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**RECOMMENDATIONS  
ON THE IDENTIFICATION OF VICTIMS OF HUMAN  
TRAFFICKING,  
PRE-TRIAL INVESTIGATION AND INTERINSTITUTIONAL  
COOPERATION**

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## **SECTION I GENERAL PROVISIONS**

1. The purpose of the Recommendations on the Identification of Victims of Trafficking in Human Beings, Pre-Trial Investigation and Interinstitutional Cooperation (hereinafter the Recommendations) is to define the criteria of identification of victims of trafficking in human beings, the peculiarities of the pre-trial investigation of the criminal offences of trafficking in human beings for the purposes of ensuring the expedient and efficient detection and investigation of the criminal acts and proper application of the laws, and to regulate the cooperation between the respective authorities, institutions and organizations (International Organization for Migration (hereinafter the IMO) and non-governmental organizations (hereinafter the NGOs) for the purposes of providing the required assistance to the victims of trafficking in human beings from the moment of their identification.

2. The criminal acts attributed to the trafficking in human beings are defined by Articles 147, 147<sup>1</sup>, 147<sup>2</sup> and 157 of the Criminal Code of the Republic of Lithuania.

3. The Recommendations were developed with regard to the following major international acts and European Union legislation relating to the prevention and control of trafficking in human beings:

3.1. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ 2012 L 315/57);

3.2. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ 2011 L 335/1);

3.3. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/29/JHA (OJ 2011 L 101/1);

3.4. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007 ratified by the Law of the Republic of Lithuania No XI-2368 of 6 November 2012 “On the Ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse”;

3.5. Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005 ratified by the Law of the Republic of Lithuania No XI-2115 of 21 June 2012 “On the Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings”;

3.6. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigrations, who cooperate with the competent authorities (OJ 2004 L 261/19);

3.7. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UN Palermo Protocol) of 15 November 2000 ratified by the Law of the Republic of Lithuania No IX-1525 of 22 April 2003 “On the Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”;

3.8. United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000 ratified by the Law of the Republic of Lithuania No IX-2269 of 10 June 2004 “On the Ratification of the United Nations Optional

Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”;

3.9. Convention No 182 of the International Labour Organisation “Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour” of 17 June 1999 ratified by the Law of the Republic of Lithuania No IX-1396 of 25 March 2003 “On the Ratification of the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Convention on the Amendment of the 1952 Maternity Protection Convention (with amendments)”;

3.10. The 1952 Convention No 105 of the International Labour Organisation on the Abolishment of Forced Labour ratified by the Resolution of the Seimas of the Republic of Lithuania No I-507 of 23 June 1994 “On the Ratification of the Conventions of the International Labour Organisation”;

3.11. The 1930 Convention No 29 of the International Labour Organisation concerning Forced or Compulsory Labour ratified by the Resolution of the Seimas of the Republic of Lithuania No I-507 of 23 June 1994 “On the Ratification of the Conventions of the International Labour Organisation”.

#### 4. Definitions used in the Recommendations:

4.1. “**Deception**” means a conscious provision or non-disclosure, or withholding of false, misleading information about specific circumstances and facts (the nature of work or activity, living conditions, remuneration for work, etc.), when disclosure of such data could be essential for the decision of the victim of trafficking in human beings.

4.2. “**Exploitation**” means the use of other persons for the purposes of gaining profit from their involvement in prostitution, pornography or any other forms of sexual exploitation, forced labour or services, including begging, slavery or the practices similar to slavery, forced servitude, exploitation by involving in the commission of criminal acts, or removal of organs, tissues or cells, or fictitious marriages and other forms of exploitation.

4.3. “**Young child**” means any person below the age of 14 years, except as otherwise provided in the laws.

4.4. “**Minor**” means any person between 14 and 18 years of age, except as otherwise provided in the laws.

4.5. “**Inhuman working conditions**” mean the conditions which cause physical or emotional suffering to the exploited person, debase his/her dignity, also where there is a significant difference in remuneration or other working conditions, which particularly affect the health and safety of the employee when compared with the working conditions of the legally employed workers.

4.6. “**Victim of the crime of trafficking in human beings**” means a natural person, who was recognised as the victim of trafficking in human beings by a decision passed by a pre-trial investigation officer or a prosecutor, or by an order rendered by a judge, and who suffered physical, property or moral damage as a result of the criminal offence of trafficking in human beings.

4.7. “**Using the person’s dependence**” means a specific way of undermining the will of the victim of trafficking in human beings, when the victim understands, through direct or indirect suggestions, that in order to avoid certain problems, the victim must obey to the will of the offender on whom the victim is dependent, also threats to use or the use of legal means, when administrative, civil, criminal or any other means laid down in the laws are used or are threatened to be used in any manner or for any purpose, for which such law has not been created, against the victim of trafficking in human beings while seeking to intimidate the victim of trafficking in human beings so that he/she performs certain acts or refrains from certain acts (e.g., threatening to notify about the illegal stay of the victim of trafficking in human beings in the country or intimidation to notify the police by describing the victim of trafficking in human beings as an offender, etc.).

4.8. “**Vulnerability**” means a situation, when the person does not have any other acceptable choice and thus accepts the conditions offered by the trafficker in human beings. Vulnerability is described by one or several of the following signs characteristic to such a situation:

4.8.1. difficult financial situation;

4.8.2. young child or minor;

4.8.3. young person (according to the definition of a “young person” as laid down in the Republic of Lithuania Law on the Youth Policy Framework, a young person means a person, who is up to 29 years of age);

4.8.4. various mental and behavioural disorders;

4.8.5. poor educational background;

4.8.6. lack of social skills;

4.8.7. various addictions (e.g. drugs, alcohol);

4.8.8. illegal stay in the country, etc.

4.9. “**Trafficking in human beings**” means any purchase, sale, any other acquisition or transfer, recruitment, transportation or holding in captivity of a person, when such alternative acts are committed through the use of at least one of the alternative means of undermining the person’s will, i.e. by physical violence, threats, by otherwise depriving a possibility to resist, by using the person’s dependence or vulnerability, through the use of deception, by taking or paying money, by receiving or providing any other benefits to the person who actually controls the victim, provided that the offender was aware or sought that the victim, whether he/she agreed or not, would be exploited for slavery or under the conditions similar to slavery, for prostitution, pornography or any other forms of sexual exploitation, for forced labour or services, including begging, commission of criminal acts, unlawful adoption or by seeking that the victim’s organ, tissue or cells would be taken, or for any other purposes of exploitation.

4.10. “**Victim of human trafficking**” means a natural person against whom the criminal offence of trafficking in human beings has been committed irrespective of the person’s wish to be recognised as a victim of the crime of trafficking in human beings or the moment of such recognition.

4.11. “**Dependence**” means the situation when the well-being (state) of the victim of trafficking in human beings depends on the will of another person who has certain advantage, power over the victim. The following types of dependence can be distinguished: family, financial, official and other (e.g., belonging to a sect, certain ethnic group, etc.).

4.12. “**Forced labour**” means any work, services, including forced begging, which the victim of trafficking in human beings is forced to perform against his/her will, i.e. by using physical violence or threats or by otherwise depriving of a possibility to resist, or by using the victim’s dependence or vulnerability, or through the use of deception, or by taking or paying money, or by receiving or providing any other benefits to the person who actually controls the victim. Military service or alternative service performed instead of military service, the work regulated by laws and performed by the convicted persons, the work performed by the citizens in time of war, natural disaster, epidemics or other extreme cases (Article 48 of the Constitution of the Republic of Lithuania), as well as the acts when the person is forced to work on the basis of the employment contract and in accordance with the terms and conditions specified in the employment contract, or to perform the duties on the basis of his/her position, which he/she refuses to perform, is not considered as forced labour.

4.13. “**Forced begging**” means the form of forced labour or services, when the victim of trafficking in human beings is forced to beg against his/her will and the funds (or any other benefits) or any part thereof received by him/her are seized by the exploiter, also any exploitation of the child for begging by seizing the funds (or any other benefits) or any part thereof received by him/her.

4.14. “**Child**” means any person under the age of 18 years, except as otherwise provided in the laws.

4.15. **“Purchase or sale of a child”** means any purchase or sale, or any other acquisition or transfer of a child, proposal to purchase or otherwise acquire a child, recruitment, transportation or holding in captivity of a child, when such alternative acts are committed while the offender is aware of or seeks that, regardless of the child’s or young child’s consent, he/she would be unlawfully adopted, exploited under the conditions of slavery or under the conditions similar to slavery, for prostitution, pornography or any other forms of sexual exploitation, for forced labour or services, including begging, commission of criminal acts, or removal of the victim’s organ, tissue or cells, or for any other purposes of exploitation.

4.16. **“Recruitment”** means inclination (through persuasion, promises, offers, deception or any other active steps) of another person to perform the acts (give consent, sign an agreement, go abroad, etc.) for the purposes of undermining the person’s will and having him/her under one’s own or another person’s control in order to exploit him/her later. The person may be recruited by disclosing or by withholding the fact that he/she will be exploited.

4.17. **“Slavery”** means such status or condition of the victim of trafficking in human beings over whom another person exercises all or any part of the powers attaching to the right of ownership, i.e. control over, influencing of, use of certain power against the victim of trafficking in human beings in the same way as it were directed towards the thing. Slavery is such control over the person, which results in the essential restriction of the person’s freedom or freedom of choice for the purposes of exploiting such person through his/her management, purchase, sale, other benefits, transfer or by getting rid of such person. Most often such acts are based on the use of force, deception or coercion. The difference between slavery and forced labour is based on whether the exploited person is treated as ownership and (or) whether he/she is controlled as ownership: in the absence of such control or treatment, the acts of the person do not contain the elements of slavery, however, they may be qualified as inhuman working conditions.

## **SECTION II**

### **FEATURES CHARACTERISTIC TO THE VICTIM OF TRAFFICKING IN HUMAN BEINGS**

5. A victim of trafficking in human beings is identified on the basis of the entirety of characteristic features; nevertheless, the existence of at least of one of such features may be the reason for the officer to check the relevancy of the version of trafficking in human beings. The victim of trafficking in human beings is most frequently identified on the basis of the following features:

5.1. Situation before the criminal act:

5.1.1. Adult person:

5.1.1.1. has not completed secondary education, has no profession, has no job or a low-paid job, i.e. no income or the income is very low.

5.1.1.2. has children or any other persons dependent on him (her).

5.1.1.3. poor living conditions, conflicts with close relatives.

5.1.1.4. does not have a permanent place of residence.

5.1.1.5. is a war or other-type refugee, illegal migrant.

5.1.1.6. belongs to the social, religious, ethnic or another group, which is exposed to oppression, stigmatisation or negative assessment.

5.1.1.7. has mental health problems (mental development disorders, traumas).

5.1.1.8. has physical health problems (physical development disorders, traumas).

5.1.1.9. has debts, especially when such debts are related with the recruiter.

5.1.1.10. does not know foreign languages or the language of the country of destination to which he/she is invited to go by the recruiter.

5.1.1.11. holds a fixed-term work visa.

5.1.1.12. previously experienced violence.

5.1.1.13. has a record of criminal history or connections with the persons tending to the commission of crimes.

5.1.2. Child:

5.1.2.1. does not attend school, has poor learning results, does not have any profession.

5.1.2.2. does not have a permanent place of residence, has run away from home or after returning home, cannot explain where he/she was.

5.1.2.3. has poor living conditions or lives in a home for orphans.

5.1.2.4. has mental and (or) physical health problems (developmental, eating disorders, traumas, etc.).

5.1.2.5. previously experienced violence or sexual abuse.

5.1.2.6. is ill with sexually transmitted diseases; early sexual activity; early unplanned pregnancy.

5.1.2.7. is addicted to alcohol, narcotic or psychotropic substances.

5.1.2.8. uses self-injury, had attempts to commit suicide.

5.1.2.9. is involved in the activity that is incompatible with the child's age, visits the places adapted to adults (e.g. night clubs, bars, etc.).

5.1.2.10. suffers from social isolation, i.e. does not have friends, avoids any communication or even an eye contact.

5.1.2.11. makes unnatural attempts to look like an adult person, dresses in clothes that are not appropriate for the age.

5.1.2.12. travels together with the adult person, who is neither a close relative nor a legitimate representative.

5.1.2.13. has an adult friend, who is considerably older than he/she and communication with whom is maintained during the meetings or through telecommunication means.

