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Convention on the Rights of the Child

COMMITTEE ON THE RIGHTS OF THE CHILD

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WRITTEN REPLIES BY THE GOVERNMENT OF LITHUANIA TO THE LIST OF ISSUES (CRC/C/OPSC/LTU/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF LITHUANIA SUBMITTED UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (CRC/C/OPSC/LTU/1)

[Replies received on 15 August 2008]

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Question No.1

According to the Information and Communications Department under the Ministry of the Interior of the Republic of Lithuania, 5,109 children (of whom 3,318 boys and 1,791 girls) in Lithuania suffered from criminal acts in 2006, i.e. more than in 2005. 10.3 per cent of all individuals who suffered from criminal acts in Lithuania are children (in 2005 – 9.4 per cent, in 2004 – 7.1 per cent). In most cases, criminal acts were committed against children aged 14 to 17 (2,968 children) and children aged 10 to 13 (1,344 children); 455 victims were 7 to 9 years old, and 342 victims were under 6 years old. 730 children suffered from violence committed by their parents. 57 children were killed in criminal acts committed against them. 242 children, of whom 57 under the age of 9, and 73 children aged 10 to 13, suffered from crimes and criminal offences against a person's free choice of involvement in sexual activities and immunity.

Three cases were reported on the basis of article 157 (purchase or sale of a child) of the Criminal Code of the Republic of Lithuania in 2006, and 17 cases in 2007. In 2005 there were no cases on the ground of child trafficking. Complex legal, psychological, social and medical assistance for actual and potential victims of trafficking in human beings and forced prostitution is provided by non-governmental and international organizations. The Government of Lithuania provides financial assistance for non-governmental organization (NGO) projects (in the period 2005 – 2007 there were 37 such projects concerning complex assistance and reintegration of victims of trafficking in human beings). Such assistance is provided to a victim regarding particular needs in each case. The Law on Compensation of Damage made by Violent Crime provides a mechanism of a compensation of damage (especially non-material) for victims of violent crimes (the Criminal Code treats trafficking in human beings as a violent crime).

Question No.2

When working on measures of the Programme for the Prevention and Control of Trafficking in Human Beings 2005-2008, the Ministry of Interior deliberated on the issue of a specific plan pertaining to sales of the children, child prostitution and pornography. However, considering the number of such crimes and other infringements of the law, a decision was made not to prepare a separate plan. Special measures for minors were included to the measures for implementation of the mentioned programme, such as measure 30: „to prepare a specialized rehabilitation programme for minors - victims of trafficking in human beings“; measure 31: „to prepare methodological recommendations for the staff of the State Border Guard Service and Migration Department under the Ministry of Interior of the Republic of Lithuania, intended to limit illegal taking of the children abroad with the aim to sell them“.

In 2006 a survey was conducted entitled “Analysis of the Situation of Minors – Victims of Trafficking in Human Beings in Lithuania and Framework for the Rehabilitation Programme for Minors – Victims of Trafficking in Human Beings”. The aim of the survey was to identify the dynamics of the number of minors – victims of trafficking in human beings and the patterns of this phenomenon.

In 2006 recommendations were drafted and distributed among social pedagogues and class mentors on “How to Talk with Parents about Risks of Trafficking in Human Beings”, information leaflets entitled “This Is not Going to Happen to Me” were published and distributed among graduates as a preventive measure (circulation of 13,000 copies).

Question No. 3

Criminal liability for all criminal offences is provided for in the Criminal Code which entered into force on 1 May 2003.

The general offence for trafficking in children is established in article 157:

“Article 157. Purchase or sale of a child

1. Any person who offers to buy or otherwise acquire a child, or who sells, purchases or in any other way transfers or acquires a child, or who recruits, transports or keeps a person in captivity, if the offender is aware of or seeks the child to be involved in prostitution or to gain profit from prostitution of that child, or seeks the child to be exploited in pornography or forced labour, shall be punished by imprisonment for a term from three to twelve years.
2. Any person who commits the act specified in Paragraph 1 of this Article against two or more children or against a minor, or while participating in an organised group, or seeking to obtain organ, tissue or cells of the victim, shall be punished by imprisonment for term from four to twelve years.
3. Legal entity shall also be held liable for the acts specified in this Article.”

The offences for exploitation of a child in prostitution are established in articles 151 1 , 307 and 308:

“Article 151 1 . Satisfaction of sexual desire infringing freedom of sexual self-determination and inviolability of a child

1. Any person who has sexual intercourse or in any other way satisfies his sexual desire with a child by offering, promising or rendering money or any other remuneration to a child for this, if there are no elements of rape, sexual assault or sexual abuse shall be punished by community service, or a fine, or restriction of liberty, or arrest, or imprisonment for a term of up to three years.

(...)

3. For the acts specified in this Article legal person shall also be held liable.

Article 307. Earning a Profit from Prostitution by Other Persons

(...)

3. Any person who profits from the prostitution of a child or who organises or directs prostitution of a child, or who transports a child for prostitution with his consent into Lithuania or from it, shall be punished by imprisonment for a term from two to eight years.
4. For the acts specified in this Article legal person shall also be held liable.

Article 308. Engagement into Prostitution

(...)

2. Any person who engages into prostitution another person who is dependent on him economically, through employment or in any other way, or engages another person into prostitution by physical or psychical coercion, or deceit, or who engages a child into prostitution in whatever way, shall be punished by imprisonment for a term from two to seven years.
3. For the acts specified in this Article legal person shall also be held liable.”

