



40th Universal Periodic Review Working Group Session Joint Stakeholders' submission on Lithuania – Sent the 15 July 2021

By the Klaipėda Social and Psychological Support Centre (KSPSC), Missing People Family Support Centre (MPFSC), Women's Information Centre (WIC) and Association of Specialised Emergency Services (ASES) from Lithuania together with CAP International

About sexual exploitation for prostitution purposes and gender-based violence

KEY WORDS

Women rights, sexual exploitation for prostitution purposes, trafficking in human beings for the purpose of sexual exploitation, prostitution, gender-based violence, sexual violence, persecution (stalking)

EXECUTIVE SUMMARY

1. NGOs – the Klaipėda Social and Psychological Support Centre (KSPSC), Missing People Family Support Centre (MPFSC), Women's Information Centre (WIC) and Association of Specialised Emergency Services (ASES) from Lithuania together with CAP International (France) acknowledge the state's efforts to improve human and women's rights situation in Lithuania. However, six years after the adoption of the promising Resolution "For the criminal liability for sexual services", Lithuania legislation against the demand and program to support survivors of the systems of prostitution still needs to be strengthened.
2. This submission focuses on concerns about the lack of follow-up in the country in recent years to address issues related to the women and girls experiencing violence, as a gross violation of human rights, in a close relationship and outside of it, such as sexual violence, stalking and sexual exploitation for prostitution. The document is primarily based on the experience of organisations assisting for women and girls subjected to domestic violence, stalking or sexual exploitation for prostitution and working for truth, justice, and accountability for them.
3. The Klaipėda Social and Psychological Support Centre, together with CAP International, provide information on Lithuania's results implementing recommendations accepted in previous UPR cycle, highlight their concerns about Anti trafficking issues and present five key recommendations: (1) to strengthen the criminalisation of all forms of exploitation of women, while sex buyers represent only 12% of the 799 persons who were fined during 2015-2019, the vast majority (88%) of the penalties being imposed on persons who engage in prostitution (mainly women and girls); (2) to decriminalise persons in prostitution; (3) to strengthen support to victims, listen to survivors and strengthen exit programmes; (4) to strengthen funding to organisation supporting women; (5) to strengthen prevention including through the revision of curricula of members of the school community.



RELEVANT NATIONAL LEGAL FRAMEWORK

4. Article 487 of the Administrative Offences Code of the Republic of Lithuania stipulates liability for both soliciting prostitution and the use of prostitution services for remuneration.
5. At the international level, Lithuania has accessed the CEDAW Convention in 1994 and ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* in June 2003. Lithuania has committed to ratify the *1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* in a Resolution of the Parliament in 2014¹. The Resolution “For the criminal liability for sexual services” proposes to the Government of the Republic of Lithuania: (a) to submit for ratification to the Parliament the 1949 United Nations Convention; (b) to amend the Criminal code with regards to liability for purchase of prostitution, pornography or other forms of services of sexual exploitation; (c) to amend article 182 (1) of the Administrative code with regards to the abolition of administrative liability for providing sexual services; (d) to organise an interdisciplinary work group to prepare the programme for the re-socialization, rehabilitation and reintegration of persons in prostitution.
6. 2nd UPR cycle related recommendations include:
 - Adopt a separate plan of action on combating trafficking in human beings to improve coordination (112 – Belarus; 124 - Serbia);
 - Strengthen prevention (121 – 127 - Maldives; United Kingdom of Great Britain and Northern Ireland);
 - Improve investigation and training of investigators, prosecutors and judges (122 – Estonia; 125 - Islamic Republic of Iran; 127- United Kingdom of Great Britain and Northern Ireland);
 - Increase funding for NGOs to support victims (123 - United States of America);
 - Strengthen support to victims (126 - Islamic Republic of Iran; 127 - United Kingdom of Great Britain and Northern Ireland);

LITHUANIAN COMPLIANCE WITH ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Part I - Sexual exploitation for prostitution purposes

7. The analysis of the manifestation of prostitution in Lithuania indicated that it is a multi-layered social, legal, economic and political problem, both a consequence and a cause of human rights violations, which disproportionately affects women and girls.