5.1.2.14. has expensive things or property (clothes, telephone, money, etc.), but cannot explain how they were acquired.

5.1.2.15. has things that belong to other persons.

5.1.2.16. has a record of criminal history, connections with the persons tending to the commission of crimes, was involved in the commission of criminal acts, i.e. was caught while stealing, begging, distributing narcotic or psychotropic substances.

5.1.2.17. belongs to a group of street children, which moves to a different place on a daily basis, but spends nights at the same place (characteristic feature of street crimes).

5.1.2.18. belongs to a group of street children the activities whereof are controlled by an adult person (characteristic feature of street crimes).

5.1.2.19. has debts, especially to the recruiter.

5.1.2.20. does not know foreign languages or the language of the country of destination to which he/she intends to go.

5.1.2.21. Age-related risk:

5.1.2.21.1. Young children are especially at risk of being recruited for pornography, illegal adoption, sexual exploitation or small-scale work, begging, petty thefts, organ transplants.

5.1.2.21.2. Minors are especially at risk of being recruited for sexual exploitation, petty thefts.

5.1.2.21.3. Higher risk groups:

5.1.2.21.4. Children from social risk and socially vulnerable families.

5.1.2.21.5. Children from social risk groups (children who vagabond, beg, do not attend school or have behaviour problems at school, abuse alcohol, narcotic or psychotropic substances, are addicted to gambling, are involved or tend to be involved in criminal activities, have experienced or are in danger of experiencing psychological, physical or sexual abuse, violence in their families and for such reasons their possibilities of education and participation in public life are limited).

5.1.2.21.6. Children without parental care.

5.1.2.21.7. Children engaged in prostitution.

5.1.2.21.8. Children who have already become the victims of trafficking in human beings.

5.1.2.21.9. Children from national and ethnic minority groups.

5.1.2.21.10. Unaccompanied minor foreigners.

5.1.3. Sex-related risk:

5.1.3.1. Women are especially at risk of being recruited for sexual exploitation, light work, fictitious or forced marriages for the purposes of exploitation.

5.1.3.2. Men are especially recruited to do heavy physical work.

5.1.3.3. Women and men who have been recognised as the disabled persons in the procedure laid down by the legal acts of the Republic of Lithuania, are especially at risk of being recruited for begging.

5.1.3.4. Women and men of any age are recruited for the commission of criminal acts, removal of organs, tissues or cells.

5.2. Recruiting, transportation, transfer:

5.2.1. Purpose pursued by the victim of trafficking in human beings – work, criminal offences, love (dating, partnership, living together), etc.

5.2.2. The traffickers in human beings most frequently are the persons of any age or sex: family members, family friends, persons from the circle of close friends, acquaintances, strangers (especially when the victim of trafficking in human beings is kidnapped or acquired from other persons).

5.2.3. The traffickers in human beings recruit persons while seeking to exploit them later by involving in forced labour, provision of services, prostitution, etc.

5.2.4. The victim of trafficking in human beings is recruited directly, on the internet (in chat room, on game websites, etc.), through persuasion of close friends or family members, through various dating advertisements or advertisements that offer good remuneration, etc.

5.2.5. The victim of trafficking in human beings is seduced and is later abused or subjected to any other means of undermining the person's will.

5.2.6. The recruiter pretends to be in love with the victim of trafficking in human beings, suggests living together, leaving together and upon arrival, starts using abuse, exploitation, etc.

5.2.7. The recruiter gives false promises to employ the victim of trafficking in human beings as a model, dancer, babysitter, masseur, etc.

5.2.8. The victim of trafficking in human beings is indebted to the recruiter or his close relatives, friends; the recruiter promises to repay or annul the debt of the victim of trafficking in human beings.

5.2.9. The recruiter promises to find a qualified, well-paid job for the victim of trafficking in human beings abroad, when the victim of trafficking in human beings does not have the education required for such job or does not know a foreign language.

5.2.10. The recruiter persuades the victim of trafficking in human beings into going to a foreign state illegally by explaining that this will not have any negative consequences to the victim.

5.2.11. The recruiter offers (persuades) the victim of trafficking in human beings to go to work or to go and live together after the passage of a short period of time after their acquaintance or meeting (an acquaintance).

5.2.12. The victim of trafficking in human beings is emotionally dependent on the recruiter, trusts him.

5.2.13. The recruiter gives money to the victim of trafficking in human beings for minor expenses, clothes, beauty care, is helpful.

5.2.14. The traffickers in human beings perform the control of communication and movements of the victim of trafficking in human beings, restrict the victim's freedom of movement.

5.2.15. If the victim refuses to go, the recruiter and the related persons threaten to harm the victim and (or) his/her close relatives, use blackmail, physical violence.

5.2.16. The traffickers in human beings provide the victim of trafficking in human beings with forged or genuine personal and other documents, travel tickets, make travel arrangements and (or) cover the travel expenses.

5.2.17. The traffickers in human beings take personal and other documents, travel tickets from the victim of trafficking in human beings.

5.2.18. The victim of trafficking in human beings does not sign any documents of employment or signs forged documents, the documents signed by the victim are taken from the victim of trafficking in human beings by the traffickers in human beings.

5.2.19. The traffickers in human beings advise the victim of trafficking in human beings on what to tell to the law enforcement officers (at the state border or the local police).

5.2.20. In the story told by the victim of trafficking in human beings the officer can see considerable discrepancies and contradictions.

5.2.21. The traffickers in human beings transfer the victim of trafficking in human beings to other persons for the purposes of accompanying, transporting and (or) meeting the victim.

5.2.22. The traffickers in human beings transfer the victim of trafficking in human beings to other persons for money, things or services.

5.3. Characteristic features in the event of exploitation:

5.3.1. The traffickers in human beings force the victim of trafficking in human beings to provide sexual services for remuneration and to give away all or any part of the remuneration, or to provide such services for any other interests of the traffickers in human beings.

5.3.2. The victim of trafficking in human beings demonstrates a hyper sexualised behaviour, wears vulgar, provoking clothes, etc.

5.3.3. The traffickers in human beings take away the personal and other documents of the victim of trafficking in human beings, if they were not taken away previously, force to use forged documents.

5.3.4. The traffickers in human beings force the victim of trafficking in human beings to do a different work and (or) to work under poorer working conditions than were promised.

5.3.5. The traffickers in human beings force the victim of trafficking in human beings to work under poorer working conditions than the local population.

5.3.6. The traffickers in human beings force the victim of trafficking in human beings to work under the different conditions than were promised and (or) for free (e.g. the victim of trafficking in human beings must pay the existing or alleged debt, to commit criminal offences or to perform other acts).

5.3.7. The traffickers in human beings force the victim of trafficking in human beings to start work immediately or shortly after the arrival in the destination country.

5.3.8. The traffickers in human beings restrict communication of the victim of trafficking in human beings with other persons (confiscate the telephone, limit conversations, isolate from other persons, etc.).

5.3.9. The traffickers in human beings restrict the possibilities of the victim of trafficking in human beings to take part in public events or religious rites.

5.3.10. The traffickers in human beings restrict the freedom of movement of the victim of trafficking in human beings, continuously watch him/her and allow going out only with the accompanying person (the victim of trafficking in human beings has either limited or no choice of location and control over time).

5.3.11. The traffickers in human beings perform the control of movements and (or) life of the victim of trafficking in human beings, use security and monitoring equipment at work and at the place of residence, security is ensured by people and (or) animals.



5.3.12. If the victim of trafficking in human beings disobeys, the traffickers in human beings use psychological and physical violence, blackmail, sexual abuse, threats to harm close relatives, etc.

5.3.13. The traffickers in human beings use psychological and (or) physical abuse against the persons working together with the victim of trafficking in human beings.

5.3.14. The traffickers in human beings impose fines on the victim of trafficking in human beings for disobeying the order established by them.

5.3.15. The traffickers in human beings increase the debt of the victim of trafficking in human beings by indicating trumped-up reasons.

5.3.16. The traffickers in human beings provide the victim of trafficking in human beings with misleading information about the rights of the employees and the obligations of the employers under the legal acts of the country of destination, or about the police, migration services, etc.

5.3.17. The traffickers in human beings intimidate the victim of trafficking in human beings about the contacts they have in law enforcement authorities, threaten to notify the officers about the illegal residence and (or) work.

5.3.18. The traffickers in human beings take away from the victim of trafficking in human beings all or the major part of the remuneration or charge the major part of the remuneration for the residential space, food, clothes, etc.

5.3.19. The traffickers in human beings accommodate the victim of trafficking in human beings with other persons who work together with the victim in the premises where the person lives and works or provides services.

5.3.20. The traffickers in human beings accommodate the victim of trafficking in human beings under especially poor conditions that do not meet the elementary hygienic requirements (e.g. together with the animals on a farmstead, do not provide bed linen, order to sleep on the ground, etc.).

5.3.21. The traffickers in human beings accommodate and (or) employ the victim of trafficking in human beings in another state illegally.

5.3.22. The traffickers in human beings often change the place of residence and (or) work of the victim of trafficking in human beings or keep transferring the victim of trafficking in human beings to other persons.

5.3.23. The victim of trafficking in human beings does not know the address, where he/she lives and (or) works.

5.3.24. The traffickers in human beings isolate the victim of trafficking in human beings from the persons who know the local language, especially when the victim of trafficking in human beings does not know foreign languages.

5.3.25. The traffickers in human beings provide the victim of trafficking in human beings and other persons, who work together with him/her, with the same translator, lawyer and (or) guardian.

5.3.26. The traffickers in human beings transport the victim of trafficking in human beings and other persons to (from) the place of work by vehicles without windows or with covered windows.

5.3.27. The victim of trafficking in human beings has a tattoo with a sign or initials of traffickers in human beings on his/her body (especially characteristic to sexual exploitation).

5.3.28. The victim of trafficking in human beings starts and (or) finishes work at the time that is not characteristic to such economic activity (late in the evening, at night, early in the morning, etc.).

5.3.29. The victim of trafficking in human beings does not know the amount of remuneration paid for his/her work.

5.4. Characteristic features of the victim of trafficking in human beings (adult person and child) on the basis of the suffering experienced by him/her:

5.4.1. has signs of physical violence.

5.4.2. has health disorders, somatic and sexually transmitted diseases, addictions to harmful habits.

5.4.3. has the signs characteristic to psychological-emotional violence: mental instability, aggression, irritability, increased feeling of fear and (or) shame, sensitivity, reduced feeling of security, denies everything, seeks self-isolation, blames him/herself and the circumstances, lacks self-confidence and trust in others, etc.

5.4.4. has mental and behavioural disorders: post-traumatic syndrome, depression, anxiety, depersonalisation, amnesia, etc.

5.4.5. has Stockholm syndrome (identification with the trafficker (exploiter), psychological (emotional) dependence, does not consider him/herself to be the victim).

5.4.6. lacks self-confidence and (or) confidence in others.

5.4.7. avoids contact with authorities and institutions (prosecutor's office, police, etc.), organisations providing assistance to such victims, etc.

5.4.8. refuses help, avoids talking about his/her status.

5.4.9. tells different or fictional stories about the experienced situation and exploitation, is incapable of remembering the accurate facts.

### **SECTION III**

#### **CRITERIA OF IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS AND QUALIFICATION OF CRIMINAL ACTS**

6. The concept of trafficking in human beings usually includes the following three groups of the elements:

6.1. Criminal acts.

6.2. Means of undermining the person's will.

6.3. Purpose of exploitation.

7. In order to qualify the acts committed by a person as trafficking in human beings it is necessary to establish the existence of at least of one feature characteristic to each group of the elements (with the exception of the case specified in paragraph 12 of the Recommendations), i.e. it is necessary to establish that at least one criminal act, one method of undermining the person's will and one purpose of exploitation as specified in the dispositions of Articles of the Criminal Code was committed/used/pursued against the victim of trafficking in human beings.

8. When the victim of trafficking in human beings is a child, in order to qualify the criminal act as trafficking in human beings it is necessary to establish the existence of at least of one feature characteristic to the group of the elements specified in subparagraphs 6.1 and 6.3 of the Recommendations.