The offence for exploitation of a child in pornography is criminalized in article 162:

“Article 162. Exploitation of a child in pornography

1. Any person who recruits a child to participate in pornographic performances or exploits a child in producing pornographic material, or profits from such activities of a child, shall be punished by a fine, or arrest, or imprisonment for a term of up to five years.
2. For the acts specified in this Article legal person shall also be held liable. “

The offence of disposal of pornographic material is criminalized in article 309:

“Article 309. Disposal of pornographic material

(...)

2. Any person, who produces, obtains, possesses, demonstrates, publicises or distributes pornographic material, in which a child is depicted or in which a person appearing to be a child is depicted, shall be punished by a fine or imprisonment for a term up to two years.
3. Any person who with an aim to distribute produces or obtains, or distributes a large amount of pornographic material, in which a

minor is depicted, shall be punished by imprisonment for a term up to five years.

(...)

5. For the acts specified in the paragraphs 1, 2 and 3 of this Article legal person shall also be held liable.”

Although the terms “child” and “minor” are not defined in the Criminal Code, but are according to other legal acts and a consistent court practice, a term “child” means a person under 18 years old and a term “minor” means a person under 14 years old.

It must be noted that there are some other articles in the Criminal Code that are also relevant to the subject. For example, article 147 1 provides for criminal liability for exploitation of a person in forced labour. Article 156 provides for criminal liability for abduction of a minor.

Evaluation of correspondence of national legislation to the provisions of international treaties is a question of legal interpretation. In the view of the Ministry of Justice of the Republic of Lithuania, the norms of the Criminal Code do provide necessary protection of children from trafficking, prostitution and pornography and generally, they are in line with the definitions in the Optional Protocol.

Question No. 4

As a rule, any person who has committed a criminal or an administrative offence is punishable if there are general grounds for his liability (age of responsibility, legal capacity, culpability, etc.). Criminal law theory determines that any person who commits a crime due to physical or psychological violence against him, depending on the circumstances, is either not punishable (self-defence, necessity) or his liability is alleviated (paragraph 5 of article 59 of the Criminal Code).

Prostitution is illegal in Lithuania and it is punishable by administrative sanctions (only persons who are 16 years or older) under article 182 1 of the Administrative Breaches Code.

In 2005 the Parliament of the Republic of Lithuania amended article 182 1 of the Administrative Breaches Code. Since then, administrative liability is applied not only to persons who prostitute themselves but also to their clients. The same amendments have also introduced an exception that administrative liability for prostitution is not applied to a person who: (a) was involved in prostitution by means of physical or psychological violence or deception, or due to material dependence or subordination; or by any means if he was a child; or was a victim of human trafficking; – and (b) was recognized as a victim within criminal proceedings.

Question No.5

In 2005 the Government approved the Programme for the Prevention and Control of Trafficking in Human Beings for 2005-2008. The Ministry of the Interior coordinates its implementation. The objective of the Programme is to resolve at State level and on a complex, consistent and systematic basis, the problems related to trafficking in human beings and the prevention and control of prostitution.

One of the tasks of the Programme is to build a system of social assistance to victims of trafficking in human beings, focusing in particular on protective and social issues as well as reintegration into society. With regard to this objective, the following measure has been implemented: to support projects by public authorities and non-governmental organizations aimed at providing social assistance and protection to victims of trafficking in human beings as well as their reintegration into society. According to the Programme, social assistance is provided to all victims of trafficking regardless of their age, including children.

The Ministry of the Interior and the Ministry of Social Security and Labour are responsible for the implementation of this measure. The measure is financed by 400 thousand Litas annually from the State budget of the Republic of Lithuania. Apart from this budget, municipalities also contribute to the projects by approximately 23 per cent of the projects' value.

In the projects of 2005, social assistance was provided to 287 existing and potential victims of trafficking and prostitution, 9 per cent of them were under 18. In 2006 the number grew to 402 (20.6 per cent under 18) and in 2007 – 438 (14.8 per cent under 18).

During the period 2005–2007 the projects aimed at providing social assistance and protection to victims of trafficking in human beings as well as their reintegration into society were implemented in 11 municipalities including Vilnius, Kaunas, Kaipėda, Marijampolė, Utena, and Telšiai. Beside social assistance to victims of trafficking, the projects involve educational and awareness-raising activities, such as seminars and conferences, which attract participants from local authorities.

Question No.6

The Programme for the Prevention and Control of Trafficking in Human Beings for 2005-2008 (a national action plan) placed much importance on education and training of officials involved in combating trafficking in human beings and social workers working with victims. For that purpose, trainings for prosecutors, police officers, representatives from the State Border Guard Service and the Migration Department were organized.

In 2005, the Ministry of Social Security and Labour organized a seminar for social workers, social pedagogues, and staff from the

State Child Rights Protection Services and other related officials. “Singularities of work with trafficking in human beings victims and ways to assist” was attended by 200 participants.

In 2005 eight seminars for experts working with children at risk were also organized in small towns of Lithuania and rural areas (Kaišiadorys, Šakiai, Mariampolė, Prienai, Akmenė, Mažeikiai, Utena, Anykščiai etc.)

The Ministry of Social Security and Labour organized the training course “Prevention, Reintegration of Victims and Loopholes in the Legal Regulation”.

In 2006, 46 social workers of municipalities, social pedagogues, and staff from the State Child Rights Protection Services took part in this workshop.

