (2 persons), Italy, France and Czech Republic (1 person from each).

After joining the EU it is noticeable a threat of immigrants from the neighbour countries and Asia countries as well. However there is no data about victims of human trafficking who own foreign countries citizenship during the last two years. Despite this fact, Lithuanian laws foreseen assistance and protection for such persons.

Mostly victims of human trafficking are under-age girls and women trafficked for sexual exploitation and forced prostitution. About 37 of all victims in Lithuania were 14 – 18 yrs old persons (more detailed information in the diagram below).



Source: Programme for prevention and control of trafficking in human beings for 2009 – 2012

It is noticeable that usually victims have lower than secondary education. In 2008 about 40% of all victims did not have basic education (was not graduated 10 grades) and 10% had secondary education.

It is important to note that human trafficking in Lithuania is not only transnational, but also internal offence. Especially girls and women from villages and smaller towns are trafficked to bigger cities, where are forced to work as prostitutes.

National anti-trafficking legislation and institutions

- Laws

Issue of human trafficking was officially made as offence in 2000, when definition of human trafficking was presented in Lithuanian Republic Criminal Code. Legislation was amended in 2005, when article of the *Exploitation for the forced labour (art. 147⁽¹⁾)* was included. As well as one of the most important changes has been an introduction of *legal persons' liability for the human trafficking*.

National law regulating aspects of human trafficking accords with international treaties, conventions and EU legal acts. Definition of human trafficking accords with the definition of Council of Europe Convention Action against Trafficking in Human Beings saying that "Any person, who sold or purchased or in any other way transferred or acquired a person or transported or held in a captivity using physical violence or threats or in any other way deprives the opportunity to resist, or using victims' dependency and vulnerability, or using deception, or paying the money or providing other material benefits for individual, who controls victim, if perpetrator knew or intended, that victim would be involved to prostitution or benefits would be received from the latter person's prostitution or s/ he would be exploited for the pornography or labour exploitation, shall be punished imprisonment for a term from 2 up to 10 years" (art. 147, 2000).

Prosecution of the child trafficking is also included into LR Criminal Code – "any person, who proposed to buy or in other way to gain child or sold, bought or in other way transferred or acquired a child, or

recruited, transported or kept in captivity a child, knowing or seeking that s/ he will be involved into prostitution or it would be made a profit from the prostitution or s/ he would be exploited for the pornography or forced labour exploitation, shall be punished by imprisonment from 3 up to 12 years" (art. 157, 2000). According to Lithuanian anti-trafficking legislation, a child under 18 years age for the purpose of exploitation trafficking is constituted even the child is not subjected to any of the coercive means.

In the second part of the articles that defines human trafficking (art. 147) and purchase and trafficking of child (157) penalties for removal of organs are mentioned as well – "any person who committed an offence mentioned in the first part for two or more victims, either participating in an organized group or **in order to gain victim's organ, tissue or cells**, shall be punished from 4 up to 12 years" (art. 147) and Any person, who made an act foreseen in the first part of the article for 2 or more children or juvenile, or participating in organized group, **in order to gain organ of the victim, tissues and cells**, shall be punished by imprisonment from 5 up to 15 years (art. 157). There is also other legislation that makes an offence to pay an individual who provides a body organ. LR Law of human-being's tissues, cells and organs donation and transplantation says that "alive or dead persons' **tissues, cells or organs can not be an object of civil commercial transactions**" (art. 11, 1996).

There is no separation whether trafficking in human beings is internal or transnational. However there is still lack of regulating other kind forms of human trafficking – exploitation of begging, illegal activities such as theft or picking pockets, domestic work or benefit fraud are not included in Lithuanian's anti-trafficking legislation. Servitude is also not mentioned as offence; meanwhile slavery is prohibited and included to the part of the article of the exploitation for the forced labour (art. 147⁽¹⁾)

Lithuania also has legislation criminalising activities surrounding prostitution apart from trafficking. Liability for this offence is mentioned in LR Criminal Code. Exploitation for the prostitution of others, paying for commercial sex with an adult, as well as pursuit of prostitution, are kept as offence and punishments for this offences are foreseen in the legal acts.

- National Action Plan

Lithuania has already confirmed the third national programme for prevention and control of trafficking in human beings. The last Programme for prevention and control of trafficking in human beings for 2009 - 2012 was adopted on September, 2009. The first national Programme for prevention and control of trafficking in human beings for 2005-2008 was a continuation of the Programme for human trafficking and prostitution control and prevention 2002-2004.