9. The following alternative features must be established:

9.1. Criminal Code. Article 147 "Trafficking in Human Beings"

9.1.1. Criminal acts. The suspected (accused) person:

9.1.1.1. Sold the victim of trafficking in human beings.

9.1.1.2. Otherwise transferred the victim of trafficking in human beings.

9.1.1.3. Bought the victim of trafficking in human beings.

9.1.1.4. Otherwise acquired the victim of trafficking in human beings.

9.1.1.5. Recruited the victim of trafficking in human beings.

9.1.1.6. Transported the victim of trafficking in human beings (the purpose of exploiting the transported person later distinguishes this criminal act from the criminal act of unlawful transportation of persons across the state border (Article 292 of the Criminal Code of the Republic of Lithuania)).

9.1.1.7. Held the victim of trafficking in human beings in captivity.

9.1.2. Means of undermining the person's will. The suspected (accused) person:

9.1.2.1. Used physical violence.

- 9.1.2.2. Used threats (psychological violence).
- 9.1.2.3. Otherwise deprived a possibility of to resist (where items 9.1.2.1 and 9.1.2.2 of the Recommendations do not apply or where they are supplemented).
- 9.1.2.4. Used the dependence of the victim of trafficking in human beings.
- 9.1.2.5. Used the vulnerability of the victim of trafficking in human beings.
- 9.1.2.6. Used deception.
- 9.1.2.7. Took money.
- 9.1.2.8. Paid money.
- 9.1.2.9. Received other benefits.
- 9.1.2.10. Provided other benefits to the person who actually controls the victim of trafficking in human beings.
- 9.1.3. Purpose of exploitation. The suspected (accused) person was aware or sought that:
  - 9.1.3.1. The victim of trafficking in human beings would be exploited under the conditions of slavery or under the conditions similar to slavery.
  - 9.1.3.2. The victim of trafficking in human beings would be exploited for prostitution.
  - 9.1.3.4. The victim of trafficking in human beings would be exploited for pornography.
  - 9.1.3.5. The victim of trafficking in human beings would be exploited for other forms of sexual exploitation.
  - 9.1.3.6. The victim of trafficking in human beings would be exploited for forced labour or services, including forced begging and forced servitude (this needs to be distinguished from the criminal act of employment of third-country nationals illegally staying in the Republic of Lithuania (Article 292<sup>1</sup> of the Criminal Code)).
  - 9.1.3.7. The victim of trafficking in human beings would be exploited for the commission of criminal acts (this needs to be distinguished from complicity).
  - 9.1.3.8. The victim of trafficking in human beings would be exploited for other purposes of exploitation (e.g. for fictitious or forced marriage, receipt of benefits).
  - 9.1.3.9. The organ, tissue or cells would be taken from the victim of trafficking in human beings.
- 9.1.4. Qualifying elements of the criminal act:
  - 9.1.4.1. Criminal act committed against two or more victims. This element is incriminated when the criminal act is committed against two or more persons irrespective of whether the victims of trafficking inhuman beings have been recognised as the victims of the crime of trafficking in human beings, or not. If the victims are an adult person and a child, the criminal acts are incriminated under Article 147 paragraph 1 and Article 157 paragraph 1 of the Criminal Code as the concurrence of criminal acts. In order to incriminate this element, it is mandatory for this criminal act to be a single crime, i.e. described as having the same criminal intent, guilt, etc. It may also be a continuous criminal act, when trafficking in human beings comprises one crime consisting of two or more episodes.
  - 9.1.4.2. Causing danger to the victim's life. This element is incriminated when the criminal acts, the means of undermining the person's will or the forms or conditions of exploitation caused danger to the victim's life. In this case it is sufficient for such threat to the person's life to be real. If the danger to the person's life resulted in the occurrence of certain consequences (the person's health was impaired, the person died, etc.), the criminal act of trafficking in human beings is qualified together with the criminal acts, which provide liability for the consequences, as the concurrence of criminal acts.
  - 9.1.4.3. Criminal act committed by participating in the organised group. In order to incriminate this element, it is necessary to establish that at least one party to a transaction of sale-purchase of a human being is an organised group, i.e. all criminal acts or any part or episode thereof were/was committed by the members of the organised group. The features of

the organised group must coincide with the ones defined in Article 25 paragraph 3 of the Criminal Code.

9.1.4.4. Awareness or pursuit of removal of the organ, tissue or cells from the victim of trafficking in human beings. In this case the purpose of the criminal act is to acquire illegally the human organ, tissue or cells for the purposes of transplantation, medical or other research, experiments, etc., i.e. the victim of trafficking in human beings is specifically exploited for the acquisition of the organ, tissue or cells, thus, in the event of unlawful removal of the organ, tissue or cells there may exist no other form of exploitation of the victim of trafficking in human beings. In order to incriminate this element, it is necessary to establish that the offender either personally pursued the aim to acquire the organ, tissue or cell of the victim of trafficking in human beings or was aware that such goal was pursued by the persons participating in the commission of the criminal act. The laws define the essential condition under which the removal of the person's organ, tissue or cells is lawful: with the consent of the donor or his/her lawful representatives. If such consent is received from the victim of trafficking in human beings by committing the criminal acts of trafficking in human beings and by using the means of undermining the person's will, such criminal act is qualified under Article 147 paragraph 2 of the Criminal Code. Human organs mean the differentiated and vital parts of the human body formed by different tissues that maintain their structure, vascularisation (formation of blood vessels and ability to supply blood) and capacity to perform physiological functions. Human tissues are the constituent parts of human body, whether living or deceased, that are necessary for the restoration of body functions in the recipient (a person to whom blood is transfused, tissues or organs are transplanted). Human cells are blood and blood components, including haematopoietic stem cells obtained from the adult person or the placenta or the placental blood after the childbirth, also semen, ova, embryo or embryo cells, foetal cells or tissues.

9.1.4.5. Criminal act committed by a civil servant or another person performing the functions of public administration and while exercising the powers established by legal acts. In order to incriminate this element, the following two conditions must be established:

9.1.4.5.1. The criminal act of trafficking in human beings was committed by a person, who is a civil servant or another person performing the functions of public administration (the concepts of the civil servant and other persons performing the functions of public administration are defined in Article 230 of the Criminal Code).

9.1.4.5.2. This criminal act was committed by such person while exercising his/her official powers, i.e. his/her criminal acts must be related with the performance of his/her official duties.

9.2. Criminal Code. Article 147<sup>1</sup> "Exploitation for Forced Labour or Services":

9.2.1. Criminal acts. The suspected (accused) person:

9.2.1.1. Unlawfully forced the victim of trafficking in human beings to perform certain work.

9.2.1.2. Unlawfully forced the victim of trafficking in human beings to provide certain services.

9.2.1.3. Forced the victim of trafficking in human beings to beg.

9.2.2. Means of undermining the person's will. The suspected (accused) person:

9.2.2.1. Used physical violence.

9.2.2.2. Used threats (psychological violence).

9.2.2.3. Otherwise deprived a possibility to resist (where items 9.2.2.1 and 9.2.2.2 of the Recommendations do not apply or where they are supplemented).

9.2.2.4. Used deception.

9.2.2.5. Used the dependence of the victim of trafficking in human beings.

9.2.2.6. Used the vulnerability of the victim of trafficking in human beings.

9.2.2.7. Took money.

9.2.2.8. Paid money.

9.2.2.9. Received other benefits.

9.2.2.10. Provided other benefits to the person who actually controls the victim of trafficking in human beings.

9.2.3. Purpose of exploitation. The suspected (accused) person was aware or sought that:

9.2.3.1. The victim of trafficking in human beings would be exploited to perform certain work.

9.2.3.2. The victim of trafficking in human beings would be exploited to provide certain services.

9.2.3.3. The victim of trafficking in human beings would be exploited under the conditions of slavery or under the conditions similar to slavery (the qualifying element).

9.2.3.4. The victim of trafficking in human beings would be exploited under other inhuman conditions (the qualifying element).

9.3. Criminal Code. Article 147<sup>2</sup> “Use of a Person’s Forced Labour or Services”:

9.3.1. Criminal acts. The suspected (accused) person:

9.3.1.1. Used the work performed by the victim of trafficking in human beings.

9.3.1.2. Used the services provided by the victim of trafficking in human beings, including prostitution.

9.3.2. Means of undermining the person’s will. The suspected (accused) person was aware or had to be or was likely to be aware that the traffickers in human beings:

9.3.2.1. Used physical violence.

9.3.2.2. Used threats (psychological violence).

9.3.2.3. Otherwise deprived a possibility to resist (where items 9.3.2.1 and 9.3.2.2 of the Recommendations do not apply or where they are supplemented).

9.3.2.4. Used deception.

9.3.2.5. Used the dependence of the victim of trafficking in human beings.

9.3.2.6. Used the vulnerability of the victim of trafficking in human beings.

9.3.2.7. Took money.

9.3.2.8. Paid money.

9.3.2.9. Received other benefits.

9.3.2.10. Provided other benefits to the person who actually controls the victim of trafficking in human beings.

9.3.3. Purpose of exploitation. The suspected (accused) person was aware or had to be or was likely to be aware that:

9.3.3.1. The victim of trafficking in human beings would be exploited to perform certain work.

9.3.3.2. The victim of trafficking in human beings would be exploited to provide certain services, including prostitution.

9.3.4. Article 147<sup>2</sup> paragraph 2 of the Criminal Code provides that a person who commits the act provided for in this Article, is released from criminal liability only if all of the following conditions are present:

9.3.4.1. He voluntarily notifies a law enforcement institution about the act committed by him.

9.3.4.2. He actively cooperates in identifying the victim of trafficking in human beings (Article 147 of the Criminal Code) or purchase or sale of a child (Article 157 of the Criminal Code).

9.3.4.3. He actively cooperates in detecting the criminal act of trafficking in human beings or purchase or sale of a child.

9.3.4.4. He notifies about the act committed by him prior to his recognition as the suspected person for having used a person's forced labour or services.

9.3.5. The absence of at least of one of the conditions specified in items 9.3.4.1–9.3.4.4 of the Recommendations eliminates a possibility to release the person from criminal liability.

9.4. Criminal Code. Article 157 “Purchase of Sale of a Child”:

9.4.1. Criminal acts. The suspected (accused) person:

9.4.1.1. Proposed to purchase the child.

9.4.1.2. Proposed to acquire the child otherwise.

9.4.1.3. Sold the child.

9.4.1.4. Otherwise transferred the child.

9.4.1.5. Purchased the child.

9.4.1.6. Otherwise acquired the child.

9.4.1.7. Recruited the child.

9.4.1.8. Transported the child.

9.4.1.9. Kept the child in captivity.

9.4.2. Purpose of exploitation. The suspected (accused) person was aware or sought that:

9.4.2.1. The child would be illegally adopted.

9.4.2.2. The child would be exploited under the conditions of slavery or under the conditions similar to slavery.

9.4.2.3. The child would be exploited for prostitution.

9.4.2.4. The child would be exploited for pornography.

9.4.2.5. The child would be exploited for other forms of sexual exploitation.

9.4.2.6. The child would be exploited for forced labour or services, including begging.

9.4.2.7. The child would be exploited for the commission of criminal acts.

9.4.2.8. The child would be exploited for other purposes of exploitation.

9.4.2.9. The child's organ, tissue or cells would be taken.

9.4.3. Qualifying elements of the criminal act:

9.4.3.1. Criminal act committed against two or more child victims. This element is incriminated when the criminal act is committed against two or more children irrespective of whether such victims of trafficking in human beings have been recognised as the victims of the crime of trafficking in human beings, or not. It is mandatory to prove that the suspected (accused) person was aware or had to be aware that the victims of trafficking in human beings are children. In order to incriminate this element, it is mandatory for this criminal act to be a single crime, i.e. described as having the same criminal intent, guilt, etc. It may also be a continuous criminal act, when trafficking in human beings comprises one crime consisting of two or more episodes.

9.4.3.2. Criminal offence committed against a young child victim. In order to incriminate this element, it is necessary to prove that the suspected (accused) person was aware or had to be aware that the victim of trafficking in human beings is a young child.

9.4.3.3. Causing danger to the victim's life (item 9.1.4.2 of the Recommendations).

9.4.3.4. Criminal offence committed by participating in the organised group (item 9.1.4.3 of the Recommendations).

9.4.3.5. Awareness or pursuit of removal of the organ, tissue or cell from the victim of trafficking in human beings (item 9.1.4.4 of the Recommendations).

9.4.3.6. Criminal offence committed by a civil servant or another person performing the functions of public administration and while exercising the powers established by legal acts (item 8.1.4.5 of the Recommendations).

