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**Detection,
identification and
protection of third-
country national
victims of trafficking
in human beings**

2021/2

EMN STUDY

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SUMMARY

- In 2015-2020, Lithuania adopted important policy changes in the detection, identification, and protection of victims of trafficking in human being, including:
 - the development of a national referral mechanism, especially by means of specifying the formal criteria for the detection and identification of victims of trafficking in human beings, as well as defining the roles of each institution and organization;
 - the establishment of a special commission for interinstitutional and intersectoral coordination of anti-trafficking activities;
 - the introduction of national action plans as a key policy instrument for coordinating anti-trafficking actions;
 - the appointment of the national rapporteur responsible for monitoring the implementation of the national anti-trafficking policy;
 - the strengthening of the anti-trafficking institutional network at the municipal level.
- During the reference period, Lithuania experienced increased labour migration from Ukraine, Belarus, and Russia, as well as other third countries. However, despite increased migration, the number of third-country nationals formally identified as victims of trafficking in human beings in pretrial investigations remained very low. The majority of the 28 formally identified third-country national victims were males trafficked for the purpose of labour exploitation.
- Increased labour migration and the experiences of third-country nationals received increasing attention in the media. Over the past few years, there have been several journalist investigations of exploitation of third-country workers in the transport sector in Lithuania. In an effort to address the issues highlighted by these investigations, the Seimas introduced revisions to the Labour Code and the State Labour Inspectorate increased labour inspections in sectors prone to exploitation (transport, construction, manufacturing, agriculture, etc.). The efforts to prevent the exploitation of third-country nationals included preventive video clips and information leaflets in Russian and Ukrainian, as well as a 24/7 helpline providing consultations in Russian.
- While various state institutions and non-governmental organizations can informally identify victims of trafficking in human beings and refer them for support, formal identification is performed in the course of a pretrial investigation by the police, the prosecutor, or the court. Third-country national victims of trafficking who cooperate with law enforcement have the right to a reflection period,

during which they receive comprehensive support, and the right to receive a temporary residence permit that allows them to work.

- Within asylum procedures, (presumed) victims of trafficking in human beings as vulnerable persons are entitled to various procedural safeguards, including accommodation that meets their special needs, priority when reviewing the application, different interview settings or methods.
- Lithuania's cooperation with other EU Member States and non-EU countries or organizations regarding third-country nationals' trafficking and exploitation is fairly limited.
- The COVID-19 pandemic had negative consequences to victim identification and assistance provision in Lithuania. The number of services needed for third-country nationals increased, while NGOs faced financial constraints and experienced frequent staff turnovers. Due to travel restrictions, some third-country nationals could not leave the country and ended up in precarious positions, experiencing mental hardship. The new challenges related to the pandemic include increased online recruitment and exploitation of third-country nationals.
- During the reference period, Lithuania continued transitioning from a country of origin/transit to a country of destination for third-country nationals.

INTRODUCTION

Question (further – Q) 1. Please describe the main policy developments and debates that have occurred in the reference period 2015-2020 with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (e.g. parliamentary debates, policy reforms, draft/adopted legislation, media coverage, awareness-campaigns, relevant publications).

Key developments

During the reference period, several important developments took place with regard to organizing the work of institutions involved in the fight against trafficking in human beings.

- In accordance with Article 45.5 of the Public Safety Development Program for 2015-2025¹, on 11 August 2016, the Government created the Commission for the Coordination of the Fight Against Trafficking in Human Beings², which consists of 23 representatives of various ministries and institutions, as well as non-governmental organizations, meets at least twice a year, analyses the existing situation, makes policy proposals, and coordinates the measures and actions of state and municipal institutions. According to its 2020 activity report³, since its establishment, the Commission met 9 times, gave 68 assignments to ministries and agencies, created the National Association Against Trafficking in Human Beings, trained 120 consultants on the prevention of trafficking in human beings, as well as increased the funding available for NGOs providing support for victims of trafficking (from 80,000 to 240,000 EUR a year).
- During the reference period, the Ministry of the Interior introduced action plans as a new mechanism for interinstitutional and intersectoral cooperation in counter-trafficking: the Action Plan for Combating Trafficking in Human Beings in 2017-2019⁴ has already been implemented, and the Action Plan for Combating Trafficking in Human Beings in 2020-2022⁵ is currently under implementation. The main objectives of the 2017-2019 Action Plan were to

¹ Resolution of the Government of the Republic of Lithuania No. XII-1682 of 7 May 2015 Regarding the Approval of the Public Safety Development Program for 2015-2025, available at <https://www.e-tar.lt/portal/lt/legalAct/ea944da0f95d11e4927fda1d051299fb>.

² Resolution of the Government of the Republic of Lithuania No. 785 of 11 August 2016 Regarding the Coordination of the Fight Against Trafficking in Human Beings, available at <https://www.e-tar.lt/portal/lt/legalAct/19730980609211e68abac33170fc3720/asr>.

³ 2020 Report of the Activities of the Commission for the Coordination of the Fight Against Trafficking in Human Beings, available at https://vrm.lrv.lt/uploads/vrm/documents/files/LT_versija/Atrankos/Konkursai%202021/KK%20komisijos%202020%20m%20veiklos%20ataskaita_2021%2008%2003_LP.pdf.

⁴ Order of the Minister of the Interior of the Republic of Lithuania No. 1V-598 of 29 August 2016 Regarding the Approval of the 2017-2019 Action Plan of Combatting Trafficking in Human Beings, available at <https://www.e-tar.lt/portal/lt/legalAct/5b99fd306ddc11e6a-014b8463e530a88>.

⁵ Order of the Minister of the Interior of the Republic of Lithuania No. 1V-577 of 12 June 2020 Regarding the Approval of the 2020-2022 Action Plan of Combatting Trafficking in Human Beings, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/66466882ace511ea8aadde-924aa85003?jfwid=mmceogyd9>.

strengthen the coordination of counter-trafficking actions; to improve prevention; to reinforce support for victims of trafficking in human beings and persons at risk of trafficking; and to strengthen capacity building of the front-line staff. The 2017-2019 Action Plan indicated responsible bodies and defined their roles on the national and local levels as well as detailed the timeframe and financial resources for the implementation of each measure. Although the 2017-2019 Action Plan did not introduce any specific measures aimed at fighting against the trafficking and exploitation of third-country nationals, some measures were directly relevant, including trainings for professionals concerning the trafficking of third-country nationals and prevention information materials produced in foreign languages. The main objectives of the 2020-2022 Action Plan include the further strengthening of cooperation on counter-trafficking at state and municipal levels, the improvement of prevention and pretrial investigations, and increasing support for victims of trafficking in human beings, which are going to be achieved through 65 new and continuous measures and actions implemented by 16 ministries, organizations, and institutions. The 2020-2022 Action Plan contains several measures aimed specifically at third-country national victims, including organizing events for specialists whose work is related to employment of third-country nationals and disseminating information for employees working in sectors most susceptible to labour exploitation.

- In November 2016, in implementing Article 19 of Directive 2011/36/EU of the European Parliament and of the Council, the Government appointed a national rapporteur on trafficking in human beings⁶. The national rapporteur is a representative of the Ministry of the Interior who collects and publishes on the website of the Ministry of the Interior statistical data and other information on trafficking in human beings, assesses and analyses the situation and trends, as well as prepares annual reports. On 31 March 2017, the Minister of the Interior issued Order No. 1V-245⁷ that described the procedure for the collection of statistical data and other information related to the trafficking in human beings. The order helps to ensure the uniformity and comparability of the data collected by various state and municipal institutions and submitted to the national rapporteur.
- On 17 December 2015, the Prosecutor General, the Minister of the Interior, and the Minister of Social Security and Labour passed Order No. I-327/1V-1015/A1-758 Regarding the Recommendations for the Identification of Victims of Trafficking in Human Beings, Pretrial Investigation and Interinstitutional Cooperation⁸ (hereinafter – the Recommendations). The Recommendations specify the formal criteria for the detection and identification of victims of trafficking (including third-country nationals) in line with the related EU legislation. Moreover, the Recommendations describe the key elements of the national referral mechanism, specify the process of pre-trial investigation of criminal offenses, as well as define the roles and cooperation procedures among different bodies, including the Ministry of Foreign Affairs, the State Child Rights Protection and Adoption Service and its municipal branches, the State Border Guard Service, the Police, the Prosecutor General's Office, NGOs, the State Labour Inspectorate, and International Organization for Migration (IOM) Vilnius Office.

⁶ Resolution of the Government of the Republic of Lithuania No. 1161 of 23 November 2016 Regarding the National Rapporteur on Issues Related to the Trafficking in Human Beings, available at <https://www.e-tar.lt/portal/lt/legalAct/5899f9d0b53c11e6aae49c0b9525cbbb>.

⁷ Order of the Minister of the Interior of the Republic of Lithuania No. 1V-245 of 31 March 2017 Regarding the Appointment of the National Rapporteur on Issues Related to the Trafficking in Human Beings and the Approval of the Description of the Procedure for the Collection and Publication of Statistical Data and Other Information on the Situation of the Fight Against Trafficking in Human Beings and the Measures and Actions of the Fight Against Trafficking in Human Beings, available at <https://www.e-tar.lt/portal/lt/legalAct/9150c680160f11e79800e8266c1e5d1b/asr>.

⁸ Order of the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, and the Minister of Social Security and Labour of the Republic of Lithuania No. I-327/1V-1015/A1-758 of 17 December 2015 Regarding the Approval of the Recommendations for the Identification of Victims of Trafficking in Human Beings, Pretrial Investigation and Interinstitutional Cooperation, available at <https://www.e-tar.lt/portal/lt/legalAct/801bbb20ad5311e5b12fbb7dc920ee2c/asr>.

- On 10 August 2015, the Minister of Social Security and Labour issued Order No. A1-461 Regarding the Procedure for the Accommodation of Foreigners Who Are or Have Been Victims of Trafficking in Human Beings at the Refugee Reception Center During Their Reflection Period⁹. According to the order, a third-country national who has been identified by a pretrial investigation officer as a victim of trafficking in human beings can be accommodated at the Refugee Reception Center during their 30-day reflection period free of charge. In addition to accommodation, they receive food, clothes, shoes, personal hygiene items, and a lump sum disbursement. During their stay at the Center, victims of trafficking in human beings are entitled to healthcare services, social and psychological services, translation and interpreting services.
- In 2015-2020, many municipalities set up local anti-trafficking commissions, composed of representatives of local law enforcement bodies, social service agencies, child protection services, and education and healthcare agencies. For example, on 12 September 2017, Kaunas City Council approved the procedure¹⁰ for combating trafficking in human beings, which established a working group for coordinating interinstitutional cooperation and providing methodological, consultative and material support for institutions, organizations and communities working in the area of prevention and provision of assistance to victims. According to the Council of Europe GRETA report in 2019¹¹, the establishment of municipal commissions for combating trafficking in human beings represents a positive development that can be reinforced by securing greater funding for their activities.

Although the Ministry of the Interior remained the primary state institution responsible for initiating and coordinating anti-trafficking policies and activities, the State Labour Inspectorate increased its role during the reference period in detecting illegal work of foreigners and potential cases of trafficking of non-EU nationals.

- On 12 December 2016, the State Labour Inspectorate of Lithuania and the State Labour Inspectorate of Ukraine signed the cooperation protocol¹² which provides for the exchange of information on the implementation and monitoring of health and safety standards of workers, and the conduct of supervision of compliance with the labour law.
- On 1 August 2020, a specialized expert group on the control and prevention of trafficking in human beings for forced labour was established under the State Labour Inspectorate, which aims to analyze possible cases of forced labour in Lithuania, systemize information about it and collect evidence which will be submitted to the pretrial investigation authority. Moreover, the strengthening of the expertise and knowledge of inspectors is expected to improve the investigation of cases of forced labour, the compensation of victims, and the punishment of exploitative employers. The establishment of such specialized expert groups will be considered in each territorial division of the State Labour Inspectorate.

⁹ Order of the Minister of Social Security and Labour of the Republic of Lithuania No. A1-461 of 10 August 2015 Regarding the Approval of the Description of the Procedure for the Accommodation of Foreigners Who Are or Have Been Victims of Trafficking in Human Beings at the Refugee Reception Center During Their Reflection Period, available at <https://www.e-tar.lt/portal/lt/legalAct/6aed8d903f6811e58568e-d613eb39a73>.