¹ Resolution on Criminal Liability for the Purchase of Sexual Services, No. XII -1464, adopted on 16 December 2014 by the vote of the majority of the session participants. The Resolution was initiated by the MP Vince Vaidevutė Margevičienė. The Resolution, taking into account national and international legislation, according to the International STOP TRAFFICK! Conference „Deconstructing the Demand for Sexual Services: Prevention of Exploitation through Prostitution and Sex Trafficking“, organized by Klaipėda Social and Psychological Services Centre and held in Parliament in 19-20th June 2014, considering Lithuanian and foreign expert reports, having become familiar with the propositions of non-governmental organisations which fight against human trafficking, sexual exploitation for prostitution purposes and violence against human beings, having evaluated the practice of Nordic countries and the experience of the criminalisation of the purchase of sexual services within other European countries (Sweden, Norway, Iceland, Ireland, Canada and France).



8. The prevalence of trafficking in human beings among those entering the country from third countries is difficult to estimate but it is clear that victims of prostitution tend to be the most vulnerable (socially, psychologically and spiritually) members of society. Social groups such as children in orphanages, children with special needs and young people are the most at risk. There are no neighbourhoods where the threats and risks of human trafficking are not visible. Lithuanian citizens are trafficked for sexual exploitation, forced labour and services, crime, pornography and marriages of convenience. New forms of trafficking in human beings are constantly emerging, such as the exploitation of minors for illegal fighting and the exploitation of women for surrogacy.
9. UNSUFFICIENT EFFORTS TO ADDRESS THE DEMAND & PROSECUTE PERPETATORS - Despite the fact that Article 487 of the Administrative Offences Code of the Republic of Lithuania stipulates liability for both soliciting prostitution and the use of prostitution services for remuneration, according to the data of the Police Department, in 2015-2019, **799 persons were fined administratively for the provision of sexual services, and 104 persons were fined for the use of prostitution in exchange of remuneration.** This shows that the vast majority (**88%**) of the penalties are imposed on persons who engage in prostitution (mainly women and girls) and rarely (**12%**) on persons who **use** prostitution services in exchange of remuneration (mainly men and boys).
10. In Sweden, France and Ireland, the states adopted the position that prostitution is a form of violence against women and therefore the demand to have any girls or women made available to supply sexual acts for money is not regarded as legitimate or acceptable and, therefore, the purchase of sex is a criminal offence. This approach has also proven to be an effective anti-trafficking and demand reduction measure. It helped to address sexual objectification and the perception of women in prostitution as different from other women. Compared Sweden to the Netherlands and Germany are telling. It is estimated that the Netherlands has a rate of nine times and Germany a rate of between 30 and 40 time that of prostitution in Sweden. This is critical evidence in relation to reducing trafficking for sexual exploitation².
11. UNSUFFICIENT SUPPORT TO VICTIMS & SURVIVORS - Dominant patterns lead society to react to women in prostitution by punishing or trying to control them. But Women and girls, exploited in prostitution, have not to be considered as criminals. The individuality of these women's experiences and the complexity of their problems within their multi-faceted realities are brushed aside³. People are not always clear that they have been trafficked and do not always seek help, often because they do not know where to turn or do not think that anyone can help. Victims are not covered by the witness protection programme and their fear and insecurity are often justified. The majority of victims of trafficking, including sexual exploitation for prostitution purposes need immediate and comprehensive assistance for rehabilitation and reintegration into society or exit from prostitution.

² Disrupt Demand: Examining campaign strategies in EU Member States to introduce legislative measures to discourage demand for sex trafficking, 2017. <https://www.immigrantcouncil.ie/campaign/ending-human-trafficking/stop-traffick>

³ Dr. Dalia Puidokiene. 2013. Covert Codes of Women in Prostitution Pathways for Recovering Roots after Trauma Interface. University of Lapland, Rovaniemi, Finland.