10. The subject of the criminal act of trafficking in human beings is an indictable natural person above the age of 16 years; liability is also provided to legal entities.

11. Consent given by a victim of trafficking in human beings is irrelevant for the recognition of the criminal act as trafficking in human beings, if such consent of the victim of trafficking in human beings was obtained by at least one of the means of undermining the person's will as defined in the disposition of Article 147 of the Criminal Code, i.e. the victim of trafficking in human beings gave consent to perform the offered work, to provide the services, to engage in prostitution or commission of criminal acts or to be exploited otherwise, however, such consent was obtained by using deceit or coercion, or threats, or by using the vulnerability or dependence of the victim of trafficking in human beings, or by otherwise depriving a possibility to pass an independent decision. Such a formal consent of the victim of trafficking in human beings to engage in the offered activity is irrelevant for the qualification of the acts committed by the suspected (accused) person as trafficking in human beings (the Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, the Council of Europe Convention on Action against Trafficking in Human Beings and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime contain the following provision: if a victim of trafficking in human beings consented to be exploited, but such consent was obtained by using physical violence, threats or any other means of undermining the person's will, the consent given by the victim of trafficking in human beings is not taken into consideration and does not make the exploitation lawful, i.e. such consent is irrelevant; the child's consent to be exploited is not considered to be relevant while qualifying the criminal acts as trafficking in human beings even in the absence of any means of undermining the child's will, i.e. any possible consent given by a child must never be considered valid).

12. If the conduct specified in item 9.1.1 of the Recommendations is related with a child, the criminal act is qualified as trafficking in human beings irrespective of the fact of whether at least one of the means of undermining the person's will has been established or not, because the child is always vulnerable due to his/her age.

13. The criminal act of trafficking in human beings also includes trafficking in human beings for the purposes of removal of the organ, tissue or cell, conclusion of a fictitious marriage for the purposes of exploitation, other forms of exploitation, if at least one element from each of the three groups of elements (criminal acts; means of undermining the person's will; purpose of exploitation) has been established to exist.

14. The *corpus delicti* of the crime of trafficking in human beings is formal, i.e. the occurrence of consequences is not mandatory. The crime of trafficking in human beings is considered completed in the event of commission of one or more alternative criminal acts defined in the disposition and the occurrence of consequences is irrelevant for the qualification of the crime (when the criminal acts are qualified under Article 147 or Article 157 of the Criminal Code it is absolutely irrelevant whether the victim suffered any material, physical or any other damage and whether he/she was started to be exploited).

15. When in addition to the acts specified in Article 147 and Article 157 of the Criminal Code and committed against the victim of trafficking in human beings the victim was also exploited for prostitution, forced labour, removal of the organ, tissue or cell or the child was exploited for pornography, such acts are incriminated as the concurrence of criminal acts.

16. It is absolutely unnecessary to incriminate any additional qualifying elements of the crime of trafficking in human beings such as the unlawful deprivation of liberty, threatening, forcing to behave according to the instructions of the offender and in part the use of physical violence. However, when the resistance of the victim of trafficking in human beings was undermined by raping or otherwise sexually abusing the victim or the victim of trafficking in human beings was severely injured, such acts are incriminated together with Article 147 or Article 157 of the Criminal Code as the concurrence of criminal acts.

17. Article 157 of the Criminal Code does not include the abduction of a young child (Article 156 of the Criminal Code), therefore, if a child was abducted in order to exploit him/her later for the purposes specified in Article 157 of the Criminal Code, Article 156 of the Criminal Code must be incriminated together with the purchase or sale of a child as the concurrence of criminal acts. In such a case abduction is understood as the act of taking, in a secret, open manner, by deceit or abuse of trust or in any other manner, of another's (including one's own, as provided for in Article 156 paragraph 2 of the Criminal Code) young child into the disposition of the offender. When the child is older than 14 years of age or the abducted person is adult, the acts under Article 156 or Article 146 of the Criminal Code are not incriminated if the elements of hostage-taking have not been established.

18. If a person or persons are transported across the state border without pursuing the aim to exploit them later or transfer them to the exploiters, such transportation is not considered as trafficking in human beings, however, if a person is transported across the state border unlawfully and for the purposes of exploiting him/her later or selling him/her for exploitation, such acts must be incriminated as the concurrence of criminal acts.

19. Employment of third-country nationals illegally staying in the Republic of Lithuania (Article 292<sup>1</sup> of the Criminal Code) is distinguished from the trafficking in human beings on the basis of the victim's consent (or free will), i.e. if a person's consent to work under the conditions of extraordinary exploitation for work was given on the person's free will and was not obtained by using any of the criminal acts and means of undermining the person's will as specified in the disposition of Article 147 of the Criminal Code, such employment of third-party nationals illegally staying in the country is not considered as trafficking in human beings.

20. The person's consent to transportation for prostitution must be voluntary and given while clearly understanding the circumstances under which such consent was given. It is obvious that the person's consent, if obtained by using at least one of the means of undermining the person's will as specified in the disposition of Article 147 of the Criminal Code, may not be considered as voluntary or given while clearly understanding the circumstances under which such consent was given.

21. The suspected person, who committed the criminal act of trafficking in human beings while pursuing the aim to exploit the victim of trafficking in human beings for the commission of criminal acts (e.g. thefts, swindling, etc.), must be incriminated not only with the trafficking in human beings, but also with the complicity in the criminal acts committed by the victims of trafficking in human beings. In the notification of the suspicion the victim of trafficking in human beings is named as the perpetrator of the criminal act released from criminal liability, while the exploiter is named as the organiser of the criminal act committed in a group of accomplices. In cases when the victim of trafficking in human beings who was exploited for the commission of criminal acts, is criminally insane or has not yet reached the age from which the person is liable under the criminal laws of the Republic of Lithuania, or the victim of trafficking in human beings is not guilty for the criminal act, the exploiter is considered to be the perpetrator of the crime through the intermediary, i.e. such person is incriminated with the Article of the Special Part of the Criminal Code, which defines the acts committed by the victim of trafficking in human beings without any reference to Article 24 of the Criminal Code.

22. The person is held liable for the trafficking in human beings and for the purchase or sale of a child irrespective of the place of commission of the criminal act, i.e. even in the cases when the criminal act was committed outside the territory of the Republic of Lithuania. The person who committed the criminal acts abroad, is not held liable under the Criminal Code if the person has served the sentence imposed against him in the foreign state, if he was released from serving the full or any part of the sentence imposed against him by a court of the foreign state, if he was acquitted by a judgment rendered by a court of the foreign state, if he was released from criminal liability or punishment or the punishment was not imposed due to the statute of limitations or on any other legal grounds provided for in that state.



23. The criminal acts of trafficking in human beings are committed only with direct intent, i.e. when committing such act, the person understood the dangerous nature of the criminal act and was aware or sought that the victim of trafficking in human beings would be exploited. In this case awareness means that the person understands the criminal intents of other persons to exploit the victim of trafficking in human beings and despite the fact that he personally does not pursue the goal to exploit the victim, his acts assist others in achieving such goal. In order to state the awareness it is not mandatory for the person to know exactly where and how the victim of trafficking in human beings would be exploited, the important factor here is that the person understands the mere fact that there are plans to exploit the victim of trafficking in human beings by forcing him/her to engage in prostitution, to work under the conditions of slavery, to force the victim to beg or commit criminal acts, or otherwise exploit him/her. The goal of exploiting means that the person wants to exploit the victim of trafficking in human beings and commits a criminal act for this purpose. In both cases the person understands that the act committed by him is the means for further exploitation of the victim of trafficking in human beings and wishes to act like this.

24. Forms of exploitation:

24.1. Exploitation under the conditions of slavery or under the conditions similar to slavery. Exploitation by subjecting the victim of trafficking in human beings to emotional, mental and physical suffering by depriving a possibility to satisfy the basic needs of the person (regular sleep, rest time, meals, satisfaction of physical needs, leisure time after work, communication with the family and close relatives, etc.), also forcing of the person to work under unacceptable, inhuman conditions, i.e. in extreme heat or cold without the appropriate clothing, in a radioactive or toxic environment without the appropriate protective means, by undermining the person's dignity and honour.

24.2. Exploitation for prostitution: forcing of the person to provide sexual services for remuneration, when the entire or any part of the remuneration is taken by the exploiter, or for the purposes of satisfaction of other needs of the exploiter. Remuneration in this case may be either in the form of money or in any other form, e.g. in exchange for narcotic substances, etc.

24.3. Exploitation for pornography. Use of the person for the production or distribution of pornographic material, which explicitly and in detail demonstrates real or simulated coitus, genitals, bowel movements, masturbation or sexual perversion (paedophilia, sadism, masochism, zoophilia, necrophilia, etc.), and the main purpose of this activity is to receive income or any other benefits.

24.4 Exploitation for other forms of sexual exploitation. Any sexual act for the provision of which remuneration is given or taken, and the entire or any part of such remuneration is taken by the exploiter (e.g. sexual services on the internet), or the victim of trafficking in human beings performs such acts for the purposes of satisfaction of other needs of the exploiter.

24.5. Exploitation for forced labour or services. Forcing of the person to perform any work or services, when the person refused to perform them on his/her free will. In this case it is absolutely irrelevant whether the person would be paid for such work, whether such work would be legal or not. The nature of work and services may also vary from physical to mental. It needs to be noted that the employer's demand to ensure the quality of the work or services, which were assigned lawfully, and imposition against the employee of disciplinary penalties provided for in the laws is not considered as forced labour.

24.6. Exploitation for begging. Forcing of the person to beg in public places or to collect donations in any other form, when all or any part of the collected funds are taken by the exploiter.

24.7. Exploitation for commission of criminal acts. Forcing of the person to commit pick-pocketing, thefts, drug trafficking and other punishable criminal acts, which are related with the receipt of financial benefits by the exploiters.

24.8. Exploitation for the removal of organs, tissues or cells. Trafficking in human beings for the purposes of removal of organs, tissues or cells committed in violation of the dignity and physical inviolability of the victim of trafficking in human beings. The acts of removal of the victim's organ,

tissue or cells with the consent of the victim of trafficking in human beings, when such consent was obtained as a result of the use of at least one of the means of undermining the person's will, are also considered to constitute the said crime.

24.9. Exploitation for fictitious marriage. Forcing of the victim of trafficking in human beings to conclude marriage in the absence of a free and full consent by one or both persons, for the purposes of exploitation.

24.10. Exploitation for surrogate maternity. Forcing of the woman to become pregnant by way of natural or artificial insemination, to carry the baby to term, to deliver the baby and to renounce any maternity rights towards the baby.

24.11. Illegal adoption. When a natural person seeks adoption, also when a natural person or a legal entity seeks to sell or otherwise transfer a child for the purposes of adoption in violation of the laws that regulate adoption, but not necessarily seeking financial or any other benefits.

24.12. Other forms of exploitation. Since the list of forms of exploitation under Article 147 and Article 157 of the Criminal Code is not final, criminal liability may be applied for any other form of exploitation related with the person's sale and purchase as well as coercion (e.g., exploitation of the person for illegal scientific experiments, fights without rules, etc.).

25. The income or property obtained from the trafficking in human beings or exploitation of victims of trafficking in human beings must be confiscated as the result of the crime, i.e. the property of any form directly or indirectly obtained from the criminal act (Article 72 paragraph 2 of the Criminal Code).

26. Article 147<sup>1</sup> of the Criminal Code provides liability for the exploitation of the victim for forced labour rather than for the purchase or sale of the victim of trafficking in human beings. In such a case, by using at least one of the means of undermining the person's will as provided for in the disposition of Article 147 of the Criminal Code, the victim of trafficking in human beings is forced to perform certain work or to provide certain services. The exploiter does not necessarily need to be the same person, who acquired the victim of trafficking in human beings for the purposes of exploitation.

27. If the exploiter purchased the victim of trafficking in human beings by paying money to the person, who controls the victim, or by providing any other benefits for such person, and later forces the victim of trafficking in human beings to work or provide services against the victim's will, the exploiter should be held liable on the basis of the principle of concurrence of criminal acts for the trafficking in human beings because he purchased the human being (under Article 147 or Article 157 of the Criminal Code) and under Article 147<sup>1</sup> of the Criminal Code because the Articles related with trafficking in human beings do not include the consequences. The remaining elements of the criminal act under Article 147<sup>1</sup> of the Criminal Code are analogous to the elements specified in the Articles related with trafficking in human beings.