¹⁰ Decision of the Council of Kaunas City Municipality No. T-584 of 12 September 2017 Regarding the Approval of the Description of the Procedure for the Coordination of the Fight Against Trafficking in Human Beings in Kaunas City Municipality, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/f8b4e661998311e78d46b68e19efc509>.

¹¹ Group of Experts on Action Against Trafficking in Human Beings (GRETA), Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by Lithuania, Second Evaluation Round, GRETA(2019)08 (21 June 2019), available at <https://rm.coe.int/greta-2019-08-fgr-lithuania-en/1680950076>.

¹² Press Release of the State Labour Inspection, "The State Labour Inspectorate and the State Labour Service of Ukraine Signed a Cooperation Agreement", Baltic News Service, 13 December 2016, available at <https://sc.bns.lt/view/item/216901>.

- On 1 October 2020, the State Labour Inspectorate and the National Association Against Trafficking in Human Beings signed the memorandum of cooperation¹³ to strengthen the prevention of trafficking in human beings for forced labour and modern slavery and provide assistance to victims. Both parties agreed upon notifying each other about possible cases of crime, exchanging up-to-date information, and building competencies and expertise to detect and identify trafficking, including against third-country nationals.

In 2015-2020, Lithuania continued participating in the activities of the Council of the Baltic Sea States Task Force Against Trafficking in Human Beings (CBSS TF-THB).

- In 2016, the Ministry of the Interior took part in CBSS TF-THB project STROM II (“Strengthening the Role of Municipalities in the Work against Trafficking in Human Beings”), which sought to bring together various governmental and non-governmental actors to strengthen the capacity and role of municipalities in assisting victims of human trafficking in the Baltic Sea Region. The project included development of local cooperation mechanisms in municipalities, roundtable meetings of national and municipal stakeholders, training workshops for local experts, and national awareness-raising campaigns. As part of the project, the Ministry of the Interior has prepared information cards in Russian and English for dissemination in Lithuania. The STROM II Final Conference took place in Birštonas, Lithuania, on 12-13 October 2017, and highlighted the achievements of the project, including the methodology for estimating the costs of victim assistance in municipalities.¹⁴
- In 2018-2019, Lithuania participated in CBSS TF-THB project “Paving the Way for the Harmonized Operational Framework in the Baltic Sea Region”, which resulted in the Transnational Referral Mechanism of the Baltic Sea Region, Bulgaria, Romania and Ukraine, the Human Trafficking Glossary and the Guidelines for Journalists reporting on cases of human trafficking. Intended for professionals who are likely to be involved in the identification and support of the victims of trafficking in human beings, the developed Transnational Referral Mechanism connects to the national referral mechanisms and includes measures in four main components: identification; urgent assistance and protection; long-term assistance and social inclusion; and return.
- During the Lithuanian Presidency of the CBSS in 2020-2021, an all-day conference on the topic of trafficking in the digital era was organized for experts on 6 May 2021¹⁵.

In 2015-2020, the state funding available for NGOs specialized to provide support to victims of trafficking in human beings increased every year, enabling them to provide more tailored services.

- The Center Against Human Trafficking and Exploitation (“Kovos su prekyba žmonėmis ir išnaudojimu centras”) was established in March 2017 with headquarters in Kaunas and divisions in Klaipėda, Šiauliai, Panevėžys, Tauragė and Marijampolė;
- The National Association Against Trafficking in Human Beings (“Nacionalinė asociacija prieš prekybą žmonėmis”) was established in 2019, uniting 5 NGOs providing complex social support to victims of trafficking in human beings, with branches in Alytus, Kaunas, Klaipėda, Marijampolė, Panevėžys, Šiauliai, Tauragė, Telšiai, Utena, and Vilnius.

¹³ State Labour Inspectorate. "STI Joins Forces with the Non-Governmental Sector against Forced Labour" (1 October 2020), available at https://www.vdi.lt/Forms/Tekstas1.aspx?Tekstai_ID=3014 [last accessed on 28 October 2021].

¹⁴ "STROM II Project Final Conference: Local Responses to Human Trafficking in the Spotlight", The Council of the Baltic Sea States (23 October 2017), available at <https://cbss.org/2017/10/23/strom-ii-final-conference-local-responses-to-human-trafficking-in-the-spotlight> [last accessed on 28 October 2021].

¹⁵ "200 Experts Gathered Online to Discuss Child Trafficking in Digital Environments", The Council of the Baltic Sea States (25 May 2021), available at <https://cbss.org/2021/05/25/200-experts-gathered-online-to-discuss-digital-child-trafficking> [last accessed on 28 October 2021].

In April 2021, Laisvės TV journalists Birutė Davidonytė and Dovydas Panceroovas released a documentary film, *Lorry Slaves*,¹⁶ containing the findings of their four-months-long investigation of the exploitation of third-country nationals in the Lithuanian transport and logistics companies. According to the investigation, there were about 5,000 companies involved in the freight transportation business, employing some 77,000 long haul drivers, 90% of whom (69,000) were the nationals of third countries (Belarus, India, Russia, Tajikistan, Ukraine, Uzbekistan, and other). The investigation claimed that, while the freight transportation business was one of the most important sectors of the economy (8% of the GDP), it was “based on immigrant slave labour”. Davidonytė and Panceroovas found that long haul drivers from third countries were forced to work for much lower salaries than what they had been promised during recruitment and put up with illegal deductions from their salaries, fraudulent practices of counting the working hours, lower social security contributions and guarantees, and poor and dangerous working conditions. Those who refused to work under poor conditions, sought help from the labour unions or complained to the authorities were often fired, thereby also losing their residence permits. The documentary was released on YouTube and was widely discussed in the Lithuanian media.

In April 2021, news portal 15min.lt released a two-part documentary miniseries *Modern Slavery*¹⁷ on the exploitation of third-country nationals in the transport sector. Moreover, also in April 2021, a popular blogger Skirmantas Malinauskas also released his own investigation on YouTube on the exploitation of masseurs from Thailand in Lithuania.¹⁸ In May 2021, the Lithuanian National Radio and Television covered a story of the bureaucratic obstacles encountered in Lithuania by a third-country national victim of trafficking for sexual exploitation.¹⁹

In response to the increased media attention, on 22 June 2021, the Seimas of the Republic of Lithuania adopted Law No. XIV-435 amending the Labour Code²⁰ – as of 1 January 2022, all salaries and subsistence allowances may only be paid by bank transfers and not in cash. Some members of the Seimas called for forming a temporary commission²¹ to investigate the scale of abuses in the international freight transportation sector. The Minister of Social Security and Labour Monika Navickienė promised to introduce²² additional regulation to increase transparency and improve working conditions in the transport sector, including amendments to the rules for subsistence allowances, limiting unpaid leaves, and increasing fines for unaccounted work in the Administrative Code. Moreover, the minister promised to initiate changes to improve the situation of employees from third countries, including the introduction of a legal requirement that labour contracts must be signed in a language that the employee can understand and the provision of more services and consultations in foreign languages by the related institutions.

¹⁶ "Lorry Slaves: Immigrant Exploitation in Lithuania", YouTube, uploaded by LaisvėsTV, 13 April 2021, available <https://www.youtube.com/watch?v=srqyEKU6B8Aat> [last accessed 28 October 2021].

¹⁷ Lukrecijus Tubys, Alisa Guseva, Ana Daukševič, "Šiuolaikinė vergovė", 15min.lt, 2 April 2021, available at <https://www.15min.lt/video/skaudzios-ukrainieciu-vairuotoju-patirtys-elgiasi-kaip-su-vergais-teigia-negave-beveik-40-tukst-euru-grynais-199568> [last accessed on 28 October 2021].

¹⁸ Skirmantas Malinauskas, "Moderni vergija Lietuvoje", YouTube, uploaded by Skirmantas Malinauskas on 4 April 2021, available at <https://www.youtube.com/watch?v=asIMPGBaxWg&t=3182s> [last accessed 28 October 2021].

¹⁹ Domantė Platūkytė, "Išnaudojimas prostitucijai ir biurokratijos džiuanglės – skaudi užsienietės patirtis Lietuvoje" ["Exploited for Prostitution and Stuck in the Jungle of Bureaucracy - A Painful Experience of A Foreign Female in Lithuania"], LRT.lt, 8 April 2021, available at <https://www.lrt.lt/naujienos/lietuvoje/2/1386890/isnaudojimas-prostitucijai-ir-biurokratijos-dziungles-skaudi-uzsienietes-patirtis-lietuvoje> [last accessed 28 October 2021].

²⁰ Law of the Republic of Lithuania No. XIV-435 of 22 June 2021 On the Amendment of Article 139 of the Labour Code, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/64e8a452d8cf11eb866fe2e083228059?jfwid=hw91pqysn>.

²¹ Cited in Edgaras Savickas, "Nemokamų atostogų mastas „Linavos“ įmonėse patraukė Seimo dėmesį: tai darbo specifika ar vagystė?" ["The Frequency of Unpaid Leaves at Linava companies Attracted the Attention of the Seimas: Is This a Peculiarity of the Occupation or a Theft?"], Delfi.lt, 19 April 2021, available at <https://www.delfi.lt/verslas/transportas/nemokamu-atostogu-mastas-linavos-imonese-patrauke-seimo-demesi-tai-darbo-specifika-ar-vagyste.d?id=86972807> [last visited on 28 October 2021].

²² "Dėl imigrantų išnaudojimo susirūpinę ministrai vardija priemones, kurių imsis" ["Ministers Worried about the Exploitation of Immigrants Named the Measures to be Undertaken"], YouTube, uploaded by LaisvėsTV on 20 April 2021, available at <https://www.youtube.com/watch?v=e7vklwtCraY> [last accessed 28 October 2020].

Q2. Please elaborate on the characteristics of detected, identified and protected (presumed) third-country national victims of human trafficking (including age, gender, country of origin, migration status), trafficking purposes (e.g. sexual exploitation, including forced prostitution, forced labour or services, slavery and servitude related practices, as well as the removal of vital organs), latest patterns and trends in the reference period 2015-2020.

In 2015, 27 new pretrial investigations were launched in relation to trafficking in human beings, bringing the total number on ongoing investigations to 55. 62 persons were recognized as victims of trafficking (24 women, 21 men, and 17 children (12 girls and 5 boys)), of whom 61 were citizens of the Republic of Lithuania and 1 was a female citizen of the Russian Federation. The top trafficking destinations abroad were the UK, the Netherlands, and Germany, while the main purposes of trafficking were prostitution, criminal activities (e.g. the transportation of drugs), forced labour, and forced marriage. It is noteworthy that, in 2015, most pretrial investigations concerned trafficking for other than the purposes of sexual exploitation, and that there were nearly as many male victims as female victims of trafficking in human beings.

In 2016, 29 new pretrial investigations were launched regarding domestic and international trafficking in human beings, while the total number of ongoing pretrial investigations increased to 56. 45 persons were recognized as victims of trafficking (22 men, 19 women, 4 children (3 boys and 1 girl)), of whom 44 were citizens of Lithuania and 1 was a female citizen of Columbia. The top trafficking destinations abroad were Germany, the UK, and Norway. As in 2015, most of the pretrial investigations concerned trafficking for non-sexual exploitation (mostly - criminal activities and forced labour) and there was a gender balance among the victims.

In 2017, 35 new pretrial investigations were launched concerning domestic and international trafficking in human beings, whereby the total number of ongoing investigations increased to 61. The following distribution by trafficking purposes was observed: 31% for forced labour and related activities; 26% for criminal activities; 23% for sexual exploitation; 11% for forced marriages; 3% for illegal adoption; 3% for pornography; 3% for begging. The top trafficking destinations abroad were the UK, Germany, and Austria. 60 persons were recognized as victims of trafficking (31 men, 21 women, and 8 children (5 girls and 3 boys)), of whom all were citizens of the Republic of Lithuania, except for 18 male citizens of Nepal (trafficked for the purpose of forced labour in Lithuania) and 2 male citizens of Ukraine (trafficked for the purpose of forced labour in the UK). Third-country nationals comprised 34.5% of all victims of trafficking in human beings in 2017. It is noteworthy that, as in 2016, the number of male victims exceeded the number of female victims in 2017 and most of the registered cases concerned trafficking for non-sexual purposes.