12. The uneven application of legal provision towards prostitution, which in most cases penalises only women, has negative consequences for women and girls in prostitution and contributes to promote and maintain negative attitudes in society towards women in prostitution and does not ensure that vulnerable women in prostitution are protected and provided with the necessary support to leave situations of sexual, psychological, physical, emotional, economic exploitation and abuse.
13. Organisations working in the field of prevention of trafficking in human beings and victim assistance point out that the current legal framework, which imposes administrative liability for prostitution through fines, limits the possibilities for these women and girls to leave prostitution. The existing legal framework only continues to support women and girls to be exploited in prostitution, thus encouraging them not to leave prostitution but to earn money to pay the fines. In many cases, they are blackmailed and intimidated by traffickers (pimps) and do not go to the police because of the psychological, sexual and physical violence they have suffered, for fear of the publicity and the new fines that will lead to more debt. Women become trapped among pimps and bailiffs and have no choice but to remain in prostitution. The current legal framework and the practice of applying the law clearly favours traffickers and clients who use women in prostitution.
14. In the course of its evaluation visit, GRETA⁴ received reports that persons involved in prostitution, who might be victims of THB, are imposed administrative fines and are not identified as victims of trafficking. Representatives of law enforcement authorities confirmed that during police raids in locations where sexual services are provided, administrative sanctions are imposed on persons involved in prostitution. The police reportedly inform these persons of the avenues for exiting prostitution and receiving assistance. GRETA stresses the importance of proactive identification of victims of THB for the purpose of sexual exploitation, which is crucial for ensuring the application of the non-punishment provision. instigated or assisted in by a natural person for the benefit or in the interests of the legal entity shall not be released by the criminal liability of the natural person, nor by the fact that the natural person is released from criminal liability for this act or is not held liable for other reasons. GRETA considers that the Lithuanian authorities should take further measures to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, including administrative offences, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.

⁴ Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania. GRETA(2019)08. SECOND EVALUATION ROUND. Adopted 22 March, 2019 Published 21 June 2019. Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA and Committee of the Parties) Council of Europe. 166. <https://rm.coe.int/greta-2019-08-fgr-lithuania-en/1680950076>



Part II – Domestic and gender-based violence against women

15. A decrease in the number of reports of domestic violence⁵ in Lithuania has been observed since 2017 and is unlikely to be related to a real decrease in the level of domestic violence and a reflection of the real situation. It is possible that processes in Lithuanian society and politics are influencing people to refrain from calling the police in cases of domestic violence, and the problem risks becoming invisible and latent again and remaining at the private family level. The work that has been done by non-governmental organisations and law enforcement authorities to ensure that the Lithuanian population seeks help, defends its legitimate interests, and does not suffer alone risks being negated. This is compounded by the incompatibility of the adopted Law on the Framework Law on the Protection of the Rights of the Child⁶ and the Law on Mediation⁷ with the Law on Protection against Domestic Violence⁸.
16. Moreover, the Equal Opportunities Ombudsperson⁹ voiced concern that measures imposed to prevent the spread of COVID-19 disproportionately affected women, noting an increase in reports of domestic violence to police. Civil society groups reported that some health care providers had suspended or cancelled abortion services during the nationwide lockdown from March to June, restricting women's access to sexual and reproductive health care.
17. Lithuania still lacks a specialised support mechanism (legal regulation, medical assistance, and specialised support for victims) for survivors of sexual abuse, both in close proximity and in the public sphere.
18. NGO¹⁰ propose that the procedure for the consideration of the draft law No XIII-3746 on the addition of Article 167-1 to the Criminal Code of the Republic of Lithuania (hereafter - CC) to be continued as soon as possible.¹¹ The draft law was registered on 25 July 2019, after NGOs and the Specialised Complex Assistance Centres had repeatedly called for the prohibition of stalking as repeated acts of seeking contact with a person, either directly or by remote means, or through third parties, which cause feelings of fear or insecurity, especially