28. Article 147<sup>2</sup> of the Criminal Code provides liability for the use of the work or services of the persons who are exploited. The essential condition for the emergence of criminal liability is the person's awareness or obligation and likelihood of being aware that the victim of trafficking in human beings whose work or services the person is using, is exploited or was subjected, for the purposes of undermining his/her will, to at least one of the means of undermining the person's will as provided for in the disposition of Article 147 of the Criminal Code.

**SECTION IV**  
**NOTIFICATION ABOUT THE IDENTIFIED VICTIM OF TRAFFICKING IN HUMAN BEINGS AND IMMEDIATE ACTIONS OF THE AUTHORITY, INSTITUTION AND ORGANISATION THAT HAS IDENTIFIED THE VICTIM OF TRAFFICKING IN HUMAN BEINGS**

29. During the identification of the victim of trafficking in human beings, the employee of the respective authority, institution and organisation completes the Human Trafficking Victim Identification Card (Annex 1 to the Recommendations) or any other document or form specified in the internal legal act of the authority, institution or organisation, which corresponds the said card (hereinafter the Card):

29.1. The Card must be completed by the officer or employee, who is conducting the initial interview of the victim of trafficking in human beings. The Card must be completed immediately after such interview.

29.2. The completed Card is not a procedural document, its purpose is to summarise the features characteristic to the victim of trafficking in human beings and to help the officer or employee perform the proper identification of the victim of trafficking in human beings, therefore, the Card is completed by the officer or employee who is conducting an interview of the person presumed to be a victim of trafficking in human beings irrespective of whether such officer or employee holds any procedural powers to decide on the institution of a pre-trial investigation, or not.

29.3. If a victim of trafficking in human beings is detected at the time of commission of a criminal act, i.e. is found at the place of exploitation or during the transportation of the victim to such place, etc., the Card is completed by the officer or employee, who has detected the victim, irrespective of whether the police was notified of such incident, or not.

29.4. If the available data are not sufficient to identify a person as a victim of trafficking in human beings and there are no grounds to transfer the collected data (hereinafter the material) to the police or the prosecutor's office, the Card is stored together with the collected material.

29.5. The completed original Card is submitted to the police or the prosecutor's office only together with all available material. In case of necessity, a copy of the Card may be submitted to other authorities, institutions and organisations in accordance with the procedure laid down in the Recommendations and legal acts of the Republic of Lithuania.

29.6. If the authority, institution or organisation receives the material together with the completed Card, the new Card is not completed, except for the cases, when in the opinion of the officer or employee, who is communicating with a person presumed to be a victim of trafficking in human beings, it is necessary to supplement the data recorded in the Card with any additional or any other data.

30. A victim of trafficking in human beings is identified by the NGO:

30.1. The NGO conducts the identification of the victim of trafficking in human beings on the basis of the Criteria of Identification of the Victim of Trafficking in Human Beings for NGOs as approved by the Protocol of Meeting of the Representatives of the Public Enterprise Missing Persons' Families Support Centre, "Caritas" Lithuania and Association "Men's Crisis Centre" No P 0911/1 of 11 September 2012, and the Recommendations.

30.2. The process of identification of the victim of trafficking in human beings is conducted by completing the Card and the Questionnaire, wherein the person specifies the assistance required by him/her. During the consultation of the person, a social employee and (or) psychologist assesses his/her problems, social situation, determines the need for social assistance, draws up the Initial Assistance Action Plan (paragraph 40 of the Recommendations) and, if required, arranges the immediate assistance (e.g. medical aid).

30.3. Having determined the features of trafficking in human beings and by taking into account the interests of the victim of trafficking in human beings, the NGO transfers the information about the possible crime of trafficking in human beings to the police. Such information is accompanied by the completed Card. If the victim of trafficking in human beings is a child, the NGO immediately notifies the Municipal Child Rights Protection Department.

30.4. The list of NGOs providing assistance to the victims of trafficking in human beings is presented in Annex 3 to the Recommendations.

31. A victim of trafficking in human beings is identified by the State Border Guard Service under the Ministry of the Interior (hereinafter the State Border Guard Service):

31.1. During the identification of the victim of trafficking in human beings, the officer of the State Border Guard Service follows the Order of the Head of the State Border Guard Service No 4-54 of 31 January 2014 “On the Approval of the Description of the Procedure of Identification of the Victim of Trafficking in Human Beings” and the Recommendations.

31.2. Having detected a presumed case of trafficking in human beings, the officer of the State Border Guard Service performs the following acts:

31.2.1. completes the Card and marks therein (and, if possible, in the enclosure thereto) the circumstances of commission of the alleged criminal act.

31.2.2. based on the competence, arranges the immediate assistance (e.g. medical aid) to the victim of trafficking in human beings and records the assistance that was provided in the Card.

31.2.3. notifies the NGO that provides assistance to the victims of trafficking in human beings about the event without disclosing the particulars of the victim of trafficking in human beings and, if the victim of trafficking in human beings is a child, notifies the Municipal Child Rights Protection Department. The particulars of the victim of trafficking in human beings, who is an adult person, are provided to the NGO only if the person gave his/her written consent for the said NGO to provide the assistance required by him/her. The particulars of the child victim are provided to the NGO only after receipt of the written consent of the child’s legal representative.

31.2.4. immediately forwards the completed Card to the prosecutor’s office and in the procedure laid down by legal acts considers the issue of institution of a pre-trial investigation.

32. A victim of trafficking in human beings is identified by the Ministry of Foreign Affairs of the Republic of Lithuania:

32.1. The consular official performs the identification of the victim of trafficking in human beings on the basis of the Card approved by the Minister of Foreign Affairs.

32.2. The consular official immediately provides or arranges provision of the required assistance to the identified victim of trafficking in human beings. Assistance to the victim of trafficking in human beings may be provided by performing the required consular functions, by returning the victim of trafficking in human beings to the Republic of Lithuania, by arranging temporary accommodation, travel, food, necessary things (clothes, footwear, etc.) or medications to the victim of trafficking in human beings, by arranging psychological, social, legal, medical assistance or translation/interpretation services, etc.

32.3. The consular official immediately notifies the Consular Department of the Ministry of Foreign Affairs about the identified victim of trafficking in human beings by transmitting the completed electronic form of the Card and, if the victim of trafficking in human beings is a child, notifies the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour of the Republic of Lithuania by e-mail (hereinafter the State Child Rights Protection Service).

32.4. While acting in accordance with the Cooperation Agreement between the Police Department under the Ministry of the Interior of the Republic of Lithuania and the Ministry of Foreign Affairs of the Republic of Lithuania No 5-IN-27/20-10KOD of 14 February 2005, the Consular Department of the Ministry of Foreign Affairs immediately forwards the received Card to the Police Department.

32.5. The Consular Department of the Ministry of Foreign Affairs forwards the information about the event of trafficking in human beings to the NGOs providing assistance to the victims of trafficking in human beings. The particulars of the adult victim are provided to the NGO only upon receipt of the victim’s written consent for the said NGO to provide the assistance required by him/her. The particulars of the child victim are provided to the NGO only after receipt of the written consent of the child’s legal representative.

32.6. At the request of the Consular Department of the Ministry of Foreign Affairs, the consular official performs any other acts required for the purposes of provision of assistance to the victim of trafficking in human beings.

33. A victim of trafficking in human beings is identified by the Municipal Child Rights Protection Department:

33.1. The Municipal Child Rights Protection Department identifies a child victim of trafficking in human beings on the basis of the Memorandum of Preventive, Protection Means, Provision of Services and Interinstitutional Cooperation in Cases of Trafficking in Children developed by the State Child Rights Protection Service, and the Recommendations, and having identified the victim of trafficking in human beings, based on the competence, provides and (or) arranges the required assistance (paragraph 41 of the Recommendations). If the parents, guardians (caretakers) of the child victim of trafficking in human beings give their written consent, the Municipal Child Rights Protection Department forwards the information about him/her to the NGO for the purposes of provision of the required assistance.

33.2. If the available data provide grounds to believe that the child could have become a victim of trafficking in human beings, the Municipal Child Rights Protection Department immediately completes the Card and forwards it together with the available information to the police or the prosecutor's office. The police are addressed if urgent and immediate actions are required for the purposes of ensuring the protection of the child's rights and lawful interests; the prosecutor's office is addressed in any other cases (a copy of the official letter is not forwarded to the police).

33.3. The Municipal Child Rights Protection Department immediately notifies the State Child Rights Protection Service about the alleged case of trafficking in children while acting in accordance with the Description of the Procedure of Notification about the Extraordinary Cases Related with the Alleged Violations of the Child Rights as approved by the Order of the Director of the State Child Rights Protection Service No BV-43 of 7 October 2013 "On the Approval of the Description of the Procedure of Notification about the Extraordinary Cases Related with the Alleged Violations of the Child Rights" (hereinafter the Description of the Procedure of the State Child Rights Protection Service) and forwards a copy of the Card together with any other available material.

34. In cases of trafficking in children, the State Child Rights Protection Service performs the following acts:

34.1. upon receipt of the information from the Municipal Child Rights Protection Department and (or) institution for children about the case of trafficking in children, the State Child Rights Protection Service assesses the information and, if necessary, recommends the application of specific measures and (or) advises on the arrangement of the interdepartmental meeting in accordance with the rules of procedure of the State Child Rights Protection Service.

34.2. upon receipt of the information from the Ministry of Foreign Affairs or the diplomatic representation or consular authority of the Republic of Lithuania (hereinafter the representation) about a child (citizen of the Republic of Lithuania or whose parents or the only remaining parent are citizens of the Republic of Lithuania), who is in a foreign state and who could have become a victim of trafficking in human beings, the State Child Rights Protection Service cooperates with those authorities and acts as intermediary during the collection and exchange of information between the competent authorities of foreign states and the Municipal Child Rights Protection Departments about the child's status, circumstances of staying or detention in a foreign state, assistance provided, decisions passed, etc.

34.3. The State Child Rights Protection Service notifies the police or the prosecutor's office in writing, if the Service does not hold the data that the said authorities are aware of the identified child victim of trafficking in human beings, and having established that the child has been left without a parental care in a foreign state, arranges his/her return in accordance with the Rules of Return to the Republic of Lithuania of Children Left Without a Parental Care in Foreign Countries as approved by

the Resolution of the Government of the Republic of Lithuania No 1655 of 29 December 2004 “On the Approval of the Rules of Return to the Republic of Lithuania of Children Left Without a Parental Care in Foreign Countries”.

35. A victim of trafficking in human beings is identified by the State Labour Inspectorate under the Ministry of Social Security and Labour of the Republic of Lithuania (hereinafter the State Labour Inspectorate):

35.1. During the identification of the victim of trafficking in human beings, the inspector of the State Labour Inspectorate follows the Recommendations.

35.2. After the detection of the alleged case of trafficking in human beings, the inspector of the State Labour Inspectorate performs the following acts:

35.2.1. completes the Card and marks therein (and, if possible, in the enclosure thereto) the circumstances of commission of the alleged criminal act.

35.2.2. based on the competence, arranges the immediate assistance (e.g. medical aid) to the victim of trafficking in human beings and records the assistance that was provided in the Card.

35.2.3. notifies the NGO that provides assistance to the victims of trafficking in human beings about the case without disclosing the particulars of the victim of trafficking in human beings and, if the victim of trafficking in human beings is a child, notifies the Municipal Child Rights Protection Department. The particulars of the victim of trafficking in human beings, who is an adult person, are provided to the NGO only if the person gave his/her written consent for the said NGO to provide the assistance required by him/her (Annex 1 to the Recommendations). The particulars of the child victim are provided to the NGO only after receipt of the written consent of the child’s legal representative (Annex 1 to the Recommendations).

35.2.4. immediately forwards the completed Card and enclosure thereto to the police (County Chief Police Headquarters).

36. A victim of trafficking in human beings is identified by the police officer:

36.1. During the identification of the victim of trafficking in human beings the police officer follows the Description of the Procedure of Identification of Persons Who Could or Can Become Victims of Trafficking in Human Beings and Performance of Initial Acts as approved by the Order of the Lithuanian Police Commissioner General No 5-V-200 of 24 February 2015 “On the Approval of the Description of the Procedure of Identification of Persons who Could or Can Become Victims of Trafficking in Human Beings and Performance of Initial Acts”, and the Recommendations.