In 2018, 14 new pretrial investigations of trafficking were launched, bringing the total number of ongoing investigations to 54. 7 pretrial investigations concerned trafficking for criminal activities; 3 for forced labour; 3 for sexual exploitation; 1 for begging. The top destinations abroad were the UK (22%), Ireland (14%), and France (14%). 44 persons were recognized as victims of trafficking (34 women, 9 men, and 1 child), of whom all were citizens of Lithuania. 2018 marked a reversal of previously observed trends – there were more women among victims and the predominant purpose of trafficking was sexual exploitation.

In 2019, 16 new pretrial investigations were launched in relation to trafficking in human beings for the purpose of criminal activities (51%), sexual exploitation (31%), forced labour (6%), sham marriages (6%), and begging (6%). The top trafficking destinations abroad were France, the Netherlands, and the UK. 39 persons were recognized as victims of trafficking in human beings (18 men, 17 women, and 4 children), of whom 33 were citizens of Lithuania, 2 males and 2 females were citizens of Ukraine, and 2 males were citizens of the Czech Republic.

As in 2015, 2016, and 2017, there was a relative gender balance among victims and most of the registered trafficking was for purposes other than sexual exploitation.

In 2020, there were 11 new pretrial investigations of trafficking in human beings, adding to the total of 27 ongoing pretrial investigations. The new pretrial investigations concerned trafficking for the purpose of criminal activities (4), forced labour (3), sexual exploitation (3), and forced marriage (1). The top trafficking destinations abroad were Germany, the UK, and the US. 24 persons were recognized as victims of trafficking (16 women, 7 men, 1 child (boy)), of whom 21 were citizens of Lithuania, 1 male was citizen of the Czech Republic, 1 female was citizen of Thailand, and 1 female was citizen of India.

Table 1. Characteristics of third-country national victims of trafficking in human beings identified during pretrial investigations in Lithuania in 2015–2020

Year	Number of victims	Country of origin	Gender	Type of crime	Age	Migration status
2015	1	Russia	Female	THB for forced criminality	N/I	N/I
2016	1	Columbia	Female	N/I	N/I	N/I
2017	20	Nepal – 18 Ukraine – 2	Male Male	THB for forced labour THB for forced labour	N/I	Temporary residence permit
2018	0	-	-	-	-	-
2019	4	Ukraine	2 Female and 2 Male	N/I	N/I	N/I
2020	2	Thailand – 1 India – 1	Female Female	THB for forced labour THB for forced labour	41–50 21–30	N/I

Based on the pretrial investigations that were launched during the 5-year period, the most noteworthy trend in Lithuania was that, in contrast to most other EU Member States²³, trafficking for sexual exploitation was less frequent than trafficking for criminal activities and forced labour (with the exception of 2018). Lithuania remained the primary destination of trafficking during all the years under review; top foreign destinations regularly featured the UK, Germany, the Netherlands, and France. Third-country nationals constitute a tiny minority among the victims of trafficking identified in the course of pretrial investigations in 2015-2020. Out of 28 third-country nationals recognized as victims, only 6 were women and most victims were trafficked for the purposes of labour exploitation.

There are grounds to believe that official numbers do not accurately reflect the actual situation. First, the number of immigrants from Ukraine, Belarus, Russia, and other countries increased significantly in 2015-2020. According to the data of the national migration yearbooks, 2,145 temporary residence permits for the purpose of work were issued to foreigners in 2015, 4,264 in 2016, 9,290 in 2017, 12,472 in 2018, 21,279 in 2019, and 22,774 in 2020. In 2020, 28,401 national (D) visas were issued to foreigners for the purposes of work. Most of these foreign workers came from Ukraine, Belarus, and Russia, and worked in transport, construction, manufacturing, and agriculture.

²³ Trafficking for sexual exploitation comprised approximately 60% of all recorded cases in the EU in 2017-2018. See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021- 2025.

Increased numbers of workers can be expected to correlate with increased numbers of labour exploitation and trafficking in human beings. This is reinforced by the data of the Labour Inspectorate: for example, in 2017, the Labour Inspectorate carried out 7,987 inspections of illegal work and found 130 illegal workers from third-countries, mostly from Ukraine (68.46%). In 2020, the number of inspections decreased to 4,794 but the number of illegally working third-country nationals increased to 359 – every fifth person who was found working illegally was a foreigner, most were working in the construction and transport sectors, and 57% were nationals of Ukraine. Thus, the manyfold increase in labour migration from third countries appears to correlate with a growth in cases of illegal work. While these trends in illegal work should be seen primarily as an indication of the growing risk of labour exploitation, it is also relevant for gauging the likely scale of trafficking in human beings involving third-country nationals.

Second, the data submitted to the national rapporteur on the services the specialized NGOs provided to (presumed) victims of trafficking in human beings, including third-country national victims, indicates much higher numbers. In 2015, implementing projects funded by the Ministry of Social Security and Labour, NGOs provided support (accommodation, healthcare services, social and psychological services, etc.) to 139 (presumed) victims of trafficking in human beings, of whom only 38% were cooperating with the law enforcement (and could thus be formally identified as victims). In 2016, NGOs provided services to 179 (presumed) victims; in 2017 – 2019; in 2018 – 239, including 36 foreigners most of whom were identified by the NGOs and did not cooperate with the police; in 2019 – 244; in 2020 – 206. While the absolute majority of (presumed) victims who received support from NGOs under the ministry's projects were Lithuanian nationals and no inferences can be made regarding the numbers of third-country nationals, it is noteworthy that only about half of the victims aided by the NGOs had been identified formally.

Thus, the above-mentioned circumstantial evidence would allow for higher numbers than the 28 third-country national victims of trafficking in human beings identified in 2015-2020. The experts from NGOs interviewed for this study also noted that the number of third-country national victims of trafficking in human beings must be higher than what is captured in official data.

1.

Detection of third-country nationals (presumed) victims of trafficking in human beings

Q3. Please describe the national procedures to detect (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

a) Are there measures in place to detect (presumed) third-country national victims of trafficking in human beings?

Yes

No

If so, please further elaborate in the table below.

Measures in place to detect (presumed) third-country national victims of trafficking in human beings	Details
Self-reporting	<p>Third-country national victims of trafficking in human beings can report crimes by calling the common emergency telephone number 112, leave a message by calling the police hotline (+370 5 2725372) or sending an email to a dedicated address prekybazmonemis@policija.lt, which is managed by a police investigator with specialized training. In general, no distinction is made between victims of trafficking in human beings who are citizens and those who are nationals of third countries.</p> <p>Labour exploitation or employment irregularities can be reported by calling the State Labour Inspectorate hotline +370 5 213 9750 during working hours, sending an email to info@ydi.lt or priverstinisdarbas@vdi.lt or submitting information by filling out a form on their website https://www.vdi.lt/Forms/Nelegalus_pranesk.aspx. Moreover, during the Labour Inspectorate's inspections and police raids, third-country national workers often receive information cards and/or prevention leaflets that contain information on how to report labour exploitation/trafficking to the law enforcement or NGOs.</p> <p>In addition to government venues, there are specialized NGOs that serve as points of initial referral and providers of assistance:</p> <ul style="list-style-type: none"> • The National Association Against Trafficking in Human Beings unites some of the main non-governmental organizations providing support to victims of trafficking in human beings in Lithuania. Their hotline (+370 616 91119) provides 24/7 consultations in Lithuanian, Russian and English languages. • Lithuanian Caritas provides support to all victims of trafficking in human beings. Email: pagalba@vilnius.caritas.lt or a 24/7 information hotline (+370) 699 90866.
Awareness raising campaigns	<p>Most measures raising awareness of trafficking in human beings are targeted at those public officials and state/municipal employees who are likely to encounter victims of trafficking in their line of work. In general, these measures do not make any distinction between victims of trafficking from the EU and those from third countries.</p> <p>The 2017-2019 Action Plan for Combatting Trafficking in Human Beings contained a great number of measures aimed at increasing awareness. Measures aimed at increasing awareness in order to improve detection of victims of trafficking in human beings included the following:</p> <ul style="list-style-type: none"> • in coordination with the Ministry of Health, 10 largest municipalities carried out internal trainings to improve the detection of victims of trafficking in human beings, the protection of their rights, and the provision of health services; • the Ministry of Foreign Affairs organized trainings for consular officials being posted abroad on how to detect victims of trafficking in human beings, protect their rights and redirect for support;

- the Ministry of the Interior organized trainings on the detection of victims of trafficking in human beings to journalists who report and write articles on trafficking;
- the Prisons Department under the Ministry of Justice organized trainings for employees of probation services on how to detect (identify) victims of trafficking in human beings among persons under their supervision;
- internal trainings on the detection (identification) of victims of trafficking in human beings among asylum seekers, migrant workers and irregular migrants were organized by the Office of Prosecutor General, the Police Department, the Migration Department, the National Courts Administration, the Ministry of Social Security and Labour, the State Labour Inspectorate, the Employment Service, and the State Child Rights Protection and Adoption Service, as well as the largest municipalities.

The measures to increase awareness in order to improve detection of victims of trafficking in human beings in the 2020-2022 Action Plan for Combatting Trafficking in Human Beings include the following measures:

- the Ministry of the Interior will organize events for experts working in the area of anti-trafficking, as well as information campaigns for the general public;
- the State Labour Inspectorate will organize events for and provide information to employer and employee organizations on trafficking in human beings, forced labour, as well as identification of victims;
- the largest municipalities will organize trainings for education specialists, social workers and municipal employees on how to identify victims of trafficking in human beings and provide the required support;
- the Ministry of Foreign Affairs will continue trainings for consular officials being posted abroad on how to detect victims of trafficking in human beings, protect their rights and redirect for support.

Internal trainings on the detection (identification) of and the peculiarities of communication with (presumed) victims of trafficking in human beings will be organized by the Office of the Prosecutor General, the Police Department, the State Border Guard Service, the Migration Department, the State Labour Inspectorate, the Ministry of Social Security, the Employment Service, and the State Child Rights Protection and Adoption Service.

Together with the State Labour Inspectorate, the Centre Against Human Trafficking and Exploitation (KOPŽI), an NGO assisting victims of trafficking, including third-country nationals, prepared several information leaflets in Russian for dissemination in Lithuania.

Collection of indicators

Statistical information on victims of trafficking is collected in accordance with Order of the Minister of the Interior No. 1V-245 of 31 March 2017. The indicators include data on pretrial investigations concerning trafficking and data both on persons who were formally identified as victims in such investigations and persons who might have been victims of trafficking, including the purpose of trafficking, the gender and age of the victim, the form of recruitment or coercion, and the trafficking destination country/location. The national rapporteur also aggregates various types of data on assistance to both formally identified and suspected victims, including temporary accommodation, health services, legal services, etc. Order No. 1V-245 also requires the collection of information on persons accused of trafficking, the prosecutors' decisions regarding them in pretrial investigations, as well as court rulings in trafficking cases.

While the above-mentioned indicators are useful in analysing (changes in) the overall situation with regard to trafficking in human beings, Order No. I-327/1V-1015/A1-758 of 17 December 2015 of the Prosecutor General, the Minister of the Interior, and the Minister of Social Security and Labour contains a list of indicators that help officials detecting victims of trafficking in human beings in individual cases. Modelled on UNODC Anti-human trafficking manual for criminal justice practitioners, the order groups indicators in three categories: 1) actions; 2) means; and 3) exploitative purpose. The presence of at least one indicator from each category helps detecting adult victims (in case of minors, indicators from the category of exploitative purpose are not required). According to the order, officials or employees who come into contact with a suspected victim of trafficking in human beings should immediately fill out a form ("the Human Trafficking Victim Identification Card") and pass it on to the prosecutor's office or the police.

The procedure for the identification of victims of trafficking in human beings from non-EU countries is the same as for the citizens of Lithuania or another EU Member State.