Since 2005, the Lithuanian Police Training Centre has been organizing trainings of officers according to two qualification improvement programmes: the Programme for the Improvement of Professional Skills of Police Officers for Juvenile Affairs and the Programme for the Improvement of Qualification for Pre-trial Investigation Officers Carrying out Children’s Interrogation (subjects of trainings: “peculiarities of communication with children – victims of violence immediately following the event at the site of event”, etc.). Throughout 2005–2007, 326 police officers working with minors participated in the qualification improvement courses organized by the Lithuanian Police Training Centre.

In 2006, the Lithuanian Police Training Centre organized trainings, comprising two parts: “Specifics of Investigation of Trafficking in Human Beings” for officers of territorial police authorities who investigate the crimes related to the trafficking in persons. Fifteen officers took part in the trainings as well as prosecutors of the Prosecutor General’s Office, employees of the Migration Department and State Border Guard Service under the Ministry of Interior, and representatives of interested non-governmental organizations.

The working group of CEPOL (European Police College), under the guidance of Lithuanian Police, prepared a training programme on trafficking in human beings. According to this programme, trainings were organized in Lithuania in 2007 and 2008, attended by 38 police officers from Lithuania and other European countries.

Programmes of the mentioned trainings pay much attention to issues of prevention, disclosure and investigation of crimes related with sale of children; and investigations of specific crimes were analysed.

Police officers take active part in trainings, conferences and seminars organized by national social partners and foreign specialists, and CEPOL courses for prevention and disclosure of sale of children, child prostitution and pornography.

In 2007, the Ministry of Social Security and Labour organized two seminars “Social-pedagogical work in trafficking in human beings prevention”. The target groups of these seminars were social workers, social pedagogues, teachers etc; there were 67 participants. During the seminars, social problems in families, foster homes and other education institutions were discussed, as well as psychological assistance for victims of trafficking, and the prevention of trafficking in foster homes and other education institutions.

Also in 2007, lectures on work with victims of trafficking in human beings and prostitution were given at the Vilnius Pedagogical University for students of the Health Education Department.

Every year, local and international preventive projects are implemented by NGOs (who are partly financed by the Government of Lithuania), the International Organization for Migration in Lithuania, and foreign NGOs. Law enforcement officers, social workers, social educators and municipal employees also participate in trainings organized by local NGOs.

In the implementation of the National Programme for Prevention of Violence against Children and Help to Children for 2005-2007, qualified experts trained 649 specialists working for various institutions – educational, children’s rights protection, social care and law-enforcement institutions – on how to recognize violence and its various forms and to choose the mechanism of assistance.

In 2008, the Lithuanian Police Training Centre also organized a training on trafficking in human beings (14 officers participated).

Question No. 7

In 2007, the Children’s Rights Ombudsman Institution prepared a summary of a research on the situation of victims of trafficking in human beings (minors) and prostitution of minors (in Lithuanian) and drew up proposals for the Parliament, the Government, the ministries of Education and Science, Health Care and Social Security and Labour as well as mayors of municipalities

It was proposed to the Parliament:

1. To renew the discussions on the age of children at which they can give consent for sexual intercourse and consideration of the appropriate legislative acts, as well as to adopt final decisions (to throw out/pass the submitted drafts regarding the amendment of the respective provisions of the Criminal Code). In the opinion of the Children’s Rights Ombudsman, the limit of age from which minors can give consent for sexual intercourse and the limit of age of individuals, for abusing whom criminal liability is applied, must be increased to 16 or at least 15 years.
2. To assess the need to regulate the presence of minors in public places in the dark hours of the day.
3. To stipulate stricter liability for child neglect of parents or other legal representatives of the child.

The Seimas of the Republic of Lithuania has not yet adopted a decision to renew the discussions regarding the amendments of the Criminal Code that would stipulate criminal liability for adults who had intercourse or otherwise fulfilled their sexual desire with persons under 16 years of age, in cases when there were no indications of rape, sexual assault or sexual abuse as well as regarding amendments stipulating criminal liability for molestation of minors (not pre-teens, as currently stipulated).

The Seimas of the Republic of Lithuania has registered a draft of the Law on Fundamentals of Protection of the Rights of the Child, aimed at regulating the presence of children in public places without supervision of the adults at the dark time of the day.

According to the information of the Children's Rights Ombudsman Institution, the working group has prepared a draft of the Code of Administrative Offences of Law, consideration of which might be started at the IXth (autumn) session of the Seimas of the Republic of Lithuania. The Code should essentially set forth anew the administrative liability of parents and other legitimate representatives of the child for failure to make use of the parents' authority or use thereof contrary to the child's interests; types of administrative penalties should be broadened, alternative administrative penalties should be provided for parents and other legitimate representatives of the child for failure to make use of the parents' authority or use thereof contrary to the child's interests.

It was proposed to the Prosecutor General's Office:

To analyse the cases of trafficking in human beings and to determine the causes for the insufficient disclosure thereof, subject to the fact that the scope of trafficking in human beings in Lithuania is growing, and that the degree of disclosure of criminal activities is not sufficient.

The Prosecutor General's Office analysed the pre-trial investigation cases on trafficking in human beings and prepared the Summary on Pre-trial Investigation Practice of Trafficking in Human Beings for 2005-2006, in which it discussed the shortcomings of the investigation practice and submitted its suggestions.

The International Organization for Migration, in association with the Prosecutor General's Office, in 2006, prepared and published a review entitled "Problems of trafficking in human beings and judicial examination in Lithuania". The Vilnius Division of the International Organization for Migration in association with the Prosecutor General's Office, in 2007, prepared and published a methodological aid entitled "Methodology for investigation of crimes of trafficking in human beings".