- National Rapporteur or equivalent mechanism

Ministry of Interior is responsible for developing government anti-trafficking policy, as well as for control and monitoring of human trafficking activities in Lithuania. According to foreign countries practice, a National Coordinator (Vice-minister of Interior) was appointed by the Minister of Interior in 2007. He belongs to the first level of anti-trafficking coordination system and is responsible for organizing activities of the whole system.

However National Coordinator is not independent and not only monitors the activities of other agencies in counter-trafficking field, but also has an operational role.

Identification, protection of rights, and referral

- Brief overview of the national and possibly local systems and procedures

Ministry of Interior is responsible for developing Government anti-trafficking policies in the country and is called as a national coordination institution in a counter-trafficking field.

National Coordination system in Lithuania is from three levels. According to foreign countries practice, a National Coordinator (Vice-minister of Interior) was appointed by Minister of Interior in 2007. National coordinator belongs to the first level of anti-trafficking Coordination system in Lithuania. The second level belongs to an inter agency work group that was created from the representatives of ministry Interior, law enforcement institutions and other institutions that implement national programmes for prevention and control of trafficking in human beings. However neither NGOs nor IOM Vilnius office are not involved in this group, although they implement anti-trafficking activities in practice and also work in victims' integration process. The third level is 10 policemen in territorial police force (one in each district police office). These officers collaborate with representatives of municipalities, NGOs, social workers, social pedagogues, etc. In the third level NGOs are also included. They play a major role implementing counter-trafficking activities in practice and provide all kind of assistance relevant for victims during their integration into society process.

As well as a special police unite (Trafficking in Human Beings Investigation Unit of the Lithuanian Criminal Police Bureau), which focuses on human trafficking and related crimes is established in Lithuania.

- Identification

There is no single unit, which identifies whether a person could be called as a victim

of trafficking. According to IOM depersonalize data base, individuals are identified as victims according to UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), which in Lithuania was ratified in 2003 (V-bės Žn., 2003, Nr. 49-2157), art. 3 that identifies victims independently a person participates in pre-trial investigation. Meanwhile IT and Communication department under the Ministry of interior includes data about the persons that were identified as victims in pre-trial investigation and suspected persons according to the articles 147, 147⁽¹⁾, 157 of the Criminal Code. According to Trafficking in Human Beings Investigation Unit of the Lithuanian Criminal Police Bureau, there is a list of indicators with an example of the cover letter. The list consists of two parts: legal features based on national legislation and risk factors – both with boxes to be ticked as relevant. The procedure involves law enforcement, NGOs and other specialist. Into indicators for victims' of human trafficking identification means of impact are also included. Physical violence, threat, fraud and other points mentioned in the recommendations could be referred to specific signs and evidence that individual is being subjected to coercion or force while they are being exploited.

Different identification aspects are the reason why there is no exactly known the number of victims of human trafficking in the country. At this moment the Ministry of Interior prepares special legal act on victims' identification procedure. It would be very important step improving victims' identification process. First of all it would help to see clear picture of the scope of human trafficking in Lithuania and would also develop victims of human trafficking integration process.

Responsibilities in identification process share Government institutions, inter-governmental organizations and NGOs. Among them are Lithuanian Caritas, IOM Vilnius office, Ministry of the Interior and others.

Recommendations for victims of human trafficking identification process (in Lithuanian language) are available: http://www.anti-trafficking.lt/index.php?s_id=63&lang=lt

- Reflection and recovery period

Reflection and recovery period is not foreseen in Lithuanian legislation. However in practice reflection and recovery period is applied by NGOs, which work in victims' integration process. Reflection period usually depends on persons' individual cases. As an example, Missing persons' families support centre applies it for thirty days. However it does not mean that after this period assistance is cancelled. It is not only continued, but also a follow-up assistance for victims' who already started their independent lives is provided for some time.

Rights for formal identification which allow individuals to be granted a reflection period or residence permit are incorporated in the Law on the Aliens' Legal Status of the Republic of Lithuania (29 April, 2004. No X-1442). The main requirement is cooperation with the pre-trial investigation body or the court.

- Short-term assistance and protection/ Long-term assistance and social inclusion

Lithuanian citizens whether they are presumed 'trafficked' persons or formally identified as 'trafficked' receive assistance provided by NGOs on the same way.