⁵ Official Statistics Portal, 2021. <https://osp.stat.gov.lt/infografikas-smurtas-artimoje-aplinkoje>

⁶ Lietuvos Respublikos Vaiko teisių apsaugos pagrindų įstatymas, Nr. I-1234 (Law on the Framework for the Protection of the Rights of the Child of the Republic of Lithuania, No. I-1234), new version, TAR, 2017-10-10, No. 16087; Consolidated version since 2018-07-01; The law has been made public: TAR 2017-10-10, i. k. 2017-16087. <https://e-seimas.lrs.lt/portal/legalActEditions/lt/TAD/TAIS.26397>.

⁷ Lietuvos Respublikos mediacijos įstatymas, Nr.X-1702 (Law on Mediation of the Republic of Lithuania No. X-1702), adopted 2008-07-15, current consolidated version 2021-04-29. <https://e-seimas.lrs.lt/portal/legalActEditions/lt/TAD/TAIS.325294?faces-redirect=true>

⁸ Apsaugos nuo smurto artimoje aplinkoje įstatymas, Nr. XI-1425 (The Law on Protection against Domestic Violence, No. XI-1425), adopted 2021-05-26, entered into force on 15-12-2011. <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.400334>

⁹ Amnesty International, 2020. <https://www.amnesty.org/en/countries/europe-and-central-asia/lithuania/report-lithuania/>. Accessed: 02.06.2021.

¹⁰ Lietuvos žmogaus teisių centras, Lietuvos moterų teisių įtvirtinimo asociacija, Lietuvos moterų lobistinė organizacija, Žmogaus teisių stebėjimo institutas ir Lygių galimybių plėtros centras.

¹¹ On the draft law on supplementing the criminal code of the republic of lithuania with article 1671 No. XIII-3746 (dėl lietuvos respublikos baudžiamojo kodekso papildymo 1671 straipsniu įstatymo projekto Nr. XIII-3746). https://manoteises.lt/wp-content/uploads/2021/03/2021-03-08-del_persekiojimo_BK_itvirtinimo.pdf



in cases where this is done after the termination of a violent relationship or other relationship. Actions such as constant contact with the person, especially after the end of a violent relationship, are carried out through other family members, workplaces, children's rights and social workers, children's educational institutions, etc. Thus, women's experience of psychological violence in the domestic environment, stalking in the context of violence or, in particular, in the context of help-seeking by the victims, and the manipulative involvement of children, still goes unpunished.

19. Data from the Lithuanian Statistics Department¹² show that there has been a decrease in the number of reports of gender-based violence: while in 2016, the number of contacts to the General Assistance Centre was 66 000, this number is only around 48 000 and 45 000 in 2017 and 2018 respectively. The number of calls has dropped by almost 30% compared to the 2016. There is no evidence to suggest that the decrease in this type of reporting is related to a decrease in the level of gender-based violence, so there must be other reasons that affect the number of reports.
20. The number of gender-based violence offences is not changing significantly: in 2016, there were 10 890 offences, 10 968 in 2017, 9 529 offences in 2018 (a drop of about 13% compared to 2017), 7 691 in 2019, and 7 132 in 2020. Thus, there is no reason to claim that crime related to domestic violence is decreasing significantly.
21. Recent research on gender-based violence¹³ shows that as many as 25% of Lithuanian women admit to having been or being abused, so it would be difficult to argue that the decline in the number of reports of violence is directly linked to the decline in the prevalence of violence in Lithuania. The problem of violence risks becoming latent again if the interests of the victims are not protected and if comprehensive assistance is not provided, both to the victims of violence and to their children/ adopted children.
22. With the entry into force of the Framework Law on the Protection of the Rights of the Child on 1 January 2020, the concept of "significant harm" has been introduced, which, among other forms of violence, recognises harm, and the observation of gender-based violence (when the child witnesses the violence) is considered to be disruptive to the child's physical and mental health and normal development.
23. The amendments to the Law on the Protection of the Rights of the Child in February 2017 and the resulting public uproar are likely to force adults, suffering from partner's violence, to hide the facts of the violence and refrain from calling the police, as all information about children living in a violent environment (even if the violence is not directly used against the child) is compulsorily forwarded to child protection specialists, who are obliged to, and may, in turn, after an assessment of the risk to the child's health, take the child away from the family if such risk is established.