It was proposed to the Ethics Commission of Journalists and Publishers, Commission of the Lithuanian Radio and Television and the Office of the Inspector of Journalist Ethics:

1. To pay attention to the fact that television affects minors negatively, by broadcasting programmes and movies with sex and violence scenes at inappropriate times. The unformed thinking of juveniles accepts the seen information directly and this impels them to behave the same way as actors of the programmes and movies do.

2. To assume measures for stricter and more effective control of children's erotic and pornographic photographs in publications and on the Internet.

The prepared draft of the Law on the Amendment of the Law on the Protection of Minors of Detrimental Effect of Public Information embeds the additional criteria for public information that affects the physical, mental or moral development of minors detrimentally. It should be assumed that upon adoption of the draft of this law the problems referred to in the summary and related to more rigid restriction of information having detrimental effect on minors in mass media should be partially resolved.

The new version of the Law on Provision of Information to the Public that came into force in September 2006 stipulated several new functions for the Inspector of Journalist Ethics: to ascribe publications, audio-visual works, radio and television programmes or broadcasts, means for provision of information to the information society or other means for provision of information to the public and/or their contents to categories of erotic, pornographic and/or violent nature (until then, this function had been carried out by the Ethics Commission of Journalists and Publishers); to conduct monitoring of public information in mass media, except radio and television programmes. Moreover, in line with the agreement of July 2007, the Office of the Inspector of Journalist Ethics directly cooperates with those implementing the project "Safer Internet" and based on the data submitted by them provides information to the experts about publication of information of illegal and/or detrimental content on the Internet.

The Office of the Inspector of Journalist Ethics in 2007 carried out monitoring of the contents of magazines intended for men, women and children (teenagers) and made a comparative analysis (scope and object of research – contents of magazines of the first six months of 2007). When assessing the contents of magazines for children and teenagers, the conclusion was reached that publishers of magazines, when issuing several magazines, have good possibilities for manipulation of information, multiplication and content unification. Media oriented to children and teenagers is not different or distinguishing, and the mission of the media – to inform – here has acquired a different direction. The young readers are presented targeted, selected news; adult life style, values, behaviour and stereotypes are preached.

The Commission of the Lithuanian Radio and Television constantly carries out monitoring of broadcasted programmes in order to comply with the Law on the Protection of Minors of Detrimental Effect of Public Information and, after determining any violations, imposes the liability stipulated by the law.

The Ethics Commission of Journalists and Publishers may evaluate the provisions of the Code of Ethics of Journalists and Publishers only.

It was proposed to the Government of the Republic of Lithuania:

1. To consider the possibility of establishing a national centre for assistance and rehabilitation of minors who have suffered sexual abuse, victims of trafficking in human beings and prostitution (minors) in the light of the fact that in Lithuania, the process of organization of searching for minors, bringing back victims from abroad, providing necessary integrated assistance and collecting and analysing data about juvenile victims is not sufficiently focused and coordinated.

2. To promote the State and municipal enterprises and non-governmental organizations to create and implement projects for the

prevention of trafficking of human beings and prostitution and for social assistance and reintegration into the society of the victims.

While pursuing the appropriate measures of the Programme for Prevention and Control of Trafficking in Human Beings, the Ministry of Social Security and Labour conducted a research in 2006 entitled “Analysis of the situation of minors – victims of trafficking in human beings in Lithuania and outline of the rehabilitation programme for minors who suffered from trafficking in human being”. Information collected during the research and opinions of the experts allow to assume that a network of non-governmental organizations operates in Lithuania capable of organizing the protection of the aggrieved minors’ interests.

Since 2002 the Ministry of Social Security and Labour has been financing (by announcing calls for tender) projects of State and municipal institutions and non-governmental organizations aimed at providing social assistance to victims of trafficking in human beings, their reintegration to the society, and preventive and educational work.

It was proposed to the Ministry of Justice:

1. To ascribe the crimes “abduction of other people’s minor child” (article 156(1) of the Criminal Code – imprisonment up to eight years); “profiting from prostitution by other persons” (article 307(2) of the Criminal Code – imprisonment up to six years; art. 307(3) – imprisonment up to eight years); “engagement in prostitution” (article 308(2) of the Criminal Code – imprisonment up to seven years) to particularly grave offences.

2. To apply the provisions of articles 181² and 181³ of the Code of Administrative Offences and to ensure control of the fulfillment and application thereof.

In the opinion of the Ministry of Justice, sanctions for the mentioned crimes are rather strict and proportionate to their gravity. In criminal law, the principle of punishment economy is followed – limits of penalties must be established, which would allow the court to select such minimal penalties that would be sufficient for the convict to straighten. Should very strict sanctions be entrenched in the law, preconditions would be created to impose unreasonably strict penalties or to reduce them, bypassing the requirements of the law.

The Police Department instructed the heads of territorial police authorities to inform the police officers (within the competence) about the summary carried out by the Children’s Rights Ombudsman Institution as well as the conclusions made and to ensure more effective application of the appropriate norms.

It is planned to pay special attention in the draft of the Programme for Prevention and Control of Trafficking in Human Beings 2009-2012, being prepared at the initiative of the Ministry of the Interior, to the prevention of trafficking in humans (minors), juvenile prostitution, sexual exploitation and pornography and fast and qualitative investigation of these criminal activities.

To the Ministry of the Interior it was proposed:

To examine the possibility to establish specialized divisions of police and to appoint specialized officers of law enforcement institutions to work with minors who have suffered sexual abuse, victims of trafficking in human beings and prostitution (minors). An aggrieved minor should be interrogated only once and their evidences should be videotaped.