Intelligence gathering by investigative services (e.g. police, labour inspectorate)	According to Order of the Minister of the Interior No. 1V-245 of 31 March 2017, all related state institutions have to submit to the rapporteur their assessment of trends in the trafficking of human beings. The list of institutions includes the Ministry of the Interior and its relevant departments and services, the Ministry of Social Security and Labour and its services, the Ministry of Health, the Ministry of Education and Science, the Ministry of Justice, the Ministry of Foreign Affairs, the State Labour Inspectorate, the National Courts Administration, the Office of the Prosecutor General, municipalities, as well as any other institution, agency or service that has statistical or other information on trafficking in human beings. No distinction is made between nationals and third-country nationals with regard to intelligence and information gathering.
Proactive screening in asylum procedures	Victims of trafficking in human beings are considered to be vulnerable person who have special protection needs. The civil servant receiving the asylum application carries out the vulnerability assessment by filling out the Initial Assessment of Vulnerability of an Asylum Seeker Form. Since vulnerability may be assessed at later stages too, there is more than one layer of screening in asylum procedures. However, there is no proactive screening aimed specifically at detecting (presumed) third-country national victims of trafficking in human beings.
Proactive screening in migration procedures	As in case of asylum procedures, victims of trafficking in human beings may be identified in the course of initial and subsequent assessment of vulnerability. However, there is no proactive screening aimed specifically at detecting (presumed) third-country national victims of trafficking in human beings.
Other	-

b) What measures are in place to promote and facilitate self-reporting by (presumed) third-country national victims of trafficking in human beings?

The Ministry of the Interior has prepared leaflets in Lithuanian, Russian, and English languages, providing information on what counts as trafficking, the rights of victims of trafficking in human beings, and where to seek help. The Ministry of the Interior has also made a video clip on the forms of trafficking in human beings and where to seek help in the Ukrainian language.

The State Labour Inspectorate's website contains detailed information in Russian on the labour standards in Lithuania and the rights of employees from third countries, as well as information on where to seek help in case of forced labour or exploitation. The State Labour Inspectorate regularly carries out inspections in various economic sectors in order to examine working conditions and detect illegal work in Lithuania. If persons working illegally are detected, including third-country national victims of human trafficking, they are informed about opportunities of reporting the possible crime. Representatives of specialized NGOs are sometimes invited to these inspections and are able to communicate with third-country nationals, provide information cards and/or prevention leaflets, and encourage them to report their case to responsible bodies (either the law enforcement agencies or specialized NGOs).

The Police regularly carries out special raids in order to detect exploitation and trafficking for sexual purposes in Lithuania. If presumed victims are detected, including third-country nationals, they are informed about opportunities of reporting the crime. Representatives of specialized NGOs are occasionally invited to these raids and are able to communicate with third-country nationals, provide information cards and/or prevention leaflets, and encourage them to report their case to responsible bodies (either the law enforcement agencies or specialized NGOs).

The State Labour Inspectorate, together with the police officers, participates in inspections organized by EUROPOL within economic sectors (agriculture, construction, catering and other) at risk of exploitation of illegal work of third-country nationals.

c) Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to detect (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	Victims of trafficking in human beings are considered to be vulnerable person who have special protection needs. The civil servant receiving the asylum application carries out the vulnerability assessment by filling out the Initial Assessment of Vulnerability of an Asylum Seeker Form. Since vulnerability may be assessed at later stages too, there is more than one layer of screening in asylum procedures. However, there is no proactive screening aimed specifically at detecting (presumed) third-country national victims of trafficking in human beings.
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	No specific measures.
who are voluntary returnees	<p>Pursuant to Article 38.5 of the Recommendations, if a third-country national victim of trafficking in human beings contacts IOM Vilnius Office, IOM employees will inform the person about the opportunity to remain in the territory of Lithuania if a reflection period is granted.</p> <p>If a person requires to leave the country, IOM Vilnius Office informs about an opportunity to do so voluntarily. In that case, IOM specialists fill in "Assisted Voluntary Return Form" and, if the financial support is available, manage travel documents, buy tickets, organize temporary accommodation, as well as transit and reception aid.</p> <p>If a person is in detention and is accommodated at the Foreigners' Registration Centre, their return is organized in cooperation with the State Border Guard Service.</p>
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	<p>Pursuant to the Recommendations, upon the identification of a person as a (presumed) victim of trafficking in human beings, their vulnerability can also be indicated.</p> <p>During the identification process, a (adult/child) victim identification card/the document equivalent to this card and its Annex shall be filled in. In case of the adult, Annex specifies acts, means and purposes as well as different vulnerability factors, including financial deprivation, age (until 29 years old), mental and behavioral disorders, low education, lack of social skills, dependencies and presence in the country illegally.</p> <p>In the case of a minor, various circumstances indicating potential vulnerability should be marked in the victim identification card, including the following: the social risk of the family; the absence of parental care; exploitation in prostitution; past victim of trafficking; national and ethnic minority; unaccompanied minor. The victim identification card should usually be referred to the police or the prosecutor general.</p> <p>Unaccompanied minors must be represented by a legal guardian, who is making decisions on their behalf guided by their best interest. Self-reporting thus becomes reporting in such cases, especially since victims among unaccompanied minors would be more likely to be detected due to interactions with social, health and psychological services.</p> <p>The procedure for the identification of victims of trafficking in human beings from non-EU countries is the same as for the citizens of Lithuania or another EU Member State.</p>
who are in an irregular situation	No specific measures.

d) What procedural safeguards exist for each category presented above?

As per Article 182 of the Law on the Legal Status of Foreigners²⁴, (presumed) victims of trafficking in human beings fall into the category of vulnerable persons. Once detected, (presumed) victims are therefore entitled to various procedural safeguards. In particular, within asylum procedures, vulnerability is assessed by trained officials either during the initial interview or at a later time. According to Order No. 1V-131 of 24 February 2016 of the Minister of the Interior Regarding Granting and Withdrawing Asylum in the Republic of Lithuania²⁵, vulnerable persons are entitled to special procedural guarantees, including, inter alia, accommodation that meets their special needs, priority when reviewing the application, different interview settings or methods, if necessary, the presence of a psychologist during the interview, the possibility to present evidence in alternative ways, etc. Victims are supposed to be given certain leeway when evaluating the accuracy of their statements.

Irregular migrants who do not apply for asylum are subject to detention. However, as per Article 114 of the Law on the Legal Status of Foreigners²⁶, as vulnerable persons, (presumed) victims of trafficking in human beings may be detained only in exceptional circumstances, taking account their best interests.

Minors and unaccompanied minors are entitled to the procedural safeguards available for vulnerable persons, as well as the right to education under general education or professional training programs. Unaccompanied minors can be interviewed only with the participation of their legal guardian and a representative of the Child Rights Protection Service. According to Article 221 of the Law on the Legal Status of Foreigners²⁷, unaccompanied minors have the right to remain on the territory of the Republic of Lithuania, while Article 32 ensures that they have free-of-charge accommodation, healthcare, social and legal services, and financial support, regardless of whether they apply for asylum or not. According to Article 40.8, unaccompanied minors are not returned to foreign states and receive a temporary residence permit.

More generally, according to Article 40.1.12 of the Law on the Legal Status of Foreigners²⁸, persons who are or have been victims of trafficking in human beings and are cooperating with the pretrial investigation institution or the court in combating trafficking in human beings and related crimes, have the right to receive a temporary residence permit. According to Article 491 of the law, the pretrial investigation institution or the court intermediate in the process of application for the temporary residence permit, which is issued for 6 months and may be extended. Victims of trafficking in human beings who cooperate with law enforcement have the right to work during the validity period of the temporary residence permit. Based on their financial situation, they may also be entitled to basic healthcare services and social services during this period. On 10 August 2015, the Minister of Social Security and Labour issued Order No. A1-461 Regarding the Procedure for the Accommodation of Foreigners Who Are or Have Been Victims of Trafficking in Human Beings

²⁴ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

²⁵ Order of the Minister of the Interior of the Republic of Lithuania No. 1V-131 of 24 February 2016 Regarding the Approval of the Description of the Procedure for the Granting and Withdrawing of Asylum in the Republic of Lithuania, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/0a918630dc0311e59019a599c5cbd673/asr>.

²⁶ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

²⁷ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

²⁸ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

at the Refugee Reception Center During Their Reflection Period²⁹. According to the order, a third-country national who has been identified by a pretrial investigation officer as a victim of trafficking in human beings can be accommodated at the Refugee Reception Center during their 30-day reflection period free of charge. In addition to accommodation, they receive food, clothes, shoes, personal hygiene items, and a lump sum disbursement. During their stay at the Center, victims of trafficking in human beings are entitled to healthcare services, social and psychological services, translation and interpreting services.

According to Law No. XIV-169 of 14 January 2021³⁰, all victims of crime, including the crime of trafficking in human beings, have the right to specialized assistance, irrespective of their willingness to participate in criminal proceedings.

e) What organizations/authorities are trained/competent to detect (presumed) third-country national victims of trafficking)?

According to Order of the Prosecutor General, the Minister of the Interior, and the Minister of Social Security and Labour No. I-327/1V-1015/A1-758 of 17 December 2015³¹ (hereinafter – the Recommendations), officials or employees who come into contact with a suspected victim of trafficking should immediately fill out a form (“the Victim Identification Card”) and pass it on to the prosecutor’s office or the police. The Order specifically mentions the following institutions as competent to detect victims of trafficking, without making a distinction between national and third-country national victims: the State Border Guard Service; consular officials of the Ministry of Foreign Affairs; employees of the Child Rights Protection Service; the State Labour Inspectorate; police; the prosecutor’s office; the International Organization for Migration; and non-governmental organizations. The list is not exclusive: in principle, any organization can detect victims of trafficking, including (presumed) third-country national victims of trafficking, fill out the Human Trafficking Victim Identification Card and send it to the prosecutor or the police.

Organization/authorities	Trained to detect (presumed) third-country national victims of trafficking? Y/N	Competent to detect (presumed) third-country national victims of trafficking? Y/N	Details
Police	Y	Y	The Recommendations note that (presumed) victims of trafficking in human beings may be detected by officials of the police, the State Border Guard Service, and the State Labour Inspectorate.
Border guards	Y	Y	
Labour inspectors	Y	Y	
Migration services	Y	Y	Pursuant to Order No. 1V-131 of 24 February 2016 of the Minister of the Interior On the Procedure for Granting and Withdrawing Asylum, migration and asylum officers are able to detect (presumed) victims of trafficking in human beings during the initial assessment by filling out the Initial Assessment of Vulnerability of an Asylum Seeker Form.
Asylum case officers	Y	Y	

²⁹ Order of the Minister of Social Security and Labour of the Republic of Lithuania No. A1-461 of 10 August 2015 Regarding the Approval of the Description of the Procedure for the Accommodation of Foreigners Who Are or Have Been Victims of Trafficking in Human Beings at the Refugee Reception Center During Their Reflection Period, available at <https://www.e-tar.lt/portal/lt/legalAct/6aed8d903f6811e58568e-d613eb39a73>.

³⁰ Law of the Republic of Lithuania No. XIV-169 of 14 January 2021 On Assistance to Persons Who Have Suffered From Criminal Activity, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/ce7d8910571711eba1f8b445a2cb2bc7>.

³¹ Order of the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, and the Minister of Social Security and Labour of the Republic of Lithuania No. I-327/1V-1015/A1-758 of 17 December 2015 Regarding the Approval of the Recommendations for the Identification of Victims of Trafficking in Human Beings, Pretrial Investigation and Interinstitutional Cooperation, available at <https://www.e-tar.lt/portal/lt/legalAct/801bbb20ad5311e5b12fbb7dc920ee2c/asr>.

General practitioners	N	N	
Other health workers	N	N	
Employers	N	N	Employer associations and trade unions have received information materials (anti-trafficking flyers, posters, video clips, etc.) on trafficking in human beings.
Trade unions	N	Y	Although they are not part of the formal national referral mechanism, trade unions are able to detect presumed victims of trafficking in human beings, including third-country nationals. Upon detection of a presumed victim, they are referred to specialized NGOs.
Civil society organizations	N	Y	Specialized NGOs are part of the formal national referral mechanism. The Recommendations (Art. 30) note that victims may be detected by a social worker and/or a psychologist working for an NGO by filling out the Victim Identification Card. If the victim is a child, in addition to informing the police, the NGO must also inform the Child Rights Protection Service.
Others	Y	Y	The Recommendations (Art. 32) note that victims may be detected by an official of the Consular Department of the Ministry of Foreign Affairs. The procedure for identification is described in Order of the Minister of Foreign Affairs No. V-334 of 17 November 2020 On the Approval of the Procedure for the Identification of Victims of Trafficking in Human Beings in Foreign States, the Provision of Support for them, and the Use of Funds for the Returning Victims and the Anti-Trafficking Measures, according to which consular officials ask a series of questions to assess the presence of indicators allowing to identify a victim. All indicators are grouped into three categories: criminal actions, method of influencing and the purpose of exploitation, and the presence of at least one indicator from each category is required for a person to be identified as a victim.

f) Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the detection of (presumed) third-country national victims of trafficking in human beings?