¹² Official Statistics Portal of the Lithuanian Department of Statistics, Domestic Violence. <https://osp.stat.gov.lt/infografikas-smurtas-artimoje-aplinkoje>

¹³ Lietuvos gyventojų apklausa apie smurtą artimoje aplinkoje, Baltijos tyrimai, 2019. <http://www.lygus.lt/smurtiniai-santykiai-kas-penktuose-namuose/>



24. It is important to note that there is still a lack of research on sexual violence in Lithuania. First, there is a lack of knowledge about the manifestations of sexual violence, both among the public and among professionals, and many people cannot identify what sexual violence is. Also, blaming the victim of intimate partner violence is still very common. According to Special Eurobarometer 449: Gender-based violence¹⁴, as many as 42% of Lithuanians believe that women often fabricate and exaggerate claims of violence or rape. The experience of NGOs working with survivors of gender-based violence shows that women often do not even report sexual violence because they believe that no one will believe them, they will be accused of provoking or simply reminded of their spousal duties, and if they do report, the information is often not considered in pre-trial investigations. A survey carried out for the Equal Opportunities Ombudsperson¹⁵ in December 2018 revealed that it is still accepted in Lithuania that a wife has a duty to obey her husband, 41% of respondents believing that it is a wife's duty to make love to her husband. There is still no specialised support mechanism for victims of sexual violence. These two factors lead to the fact that victims of sexual violence often hide the fact and do not contact either law enforcement authorities or NGOs.
25. The current legal framework on sexual violence does not ensure the protection of victims and the process of support providing. Furthermore, Article 149(1) of the Penal Code¹⁶ does not only link rape to the absence of the person's will, but also (obligatorily) to the use of physical violence and threats (i.e. an additional evaluative aspect). This makes it more difficult for the victim to come forward and to prove the abuse.
26. In most EU countries, the act of stalking is a criminal offence. Since 2010, EU countries have also seen changes in the regulation of stalking and/or harassment, broadening these concepts.¹⁷
27. Psychological violence and/or harassment is not identified as actual violence, although it is a widespread problem in Lithuania and causes significant psychosocial harm for persecuted woman. In many cases, women mention that to get help from the police in the event of harassment, they must provide evidence that something other than direct threats have been taken. The victims are also asked whether this is not simply the result of an ongoing conflict with their ex-spouse or what they did to provoke this behaviour. According to case law, psychological violence is not separately criminalized¹⁸.
28. "Mental violence and its consequences that are perceived by the victims as the most serious", is one of the opinions expressed by officials. The criminalisation of psychological

¹⁴ Special Eurobarometer 449: Gender-based violence.

https://data.europa.eu/data/datasets/s2115_85_3_449_eng?locale=en

¹⁵ The Office of the Equal Opportunities Ombudsperson (Lygių galimybių kontrolieriaus tarnyba)

<https://lygybe.lt/lt/visuomenes-apklausa-iskreipti-lukesciai-moterims-gali-paskatinti-smurta>

¹⁶ <https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr>

¹⁷ „New Trends in the Criminalization of Stalking in the EU Member States“, Suzan van der Aa, 20 September 2017. Prieiga internetu: <https://link.springer.com/article/10.1007/s10610-017-9359-9>.