The Lithuanian Criminal Police Bureau at the end of 2005 established a specialized division – the Unit for Investigation of Trafficking in Human Beings. From May 2007, in police commissariats of higher level positions for fighting against human trafficking were established. Competence and functions of the officers of the Unit for Investigation of Trafficking in Human Beings and specialized officers working in counties, besides other functions, include working with minors who have suffered sexual abuse, victims of human trafficking and prostitution (minors). The Ministry of Interior believes that in view of the current situation and capabilities of the police, it is not reasonable to establish separate specialized divisions of police and to appoint specialized officers of law enforcement institutions to work with minors who have suffered sexual abuse and victims of human trafficking and prostitution (minors).

The National Programme for Prevention of Violence against and Assistance to Children 2005-2007 had foreseen to equip the rooms for the interrogation of children under the police commissariats of higher level (Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys) and to train officers conducting interrogations. In the territory of Lithuania in May 2008 five interrogation rooms were equipped under police headquarters, but interrogations of minors are carried out in Kaunas and Vilnius only. In Lithuania, there are four special rooms for the interrogation of children, fitted out by non-governmental organizations. According to the data of the Children’s Rights Ombudsman Institution, there are no trained specialists who could work in rooms for interrogation of children, equipped under the chief police commissariats, who could conduct interrogation of minors and the problem of the interrogation of minors, therefore, remains relevant.

It was proposed to the Ministry of Interior / Ministry of Social Security and Labour:

To engage in broad campaigns of an educational nature in order to prevent and fight against the sale of children with the aim of sexual or other kinds of abuse and juvenile prostitution as well as to make the public realize the real threat and detrimental nature of this phenomenon; to make children realize that they can be placed on the market of children’s sex services, and to be aware of and notice the arising threats, and be capable of avoiding them; for the parents and other people responsible for the child to have sufficient knowledge and facilities to notice the threat of this phenomenon and to protect the child.

The Ministry of Interior informed that in the cities of Lithuania, (Vilnius, Kaunas, Šiauliai, Panevėžys, Klaipėda and Palanga) in 2007 seven information campaigns were held during free mass events and in target places of these cities (e.g. bus or railway stations, airports); 15 information posters were posted; an information audio-clip was created, which was broadcasted on the radio station “Radiocentras”; an information video-clip was recorded and broadcasted 169 times on the national and regional televisions.

After concluding an agreement with the office in Vilnius of the International Organization for Migration, material was prepared and the

website www.darbaz.lt was updated, on which important information was published about human trafficking; an opportunity was created to ask questions on the Internet and by telephone, and to receive advice from qualified specialists (lawyers, psychologists, social workers). Links to that website have been placed on the websites of 30 schools and nine other websites related to the youth.

When implementing the National Programme for Prevention of Violence against and Assistance to Children 2005-2007, various events were organized on the topic of violence against children; in 14 towns, outdoor advertising campaigns were organized (70 places in bus stations and windows were ordered and 43 places in columns for social advertising campaigns with the slogan "Be safe when mobile!"); 30,000 stickers were made (reflectors, windmills), which were distributed to the children during various events in all municipalities of Lithuania; a methodological publication was compiled for people working with children entitled "Violence in families: prevention, intervention and assistance opportunities"; competitions of projects "Opportunities for provision of short- and long-term integrated assistance to children and their families" were organized annually, aimed at providing assistance to children who have suffered from violence and their families, and at reducing the risk of long-term negative consequences and preventing further crimes of violence.

It was proposed to the Ministry of Social Security and Labour:

To improve the qualification of employees working with minors on the subjects of prevention and control of human trafficking and prostitution, particularly the qualification of social workers in neighbourhoods who started working since 2007; and to improve the preparation of institutions to respond adequately to victims of human trafficking.

When carrying out the Programme for Prevention and Control of Trafficking in Human Beings 2005-2008, and the National Programme for Prevention of Violence against and Assistance to Children 2005-2007, various seminars and practical trainings were organized in 2007 for project managers and financial officers (19 people attended); for social workers, employees of municipalities' divisions of social affairs and social pedagogues of educational institutions ("Social-pedagogical work in prevention of trafficking in human beings", 48 participants); for specialists of the protection of the rights of the child ("Detriment of information technologies to the child", "Integrated assistance to children who suffered from violence: experience of Lithuania and foreign countries, comparative aspects", attended by 155 specialists).

It was proposed to the Ministry of Social Security and Labour / Ministry of Education and Science:

To energize the social work with families of the risk group and their children who intend to go abroad, and to initiate the development of a database of schoolchildren who left abroad, in order to prevent trafficking in minors and juvenile prostitution.

From the State budget, 557 social workers' positions were established to work with families at social risk. In 2008, it is planned to increase the number of these positions (since 1 January 2008, an increase to 613 positions).

The Ministry of Social Security and Labour approved of the idea to develop a database of schoolchildren intending to go abroad or already living in foreign countries, which would help to keep track of children living abroad.

The Ministry of Education and Science proposed to consult regarding the expediency of developing the database of schoolchildren living abroad with the competent institutions and the World Lithuanian Community.

The issue of expediency of developing a database of schoolchildren living abroad will be presented and discussed at the congress of the World Lithuanian Community Board and the chairmen in August 2008.

It was proposed to the Ministry of Social Security and Labour / Ministry of Justice:

To solve the issue of representation of children whose parents emigrated, considering the following consequences of parents' (one of the parents) emigration abroad: children being left without a legitimate representative, broken family ties, negative experiences of children, etc. To stipulate measures to ensure the necessary social and legal protection of these children and to control ensuring their rights and legitimate interests.