Mostly NGOs provide standard package of the services:

- Temporary housing in the shelter;
- Supply of food, pharmaceuticals, sanitary goods and other daily necessary items;
- Social and moral assistance: consultations, support on the crisis cases; strengthening motivation, cooperation obtaining social, legal and other services);
- Medical assistance;
- Psychological and psychiatric consultations;

- Legal consultations, assistance in pretrial and trial process, other necessary legal information;
- Social assistance to recover relations with victims' relatives and close surrounding who can make easier victims reintegration into society;
- Assistance to integrate into labor market: education, qualification and retraining courses arrangement, assistance in a job searching process, etc.
- Purposeful leisure time activities for the victims;
- Follow up assistance;

Temporary housing service is provided by Missing persons' families support centre, which established a shelter in 2001, among Lithuanian Caritas services temporary accommodation is also included. Temporary housing are provided mainly for girls and women, but they are not designed especially only for trafficked girl children or only adult women. There are no such shelters, which would be available for trafficked boys or trafficked adult men in Lithuania.

Accommodation is paid for Lithuanian Government, in the frame of the projects "Social support for victims of human trafficking, their security and integration into society". These projects are supported by Ministry of Social Security and Labour. However The Programme for Human Trafficking Prevention and Control was adopted only in September, 2009 and there are no organization who have received support for such kind of activities until now.

Into the projects of social support for victims of human trafficking are included not only temporary housing services. Financial means are devoted to ensure basic need of the victims (nutrition, medicaments, clothes, etc.), money needed for psychologist and legal counselling is also included, as well as some amount are devoted for leisure time activities. Women who live in the shelter also receive social workers' consultations, assistance in job search process and studies. Even after women start their independent

lives and leave shelters, follow-up assistance is provided for some time for all of them.

- Stay permit/ Assisted voluntary return

According to Law on the Legal status of Aliens' only "and adult alien who is or has been a victim of human trafficking and cooperates with pre-trial investigation body or court" (art. 49⁽¹⁾) are able to receive assistance foreseen for aliens who granted temporary protection. Among the services that are available for aliens are:

- An access to free accommodation in the place designated by the Government of the Republic of Lithuania;
- To be provided with all the necessary information regarding their legal status in the Republic of Lithuania in their native language or in a language which they understand;
- To be employed in the Republic of Lithuania during the period of temporary protection;
- To receive a monetary allowance if they have no other income in the Republic of Lithuania
- To receive emergency care and necessary assistance in terms of social care;
- Other right guaranteed under by the international treaties, laws and other legal acts of the Republic of Lithuania.

Source:

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=319034

The temporary residence permit shall be issued for six months. There is no information if negative decisions about residence permit be challenged through a formal appeal process. However art. 50 says, "a temporary residence permit of an alien shall be withdrawn, if it is noted in the motion of pre-trial investigation body or the court that the grounds, on which the adult alien, who has been a victim of human trafficking and cooperated with pre-trial investigation body or the court in combating

human trafficking or crimes concerning human trafficking, has been issued temporary residence permit, have disappeared”.

According to Migration Department under the Ministry of the Interior of the Republic of Lithuania, there is no particular procedure provided especially for the victims of trafficking. According to the general procedure, every alien has the right to obtain a permanent residence permit, if s/he has been residing in the Republic of Lithuania uninterruptedly for the last five years holding a temporary residence permit.

However, there is no data if any trafficked persons granted temporary residence permit both in 2008 and 2009. Migration Department under the Ministry of the Interior also could not tell if it is relatively routine trafficked persons” to apply for the refugee status in order to seek permanent residence. Such cases are not usual in Lithuania and rarely occur in practice.

Access to justice

- Information and counselling
- Protection measures for victims and witnesses
- Criminal and civil proceedings
- Access to compensation

Criminal procedures, especially cases related to human trafficking took long time and usually are very complicated. Just a few women agree to testify in the court, because are afraid of the procedure and to meet the person that hurt them, as well as usually process takes a long time and they do not want to remember and tell their stories for several times for strangers. In the Criminal process code it is foreseen an anonymity in the witness questioning process (art. 282). This is very important for victims of human trafficking and other witness involved into the investigation process in order a negative impact for the further process would not be done, security of the participants of the process would be ensured and other. As well as it is included a possibility to deal the case not publicly. Into the legislation article to cover the damage for the victims of human

trafficking are also involved (LR Law on Compensation for the Violent Crimes. V-bės Žn., 2005-07-14, Nr. 85-3140. Nr. X-296).