¹⁸ On the draft law on supplementing article 1671 of the criminal code of the republic of Lithuania No. XIII P-3746, Nr. LŽTC-2021-03-08/01 (Dėl Lietuvos respublikos baudžiamojo kodekso papildymo 1671 straipsniu įstatymo projekto NR. XIII P-3746, Nr. LŽTC-2021-03-08/01). https://manoteises.lt/wp-content/uploads/2021/03/2021-03-08-del_persekiojimo_BK_itvirtinimo.pdf



violence is problematic. Officials interviewed said that mental violence is difficult to prove. One victim reported that "there is no real threat to life, it is just words, in the sense that they don't count, I understood from their reasoning, that psychological violence is not counted as real violence, when there is a real threat to life. The fact that it is a threat is not an assault. In Lithuania, I understood that as long as you don't hurt a person, nobody will do anything". According to a review by the Human Rights Monitoring Institute, the criminalisation of mental/psychological violence is problematic.¹⁹

29. According to the practice of the Specialised Complex Support Centres (SCSC), women often experience stalking from their spouses, cohabitants or partners²⁰:

30. The most worrying aspect for all specialised centres professionals is that:

- there is still police inaction in cases where there are no clear signs of physical violence on arrival.
- police incapacity in cases of violation of custodial measures, again if there are no clear signs of physical violence (even in cases of systematic harassment and terrorisation).
- the failure of prosecutors to impose precautionary measures about children.
- the inability of child rights professionals to help (namely to help, not to rush to initiate case management) persecuted and terrorised women to ensure the safety of their children.

31. Lithuania does not have a system in place to address sexual violence, only a mechanism for child victims of sexual violence. The support mechanism for victims of domestic violence

¹⁹ Human Rights Monitoring Institute (Žmogaus teisių stebėjimo institutas).
https://www.hrmi.lt/uploaded/apzvalgos/tyrimas_auku-teisiu-direkt_1.pdf

²⁰ The woman does not feel safe at home at the moment. Her ex-husband was not arrested after the incident because he ran away, and she saw him outside her house afterwards. The need to call the police and report if she sees him again was discussed. The woman had been married to this man for only 10 months, but after realising that he was violent, she divorced him, but after the divorce he started stalking her. They have been divorced for 5 years. During this time, she has changed her residence once, but he still has found her. The police have recorded 4 violent incidents. The 3rd one was in October, after which the man was placed on probation (Violent Behaviour Modification Programme) from January. After this weekend's incident, the woman found out herself who was investigating the incident and contacted the investigator, but she told her that "what's in it for you if we arrest him?". She will carry out an expert examination of the injuries to the body. (Specialised comprehensive support centre in Vilnius - Women's Information Centre. From the personal file of a woman who has been persecuted, 2019).

b) 32 years old, female, academic, currently lives with a partner, has no children, met the man a year ago and has dated him several times. When the woman decided not to continue the friendship, she was persuaded and convinced that they were meant for each other and that she would regret breaking up with him. However, the persuasion and requests to continue the friendship did not help and she ended the relationship. This break-up was followed by calls, text messages, insistent demands and requests to continue the friendship. If she did not agree, a long and exhausting harassment began, which consisted of: various messages on her phone and on her Facebook account, as well as defamatory messages to her workplace, to her friends, her parents and later to her current partner, his friends and parents, and posting her pictures on dating sites with defamatory messages and false information. She would see him outside her home and workplace, often provoking her, and on one such occasion, he took a picture of her without her mask and reported her to the police, which led to an administrative offence being filed against her. The woman went to the police, but they did not take her statement, saying that it was not a crime and that there was no basis for it. This prosecution has been ongoing since October 2020. After considerable effort and consultation with a lawyer, indicating the number of the article under which the pre-trial investigation must be opened, the woman managed to file a statement with the police and a pre-trial investigation has now been opened. Throughout this period, the woman has suffered severe emotional distress, sleep disturbances, fear, anxiety, deterioration of relations with family members and suicidal thoughts. At the moment, although a pre-trial investigation has been opened, the harassment continues because the investigators are not taking any action to stop it. (Specialised Complex Assistance Centre in Klaipėda - Klaipėda Social and Psychological Assistance Centre, 2021. From the personal file of a woman who suffered persecution, 18-05-2021).



does not cover sexual abuse in the home, as such acts are not criminalised.