In the plan of measures of the strategy for the reorganization of the child care provision system it is foreseen to organize various educational campaigns and events focused on good practice in child care (provision), while drawing attention of the public particularly to the problems of "abandoned" children and the importance of parents' responsibility for children towards the children and the society.

An order of the Minister of Social Security and Labour of 28 May 2007 approved the new edition of the Regulations for Organization of Provision for Temporary Care of Children. While seeking to ensure legal representation of children whose parents go on temporary leave abroad, the regulations additionally regulate the establishment of provision for temporary care of children at the parents' request. The Services of the Rights of the Child of municipalities assume the initiative and, in cooperation with various institutions, identify the children left without the care of the parents, and deal with the issues of their legal representation. Institutions of education and development pay more attention to children whose parents went abroad.

It was proposed to the Ministry of Education and Science:

1. To ensure provision of systematic information that would help to develop a mature attitude to sexual offences and persons who suffered from them as well as to teach children and young people to avoid sexual harm and dangers, pertaining to trafficking in humans, prostitution and pornography.

2. To seek to implement programmes for the prevention of trafficking in human beings and prostitution in all educational institutions of comprehensive education and special development. It would be expedient to include the subject of human trafficking in the comprehensive education curriculum, e.g., lessons of ethics or civil education, and to ensure a compulsory course about institutions

implementing the protection of the rights of the child in comprehensive schools.

In consideration of the submitted proposals, the following have been prepared and approved: a programme for preparation for family and sexuality development, a life skills development programme, and methodical recommendations for the development of programmes on preparation of children and youth for family. When updating the content of education, the following decision was taken: to include the problems of human trafficking and prostitution in the main curriculum of ethics and civil education training in comprehensive schools, to examine the risk factors of this social phenomenon as well as the ways that trafficking in humans operates, opportunities of employment abroad and means of prevention; to integrate in the curriculum of ethics the course on preparation for family and sexuality development that would encourage schoolchildren to form a mature attitude to relationships between men and women, gender equality, negative attitude to sexual abuse, prostitution and pornography, and the skills to avoid sexual harm and danger; to integrate in the course on fundamentals of civil development subjects on the rights of the child and human rights, protection of these rights, gender equality, problems of juvenile delinquency, trafficking in human beings, poverty, social exclusion, violence and taunting.

It was proposed to municipalities:

To allocate funds for the implementation of the Programme for Prevention and Control of Trafficking in Human Beings 2005–2008.

Based on the information submitted to the Children's Rights Ombudsman Institution by 58 municipalities, it is known that:

- In the opinion of seven municipalities, the problem of juvenile prostitution and trafficking in minors does not exist in their territories and therefore, funds are not planned in the budget for 2008 for the implementation of the Programme;

- Twelve municipalities took the proposal into account and considered the possibility to assign funds for the implementation of the Programme or stipulated specific preventive measures;

- In other municipalities, preventive activities are being carried out, projects of non-governmental organizations in the area of trafficking in human beings and prostitution are being funded or other programmes are being pursued or financed (delinquency, child socialization, etc.), which stipulate preventive measures for trafficking in persons and prostitution.

Non-governmental organizations were the most active in preventing trafficking and prostitution and in providing assistance to the victims in the largest cities of Lithuania.

Regarding activities of the interdepartmental work group formed pursuant to Order No V-16 of 06-28-2005 of the Children's Rights Ombudsman Institution "On forming of the work group for the assessment of activities of internet cafes and salons, detrimental to physical, mental or moral development of the child" and implementation of proposals:

After analysing the situation and the legal regulation of marking of Internet cafes and computer games, the workgroup concluded that it is necessary to approach this problem in an integrated manner, i. e.:

- (1) to ensure that children can only browse such webpages and play such computer games in which information contained corresponds to their age and psycho-social maturity, and does not affect their development negatively;

- (2) to solve the issues of children's unrestricted attendance of Internet cafes and clubs;

- (3) to set requirements for premises in which Internet cafes are established (lighting, noise level, heating, ventilation, etc.) and requirements for equipping of computerized workplaces.

In consideration of the proposals and approval of the working group, the Children's Rights Ombudsmansubmitted suggestions to the Government of the Republic of Lithuania by letter of 21 July 2006 on amending and supplementing legislative acts, i.e.:

- (1) supplementing the Description of marking of public information, system of audio and visual aids, detrimental to the development of the minors, approved by Resolution No 681 of the Government of the Republic of Lithuania of 2 June 2004, with a new section, which would embed a requirement to all manufacturers and distributors of computer games to rate and classify computer games according to criteria of public information having detrimental effect to the development of the minors, established in the Law on the Protection of Minors from Detrimental Effect of Public Information. The Children's Rights Ombudsmanproposed to mark the computer games by indexes corresponding to the age of the users (under 7 years, from 7 years, from 14 years, from 18 years);

- (2) supplementing the Procedure for control of information prohibited from computer networks of public use and dissemination of restricted public information, approved by Resolution No 290 of 5 March 2003 of the Government of the Republic of Lithuania, with provisions obliging individuals who provide access to publicly used computers to install filtering means in the technical equipment being used (computers) that would block access to prohibited and restricted public information; to control the content of information accessed by the minors through the computer networks of public use according to their age; to ensure necessary qualification of the operating personnel, guaranteeing the supervision of the minors using the access to the computer networks of public use and control of the content of the accessed information.