36.2. Having identified a person who could or can become a victim of trafficking in human beings on the basis of the elements of the criminal act (or having detected an alleged case of trafficking in human beings), the police officer:

36.2.1. immediately reports the event to the officer of the Operational Management Unit or personally registers the event in the Register of Police-Registered Events (hereinafter the Police Register). During the registration of the event in the Police Register, the classification value “Victim of trafficking in human beings” must be additionally marked in the field “Element of the Event” under window “The Event”.

36.2.2. if necessary, ensures protection of the person who could or can become a victim of trafficking in human beings, and of the place of the event.

36.2.3. advises the person who could or can become a victim of trafficking in human beings about the possibilities to receive assistance from the IOM or NGOs providing assistance to the victims of trafficking in human beings. If possible, a decision of the victim of trafficking in human beings regarding the communication with the NGO and provision of assistance should be expressed in writing and in the presence of the representative of the NGO.

36.2.4. completes the Card containing the identification code attributed to the registered event and forwards it to the officer or the operational group in charge of the event.

36.3. The officer or the operational group in charge of the event:

36.3.1. notifies the NGO that provides assistance to the victims of trafficking in human beings, about the event without disclosing the particulars of the victim of trafficking in human beings and, if the victim of trafficking in human beings is a child, notifies the Municipal Child Rights Protection Department. The particulars of the victim of trafficking in human beings, who is an adult person, are provided to the NGO only if the person gave his/her written consent for the said NGO to provide the assistance required by him/her. The particulars of the child victim are provided to the NGO only after receipt of the written consent of the child's legal representative.

36.3.2. in accordance with the procedure laid down by legal acts, forwards the completed Card together with any other material for the purposes of performance of a pre-trial investigation. A pre-trial investigation is instituted if the material received contains sufficient data to institute a pre-trial investigation. Following the institution of the pre-trial investigation, the Card is stored in the pre-trial investigation control file. If the data available are insufficient for the institution of a pre-trial investigation, the required acts are performed in order to supplement the material and a decision on the institution of a pre-trial investigation is passed. In case of refusal to institute a pre-trial investigation, the Card and any other information are stored together with the material and the data are used for the analysis of the information and for prevention purposes.

36.4. If the person, who has become a victim of trafficking in human beings, requires medical aid or if due to the victim's physical or mental state any minor children, who cannot take care of themselves, or any persons who live together and may not be left without care due to their physical or mental disorders or conditions, are left without care, the police officers must immediately decide on the issues of taking care of such persons in the procedure laid down by legal acts.

36.5. Having established the elements of the crime of trafficking in human beings, the investigators of specialised criminal police units (police unit divisions or structural subdivisions, which, based on the mandatory competence, must prevent, detect and investigate the criminal acts related with the trafficking in human beings) follow the procedure laid down by the Criminal Code, Code of Criminal Procedure, paragraph 36.1 of the present Recommendations and other legal acts. The Card may be left uncompleted by the investigators of specialised criminal police units if the collected material contains sufficient data for the institution of a pre-trial investigation or if the victim is identified in the course of the pre-trial investigation.

37. A victim of trafficking in human beings is identified by the prosecutor's office:

37.1. During the identification of the victim of trafficking in human beings, the prosecutor completes the Card and, if necessary, arranges the required assistance (e.g. medical aid) to the victim of trafficking in human beings. The Card may be left uncompleted by the prosecutor, if the collected material contains sufficient data for the institution of a pre-trial investigation or if the victim is identified in the course of the pre-trial investigation.

37.2. Having identified a possible victim of trafficking in human beings, the prosecutor notifies the NGO that provides assistance to such persons by completing the Notification about the Victim of the Crime of Trafficking in Human Beings (Annex 2 to the Recommendations) and if the victim is a child, notifies the Municipal Child Rights Protection Department. The particulars of the adult victim of trafficking in human beings are forwarded to the NGO only if such person gave his/her written consent (Annex 1 to the Recommendations) for the said NGO to provide the assistance required by him/her. The particulars of the child victim are forwarded to the NGO only after receipt of the written consent of the child's legal representative (Annex 1 to the Recommendations). If the victim of trafficking in human beings is a citizen of a foreign state or a person without citizenship, who has a permanent place of residence in a foreign state, the prosecutor takes the measures to provide the victim of trafficking in human beings with a possibility to contact the representation of his/her country, and if the victim of trafficking in human beings is a child, the prosecutor notifies the Municipal Child Rights Protection Department and the State Child Rights Protection Service. The prosecutor must not raise any obstacles for the representative of the NGO that provides assistance to victims of trafficking in human

beings in arranging a meeting with the victim of trafficking in human beings. It is recommended that the decision of the victim of trafficking in human beings regarding the communication with the NGO and provision of assistance is expressed in writing and in the presence of the representative of the NGO. This will help the person receive extensive information about the assistance provided by the NGO and will avoid any possible incompleteness or distortion of the information.

37.3. Having identified a victim of trafficking in human beings, the prosecutor institutes a pre-trial investigation and forwards the material to a pre-trial investigation institution by commissioning the institution to conduct the pre-trial investigation. The prosecutor may decide to perform certain pre-trial investigation acts or to conduct the entire pre-trial investigation him/herself. The original completed Card received from other authorities or from a non-specialised prosecutor is kept in the pre-trial investigation control file.

37.4. If the data available are insufficient for the institution of a pre-trial investigation, the prosecutor performs the required acts him/herself in order to supplement the available data or forwards the material to a pre-trial investigation institution by commissioning the institution to perform the required acts and to pass a decision on the institution of a pre-trial investigation. When the pre-trial investigation institution passes a decision on the institution of a pre-trial investigation, the original Card is kept in the pre-trial investigation control file. In case of refusal to institute a pre-trial investigation, the Card is stored together with the material.

38. A victim of trafficking in human beings is identified by the IOM:

38.1. If the victim of trafficking in human beings is a citizen of the Republic of Lithuania, who is in another state, he/she may be identified by the IOM Office situated in that state. The specialists of the IOM Offices identify victims of trafficking in human beings by completing the Screening Interview Form (hereinafter the SIF). The SIF is the form approved by the IOM and used by all IOM Offices situated worldwide. The SIF is completed by entering the person's particulars and the information about recruiting, transportation and exploitation, is approved by the signatures of the victim and the person who interviewed the victim and, if possible, is accompanied by the material evidencing the fact of trafficking in human beings.

38.2. Having identified the victim of trafficking in human beings, who is a citizen of the Republic of Lithuania or a person without citizenship, who has permanent place of residence in the Republic of Lithuania, and who is in another state, the IOM Office, which is situated in another state, forwards the completed SIF to the IOM Vilnius Office, which, based on the possibilities, arranges the person's return home and any further assistance (meeting, assessment of initial (required) needs, urgent aid in the event of crises and, if the victim consents, his/her referral to other organisations that provide assistance).

38.3. If the victim of trafficking in human beings is a citizen of the Republic of Lithuania, who was exploited abroad and returned to Lithuania, his/her identification may be performed by the specialists of the IOM Vilnius Office by completing the SIF. If the victim consents, he/she is referred to other organisations that provide assistance or the information about him/her is forwarded to the organisations providing assistance and to the police.

38.4. If the victim of trafficking in human beings is a citizen of another EU Member State, who is on the territory of the Republic of Lithuania (irrespective of the place of exploitation), his/her identification may be performed by the specialists of the IOM Vilnius Office by completing the SIF. If necessary and possible, the IOM arranges the person's return to his/her country of origin or, if the victim consents, forwards the information to the organisations providing assistance and to the police.

38.5. If the victim of trafficking in human beings is a third-country national, who is on the territory of the Republic of Lithuania (irrespective of the place of exploitation), and he/she addresses the IOM Vilnius Office, the specialists of this Office notify this person about the possibility to stay in Lithuania if he/she is granted a reflection period. If the person consents, the victim is referred to the organisations, which provide assistance and cooperate with a pre-trial investigation institution on the



issues of granting of the reflection period. If a third-country national wishes to go back to his/her country of origin, he/she is notified about the possibility of voluntary departure through the assistance of the IOM. If a third-country national wishes to go back to his/her country of origin and the relevant funding has been provided, the specialists of the IOM Vilnius Office complete the Assisted Voluntary Return Form, take care of his/her travel documents, buy the tickets and arrange temporary accommodation, transit and meeting of the person. If a third-country national is detained and placed in the Foreigners' Registration Centre of the State Border Guard Service, his/her return is arranged in cooperation with the State Border Guard Service.

## **SECTION V COOPERATION DURING THE PROVISION OF ASSISTANCE TO THE VICTIM OF TRAFFICKING IN HUMAN BEINGS**

39. Assistance to the victim of trafficking in human beings is provided on the basis of the place of residence of the victim of trafficking in human beings, place of performance of the investigation and the needs of the victim of trafficking in human beings. During the initial conversation with the victim of trafficking in human beings, the employee of the respective authority, institution and organisation notifies the person about the rights granted to the victim under the legal acts of the Republic of Lithuania, including the right to receive assistance from the NGOs that provide assistance to the victims of trafficking in human beings, and the right to receive compensation for the property and (or) non-property damage suffered as a result of violence crimes; the officer of a pre-trial investigation institution and the prosecutor also notify about the criminal proceedings and the victim's rights and obligations. During this conversation it is recommended that a representative of the NGO is provided with a possibility to tell the victim of trafficking in human beings about the assistance available. Having received a notification, the NGO sends its representative.

40. Assistance provided by NGOs:

40.1. to the victim of trafficking in human beings:

40.1.1. arrange psychological, legal, urgent medical assistance, temporary shelter.

40.1.2. provide or arrange social services related with provision of information (including the information specified in paragraph 39 of the Recommendations), counselling, intermediation and representation, arrangement of meals, provision of required clothes and footwear, arrangement of transport, socio-cultural and personal hygiene and care services.

40.1.3. provide and arrange assistance for the labour market integration and after the entry into employment.

40.1.4. provide and arrange any other assistance related with a pre-trial investigation (accompany to interrogations, provide emotional support during the interrogations, if necessary, arrange arrival of the victim of trafficking in human beings to the interrogations, hire a lawyer, etc.).

40.1.5. when the victim is returning to the Republic of Lithuania or departing from the Republic of Lithuania to the country of origin or, if possible, to another country of his/her choice, act as intermediary between the victim of trafficking in human beings, the institutions, which finance the return of the victim of trafficking in human beings and the institutions, which conduct the investigation of the crime, maintain communication with the victim of trafficking in human beings by telephone or any other telecommunication means, provide information and emotional support, meet at the airport or at the port, train station or any other place in Lithuania, arrange transportation and accompany the victim of trafficking in human beings to the temporary or permanent place of residence.

40.2. If possible, forward the available information about the facts of trafficking in human beings or the victims of trafficking in human beings as well as any other related information to the police.

40.3. If possible, provide assistance to the families of victims of trafficking in human beings.

41. Assistance provided to the victim of trafficking in human beings by the officer of the State Border Guard Service:

41.1. based on the competence, arranges the required (e.g. medical) assistance to the victim of trafficking in human beings and provides information (paragraph 39 of the Recommendations).

41.2. notifies the NGO that provides assistance to the victims of trafficking in human beings, about the event without disclosing the particulars of the victim of trafficking in human beings and, if the victim of trafficking in human beings is a child, notifies the Municipal Child Rights Protection Department. The particulars of the victim of trafficking in human beings, who is an adult person, are provided to the NGO only if the person gave his/her written consent for the said NGO to provide the assistance required by him/her. The particulars of the child victim are provided to the NGO only after receipt of the written consent of the child's legal representative.

42. Assistance provided to the victim of trafficking in human beings by the Ministry of Foreign Affairs:

42.1. the consular official provides the required immediate assistance to the victim of trafficking in human beings by performing the consular functions, by arranging, if required, the return of the victim of trafficking in human beings to the Republic of Lithuania, temporary accommodation, travel, food, necessary things (clothes, footwear, etc.) or medications, psychological, social, legal, medical assistance or translation/interpretation services, etc. and by providing the information based on the competence (paragraph 39 of the Recommendations), immediately forwards the Card to the Consular Department of the Ministry of Foreign Affairs and if the victim of trafficking in human beings is a child, notifies the State Child Rights Protection and Adoption Service by e-mail.