32. The CC of the Republic of Lithuania does not contain the concept of "stalking", although this act is one of the aspects of terrorising a person under Article 145(2) of the CC of the Republic of Lithuania. Terrorism primarily refers to intimidation, where it can be considered as an unlawful process of intimidation (but not persecution) and includes a variety of criminal acts aimed at inducing in the victim a feeling of fear of one or other intensity. Article 145(2) of the Criminal Code does not specify the ways or means by which a person may be persecuted, or which may be used to intimidate a person. The unlawful influence on the psychics affects biological or social life as it relates to the source of danger.

RECOMMENDATIONS

33. Recommendations about Sexual exploitation for prostitution purposes

33.1 ADDRESS THE DEMAND & PROSECUTE PERPETATORS – Lithuania should develop national strategies against demand for prostitution services and fully implement legal provisions against those, who exploit human beings for prostitution or who purchased sex. Measures to address demand should involve cross-border cooperation and coordination at European and global levels.

33.2 DECRIMINALISE PERSONS IN PROSTITUTION - Lithuania should initiate a draft amendment to Article 487 of the Administrative Offences Code of the Republic of Lithuania, abolishing the administrative liability for prostitution as foreseen by the Resolution of the Seimas of the Republic of Lithuania (16 December 2014, No. XII-1464).

33.3 STRENGTHEN SUPPORT TO VICTIMS & LISTEN TO SURVIVORS - Lithuania should develop exit programmes, including social, psychological, and legal counselling, have to be created to help victims to find an alternative way of living outside the prostitution. Recognise the experiences of women in prostitution as a meaningful and necessary assumption for the development of a legal base, the formation of an infrastructure for social help and entrenchment of a deeper understanding of this issue in society. To protect the most vulnerable persons – women and girls exploited in prostitution must be the duty of the state. All anti-trafficking interventions, including those of municipal administrations and their partners actions, should be designed in a human rights-based approach, thus ensuring that all efforts are made to prevent and combat trafficking in human beings and that the victims of trafficking be protected, assisted and compensated for the harm suffered.

33.4 STRENGTHEN FUNDINGS TO ORGANISATION SUPPORTING WOMEN. Lithuania should increase its financial supports to organisation providing services to women victims of sexual exploitation.



33.5 STRENGTHEN PREVENTION - Lithuania should include appropriate prevention and intervention measures in the curricula of members of the school community, such as teachers and other professionals working with children and young people, and pupils, to raise awareness aimed at changing attitudes of children and young people on the purchase/sale of a person, pornography, and other forms of sexual violence against women and girls in both the ordinary and the cyber space.

34. Recommendations about Domestic and gender-based violence against women

34.1. SUPPORT TO VICTIMS OF GENDER-BASED VIOLENCE - Lithuania should provide unconditionally and in a way that respects victims of violence rights, i.e., the availability of support, protection and assistance should not be conditional on the willingness or ability of victims to cooperate with law enforcement during investigations.

34.2. RECOGNITION AS VICTIMS OF A CRIME - In the case of gender-based violence, in accordance with Directive 2012/29/EU, which establishes essential standards on the rights, support and protection of victims of crime, regardless of whether or not there are minor children present, first of all, all persons present in the environment (who may not necessarily have been directly involved at the time of the incident) have to be considered victims of violence, i.e., to be recognised as victims of a crime, thus ensuring their human rights.

34.3. A HUMAN RIGHTS-BASED APPROACH - All interventions in the field of domestic and non-domestic violence and the actions of the representatives of the institutions implementing the Law on Protection against Domestic Violence in Lithuania should be planned in accordance with a human rights-based approach.