In Lithuania there is no special measures used by law enforcement or court officials to protect adults and children who take part in criminal proceedings as witness or victims of crime. However confidential identity and isolation are used more often than in other cases. Information both about protection outside the context of the court room and in-court protection is not available. However representative of Trafficking in Human Beings Investigation Unit of Lithuanian Criminal Bureau states that in-court protection participation and support by responsible investigator, NGOs, social workers or psychologists was available.

During 2008 and 2009 there was no case that trafficked child or adult identity was made public in the course of criminal justice proceedings.

According to representative of Trafficking in Human Beings Investigation Unit of Lithuanian Criminal Bureau, consultations about the quality of information routinely was available in a language understood by the victim witness (according to LR Criminal Procedures Code during the criminal procedure the individuals who do not know Lithuanian language have a right to use interpreter’s services), information was made available by the police or prosecutors about the possible risks entailed in appearing at a trial as a victim or witness, as well as victims and their lawyer were informed about the investigation process. Information was available in a language that victims understand. Finally victims were informed about the trial results. Any changes about the quality in 2009 were not available.

Although there is no help-line, which is directly devoted for assistance and advice to trafficked persons there are some sources, where such information is acceptable. Missing persons’ families support centre has a hot-line for relatives of the missing persons, as

well as consultations for people who need advices before going to work abroad are provided. Victims of human trafficking could also contact this NGO as its number is provided in flyers and brochures where information about possible assistance is provided. Few years ago such hot-line was run by IOM Vilnius office. However because of the end of the project it does not work any more. Although Trafficking in Human Beings Investigation Unit of the Lithuanian Criminal Police Bureau does not have a help line for victims, but investigator responsible for a concrete case is responsible for keeping a permanent contact with the victims' witness. This Unit also administers a special anti-human trafficking e-mail box for the public prekybazmonemis@policija.lt. Each piece of information received in the Unit is checked and relevant measures are undertaken.

Prevention

- Awareness raising
- Training programmes
- Social and economic initiatives
- Research
- Other

Because of economic situation migration is especially a great concern for Lithuania. However there is not so much information about possible dangers for those who are planning to leave country and work abroad. It is known that individuals are able to check whether work employment agency is legal on the Labour Exchange office and Ministry of Social Security and Labour websites.

NGOs are active in the prevention field. Preventive lectures at schools and foster homes (the aim of the lectures is to provide information about issue of human trafficking, risks searching a job abroad and ways how to protect themselves and others), public events, information campaigns (e.g. Don't sell yourself"), as well publishing flyers and informative brochures. Missing persons' families support centre also share reflectors and stickers with the note "Don't sell yourself" and the number of hotline that is

run by organization. However NGOs work is not so visible and easily available. The problem also is lack of financial support for preventive activities from the Government. However although there was no financial support in 2009, Missing persons' families support centre not only continued prevention lectures at schools and children foster homes, as well as by the initiative of this NGO a movie "Do not sell yourself" was created. In a movie experts talk about issue of human trafficking, issue of migration is included there as well.

During the last two years researcher about issue of human trafficking have not been done. However relevant studies were done few years ago. Among them could be mentioned such studies: Ruškus J. et al. Rehabilitation and reintegration of victims of women trafficking and prostitution (org. Prekybos moterimis ir prostitucijos aukų reabilitacija ir reintegracija (2005)); Sipavičienė A. Trafficking in women: problems, decisions, view from inside (org. Prekyba moterimis: problemos, sprendimai, žvilgsnis iš vidaus. Vilnius: Tarptautinė migracijos organizacija (2004)).

Monitoring and evaluation system

- Goals
- Organisational structure
- Actors involved
- Activities
- Tools

Ministry of Interior is a main coordinator structure of counter-trafficking in Lithuania. A national coordinator is a Vice-minister of Interior. However although institution plays coordinator role, it is not independent and also has an operational role. The office of national coordinator monitors policy on all forms of trafficking exploitation and annually prepares reports about issue of human trafficking in Lithuania. Both practical and theoretical issues are included to these reports. Data is also received from NGOs. Information about their activities and numbers of victims they provide assistance for are also included. Victims of human

trafficking because of confidentiality are not involved preparing such reports.

In each action plan (national programme for prevention and control of trafficking in human beings) previous actions and situation of the country are briefly overviewed, as well as some results of the previous programmes are evaluated and discussed.

Annual reports (in Lithuanian language) are available: <http://www.vrm.lt/index.php?id=566>