42.2. the Consular Department of the Ministry of Foreign Affairs forwards the information about the event of trafficking in human beings to the NGOs providing assistance to the victims of trafficking in human beings. The particulars of the adult victim are provided to the NGO only upon receipt of the victim's written consent for the said NGO to provide the assistance required by him/her. The particulars of the child victim are provided to the NGO only after receipt of the written consent of the child's legal representative.

43. Assistance provided to the victim of trafficking in human beings by the Municipal Child Rights Protection Department:

43.1. at the request of the prosecutor or the police, conducts the examination of the family environment and provides all available, verified and (or) newly collected information about the living and upbringing conditions of the child who could become a victim of trafficking in human beings while acting in accordance with the Annex to the Cooperation Agreement between the Prosecutor General's Office of the Republic of Lithuania, Ministry of Social Security and Labour of the Republic of Lithuania and the Institution of the Ombudsman for Children Rights of the Republic of Lithuania No 17.3-40/D4-45/11-1 of 27 January 2011.

43.2. develops the individual assistance plan for the child and (or) the family adapted to the needs of the child, initiates provision by the specialists and institutions of the required assistance to the child and his/her legal representatives, including provision of information based on the competence (paragraph 39 of the Recommendations). An interdepartmental meeting of the child rights protection institutions may be arranged for this purpose.

43.3. in the cases and in accordance with the procedure laid down by the laws, takes part in the interrogations of minor witnesses, victims, suspects or defendants conducted during the pre-trial investigation or in court, in other procedural acts performed during the pre-trial investigation with the participation of the minor (Article 186 paragraph 5, Article 188 paragraph 5, Article 272 paragraph 4, Article 280 paragraph 1 of the Code of Criminal Procedure of the Republic of Lithuania); may act as the legal representative of the child (Article 53 paragraph 3 of the Code of Criminal Procedure).

43.4. in the cases laid down by the laws, takes part in the application of procedural measures of coercion and during the performance of pre-trial investigation acts.

43.5. after the assessment of all circumstances, submits a recommendation to the Director of the respective Municipal Administration on the inclusion of the family in the record of social risk families raising children, initiates services and required assistance based on the established needs.

43.6. when the parents, guardians (caretakers) are incapable of properly taking care of the child, arranges the guardianship (caretaking) of the child and supervision thereof, based on the competence and the needs.

43.7. files appeals to a superior prosecutor against the procedural decisions, when, in the opinion of the Municipal Child Rights Protection Department, they are unlawful or groundless.

43.8. collects and analyses the reports about the violent minors and minors who have suffered violence.

44. Assistance provided by the State Child Rights Protection Service to the child left without parental care in a foreign country:

44.1. in cooperation with the Ministry of Foreign Affairs or the representation, collects information from the competent authorities of a foreign state about the circumstances of identification of, the decisions passed with regard to the child (citizen of the Republic of Lithuania or whose parents or the only remaining parent are citizens of the Republic of Lithuania), who could have become a victim of trafficking in human beings. The collected information is forwarded to the respective authorities or institutions for the purposes of adoption of any further decisions.

44.2. if necessary, arranges the return of the child in accordance with the Rules of Return to the Republic of Lithuania of Children Left without a Parental Care in Foreign Countries.

44.3. if necessary, cooperates with the respective authorities, institutions and NGOs regarding the provision of supplementary services to the returned child.

45. Assistance provided to the victim of trafficking in human beings by the inspector of the State Labour Inspectorate:

45.1. based on the competence, arranges the immediate assistance (e.g. medical aid) to the victim of trafficking in human beings and provides information (paragraph 39 of the Recommendations).

45.2. notifies the NGO that provides assistance to the victims of trafficking in human beings about the event without disclosing the particulars of the victim of trafficking in human beings and, if the victim of trafficking in human beings is a child, notifies the Municipal Child Rights Protection Department. The particulars of the victim of trafficking in human beings, who is an adult person, are provided to the NGO only if the person gave his/her written consent for the said NGO to provide the assistance required by him/her (Annex 1 to the Recommendations). The particulars of the child victim are provided to the NGO only after receipt of the written consent of the child's legal representative (Annex 1 to the Recommendations).

46. After the identification of the victim of trafficking in human beings, the police officer arranges assistance on the basis of the following:

46.1. the Description of the Procedure of Identification of Persons Who Could or Can Become Victims of Trafficking in Human Beings and Performance of Initial Acts; notifies the NGO about the event without disclosing the particulars of the person and if the victim of trafficking in human beings is a child, notifies the Municipal Child Rights Protection Department; if necessary, arranges the required immediate assistance and provides information on the basis of the competence (paragraph 39 of the Recommendations). If the adult victim of trafficking in human beings consents, refers him/her or the information about him/her to the NGO for the purposes of provision of the required assistance. The particulars of the child victim are provided to the NGO only upon receipt of the written consent of the child's legal representative.

46.2. the cooperation agreements concluded between the Police Department and other police authorities and the organisations providing assistance to the victims of trafficking in human beings; provides the employees of those organisations with the data permitted by the laws and other legal acts

and, if possible, allows communication with the victims of trafficking in human beings (subject to their consent and to the extent, which will not obstruct the investigation performed by the police).

46.3. the Recommendations and provisions of other legal acts, which regulate the cooperation of the Police Department and other police authorities with the respective authorities, institutions and organisations.

47. Assistance to the victim of trafficking in human beings provided by the prosecutor in accordance with the Recommendations:

47.1. if necessary, arranges the required (e.g. medical) assistance and provides information based on the competence (paragraph 39 of the Recommendations).

47.2. if required, notifies the NGO that provides assistance to such persons by completing the Notification about the Victim of the Crime of Trafficking in Human Beings (Annex 2 to the Recommendations) and if the victim is a child, notifies the Municipal Child Rights Protection Department. The particulars of the adult victim of trafficking in human beings are forwarded to the NGO only if such person gave his/her written consent (Annex 1 to the Recommendations) for the said NGO to provide the assistance required by him/her. The particulars of the child victim are forwarded to the NGO only after receipt of the written consent of the child's legal representative (Annex 1 to the Recommendations). If the victim of trafficking in human beings is a citizen of a foreign state or a person without citizenship, who has a permanent place of residence in a foreign state, the prosecutor takes the measures in order to provide the victim of trafficking in human beings with a possibility to contact the representation of his/her country, and if the victim of trafficking in human beings is a child, the prosecutor notifies the Municipal Child Rights Protection Department and the State Child Rights Protection Service.

48. The pre-trial investigation officer and the prosecutor:

48.1. by taking into account the interests of the victim of trafficking in human beings, may grant permission for the representative of the NGO to take part, under the rights of the observer, during the performance of pre-trial investigation acts related with the victim of trafficking in human beings unless otherwise provided for in the laws. The participation of the representative of the NGO is recorded in the Record of Performance of Investigation Acts, which is signed by the representatives of the NGO. The rights of the observer do not entitle the representative of the NGO, who is observing the performance of the investigation act, to ask questions or make comments.

48.2. by taking into account the purpose of the pre-trial investigation and while acting in accordance with the procedure and in compliance with the requirements of the Recommendations on the Disclosure of Pre-Trial Data, may notify the representative of the NGO, which is providing assistance to the victim, about the progress of the pre-trial investigation.

48.3. notifies the Municipal Child Rights Protection Department about the identified child victims of trafficking inhuman beings and controls that the representatives of the respective Municipal Child Rights Protection Department are provided with a possibility to take part during the interrogations of such children in the cases provided for in Articles 186 and 188 of the Code of Criminal Procedure.

49. The IOM provides the victims of trafficking in human beings with the information (paragraph 39 of the Recommendations) and, if possible, arranges the persons' return home and provision of any further assistance (meeting, assessment of initial (required) needs, urgent aid in the event of crises, etc.). If the victim consents, he/she is referred to other organisations that provide assistance or the information about him/her is forwarded to the organisations providing assistance and to the police. A third-country national is also notified about a possibility to stay in Lithuania if he/she is granted a reflection period. If the person consents, the victim is referred to the organisations, which provide assistance and cooperate with a pre-trial investigation institution on the issues of granting of the reflection period.



Annex 1  
to the Recommendations on the  
Identification of Victims of  
Trafficking in Human Beings,  
Pre-Trial Investigation and  
Interinstitutional Cooperation

**(Form of the Human Trafficking Victim Identification Card)**

\_\_\_\_\_  
(Name of the authority, institution or organisation)

\_\_\_\_\_  
(Date)

**HUMAN TRAFFICKING VICTIM IDENTIFICATION CARD**

1. Screening date and place \_\_\_\_\_

2. Screening performed by \_\_\_\_\_  
(name and surname, position, telephone number and e-mail address)

3. Victim \_\_\_\_\_  
(name, surname, date of birth, sex, citizenship and last residence address)

\_\_\_\_\_  
\_\_\_\_\_

4. Trafficking in human beings

Internal trafficking  External trafficking

5. Circumstances of the event \_\_\_\_\_  
(date and place(s) of commission of the alleged criminal act, countries, other circumstances)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Immediate assistance provided \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

7. Assistance planned to be provided \_\_\_\_\_

\_\_\_\_\_

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8. I hereby give my consent for the personal data specified herein to be forwarded to a non-governmental organisation or the International Organisation for Migration providing assistance to the persons who are victims of trafficking in human beings

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(name of the organisation, name and surname of the victim or lawful representative of the minor victim, signature)

9. Notified \_\_\_\_\_:  
(date and number of the cover letter)

Police       Prosecutor's Office    Non-governmental organisation    International  
Organisation for Migration

10.  Enclosure to the Human Trafficking Victim identification Card (annexed) completed.

11. Screening performed by \_\_\_\_\_  
(signature)

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Enclosure  
to the Human Trafficking Victim  
Identification Card

**ENCLOSURE  
TO THE HUMAN TRAFFICKING VICTIM IDENTIFICATION CARD**

**A) Victim of trafficking in human beings – the adult person.**

**Criminal Code of the Republic of Lithuania:**

**Article 147. Trafficking in Human Beings\***

1. A person, who sells, buys or otherwise transfers or acquires, recruits, transports or holds a person captive by physical violence or threats, or by otherwise depriving him of the possibility to resist or by using the victim's dependence or vulnerability, or by using deceit, or by taking or paying money, or by receiving or providing other benefits to a person who actually controls the victim, , provided that the offender was aware or sought that the victim, whether he agreed or not, would be exploited under the conditions of slavery or under the conditions similar to slavery, for prostitution, pornography or other forms of sexual exploitation, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes, shall be punished by a sentence of imprisonment for a term of two up to ten years.

2. A person who commits the act provided for in paragraph 1 of this Article against two or more victims or by endangering the victim's life, or by participating in an organised group, or being aware or seeking that that the victim's organ, tissue or cells would be taken, or being a civil servant or a person performing the functions of public administration and exercising his mandate, shall be punished by a sentence of imprisonment for a term of four up to twelve years.

3. The victim of the act provided for in this Article may be released from criminal liability for the criminal act which he was directly forced to commit as a result of the act provided for in this Article and committed against him.

4. A legal entity shall also be held liable for an act provided for in paragraphs 1 and 2 of this Article.

**Article 147<sup>1</sup>. Exploitation for Forced Labour or Services**

1. A person who, through the use of physical violence, threats, deception or other means listed in Article 147 of this Code, unlawfully forces another person to perform certain work or to provide certain services, including begging,

shall be punished by a fine or restriction of liberty or by arrest or by a sentence of imprisonment for a term of up to three years.

2. The person who commits the act indicated in paragraph 1 of this Article by forcing another person to perform work or to provide services under the conditions of slavery or under other inhuman conditions,

shall be punished by arrest or by a sentence of imprisonment for a term of up to eight years.

3. A legal entity shall also be held liable for an acts provided for in this Article.

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\*Cross  the relevant box.



**Article 147<sup>2</sup>. Use of a Person’s Forced Labour or Services**

1. A person who uses another person’s work or services, including prostitution, while being aware of having to be and likely to be aware that the person performs this work or provides these services as a result of using against him, for exploitation purposes, physical violence, threats, deception or other means listed in Article 147 of this Code,

shall be punished by a fine or by restriction of liberty or by arrest or by a sentence of imprisonment for a term of up to two years.

2. A person who commits an act provided for in this Article shall be released from criminal liability if he, prior to his identification as the suspect, voluntarily notifies thereof a law enforcement institution and actively cooperates in identifying the victim of trafficking in human beings (Article 147) or purchase or sale of a child (Article 157) and detecting any of these criminal acts.