The Government of the Republic of Lithuania so far has not adopted any final decisions on this issue. It is probable that the decision regarding the improvement of subordinate legislation will be adopted upon adoption of the draft law on the amendment of the law on the protection of minors from detrimental effect of public information by the Seimas of the Republic of Lithuania (drawn up by the working group formed pursuant to the decision of the Council of the Seimas), which also discusses the above-mentioned proposals of the Children's Rights Ombudsman.

Hygiene Norm of Lithuania HN 18:2007 "Access points of computer networks of public use: health safety requirements" (which

came into force on 1 January 2008) was approved by Order No V-713 of the Minister of Health Care on 31 August 2007, and it regulates the work of individuals, including children, with computers in public places. Administrative liability may be applied for failure to observe it or for its breach.

After it became clear that Internet cafes, clubs and salons do not observe the requirements of the hygiene norm, the Children's Rights Ombudsman applied to the Ministry of Health Care in February 2008 for the establishment of a control mechanism for the enforcement of the mentioned hygiene norm; otherwise the establishment of the appropriate requirements would be deprived of its purpose and would not fulfill the objective of this legislative act – to protect the child from detrimental lengthy presence in the virtual space or, when playing computer games, from possible violent or similar images, detrimental to the development of the child and possibly negative effect on their health, and to prevent truancy. It was noted that in line with the valid provisions of the Law on Public Health Care, the State Public Health Care Authority and its territorial offices carry out controls of the hygiene norm HN 18:2007 only upon requests, applications and complaints by individuals. If no planned control mechanism is established for the observance of the hygiene norm, the norm of the Law on Public Health Care providing for compulsory requirements of health care regulation (hygiene norm) will remain of a declaratory nature. It is noteworthy that it is not clear how the monitoring of the effectiveness of the hygiene norm will be carried out that was stipulated in the Law on Public Health Care.

The Children's Rights Ombudsman proposed to the Ministry of Health Care to supplement the Law on Public Health Care by a provision obliging the State Public Health Care Authority and its territorial offices to conduct public health care controls also in the undertakings providing the services of access to computer networks of public use. Moreover, the Children's Rights Ombudsman suggested to supplement the List of types of economic-commercial activities requiring a permit – hygiene passport, approved by Order No V-791 of the Minister of Health Care on 5 October 2007, by including an economic or commercial activity of provision of access services to computer networks of public use.

The Ministry of Health Care instructed the State Public Health Care Authority and its territorial offices to inspect the compliance of Internet cafes, clubs and salons with the requirements of Hygiene Norm of Lithuania HN 18:2007 "Access points of computer networks of public use: health safety requirements" and to prepare a draft of the Law on Public Health Care. Specialists of the Ministry of Health Care approved the proposal of the Children's Rights Ombudsman to supplement the List of types of economic-commercial activities requiring a permit – hygiene passport.

The Children's Rights Ombudsman was submitted information about the results of the inspection carried out in April 2008 (breaches of the requirements of the hygiene norm, etc.).

Furthermore, the Children's Rights Ombudsman is concerned about the implementation of the proposals submitted to the Ministry of Health Care on ensuring children's health safety in Internet cafes, clubs and salons.

Question No.8

The Ministry of the Interior is responsible for the coordination of the implementation of the national anti-trafficking policy in Lithuania. There are three levels of coordination of the national anti-trafficking policy:

(1) *National*: In 2007 the national coordinator (the Secretary of the Ministry of Interior of Republic of Lithuania) was appointed. The main functions of the national coordinator are: to coordinate the activities of the task force established to coordinate the implementation of the Programme for the Prevention and Control of Trafficking in Human Beings for 2005-2008 (national action plan); to report to the Government on the results of the implementation of the national action plan; to represent the official position of Lithuania at international events; and to monitor the situation of trafficking in Lithuania;

(2) *Executive*: The task force on the coordination of the implementation of the national action plan was established in 2005. It is composed of representatives of all governmental agencies involved in the implementation of the national action plan. Members of the task force meet with NGO representatives and law enforcement officers twice a year to discuss relevant problems, share experiences and discuss other related issues;

(3) *Local*: There are 10 local task forces in 10 districts of the Republic of Lithuania, which are composed of police officers responsible for the investigation of cases of trafficking in human beings, social workers, NGO representatives, representatives of municipalities, and staff from the Municipal Child Rights Protection Services or others. In order to prevent any sexual abuse or other violence against a child, the cooperation between police and Municipal Child Rights Protection Services at local level is being strengthened - in each administrative or criminal case where children are involved (even in cases when there are only suspicions), the police provides relevant information to the Municipal Child Rights Protection Service, and police officers are also informed by Municipal Child Rights Protection Service of such cases.

Question No. 9

While implementing the Programme for Support and Integration to the Society of Orphans and Children Deprived of the Care of Parents 2005 – 2008, the Programme for the Development of Independent Life Skills of Orphans and Children Deprived of the Care of Parents and its recommendations were prepared. Its implementation began in 2007 in children's foster homes, when organizing methodological work. Moreover, practical exercises were organized for children deprived of parental care in the framework of the Programme for the Development of Independent Life Skills of Orphans and Children Deprived of the Care of Parents. Consulting was provided to specialists (psychologists, social workers, social and special pedagogues, tutors), working in children's foster institutions, on social integration and preparation to independent life of children deprived of parents' care. Specialists were consulted in county foster homes in Vilnius, Kaunas, Klaipėda, Šiauliai and Tauragė.