In general, no distinction is made between (presumed) national and third-country victims of trafficking in human beings in terms of detection or referral mechanism. However, while in this regard no significant changes took place during the reference period, there have been important changes in terms of the clarification of the roles played by actors in the national referral mechanism and the strengthening of the institutional framework.

First, the Recommendations³² detailed the national referral mechanism. While in practice victims are most often identified by law enforcement authorities, the Recommendations defined the roles of other institutions and organizations, including border guards, labour inspectors, consular officials, municipal staff on social protection and children's rights, specialized NGOs, and the IOM. The Recommendations also provided a blueprint for the internal documents of other institutions and organizations guiding the detection of victims of trafficking in human beings. As officials who are likely to encounter victims of trafficking (labour inspectors, social workers, child protection specialists, healthcare workers, etc.) receive training on the application of the Recommendations, this may contribute to increasing the number identified third-country victims.

It should be mentioned, however, that the Recommendations is not a legal act that public bodies, law enforcement institutions and NGOs must follow in implementing their roles foreseen within the national referral mechanism in practice. Thus, referral may depend on stakeholders' personal attitudes concerning particular cases, especially since there is no single authority responsible for coordinating and monitoring the implementation of the national referral mechanism. Based on NGO experience, in cases of prostitution, police officers are not always willing to refer presumed victims to NGOs due to them being viewed as administrative law violators rather than presumed victims of trafficking in human beings.

Second, the institutional framework for combating trafficking in human beings was strengthened, in particular through the creation of the Commission for the Coordination of the Fight Against Trafficking in Human Beings³³. The Commission's biannual action plans for combating trafficking in human beings serve as an important means for streamlining institutional activities and inter-institutional coordination. Since the action plans contain various measures raising awareness of the issue and providing training on trafficking in human beings to state and municipal stakeholders, victims of trafficking, including third-country national victims, are now more likely to be detected. Relatedly, the appointment of the national rapporteur creates a focal point for collection and analysis of information and the generation of policy proposals. Furthermore, anti-trafficking efforts at the municipal level were reinforced by creating procedures and institutions. Since municipalities are the primary providers of support to victims of trafficking in human beings, these developments are important in raising the awareness of the issue, increasing the likelihood of detection, and facilitating the provision of social support.

³² Order of the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, and the Minister of Social Security and Labour of the Republic of Lithuania No. I-327/1V-1015/A1-758 of 17 December 2015 Regarding the Approval of the Recommendations for the Identification of Victims of Trafficking in Human Beings, Pretrial Investigation and Interinstitutional Cooperation, available at <https://www.e-tar.lt/portal/lt/legalAct/801bbb20ad5311e5b12fbb7dc920ee2c/asr>.

³³ Resolution of the Government of the Republic of Lithuania No. 785 of 11 August 2016 Regarding the Coordination of the Fight Against Trafficking in Human Beings, available at <https://www.e-tar.lt/portal/lt/legalAct/19730980609211e68abac33170fc3720/asr>.

2.

Identification of
(presumed) third-
country national
victims of trafficking
in human beings

Q4. Please describe the national procedures to identify (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

Victims of trafficking in human beings can be informally identified by the police, border guards, labour inspectors, migration services, asylum case officers, civil society organizations, the Consular Department officials, and other officials and employees who come into contact with suspected/possible victims of trafficking. In all cases, identification is followed up by (referral for) support and may, depending on the circumstances, results in different treatment (e.g. following the procedure of identification, consular service officials may waive the fee for their services, cover the cost of safe return to Lithuania from abroad, cover the costs of temporary accommodation or health services, etc.).

However, it needs to be emphasized that the formal status of a victim that has legal consequences can only be awarded in the course of a pretrial investigation and court proceedings. The category of "victim" ("auka" in Lithuanian) is not used in the legal system; instead, the Criminal Procedure Code²⁴ (Art. 28) uses the term "nukentėjusysis" ("the one who was harmed"/"the one who has suffered"). "Nukentėjusysis" is defined in the Code as a natural person who has suffered physical, material, or nonmaterial harm. While victim as "auka" can be detected and identified by any official or employee, victim as "nukentėjusysis" can only be identified by a decision of a pretrial investigation official or a prosecutor or a court ruling. The distinction is important, since "nukentėjusysis" and his/her legal representatives have a number of rights, which "auka" does not: for example, the right to receive information related to their case, present evidence, request removals, participate in the examination of the case, lodge a complaint about particular actions of the pretrial investigation official, the prosecutor, the pretrial judge and the court, or make appeals against decisions or rulings. Moreover, the formal status of a victim gives the right to claim a compensation from the special compensation fund for victims of violent crimes (the fund can be used to compensate the legal expenses, as well as the material or nonmaterial damages awarded by the court). To maintain this distinction, hereinafter, wherever relevant, "nukentėjusysis" will be referred to as a formally identified victim.

a) What organizations/authorities are competent to identify (presumed) third-country national victims of trafficking?

The distinction between detection and identification of victims is not clearly made in Lithuania. A number of organizations/authorities are competent to detect/informally identify victims of trafficking in human beings; however, formal identification can be made only by a decision of a pretrial investigation official or a prosecutor or a court ruling (see Q4).

²⁴ Law of the Republic of Lithuania No. IX-785 of 14 March 2002 On the Approval, Coming into Effect, and Implementation of the Criminal Procedure Code, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.163482/asr>.

Organisation/ authorities	Competent to identify (presumed) third-country national victims of trafficking? Y/N	Details
Police	Y	Police officials carrying out pretrial investigations can formally identify (recognize) victims of trafficking in human beings.
Border guards	N	Border guards as first-contact persons have a role in detecting suspected victims of trafficking and passing information on to the police or the prosecutor's office.
Labour inspectors	N	Labour inspectors as first-contact persons have a role in detecting suspected victims of trafficking and passing information on to the police or the prosecutor's office.
Migration services	N	Migration services may have a role in detecting suspected victims of trafficking and passing information on to the police or the prosecutor's office.
Asylum case officers	N	Asylum case officers may have a role in detecting suspected victims of trafficking and passing information on to the police or the prosecutor's office.
Civil society organizations	N	Civil society organizations may have a role in detecting suspected victims of trafficking and passing information on to the police or the prosecutor's office.
Others	Y	In addition to the pretrial investigation officials, trafficking victims can be formally identified (recognized) by a prosecutor's decision or a court ruling.

b) Are there specific measures in place to identify (presumed) third-country national victims of trafficking in human beings?

Yes

No

If so, please elaborate.

No distinction is made in law or policy between national and third-country national victims of trafficking in human beings.

c) Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to identify (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	<p>In accordance with Article 25.5.3 of Order No. 1V-131 of 24 February 2016 of the Minister of the Interior Regarding the Procedure for Granting and Withdrawing Asylum, the asylum procedures entail the detection and assessment of vulnerabilities among asylum seekers, including whether they may have been victims of trafficking. The Initial Assessment of Vulnerability of an Asylum Seeker Form, which is filled out during the initial interview, lists the asylum seeker being a presumed victim of trafficking as a vulnerability factor. In case this vulnerability is indicated, a person receives special procedural guarantees.</p> <p>It should be noted that this procedure is not part of the formal national referral mechanism as defined in the Recommendations.</p>
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	NA.
who are voluntary returnees	<p>When the voluntary return is performed using the Assisted Voluntary Return and Reintegration program of IOM, IOM may fill out the Victim of Trafficking Screening Interview Form. The screening interview is voluntary and based on full and informed consent of the presumed victim. The individual is informed that IOM reserves the right to share his/her individual case data with IOM missions and partnering organizations for assistance purposes, as well as make a limited disclosure of non-personal data to law enforcement for the purpose of rescuing other victims and/or preventing other victims from being trafficked.</p>
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	NA.
who are in an irregular situation	NA.

d) Does a (presumed) third-country national victim have to be formally identified by a competent authority in order to apply for / be granted a reflection period /residence permit /protection status?

Yes

No

According to Article 3 of Government Resolution No. 430 of 18 April 2012 Regarding the Reflection Period³⁵, a pretrial investigation officer, having reasonable grounds to believe that a third-country national has suffered from crimes related to trafficking in human beings, must inform that person about the possibility to apply for a 30-day reflection period.

³⁵ Resolution of the Government of the Republic of Lithuania No. 430 of 18 April 2012 Regarding the Approval of the Description of the Procedure for Granting the Reflection Period, During Which A Foreigner Who Is or Has Been A Victim of Crimes Related to Trafficking in Human Beings Has to Make a Decision on Whether to Cooperate with the Pretrial Investigation Institution or the Court, available at <https://www.e-tar.lt/portal/lt/legalAct/TAR.4679FA574882>.

e) Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the identification of (presumed) third-country national victims of trafficking in human beings?

The national referral mechanism consists of two stages.

In the first stage, a (presumed) victim of trafficking in human beings is detected (recognized) by various organizations – most likely, police units, specialized NGOs assisting victims, diplomatic and consular missions of Lithuania in other countries, the State Labour Inspectorate, and the State Border Guard units. Following detection, the actions of various organizations will differ on the needs/interests of the victim and the character of the organization. In all cases, if the victim is a minor, all organizations must immediately inform the Child Rights Protection Service or its municipal units. In general, information about a potential crime of trafficking in human beings will be relayed to the police or the prosecutor's office. With the victims' consent, state institutions may refer them to specialized NGOs for assistance.

The major development in this area during the reference period was Order No. I-327/1V-1015/A1-758 of 17 December 2015 of the Prosecutor General, the Minister of the Interior, and the Minister of Social Security and Labour Regarding the Recommendations for the Identification of Victims of Trafficking in Human Beings, Pretrial Investigation and Interinstitutional Cooperation³⁶, which specified the criteria for the detection and identification of victims of trafficking, described the various roles that organizations play in the process of detection/identification, and introduced the Human Trafficking Victim Identification Card – a file created after the first conversation with the (presumed) victim that records the indications of victimhood, the circumstances of the potential crime, the support that was provided or is planned, and other relevant data that may contribute to the subsequent identification of a victim of trafficking in human beings.

In the second stage, the formal identification of a victim takes place. In Lithuania, a person can be formally identified as a victim of human trafficking by the decision of a pre-trial investigation officer or a prosecutor, or by the order of the court. Having been identified as a (presumed) victim ("nukentėjusysis") of a crime related to the trafficking of human beings, third-country nationals have to decide whether they want to cooperate in the pretrial investigation or with the court. The pretrial investigator must offer the option of applying for a 30-day reflection period, during which they cannot be deported or returned and receive various types of assistance and support from the state, including accommodation at the Refugee Reception Center. According to Article 130.5 of the Law on the Legal Status of Foreigners³⁷, foreigners who are granted the reflection period are issued a temporary residence permit for up to one year. One potentially significant change in this regard was the amendment of 26 November 2015³⁸ to the law that gave foreigners the right to work during the validity period of the temporary residence permit obtained on these grounds. Those victims who decide to cooperate with the pretrial investigation or the court receive additional support during interviews, transportation to interviews, legal aid, etc. Victims who decide to not apply for a reflection period or to not cooperate with the law enforcement upon the expiration of the period may be referred, with their consent, to state-funded NGOs that specialize in the provision of assistance, including counselling, psychological assistance, legal assistance, urgent medical assistance, safe accommodation, social services, based on the needs of the (presumed) victim.

³⁶ Order of the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, and the Minister of Social Security and Labour of the Republic of Lithuania No. I-327/1V-1015/A1-758 of 17 December 2015 Regarding the Approval of the Recommendations for the Identification of Victims of Trafficking in Human Beings, Pretrial Investigation and Interinstitutional Cooperation, available at <https://www.e-tar.lt/portal/lt/legalAct/801bbb20ad5311e5b12fbb7dc920ee2c/asr>.

³⁷ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

Following the provision of assistance, third-country nationals who have been identified as victims of human trafficking in Lithuania can return home using the IOM's AVR program or, if they stay in Lithuania, can claim the same long-term assistance as citizens of the Republic of Lithuania within the limits of funds available in the municipality where they are registered.

Overall, during the reference period, the national referral mechanism has not changed in any fundamental way. The above-mentioned Order No. I-327/1V-1015/A1-758 of 17 December 2015³⁹ was a major development in terms of introducing clarity and unity into various aspects of the mechanism; however, it did not alter the existing referral mechanism.

