

BRIEFING PAPER

LITHUANIA COUNTRY OVERVIEW

This text is largely based on the report on the E-Notes Report on the implementation of anti-trafficking policies and interventions in the 27 EU Member States from a human rights perspective (2008 and 2009), Fermo, (Italy) 2009; chapter on Poland, p. 172 – 175, written by Giedre Blažyte, Missing Persons' Families Support Centre (MPFSC), Vilnius.

The phenomenon

Lithuania is a source, transit and destination country for human trafficking; involving mostly children and women trafficked for sexual exploitation. Lithuania is principally a country of origin of victims trafficked to the United Kingdom, Germany, the Netherlands, Italy, France, Greece. After joining the EU, Lithuania became a transit country for victims from neighbouring and Asian countries. Domestic trafficking also occurs, targeting mainly girls and women from villages and smaller towns trafficked to bigger cities, where they are forced to work as prostitutes. A significant percentage of victims are underage girls (37%) and mostly between 14 and 18 years old. The educational background seem to be rather low since, for instance, in 2008, about 40% of all victims did not have basic education. Data on trafficked persons are rather diverse in Lithuania since no unified data collection system is currently in place. In 2009, according to the law enforcement agencies, 57 victims were identified and referred to NGOs; the latter assisted 170 trafficked persons; and the Ministry of Foreign Affairs referred to local NGOs 9 nationals identified abroad. No data on trafficking in human beings for purposes other than sexual exploitation are available for Lithuania.

According to the Lithuanian law enforcement, statistics for 3 years period 2009-2011 are as follows:ⁱ

Year	2009	2010	2011
prosecutions	12	8	21
convictions	6	7	3
The estimate of trafficked persons	22	10	33

National anti-trafficking legislation and institutions

The Lithuanian anti-trafficking legal framework complies with the international and European standards, including the EU Framework Decision on Combating Trafficking (2002) and the Council of Europe Convention Action against Trafficking in Human Beings (2005). In Lithuania, human trafficking of both children and adults is an offence provided for by Articles 147 and 157 of the criminal code, which prosecute most forms of trafficking. The legal persons' liability is also foreseen in such norms. Penalties range from a fine up to 15 years' imprisonment. The anti-trafficking legislation does not make any distinction between internal and



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transnational trafficking. Moreover, it does not cover human trafficking for all purposes, such as, forced begging, forced illegal activities, domestic servitude or benefit fraud. Servitude is also not provided for as an offence, while slavery is prohibited and included in the part of the anti-trafficking article focusing on forced labour (Art. 147). Activities related to prostitution are criminalised, such as, working in prostitution, exploitation of prostitution of others, paying for commercial sex with an adult. These offences are generally charged also in cases of trafficking for sexual exploitation. The first national Programme for the Prevention and Control of Trafficking in Human Beings was carried out in 2005-2008 as a continuation of the Programme for Human Trafficking and Prostitution Control and Prevention (2002-2004). The second national programme started in 2009 and will finish in 2012. The Lithuanian government has already confirmed that the third national programme for prevention and control of trafficking in human beings will follow.

In 2006, the Trafficking in Human Beings Investigation Unit of the Lithuanian Criminal Police Bureau was established to specifically investigate and prosecute human trafficking and related crimes. However, no single agency is tasked to officially identify a victim of trafficking. Governmental institutions, intergovernmental organizations, and NGOs share such responsibility. According to the IOM depersonalized database, victims are identified as such as envisaged by the UN Palermo Protocol, ratified by Lithuania in 2003 (Art. 3 identifies victims independently of their will to participate in pre-trial investigation). The IT and Communication Department under the Ministry of Interior register data on persons identified as victims in pre-trial investigations and suspected persons according to Articles 147, 147(1), 157 of the Criminal Code. According to THB Investigation Unit, a list of indicators is used to identify victims of trafficking. The list consists of two parts: one deal with legal features and the other enumerates risk factors – both with boxes to be ticked as relevant. The procedure involves law enforcement, NGOs and other specialists. Currently, the Ministry of Interior is drafting a special legal act on victims' identification procedure. This would be a very important step forward to improve the victims' identification process and, consequently, to further develop their social inclusion. It would also contribute to have a clearer picture of the scope of human trafficking in Lithuania. In Lithuania, neither a formal identification system nor a reflection period is provided for by the legislation. According to Art. 30 of the Law on the Aliens' Legal Status of the Republic of Lithuania (29 April, 2004. No X- 1442), "the alien shall not be expelled from the Republic of Lithuania or returned to a foreign state if he has been granted the reflection period according to the procedure established by the Government of the Republic of Lithuania, during which he, as the present or former victim of human trafficking, has to pass a decision on cooperation with the pre-trial investigation body or the court." Moreover, mostly NGOs engaged in the anti-trafficking field provide a sort of informal reflection period, whose duration depends on individual case basis. Lithuanian citizens, whether they are presumed 'trafficked' persons or formally identified as 'trafficked', receive the following assistance measures by NGOs: board and lodging; health assistance; social and moral support; psychological and psychiatric counselling; legal counselling and pre-trial and trial assistance; support to integrate into the labour market; leisure time activities; follow up assistance; etc. The first shelter for victims of human trafficking was established in 2001 by the NGO Missing persons' families support centre (MPFSC). Temporary housing is also provided by the Lithuanian Caritas. This service is mainly for girls and women; no shelter for trafficked boys or men is available in Lithuania. Temporary housing as well as other support services is implemented in the framework of the projects "Social support for victims of human trafficking, their security and integration into society", supported by the Ministry of Social Security and Labour. However, in the last 18 months, the Government has not supported any integration service due to the negative economic situation in