34.4. CASE MANAGEMENT TO THE SPECIALISTS OF THE SPECIALISED COMPLEX SUPPORT CENTRES - In the case of gender-based violence, case management should be assigned to the specialists of the Specialised Complex Support Centres in Lithuania, with the participation of specialists required by other services.

34.5. CHANGES OF THE LEGAL FRAMEWORK IN CASES OF SEXUAL VIOLENCE – Lithuania should change the legal framework in cases of sexual violence to include the absence of will (active consent).

34.6. A SPECIALISED SUPPORT MECHANISM - Lithuania should establish a specialised support mechanism (accessibility, trained professionals and tools (e.g., rape kits), one-stop-principle) for victims of sexual violence.

36.7. AMEND OR SUPPLEMENT AN ARTICLE 145 OF THE CRIMINAL CODE OF THE REPUBLIC OF LITHUANIA - Lithuania should amend or supplement an Article 145 of the Criminal Code of the Republic of Lithuania to include the term "systematic persecution of a person for the



purpose of controlling him". **It should identify the methods of psychological violence and acts of persecution**, the impact on the victim, and the 'unwanted behaviour' as defined by law, measured in terms of frequency, duration and intensity.

34.8. SANCTIONS FOR THE PERSONS SUSPECTED OF PSYCHOLOGICAL VIOLENCE AND STALKING – Lithuania should provide the possibility of imposing a restriction of freedom on persons suspected of psychological violence and stalking (specifying the acts of stalking, the victim's assessment of the perpetrator's actions or of the circumstances of the event), thus ensuring assistance to those who have been subjected to stalking or victimised.



About the Contributing Organisations

Klaipėda Social and Psychological Support Centre (KSPSC). KSPSC (Lithuania) is a non-governmental and non-profit organization founded in 2003, whose main goal is to provide a complex help (social, psychological and legal support, emotional support via help line (Women Help line 8 800 66366, 24/7; National Help line for victims of THB +370 616 91119, 24/7) letters or chat's) for victims of violence (violence in a close relationship, trafficking in human beings and sexual exploitation for prostitution purposes). Klaipėda Social and Psychological Support Centre is a member of the National Association Against Human Trafficking, Lithuanian Association for the Empowerment of Women and Lithuanian Association of Emotional Support Services.

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The Association Specialised Emergency Services (ASES), together with other organisations in the Association, implements the following activities:

- provision and/or organisation of complex psychosocial support and mediation for temporary accommodation for target groups.
- psychological, legal, health care, educational assistance provided and/or organised for the target groups.
- preventive activities, public information, and education.

The Association of Specialised Emergency Services (ASES), Šermukšnių str. 20-1, Klaipėda, Lithuania, +370 656 79918, ernesta.juraite@gmail.com, www.specializuotaspagalboscentras.lt.

Contact persons chair Ernesta Butkuvienė.

The Missing People Family Support Centre (MPFSC) is a non-governmental organization, founded in 1996. Organization fights trafficking in human beings and provides support to families of missing people. In a year of 2001 a first shelter was founded in Lithuania for women affected by human trafficking and sexual exploitation. In 2002 in Lithuania 800 Helpline was installed that was designed to provide help and emotional support to victims of human trafficking, domestic violence, and their families as well to missing people's families, later in a year of 2014 in Lithuania, a Hotline 116 000 was installed.

The Missing People Family Support Centre (MPFSC), Ežerų str. 85, LT-08403 Vilnius, Lithuania, +370 5 2483373, centras@missing.lt, www.missing.lt.

Contact persons chair Natalija Kurčinskaja.

The Association Women's Issue Information Center (WIIC) is a non-governmental women's organisation working to promote gender equality, overcome violence against women and educate the public.

The Association Women's Issue Information Center (WIIC), S. Konarskio str. 49, 808, LT-03123 Vilnius, Lithuania, +3705 2629 003, mic@lygus.lt, www.lygus.lt.

Contact persons chair Jūrate Šeduikiene.