³⁸ Law of the Republic of Lithuania No. XII-2080 of 26 November 2015 On the Amendment of Law No. IX-2206 On the Legal Status of Foreigners, available at <https://www.e-tar.lt/portal/legalAct.html?documentId=7bd31620950311e5a6f4e928c954d72b>.

³⁹ Order of the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, and the Minister of Social Security and Labour of the Republic of Lithuania No. I-327/1V-1015/A1-758 of 17 December 2015 Regarding the Approval of the Recommendations for the Identification of Victims of Trafficking in Human Beings, Pretrial Investigation and Interinstitutional Cooperation, available at <https://www.e-tar.lt/portal/lt/legalAct/801bbb20ad5311e5b12fbb7dc920ee2c/asr>.

3.

Protection of
(presumed) third-
country national
victims of trafficking
in human beings

Q5. In line with the Anti-trafficking Directive, please describe in the table below what kind of assistance, support and protection (presumed) third-country national victims of trafficking in human beings are given access to in your Member State who are in the reflection period, in the Dublin III procedure, in the asylum procedure or who have a valid authorization to stay (residence permit, short term visa or visa-free stay) respectively. Please also indicate, for each type of assistance the competent authority that can trigger its provision.

Type of assistance	Reflection period	Dublin III procedure	Asylum procedure	Residence permit holders	Short term visa/ visa-free stay
Information on risks and protection mechanisms	Yes. Competent authorities: pretrial investigation institution.	-	Yes.	-	-
Appropriate and safe accommodation	Yes. In accordance to Order No. A1-461 of the Minister of Social Security and Labour, victims of trafficking who have been granted a reflection period can receive accommodation at the Refugee Reception Center. They are accommodated separately from other residents of the center, together with their family members. Alternatively, according to Art. 8 of Government Resolution No. 430 of 18 April 2012 Regarding the Reflection Period, accommodation may be provided by an NGO. If the victim of trafficking refuses to be accommodated at the Refugee Reception Center or the premises offered by an NGO and instead finds her/his own accommodation,	Yes. Same as in case of asylum seekers.	Yes. According to Article 151 of the Law on the Legal Status of Foreigners, asylum seekers receive accommodation. Competent authorities: the State Border Guard Service; the Migration Department.	No. The state does not guarantee accommodation to residence permit holders; however, victims can seek assistance from specialized NGOs. Competent authorities: NGOs.	No. The state does not guarantee accommodation to holders of short-term visa or foreigners who do not require visa; however, victims can seek assistance from specialized NGOs. Competent authorities: NGOs.

	then the right to safety is ensured by the pretrial investigation institution in cooperation with local municipal institutions and NGOs. Competent authorities: pretrial investigation institution.				
Necessary medical treatment	Yes. In accordance to Article 10.2 of Order No. A1-461 of the Minister of Social Security and Labour, victims of trafficking who have been granted a reflection period and have been accommodated in the Refugee Reception Center have the right to basic healthcare services. If they find alternative accommodation, they may request necessary medical treatment from the local municipality or the NGO. Competent authority: the Refugee Reception Center; NGOs; municipality.	Yes. According to Article 47.4 of the Law on the Health System, persons detained by law enforcement institutions or courts are guaranteed free health services by the state. If foreigners subject to Dublin III procedure are not detained, then the situation is the same as in case of asylum seekers.	Yes. According to Article 47.4 of the Law on the Health System, asylum seekers are guaranteed free health services by the state. Competent authority: depends on where the asylum seeker is accommodated – the Foreigner Registration Center; the Refugee Reception Center; NGOs; municipality.	No. Emergency health services are free for all persons regardless of insurance or residence status; however, further health services require health insurance or can be purchased. Health services may be available from specialized NGOs.	No. Emergency health services are free for all persons regardless of insurance or residence status; however, further health services require health insurance or can be purchased. Health services may be available from specialized NGOs.
Counselling and information	Yes. Counselling and information may be provided by any institution or organization in the national referral mechanism. Competent authority: pretrial investigation institution; the Refugee Reception Center; NGOs.	Yes. Counselling and information may be provided by any institution or organization in the national referral mechanism. Competent authorities: the State Border Guard Service; the Migration Department; NGOs.	Yes. Counselling and information may be provided by any institution or organization in the national referral mechanism. Competent authorities: the State Border Guard Service; the Migration Department; NGOs.	Yes. Counselling and information may be provided by any institution or organization in the national referral mechanism.	No. Counselling and information may be provided by any institution or organization in the national referral mechanism.

Legal assistance	Yes. Competent authorities: pretrial investigation institution; the Refugee Reception Center; NGOs.	Yes. Same as in case of asylum seekers. Competent authorities: the Migration Department.	Yes. According to Order No. 1V-131 of 24 February 2016 of the Minister of the Interior Regarding the Granting and Withdrawing of Asylum, the Migration Department organizes and coordinates the provision of legal support for asylum seekers. Competent authorities: the Migration Department.	Yes. According to the Law on the Legal Assistance Guaranteed by the State, all legal residents of Lithuania are entitled to free primary and, depending on their financial situation, secondary legal assistance. If they are formally recognized as victims of trafficking in a pretrial investigation, Article 12.2 of the above-mentioned law guarantees secondary legal assistance regardless of income and property. Primary legal assistance refers to legal consultations and preparation of documents for state and municipal institution. Secondary legal assistance includes, among other things, the preparation of documents, defense and representation in court proceedings. Competent authorities: municipalities; State-Guaranteed Legal Assistance Service.	No. Legal assistance may be available from specialized NGOs. Competent authorities: NGOs.
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Translation and interpretation	Yes. Competent authorities: the Refugee Reception Center; NGOs; the court.	Yes. Competent authorities: the Foreigner Registration Center; the court.	Yes. Competent authorities: the Foreigner Registration Center; the Refugee Reception Center; NGOs; the court.	No. Translation and interpretation services may be available from specialized NGOs. According to Article 8 of the Criminal Procedure Code, during legal proceedings, recognized victims have the right to receive essential documents translated into their native language or the language they understand. They also have the right to make statements, submit evidence and clarifications, submit appeals and applications, as well as speak in court in their native language or the language they understand. Competent authorities: NGOs; courts.	No. Translation and interpretation services may be available from specialized NGOs. According to Article 8 of the Criminal Procedure Code, during legal proceedings, recognized victims have the right to receive essential documents translated into their native language or the language they understand. They also have the right to make statements, submit evidence and clarifications, submit appeals and applications, as well as speak in court in their native language or the language they understand. Competent authorities: NGOs; courts.
Psychological assistance	Yes. Competent authorities: the Refugee Reception Center; NGOs.	Yes. Competent authorities: the Foreigner Registration Center.	Yes. Competent authorities: the Foreigner Registration Center; the Refugee Reception Center; NGOs.	Yes. Competent authorities: NGOs.	Yes. Competent authorities: NGOs.
Subsistence (material assistance)	Yes. Competent authorities: the Refugee Reception Center.	Yes. Same as asylum seekers.	Yes. According to Article 151 of the Law on the Legal Status of Foreigners, asylum seekers receive subsistence payments. Competent authorities: the Migration Department; the Refugee Reception Center.	No.	No.

Social and economic integration	No.	No.	No.	No.	No.
Protection against re-victimization	Yes. During the reflection period, victims of trafficking are required to terminate all relations with persons who are suspected to have perpetrated crimes related to trafficking against them.	No.	No.	No.	No.
Other	-	-	-	-	-

Q6. How does your Member State apply the principle of non-refoulement for victims of trafficking in human beings? Please indicate whether (and in what way) specific measures differ from general practice.

According to Article 130 of the Law on the Legal Status of Foreigners⁴⁰, foreigners may not be returned or expelled to a country where their life or freedom may be in danger or where they may be persecuted on the grounds of their race, religion, nationality, social group belonging or political convictions, nor to a country from which they may later be sent to such a country. Moreover, foreigners may not be returned or expelled to a country if there are substantial grounds for believing that they would be tortured, subjected to cruel, inhumane, degrading treatment or that they would be punished in such a way.

According to Article 87 of the Law on the Legal Status of Foreigners⁴¹, the Migration Department grants subsidiary protection to asylum seekers who may not return to their countries due to substantial grounds to fear that they would be treated or punished cruelly or inhumanely, that they would be subject to capital punishment or execution, or that their life, health, security and liberty would be threatened by indiscriminate violence during an international or internal armed conflict.

The application of the principle non-refoulement is the same in case of all third-country nationals, with the exception that it is not applied towards foreigners who pose a threat to the national security of the Republic of Lithuania or who have been found guilty of a grave crime and poses a threat to the society. There are no specific measures with regard to (presumed) victims of trafficking in human beings that would differ from general practice.

Q7. How does your Member State implement Article 60 and 61 of the 'Istanbul Convention'?

Lithuania has signed but not ratified the "Istanbul Convention". While the object of article 61 (non-refoulement) has already been implemented (see answer to Q6), Article 60 has not been implemented.

⁴⁰ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

⁴¹ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

In practice, state institutions face difficulties in detecting, identifying and qualifying gender-based persecution as such. The problem arises due to the national jurisprudence where it is presumed that private subjects cannot be considered victims of persecution, even though asylum seekers who experienced gender-based violence, faced it mostly from private subjects (e.g. their family members).

Q8. Please describe what typology(ies) of reflection periods, residence permit(s), protection status(es) and national program(s) are available to protect (presumed) third-country national victims of trafficking, by answering the following questions.

a) What organizations/authorities are competent to trigger the request for a (presumed) victim to remain on the territory of your Member State? Please indicate if the organizations/authorities differ between cases of presumed and identified third-country national victims of trafficking in human beings.

According to Government Resolution No. 430 of 18 April 2012⁴², pretrial investigator must offer a (presumed) victim to apply for a reflection period (Art. 3). If the victim avails of this opportunity by filling out the application form (Art. 4), the pretrial investigator starts the period of reflection and informs the Migration Department about it by sending a copy of the decision (Art. 5). According to Article 130 of the Law on the Legal Status of Foreigners⁴³, foreigners who are granted the reflection period may not be expelled or returned and are issued a temporary residence permit for up to one year, during the validity of which they may work.

According to Article 491 of the Law on the Legal Status of Foreigners⁴⁴, temporary residence permits may be issued for 6 months to foreigners who cooperate with the pretrial investigation institution or the court in combating the trafficking in human beings or crimes related to the trafficking in human beings and exceptionally exploitative illegal work, provided that the pretrial investigation institution or the court intermedate. Temporary residence permits issued on these grounds may be extended with the intermediation of the pretrial investigation institution or the court. The pretrial investigation institution or the court may allow the cooperating foreigners to choose their place of residence or require residence at a particular place.

b) Can third-country national victims of trafficking in human beings submit a request for a reflection period themselves?

Yes

No

If so, to whom? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

Only recognized (formally identified) victims of trafficking may submit a special request form for a reflection period to the pretrial investigator and only in the context of an ongoing pretrial investigation.

⁴² Resolution of the Government of the Republic of Lithuania No. 430 of 18 April 2012 Regarding the Approval of the Description of the Procedure for Granting the Reflection Period, During Which A Foreigner Who Is or Has Been A Victim of Crimes Related to Trafficking in Human Beings Has to Make a Decision on Whether to Cooperate with the Pretrial Investigation Institution or the Court, available at <https://www.e-tar.lt/portal/lt/legalAct/TAR.4679FA574882>.

⁴³ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

⁴⁴ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

c) Does your Member State provide for a reflection period also for presumed third-country national victims of trafficking in human beings?

Yes

No

According to Government Resolution No. 430 of 18 April 2012⁴⁵, the pretrial investigator only needs substantial data that a person has suffered from crimes related to trafficking in human beings; the Resolution does not require that the persons being granted a reflection period should have the status of a formally identified victim. Thus, in principle, presumed victims should be able to avail themselves of the right as well. It should be noted, however, that the presumption of the pretrial investigator in an ongoing pretrial investigation is required, thus extremely limiting the practical application of this tool to presumed victims of trafficking. To date, there have not been any third-country nationals who have benefited from this right.