While seeking to improve the integration into society of children deprived of parents' care in children's foster homes, the independent life skills development programme is being implemented in children's foster homes; norms of children's social care are also being

applied in order to improve the quality of social services provided to children deprived of parents' care. Employees of children's foster home are regularly advised on the methodology for the prevention of sexual abuse, violence and addictions. Over the last years, several information and methodological publications for employees of children's foster homes, children and youth have been published: "Protect yourself", and "Quality and assessment of children's social care".

Methodological recommendations for employees of the State Border Guard Service under the Ministry of the Interior and the Migration Department under the Ministry of the Interior were prepared in 2005, aimed to prevent the illegal transfer of underage persons abroad with the purpose of selling them and to reduce the number of underage victims of trafficking.

In carrying out the Programme for 2005–2008, the office of the International Organization for Migration in Vilnius updated a website on trafficking in human beings (www.darbaz.lt), which provides young people with general information on trafficking in human beings and the potential dangers for victims of trafficking in human beings, in particular for young people.

The Ministry of Education and Science incorporated the subjects of gender equality, self-respect and sex education in the secondary school educational programmes. Educational programmes also include topics on the threats of prostitution and trafficking in human beings, and human and child rights.

Every year, the Ministry of the Interior conducts information campaigns on trafficking in human beings in schools (for young people), target risk groups (for members of dysfunctional families, persons engaged in prostitution, the unemployed, and school dropouts) and rural areas.

When working with children of risk groups and with Roma children, police officers when possible include them in all general measures of prevention, solve the issue of their occupation together with interested institutions and, after taking all risk factors into account, work with them and people surrounding them on an individual basis, in order to help them integrate into an active, meaningful and full-rate social life.

One of the key directions in the police work with minors is educational and preventive activities, carried out in educational institutions of all types.

In 2007 and 2008, the Police Department organized a competition for the selection of projects on the prevention of violence against children and assistance to children (rules of the competition were approved by Order No 5-V-323 of 17 May 2007 of the Commissar General of Police). This competition aims at the propagation and promotion of creating projects, which would help to reduce violence against children, children's violence against other children and adults at school, at home and other kinds of environment where children are present; to improve cooperation between the police and social workers in order to identify faster children at social risk and to reduce social exclusion and potential negative consequences to society through integrated and coordinated efforts; to promote healthy and safe life of children and their involvement when creating safe environment. Besides police institutions, associations and public enterprises take part in the competition. In 2007, the competition evaluation commission selected 15 best projects, and 12 projects in 2008.

In 2007, the Police Department, in association with the public enterprise "Vaiko namas", prepared and issued methodological recommendations for police officers on resolution of conflicts in families and application of legal measures applied by the police, and issued a checklist for the police officers dealing with conflict in family cases.

In 2007, the Police Department prepared and published a calendar/notebook which contains many useful hints for children (including advice on how not to fall victim to various criminal activities, where to apply for assistance, etc.). Currently, nine animated cartoons are being created, intended for the development of children's self-preservation, at the request of the Police Department.

Since 1998, the Police Department, in association with the ministries of Justice and Education and Science, has been organizing a quiz of legal knowledge "Tėmė" for pupils of secondary schools.

Since 2003, in association with the Lithuanian Rifle Association, a camp for children has been organized every summer (about 150 children attend annually). Every year, 7,000 children from risk groups keep occupied through the efforts of officers of territorial police institutions.

Question No.10

The State Family Policy Concept, approved by the Parliament of the Republic of Lithuania, provides the aims and priorities of the State family policy, the principles of implementing the State family policy, directions of family policy actions, and objectives in different areas. In consideration of this legal act, the system of family policy in Lithuania will be developed.

The aim of the State family policy is to envisage and implement the common policy supporting and strengthening the common institution of the family, which would guarantee support by the State and other organizations to the family in all areas and create a friendly environment for families.

The State Family Policy Concept provides directions for family policy actions in the areas of culture, child education, education, employment, social support and family services, family health, acquiring or renting housing, ensuring child safety in the family, strengthening the responsibility of parents in implementing the rights of the child and the child's legitimate interests.

The objectives of the State Family Policy Concept is to support programmes of education and social assistance, helping to restore positive family experience, to introduce in schools programmes of preparation for family and sexual education which would educate a child to become an independent person, capable of critical thinking, and would assist in preparing schoolchildren for family life, and

promote understanding and cherishing of family values.

Furthermore, it is provided to create favourable conditions for children to grow up in the family of biological parents, to promote child care in the family as opposed to foster home, to prevent all forms of violence against children and to provide qualified comprehensive assistance to children who have been subjected to violence and their families, to develop the activity of free telephone service providing psychological assistance to children and youth, and to strengthen the protection of minors from negative influence of public information.

In the area of social support and family services it is provided to implement an active and accessible system of social services, ensuring all-round assistance to families, especially to families experiencing a crisis and families at social risk, to strengthen support to families with special needs and children, and to develop family crisis assistance centres.

Provisions relevant to the Optional Protocol on the sale of children, child prostitution and child pornography are not considered in the State Family Policy Concept. However, the area of regulation of the State Family Policy Concept includes the well-being of the child. Therefore, to prevent the sale of children, child prostitution and child pornography, it is necessary to implement the objectives of the State Family Policy Concept, that is, to strengthen social work with families experiencing a crisis and families at social risk, to implement other social and economic actions which would help to do away with social exclusion, to strengthen the work of institutions who provide social support to victims of violence, prostitution, child abuse, especially to prepare family specialists, and to guarantee preventive work with the family.