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Lithuania. According to the Law on the Legal Status of Aliens' only "an adult alien who is or has been a victim of human trafficking and cooperates with pre-trial investigation body or court" (art. 49(1)) is 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; provision of information regarding their legal status in Lithuania in their native language or in a language which they understand; employment in Lithuania during the period of temporary protection; ability to receive a monetary allowance if they have no other income; ability to receive emergency care and necessary assistance in terms of social care; other right guaranteed under by the international treaties, laws and legal acts of Lithuania. The temporary residence permit shall be issued for six months. There is no information if negative decisions about residence permit have been challenged through a formal appeal. According to the Migration Department under the Ministry of Interior (further Migration Department), 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 Lithuania uninterruptedly for the last five years holding a temporary residence permit. However, no data on trafficked persons granted a temporary residence permit in 2008 and 2009 was found. The Migration Department also could not state if it is relatively routine for trafficked persons to apply for the refugee status in order to seek permanent residence. Such cases are not common in Lithuania and they rarely occur in practice.

Access to justice

In Lithuania, criminal procedures are long and rather complex, especially when related to human trafficking. There are the reasons why just a few women agree to testify in the court. According to the criminal code, anonymity is granted to witnesses during the questioning phase (Art. 282) to avoid any negative impact on the criminal proceedings and, most of all, to ensure the protection of the victims and of other witnesses. The article to cover the damage for the victims is also involved into the latter legislation (LR Law on Compensation for the Violent Crimes. *Gazette* 2005-07-14, r. 85-3140. Nr. X-296). In Lithuania, no special measures are used by the 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 about the protection granted both in-court and outside is not available. Nevertheless, a representative of the Trafficking in Human Beings Investigation Unit declared that in-court protection and support are available through the responsible investigator, NGOs, social workers or psychologists.

The National Coordination system in Lithuania consists of three levels.

A National Coordinator (Vice-minister of Interior), appointed by the Minister of Interior in 2007, belongs to the first level. Part of the second level is the Inter-agency working group, which is composed of representatives from the Ministry of Interior, law enforcement institutions and other agencies implementing the activities foreseen by the national plan. Although several NGOs and IOM Vilnius Office implement anti-trafficking measures and provide assistance to trafficked persons, they are not part of the Inter-agency working group. The third level is made of 10 police officers (one per each district police office). The latter collaborate with representatives of municipalities, NGOs, social workers, social pedagogues, etc. NGOs are thus included in the third level since they play a major role in implementing counter trafficking activities and providing all kind of assistance measures to victims during their social inclusion process. In 2008 and 2009 there was no case of



trafficked child or adult identity made public in the course of criminal justice proceedings. According to representative of the Trafficking in Human Beings Investigation Unit, in compliance with the criminal code, victims were fully informed about the procedures in courts, the risks entailed the trial results and, in case of a foreign victim, information was available in a language understood by the victim witness. Based on the Lithuanian legislation (Law on Compensation for the Violent Crimes. *Gazette* 2005-07-14, Nr. 85-3140. Nr. X-296), victims can claim compensation for the damage suffered. No information is available on how many victims (if any) benefitted from this provision.

Prevention

Because of the negative economic situation, migration has become a great concern for Lithuania. However, not much information is available on the possible dangers people planning to leave country may face. However, persons are generally capable of checking whether a work employment agency is legal through the websites of the Labour Exchange Office and of the Ministry of Social Security and Labour. In spite of a serious financial lack and no support by the government, NGOs are active in the prevention field. Ad hoc lectures are held in schools and foster homes, public events; awareness rising campaigns are arranged, and flyers and brochures are published. MPFSC also distributes flashlights and stickers with the note “Don’t sell yourself” and the number of hotline. No national helpline to provide information and assistance to trafficked persons is currently active in Lithuania. However, NGO MPFSC runs a hotline aimed at relatives of missing persons and individuals who are going abroad and need some advice. Victims of human trafficking can also contact this NGO. Few years ago, IOM Vilnius Office had a hotline, which stopped working once the related project finished. Finally, the THB Investigation Unit administers a special anti-human trafficking e-mail box for the general public (prekybazmonemis@policija.lt). Each piece of information received in the Unit is checked and relevant measures are undertaken. Even though in the past some relevant studies were carried out on trafficking-related issues, in the last two years no research has not been done in the field.

Monitoring and evaluation system

The Office of National Coordinator monitors policies on all forms of trafficking in human beings and annually issues reports on both practical and theoretical issues. Information and data on anti-trafficking activities and victims assisted are received by the competent governmental agencies and NGOs. Moreover, an assessment of the results achieved by the National Programme for the Prevention and Control of Trafficking in Human Beings is carried out and discussed before the issuance of a new programme.

Recommendations from Lithuanian NGOs

- To improve the identification procedure of victims of human trafficking. A single government agency or structure responsible for the formal identification of presumed trafficked persons should be established.
- The role of the National Rapporteur on trafficking in human beings should be clearer and more active. Moreover, such mechanism should be independent to be able to fully achieve its monitoring tasks.
- The National Programme for the Prevention and Control of Trafficking in Human Beings should be continued and financial support should be ensured. Furthermore, it should include comprehensive preventive activities.



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- Higher attention should be paid to child trafficking and to comprehensive measures to ensure security, social rehabilitation and integration of trafficked children.

ⁱ Data provided by the Committee on Human Rights of Seimas of the Republic of Lithuania