The current situation has been criticized by the Group of Experts on Action Against the Trafficking in Human Beings (GRETA): *"GRETA once again urges the Lithuanian authorities to review the procedure for granting a recovery and reflection period to the effect that persons in respect of whom there are reasonable grounds to believe that they are victims of human trafficking are offered such a period without having to apply for it, as provided for in Article 13 of the Convention, and to ensure that all possible foreign victims of trafficking, including EU and EEA citizens, are effectively provided such a period, with all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention"*.⁴⁶

d) How long does the reflection period last to decide if presumed third-country national victims of trafficking in human beings want to cooperate with the authorities? Does it have the same duration in case it is provided to identified victims?

According to Article 5 of Government Resolution No. 430 of 18 April 2012⁴⁷, the reflection period is 30 calendar days.

No distinction is made between presumed and identified victims (see answer to Q8c).

e) Are (presumed) third-country national victims of trafficking in human beings expected to cooperate with the authorities during the reflection period?

Yes

No

⁴⁵ Resolution of the Government of the Republic of Lithuania No. 430 of 18 April 2012 Regarding the Approval of the Description of the Procedure for Granting the Reflection Period, During Which A Foreigner Who Is or Has Been A Victim of Crimes Related to Trafficking in Human Beings Has to Make a Decision on Whether to Cooperate with the Pretrial Investigation Institution or the Court, available at <https://www.e-tar.lt/portal/lt/legalAct/TAR.4679FA574882>.

⁴⁶ Group of Experts on Action Against Trafficking in Human Beings (GRETA), Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by Lithuania, Second Evaluation Round, GRETA(2019)08 (21 June 2019), available at <https://rm.coe.int/greta-2019-08-fgr-lithuania-en/1680950076>.

⁴⁷ Resolution of the Government of the Republic of Lithuania No. 430 of 18 April 2012 Regarding the Approval of the Description of the Procedure for Granting the Reflection Period, During Which A Foreigner Who Is or Has Been A Victim of Crimes Related to Trafficking in Human Beings Has to Make a Decision on Whether to Cooperate with the Pretrial Investigation Institution or the Court, available at <https://www.e-tar.lt/portal/lt/legalAct/TAR.4679FA574882>.

If so, what is expected from them (e.g. report to the police, refer to support organizations, discontinue contact with traffickers)? Does cooperation differ between identified and presumed third-country national victims of trafficking in human beings?

According to Article 7 of Government Resolution No. 430 of 18 April 2012⁴⁸, persons who have been granted a reflection period have the obligation to 1) provide all the documents in their possession and truthful information about themselves to the pretrial investigation institution; 2) not communicate with persons who may influence their decision to cooperate with the pretrial investigation institution or the court or encourage them to provide false information; 3) to terminate all relations with persons who are suspected of having perpetrated crimes related to trafficking in human beings against them; 4) to provide information to the pretrial investigation institution about their property and funds in the Republic of Lithuania within 3 days from the receipt of the decision to grant a reflection period; 5) to inform the pretrial investigation institution about any funds or property received during the reflection period not later than within the next working day after receiving it. Deliberate failure to fulfil these obligations results in the termination of the reflection period by decision of a pretrial investigator.

No distinction is made between presumed and identified victims. However, Article 28 of the Criminal Procedure Code states that the person who has been recognized as a victim (“nukentėjusysis” – see the answer to Q4) has the duty to give testimony. The duties of a presumed victim would depend on their status in the proceedings.

f) What type of residence permit(s) are available specifically for (presumed) victims of trafficking in human beings in your Member State? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

According to Article 26.2 of the Law on the Legal Status of Foreigners⁴⁹, victims of trafficking in human beings or illegal work are entitled to a residence permit if they are cooperating with the pretrial investigation institution or the court in fighting against trafficking in human beings or crimes related to the trafficking in human beings or against illegal work that was particularly exploitative or that involved a minor. According to Article 40.12 of the Law on the Legal Status of Foreigners⁵⁰, a temporary residence permit is issued to victims of trafficking in human beings or illegal work who are cooperating with the pretrial investigation institution or the court in fighting against trafficking in human beings or crimes related to the trafficking in human beings or against illegal work that was particularly exploitative or that involved a minor.

No distinction is made specifically between presumed and identified victims in law. The status of a victim of trafficking in human beings does not by itself constitute grounds for any type of residence permit. On the other hand, presumed victims cooperating with the law enforcement may be granted a temporary residence permit.

⁴⁸ Resolution of the Government of the Republic of Lithuania No. 430 of 18 April 2012 Regarding the Approval of the Description of the Procedure for Granting the Reflection Period, During Which A Foreigner Who Is or Has Been A Victim of Crimes Related to Trafficking in Human Beings Has to Make a Decision on Whether to Cooperate with the Pretrial Investigation Institution or the Court, available at <https://www.e-tar.lt/portal/lt/legalAct/TAR.4679FA574882>.

⁴⁹ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

⁵⁰ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

g) What are the conditions for getting these permit(s) granted? Do conditions differ between presumed and identified (i.e. not yet identified) third-country national victims of trafficking in human beings?

The main condition for getting a residence permit is cooperation with a pretrial investigation institution or the court. According to Article 491 of the Law on the Legal Status of Foreigners, a temporary residence permit is issued by the Migration Department with the intermediation of the pretrial investigation institution or the court. The residence permit is issued for 6 months and, according to Article 50.16 of the Law on the Legal Status of Foreigners⁵¹, the Migration Department may withdraw it if the pretrial investigation institution or the court informs it that the grounds on which the permit has been issued no longer apply.

No explicit distinction is made in law between presumed and identified victims.

h) Are other protection status(es) and national program(s) offered to protect (presumed) third-country national victims of trafficking in human beings?

Yes

No

If so, please indicate the extent to which they differ between presumed and identified third-country national victims of trafficking in human beings.

⁵¹ Law of the Republic of Lithuania No. IX-2206 of 29 April 2004 On the Legal Status of Foreigners, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>.

4.

International cooperation between Member States and with third countries in addressing detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

Q9. Please describe how your Member State cooperates within the scope of the Dublin III Regulation:

a) How does your Member State deal with cases of (presumed) third-country national victims of trafficking in human beings that fall under the Dublin III Regulation?

There have been no such cases. The same rules would apply as in case of those third-country national victims of trafficking in human beings that do not fall under the Dublin III Regulation.

b) What is the national policy and practice regarding Dublin transfers of (presumed) third-country national victims of trafficking in human beings?

Lithuania does not have an established policy or practice regarding Dublin transfers of (presumed) third-country national victims of trafficking in human beings.

General principles apply. Decisions regarding vulnerable asylum seekers, including victims of trafficking in human beings, must take into consideration their best interest.

c) How does identification and referral take place during the Dublin Procedure?

Identification and referral during the Dublin Procedure is the same as in case of asylum applications.

d) Are presumed third-country national victims of trafficking in human beings identified during the Dublin procedure entitled to a reflection period?

Yes

No

e) What, if any, are the situations in which Dublin transfers are halted for presumed third-country national victims of trafficking in human beings?

There have been no such situations in practice.

Theoretically, a Dublin transfer could be halted if the (presumed) victim applies for a reflection period and agrees to cooperate with the pretrial investigation or the court in a case falling under the jurisdiction of the Republic of Lithuania (typically, involving crimes committed on the territory of Lithuania).

Also, a transfer could be halted in respect of the principle of non-refoulement.

f) Has your Member State used the humanitarian and sovereignty clauses under Articles 3 and 17 of Dublin III Regulation for cases of trafficking in human beings?

Yes

No

Q10. What (other) intra-EU cooperation mechanisms are in place regarding detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

The national rapporteur cooperates with other rapporteurs in the EU.

As a member of European Multidisciplinary Platform Against Criminal Threats (EMPACT), Lithuania implements one of the EU priorities – fighting against human trafficking. During 2017–2020, Lithuanian Police together with the State Labour Inspectorate implemented mutual operations that were aimed at preventing illegal migration (coordinated by EUROPOL).

In 2019, Lithuania appointed a special police attaché to the Embassy of the Republic of Lithuania in the UK. The attaché will ensure uninterrupted cooperation with the UK law enforcement authorities in investigating crime, including trafficking in human beings. In addition to the special attaché in the UK, Lithuania has special attachés in the European Police office and the Netherlands, as well as in the Permanent Representation of Lithuania to the European Union.

Some of the specialized NGOs cooperate with IOM offices, NGOs (e.g. in the UK and Germany) and embassies in other EU countries. However, this cooperation takes place on an ad hoc basis and is not aimed at proactive detection of and provision of support for third-country nationals.

Q11. What cooperation mechanisms with third countries, if any, are in place in your Member State regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?

Migrants from Belarus, Russia, and Ukraine have comprised the largest group during the reference period. Most of these migrants held temporary residence permits issued for work purposes.

Table 2. Number of foreigners holding temporary residence permits in Lithuania (top three nationalities)

	2015	2016	2017	2018	2019	2020
Belarus	3,838	4,577	6,884	9,803	15,275	20,920
Russia	4,492	4,429	3,695	3,491	3,682	4,011
Ukraine	4,573	6,580	10,106	15,089	22,007	28,198

Source: Migration Department under the Ministry of the Interior

Since migrant workers constitute a high-risk group of trafficking in human beings in Lithuania, the government has made efforts to prevent labour exploitation during the reference period. In addition to the earlier signed bilateral agreements with Belarus, Russia and Ukraine on social security, which inter alia regulate the payment of pensions, Agreement between the Government of the Republic of Lithuania and the Cabinet of Ministers of Ukraine on Employment and Cooperation in the Field of Labour Migration⁵² was signed on 7 December 2018 and came into effect on 17 March 2020. The main purpose of the agreement is to “seek to strengthen mutual cooperation and provide mutual assistance in ensuring the protection of the rights and interests of employees from the States of the Parties and combating illegal work” (Article 1). While it is not aimed at the detection, identification, and protection of (presumed) victims of trafficking in human beings, the agreement helps to prevent trafficking for the purpose of labour exploitation.

One of the best practices of cooperation with non-EU countries are joint investigation teams (JITs). For example, in 2017, a JIT was set up with the Ukrainian law enforcement during a pretrial investigation of trafficking for forced labour. JITs have a number of benefits, including the expedition of the process, facilitated collection of evidence, reduced investigation costs, and increased productivity and exchange of best practices through to face-to-face meetings and direct contact with foreign investigators. Overall, JITs improve the quality and reduce the time of investigation.

Cooperation between NGOs in Lithuania and NGOs in third countries is limited due to the time constraints and the lack of human and financial resources.

⁵² Agreement of the Government of the Republic of Lithuania and the Cabinet of Ministers of Ukraine on Employment and Cooperation in the Area of Migration, available at <https://www.e-tar.lt/portal/lt/legalAct/071e38c0d61111e98c12b3138b15576c>.

Q12. Does your Member States cooperate with third countries in the context of voluntary return of (presumed) third-country national victims of trafficking in human beings?

Yes

No

If so, in what way?

There is no cooperation with third countries specifically in the context of voluntary return of (presumed) third-country national victims of trafficking in human beings.

The IOM's AVR program would be used to assist with a voluntary return. However, during the reference period, there have been no recorded instances of a third-country national victim of trafficking in human beings using the AVR program.

Q13. Is your Member State considering any future cooperation mechanisms with third countries and with other Member States regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?

Yes

No

If so, please explain.

To the best of our knowledge, no such cooperation mechanisms are presently considered.

5.

Key challenges and good practices in Member States, including in light of the COVID-19 pandemic.

Q14a. What are the key challenges faced in the i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings?

Challenge	Stage
<p>1. Practical implementation of the national referral mechanism and the stakeholders' lack of skills in detecting and identifying third-country national victims of trafficking in human beings.</p> <p>In practice, the national referral mechanism works properly in several bigger Lithuanian cities, but its operation in regional areas is problematic. Then, cases of trafficking for forced labour or services tend to be identified as cases of exploitation and labour law violations, for which accountability for traffickers is not satisfactory. Finally, stakeholders (police officers, municipal social workers, etc.) demonstrate the lack of skills and knowledge gaps in detecting/identifying non-EU nationals as victims of trafficking as they are often unaware of victims' characteristics and the specificities of trafficking in human beings.</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)? Third-country nationals, specialized NGOs, responsible authorities.</p> <p>b) Why is it considered a challenge? Gaps in the implementation of the national referral mechanism and lack of skills to identify victims might undermine the prevention of crime, deprive the victims of assistance, and lead to impunity for human trafficking.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)? Input from interviewed specialists.</p>	<p><input type="checkbox"/> Detection</p> <p><input type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>
<p>2. Lack of appropriate legal aid, translation and interpretation, and psychological services.</p> <p>Legal aid for victims is necessary in criminal procedures; however, the provision of legal aid is complicated by the lack of translators and interpreters, especially where the languages needed are from geographically distant regions (e.g. Thailand, Nepal, Cambodia, etc.). Legal aid is not compensated for third-country nationals. In addition, there is a lack of psychologists who would be available to consult in foreign languages (especially so during the pandemic). Generally, the language barrier is a serious hindrance in pretrial investigations.</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)? Third-country nationals.</p> <p>b) Why is it considered a challenge? Gaps in the implementation of the national referral mechanism and lack of skills to identify victims might undermine the prevention of crime, deprive the victims of assistance, and lead to impunity for human trafficking.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)? Input from interviewed experts.</p>	<p><input type="checkbox"/> Detection</p> <p><input type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>

3. Lack of financial resources for quality assistance provision.

Due to the national regulation, some of assistance services are not compensated for third-country nationals and they are often in need of accommodation, food and other support (that does not concern victims residing in Lithuania). Financial support would be especially needed during the reflection period. However, currently there is neither a separate budget for third-country victims, nor implementation of reflection period. Thus, NGOs often are unable to fully support these presumed third-country national victims of trafficking. This results in victims leaving the country due to financial constraints and not engaging in cooperation with NGOs/the law enforcement.

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?

Specialized NGOs and third-country nationals.

b) Why is it considered a challenge?

Gaps in service provision increase victims' suffering, deprive victims of assistance and compensation, which fosters impunity for human trafficking.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Input from interviewed experts.

- Detection
- Identification
- Protection

4. Gaps in the national policy framework.

First, there are no special measures targeting third-country national victims of trafficking in human beings or people at risk in the National Action Plan, the national referral mechanism or the Recommendations on Victim Identification. Second, the reflection period does not work in practice as a result of the lack of knowledge and understanding of how it should work on the part of both victims and pretrial investigation officials. Third, temporary residence permits are provided exclusively to those who cooperate with the law enforcement, and the ground of personal situation stipulated in the Council of Europe Convention on Action against trafficking in human beings is not included in laws or taken into consideration. Fourth, Lithuania applies administrative liability for engagement in prostitution, thus third-country national women are being fined for it rather than referred to assistance providers. These circumstances aggravate the fight against third-country nationals' trafficking in Lithuania.

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?

Third-country nationals and specialized NGOs.

b) Why is it considered a challenge?

Gaps in the policy framework indicate the state's lack of willingness to fight against trafficking in human beings when victims are non-EU nationals.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Evaluation report, input from interviewed experts.

- Detection
- Identification
- Protection

5. Cultural differences between third-country nationals and the receiving society.

Differences in understanding concepts such as labour, abuse, exploitation, etc., as well as reluctance to cooperate with NGOs or the law enforcement hinder the (self-)identification of victims. Interviewed experts provided examples when presumed victims changed testimonies during the trial because, according to them, “one cannot tell the same twice” or “one cannot testify against the person who provided you with work”, notwithstanding the abuse. Different social norms aggravate the effective identification of third-country national victims.

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?

The law enforcement, NGOs.

b) Why is it considered a challenge?

Cultural norms lead to the interpretation of the phenomenon of trafficking in human beings/exploitation differently.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Input from interviewed experts.

- Detection
- Identification
- Protection

Q14b. What are the specific challenges at any of the above stages concerning vulnerable persons or asylum applicants?

Challenge	Stage
<p>1. Overall identification of vulnerable third-country nationals (or asylum applicants) who may have become victims of trafficking in human beings.</p> <p>Within the asylum procedure, the vulnerability of persons is assessed by border guards and police officers. The procedure might not always be undertaken comprehensively and all of the vulnerability factors (including being a presumed victim of trafficking in human beings) are adequately taken into account. More effort should be put in building competencies of these specialists concerning vulnerability assessment.</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?</p> <p>Third-country nationals.</p> <p>b) Why is it considered a challenge?</p> <p>If vulnerability is overlooked, it can cause serious effects on the person, from psychological, mental issues to distrust in national institutions.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Evaluation reports, input from interviewed experts.</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input type="checkbox"/> Protection

2. Appropriate representation and accompaniment of vulnerable persons.

Vulnerable persons (e.g. people with mental health issues, people with disabilities) need regular representation and accompaniment by experienced social workers almost everywhere in Lithuania, especially when having contacts with institutions. Proper legal aid is also needed for these persons. Without these services, there is a risk of victims' rights being unfulfilled and possible revictimization occurring.

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?

Third-country nationals.

b) Why is it considered a challenge?

If representation and accompaniment are not provided, it can result in victims' rights being unfulfilled and the risk of revictimization.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Input from interviewed experts.

- Detection
- Identification
- Protection

3. Insufficient efforts to identify cases of possible trafficking in human beings.

Each year (from 2016 to 2019) up to 22 unaccompanied minors were detained while illegally crossing the state's border. According to the reports by the Ministry of the Interior, in all of the cases, the minors left the center where they were temporarily accommodated and have never been found. It is possible that these minors may have become victims of trafficking in human beings.

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?

Unaccompanied minors, NGOs.

b) Why is it considered a challenge?

Whereas unaccompanied minors are considered a vulnerable group, it may be the case that these persons have become victims of crimes.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Input from interviewed experts.

- Detection
- Identification
- Protection

Q14c. What are the specific challenges with regard to traffickers / criminal organizations involved in trafficking in human beings using asylum procedures for means other than intended?

Challenge

There is no information available on these types of challenges.

Q15. What are the consequences of COVID-19 pandemic on the detection, identification, and protection of (presumed) victims?

Due to the pandemic, the government introduced a quarantine on 16 March 2020, which remained in effect until 16 June 2020. On 7 November 2020, the government reintroduced quarantine measures, which remained in effect until 30 June 2021. As of 1 June 2021, the government declared⁵³ an emergency situation in the entire country. During the quarantine periods, the access of third-country nationals to the territory of Lithuania was severely curtailed and travelling abroad was limited for both nationals and third-country nationals who were residents of Lithuania.

The restrictions introduced due to the pandemic had a huge impact on the situation of (presumed) victims from third-countries countries.

- Although NGOs assisted fewer victims from third countries during the pandemic (especially in 2020), the number of services needed increased. This is mirrored in the fact that third-country national (presumed) victims of trafficking in human beings needed additional medical care, social care, their psychological well-being worsened. Combined with the limited availability of public services on site, the situation put a strain on the human and financial resources of NGOs working in this area.
- NGOs, in turn, also experienced more frequent staff turnover due to the increased workload without additional financial contribution.
- Presumed and identified victims of trafficking in human beings from third countries faced mental and psychological issues, isolation, and suicidal thoughts. Additionally, reluctance to communicate with the law enforcement and specialized NGOs was observed.
- There is evidence that some presumed victims have been pushed to perform illegal work or engage in prostitution in order to maintain themselves and their families.
- Increased numbers of third-country national presumed victims have been withdrawn from exploitation but got entrapped in the country due to the COVID-19 travel restrictions. There is also evidence about some migrants being excluded from COVID-19-related financial benefits as some employers did not inform them about it.

Q16. What new patterns and/or trends in trafficking in human beings have emerged because of the COVID-19 pandemic?

- Recruitment and exploitation are increasingly occurring online. Minors were observed as potential primary victims of such situation, followed by women trafficked for sexual exploitation and males trafficked for forced labour or services. The latency of the crime increases, and stakeholders have fewer tools and insufficient competencies to detect such recruitment/exploitation.
- Despite the pandemic, Lithuania is likely to continue becoming a destination country for third-country nationals from geographically closer regions (e.g. Ukraine, Belarus, Russia, etc.) and more distant ones (e.g. India, Nepal, Vietnam, etc.)
- It is likely that increased irregular migration on the border of Lithuania-Belarus may aggravate the issue of forced and sham marriages, based on the observations in Lithuania and neighboring countries.

⁵³ Resolution of the Government of the Republic of Lithuania No. 152 of 26 February 2020 Regarding the Declaration of a State-Wide Emergency Situation, available at <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/8feb1a7658a111eaac56f6e40072e018/asr>.

Q17. How has your Member State adapted its policies and procedures due to the challenges of the COVID-19 pandemic?

- In 2020, the impact of COVID-19 on the situation of trafficking in human beings has been discussed in the biannual meeting of National Commission for Coordination of the Counter-Trafficking Actions. The law enforcement institutions were delegated to pay additional attention to the trafficking-related crimes and take the required measures to prevent it.
- The Ministry of Social Security and Labour, a body responsible for allocating financial resources to specialized NGOs providing assistance to victims, provided additional funding for the National Association Against Trafficking in Human Beings which unites national assistance providers as a consequence of COVID-19 pandemic.

Q18. Regarding the challenges identified above, does your Member State have concrete plans or proposals in place for improvements to deal with them?

Annually, Lithuanian police officers undertake risk analysis of organized criminality based on EU SOCTA (coordinated by EUROPOL). National Serious and Organised Crime Threat Assessment is also prepared (coordinated by Lithuanian Criminal Police Bureau). Using these tools, national countermeasures are being considered.

Q19. In light of possible new trends and developments, is your Member State anticipating any new challenges in the near future?

- Yes
- No

If so, please explain.

See answers to Q15 and Q16.

Q20. What good practices in relation to i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings exist in your Member State?

Good practice	Stage
<p>1. On 1 August 2020, a specialized expert group on the control and prevention of trafficking in human beings for forced labour was established within the State Labour Inspectorate.</p> <p>Its aim is to analyse possible cases of forced labour in Lithuania, systematize information about it and collect evidence which will be submitted to the pretrial investigation institution. Additionally, by strengthening the expertise and knowledge of inspectors, it is expected that forced labour cases will be more comprehensively investigated, victims will be better compensated, and exploitative employers will be punished. If the project succeeded, expert groups would be established in each territorial division of the State Labour Inspectorate.</p> <p>a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?</p> <p>Specialized NGOs, competent authorities.</p> <p>b) Why is it considered a good practice?</p> <p>Increased attention to the problem of third-country nationals' exploitation in Lithuania may be valuable in detecting cases of trafficking in human beings, help to hold exploiters accountable and compensate victims for damages.</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input type="checkbox"/> Protection

<p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Evaluation reports, input from experts.</p>	
<p>2. The State Labour Inspectorate and the Police, accompanied by specialized NGOs, perform regular inspections and raids in economic sectors prone to human trafficking and exploitation of third-country nationals.</p> <p>Their aim is to detect illegal work and human trafficking cases in Lithuania. During inspections, third-country workers receive special leaflets/info cards on what is trafficking in human beings, how to report suspected cases and where to receive specialized assistance or consultations which are free of charge.</p> <p>a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?</p> <p>Specialized NGOs, competent authorities.</p> <p>b) Why is it considered a challenge?</p> <p>Inspections and raids perform the function of both prevention and detection/identification of (presumed) victims of trafficking in human beings.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Input from experts.</p>	<p><input checked="" type="checkbox"/> Detection</p> <p><input checked="" type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>
<p>3. Special 24/7 helpline to report suspected cases of trafficking in human beings.</p> <p>In 2020, a special helpline started operating in Lithuania targeting all (potential) victims of human trafficking and various stakeholders to consult about the case or to refer people to specialized assistance providers. Consultations are provided in Russian, English, and Lithuanian.</p> <p>a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?</p> <p>Specialized NGOs.</p> <p>b) Why is it considered a good practice?</p> <p>Previously, there were only different numbers of various NGOs available. It was not clear whether consultations could be provided in foreign languages. The new 24/7 helpline clearly states that consultations could be held in Russian.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Evaluation report.</p>	<p><input checked="" type="checkbox"/> Detection</p> <p><input type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>

EMN is a Network composed of migration experts which aims to collect, analyse and provide up-to-date, objective, reliable and comparable information on migration and asylum. By the decree of the Government of Republic of Lithuania International Organization for Migration Vilnius Office acts as the national coordinator for the EMN activities in Lithuania.

The EMN National Contact Point (NCP) in Lithuania is composed of representatives from the Ministry of the Interior, the Migration Department, the State border guard service as well as the International Organization for Migration (IOM) Vilnius office which acts the national coordinator for the EMN activities in Lithuania. EMN NCP in Lithuania also collaborates with other entities from governmental as well as non-governmental institutions working in the area of migration.