3. A legal entity shall also be held liable for the acts provided for in this Article.

**Three groups of elements of the criminal act of trafficking in human beings:**

**1. Criminal acts** (sold, purchased, otherwise transferred or acquired, recruited, transported or held in captivity).

**2. Means of undermining the person’s will** (by physical violence or threats or by otherwise depriving a possibility to resist, or by using the victim’s dependence or vulnerability, or by using deceit, or by taking or paying money, or by receiving or providing other material benefits to the person who actually controls the victim).

**3. Purpose of exploitation (the offender was aware or sought** that the victim would be exploited under the conditions of slavery or under the conditions similar to slavery, for prostitution, pornography or other forms of sexual exploitation, forced labour or services, including begging, for commission of a criminal act or for other exploitation purposes, or that the victim’s organ, tissue or cells would be taken).

<b>Possible victim – adult person (under Articles 147, 147<sup>1</sup> and 147<sup>2</sup> of the Criminal Code)</b>		
<b>Criminal acts</b> (please tick at least one)	<b>Means of undermining the person’s will</b> (please tick at least one)	<b>Purpose of exploitation</b> (please tick at least one)
<p><b>Article 147 of the Criminal Code</b> <b>The suspected (accused) person committed the following against the adult person:</b></p> <p><input type="checkbox"/> sold  <input type="checkbox"/> bought  <input type="checkbox"/> otherwise transferred  <input type="checkbox"/> acquired  <input type="checkbox"/> recruited  <input type="checkbox"/> transported  <input type="checkbox"/> held in captivity</p>	<p><b>Article 147 of the Criminal Code</b> <b>The suspected (accused) person:</b></p> <p><input type="checkbox"/> used physical violence  <input type="checkbox"/> used threats (psychological violence)  <input type="checkbox"/> otherwise deprived of a possibility to resist (if items one and two do not apply or if they are supplemented)  <input type="checkbox"/> used the victim’s dependence  <input type="checkbox"/> used deception  <input type="checkbox"/> took money  <input type="checkbox"/> paid money  <input type="checkbox"/> received other benefit  <input type="checkbox"/> provided other benefit to the</p>	<p><b>Article 147 of the Criminal Code</b> <b>The suspected (accused) person was aware or sought that:</b></p> <p><input type="checkbox"/> the victim would be exploited under the conditions of slavery or under the conditions similar to slavery  <input type="checkbox"/> the victim would be exploited for prostitution  <input type="checkbox"/> the victim would be exploited for pornography  <input type="checkbox"/> the victim would be exploited for other forms of sexual exploitation  <input type="checkbox"/> the victim would be</p>

<b>Possible victim – adult person (under Articles 147, 147<sup>1</sup> and 147<sup>2</sup> of the Criminal Code)</b>		
<b>Criminal acts</b> (please tick at least one)	<b>Means of undermining the person's will</b> (please tick at least one)	<b>Purpose of exploitation</b> (please tick at least one)
	person who actually controls the victim <input type="checkbox"/> used the victim's vulnerability <b>Characteristic features of vulnerability:</b> <input type="checkbox"/> <i>difficult financial situation</i> <input type="checkbox"/> <i>young age (up to 29 years of age)</i> <input type="checkbox"/> <i>psychiatric and behaviour disorders</i> <input type="checkbox"/> <i>poor education</i> <input type="checkbox"/> <i>lack of social skills</i> <input type="checkbox"/> <i>addictions</i> <input type="checkbox"/> <i>illegal staying in the country</i>	exploited for forced labour or services, including begging <input type="checkbox"/> the victim would be exploited for commission of a criminal act <input type="checkbox"/> the victim would be exploited for other exploitation purposes <input type="checkbox"/> the victim's organ, tissue or cells would be taken
<b>Article 147<sup>1</sup> of the Criminal Code</b> <b>The suspected (accused) person committed the following against the victim:</b> <input type="checkbox"/> unlawfully forced to perform certain work <input type="checkbox"/> unlawfully forced to provide certain services <input type="checkbox"/> forced to beg	<b>Article 147<sup>1</sup> of the Criminal Code</b> <b>The suspected (accused) person:</b> <input type="checkbox"/> used physical violence <input type="checkbox"/> used threats (psychological violence) <input type="checkbox"/> otherwise deprived of a possibility to resist (if items one and two do not apply or if they are supplemented) <input type="checkbox"/> used the victim's dependence <input type="checkbox"/> used deception <input type="checkbox"/> took money <input type="checkbox"/> paid money <input type="checkbox"/> received other benefits <input type="checkbox"/> provided other benefits to the person who actually controls the victim <input type="checkbox"/> used the victim's vulnerability	<b>Article 147<sup>1</sup> of the Criminal Code</b> <b>The suspected (accused) person was aware or sought that:</b> <input type="checkbox"/> the victim would be exploited to perform certain work <input type="checkbox"/> the victim would be exploited to provide certain services <input type="checkbox"/> the victim would be exploited under the conditions of slavery or under the conditions similar to slavery <input type="checkbox"/> the victim would be exploited under other inhuman conditions

<p><b>Article 147<sup>2</sup> of the Criminal Code</b>  <b>The suspected (accused) person:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> used the work performed by victim</li> <li><input type="checkbox"/> used the services provided by the victim, including prostitution</li> <li><input type="checkbox"/> was aware or had to be or was likely to be aware that the victim is under exploitation</li> </ul>	<p><b>Article 147<sup>2</sup> of the Criminal Code</b>  <b>The suspected (accused) person was aware or had to be or was likely to be aware that the traffickers in human beings:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> used physical violence</li> <li><input type="checkbox"/> used threats (psychological violence)</li> <li><input type="checkbox"/> otherwise deprived of a possibility to resist (if items one and two do not apply or if they are supplemented)</li> <li><input type="checkbox"/> used the victim's dependence</li> <li><input type="checkbox"/> used deception</li> <li><input type="checkbox"/> took money</li> <li><input type="checkbox"/> paid money</li> <li><input type="checkbox"/> received other benefits</li> <li><input type="checkbox"/> provided other benefits to the person who actually controls the victim</li> <li><input type="checkbox"/> used the victim's vulnerability</li> </ul>	<p><b>Article 147<sup>2</sup> of the Criminal Code</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>The suspected (accused) person was aware or had to be or was likely to be aware that:</b></li> <li><input type="checkbox"/> the victim is exploited to perform certain work</li> <li><input type="checkbox"/> the victim is exploited to provide certain services, including prostitution</li> </ul>
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**Victim of trafficking in human beings – the child.**

**Criminal Code:**

**Article 157. Purchase or Sale of a Child**

1. A person who proposes to purchase or otherwise acquire, sells, purchases, otherwise transfers, acquires, recruits, transports or holds captive a child while being aware or seeking that, regardless of the child's consent, he would be unlawfully adopted, exploited under the conditions of slavery or under the conditions similar to slavery, for prostitution, pornography or other forms of sexual exploitation, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes, shall be punished by a sentence of imprisonment for a term of three up to twelve years.

2. A person who commits the act provided for in paragraph 1 of this Article against two or more children or a young child or by endangering the victim's life, or by participating in an organised group, or being aware or seeking that the victim's organ, tissue or cells would be taken, or being a civil servant or a person performing the functions of public administration and exercising his mandate, shall be punished by a sentence of imprisonment for a term of five up to fifteen years.

3. The victim of the act provided for in this Article may be released from criminal liability for the criminal act which he was directly forced to commit as a result of the act provided for in this Article and committed against him.

4. A legal entity shall also be held liable for the acts provided for in paragraphs 1 and 2 of this Article.

**Two** elements of the criminal act of purchase or sale of a child (a person below the age of 18 years):

**1) criminal acts** (proposed to buy, otherwise acquire a child, sold, otherwise transferred, purchased, otherwise acquired, recruited, transported or held a child in captivity);

**2) purpose of exploitation (the offender was aware or sought** that the child would be unlawfully adopted, exploited under the conditions of slavery or under the conditions similar to slavery, for prostitution, pornography, other forms of sexual exploitation, forced labour or services, including begging, commission of a criminal act or for other exploitation purposes or that the victim’s organ, tissue or cells would be taken).

<b>Possible victim – child (under Articles 157 and 147<sup>2</sup> of the Criminal Code)</b>	
<b>Criminal acts</b> (please tick at least one)	<b>Purpose of exploitation</b> (please tick at least one)
<p><b>The suspected (accused) person committed the following against the child:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> proposed to buy</li> <li><input type="checkbox"/> proposed to acquire otherwise</li> <li><input type="checkbox"/> sold</li> <li><input type="checkbox"/> otherwise transferred</li> <li><input type="checkbox"/> purchased</li> <li><input type="checkbox"/> otherwise acquired</li> <li><input type="checkbox"/> recruited</li> <li><input type="checkbox"/> transported</li> <li><input type="checkbox"/> held in captivity</li> </ul>	<p><b>The suspected (accused) person was aware or sought that:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the child would be unlawfully adopted</li> <li><input type="checkbox"/> the child would be exploited under the conditions of slavery or under the conditions similar to slavery</li> <li><input type="checkbox"/> the child would be exploited for prostitution</li> <li><input type="checkbox"/> the child would be exploited for pornography</li> <li><input type="checkbox"/> the child would be exploited for other forms of sexual exploitation</li> <li><input type="checkbox"/> the child would be exploited for forced labour or services, including begging</li> <li><input type="checkbox"/> the child would be exploited for commission of a criminal act</li> <li><input type="checkbox"/> the child would be exploited for other exploitations purposes</li> <li><input type="checkbox"/> the victim’s organ, tissue or cells would be taken</li> </ul> <p><b>Article 147<sup>2</sup> of the Criminal Code</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The suspected (accused) person was aware or had to be or was likely to be aware that the child was exploited.</li> </ul>

**B) Risk factors (the majority coincides with the victim’s situation).**

<b>Risk factors of becoming a victim of trafficking in human beings for an adult person</b>
<b>Situation before to the criminal act</b>
<ul style="list-style-type: none"> <li><input type="checkbox"/> has not completed secondary education, has no profession, has no job or a low-paid job, i.e. has no income or very low income;</li> <li><input type="checkbox"/> has children or other persons who are dependent on him/her;</li> <li><input type="checkbox"/> poor living conditions, conflicts with close relatives;</li> <li><input type="checkbox"/> does not have a permanent place of residence;</li> <li><input type="checkbox"/> war or other-type refugees, illegal migrants;</li> <li><input type="checkbox"/> belongs to the social, religious, ethnic or another group, which is exposed to oppression, stigmatisation or negative assessment;</li> <li><input type="checkbox"/> has mental health problems (mental development disorders, traumas);</li> <li><input type="checkbox"/> has physical health problems (physical development disorders, traumas);</li> <li><input type="checkbox"/> has debts, especially when such debts are related with the recruiter;</li> <li><input type="checkbox"/> does not know foreign languages or the language of the country of destination to which he/she is invited to go by the recruiter;</li> </ul>

- holds a fixed-term work visa;
- previously experienced violence;
- has a record of criminal history or connections with the persons tending to the commission of crimes;
- sex-related risk:
- women – especially for sexual exploitation, light work, fictitious or forced marriages for the purposes of exploitation;
- men – especially for heavy physical work;
- Women and men, who are recognised as the disabled in the procedure laid down by the legal acts of the Republic of Lithuania – especially for begging;
- women and men of any age – for the commission of criminal offences, removal of organs, tissues or cells.

#### **Recruiting, transportation, transfer**

- purpose pursued by the victim – work, criminal offences, love (dating, partnership, living together), etc.;
- the traffickers in human beings most frequently are the persons of any age or sex: family members, family friends, and persons from the circle of close friends, acquaintances, strangers (especially when the victim of trafficking in human beings is kidnapped or acquired from other persons);
- the traffickers in human beings recruit persons while seeking to exploit them later by involving in forced labour, provision of services, prostitution, etc.;
- the victim is recruited directly, on the internet (in chat room, on game websites, etc.), through persuasion of close friends or family members, on various dating advertisements or advertisements that offer good remuneration, etc.;
- the victim is seduced and is later exposed to abuse or any other means of undermining the person's will;
- the recruiter pretends to be in love with the victim of trafficking in human beings, suggests living together, leaving together and upon arrival, starts using abuse, exploitation, etc.;
- the recruiter gives false promises to employ the victim of trafficking in human beings as a model, dancer, babysitter, masseur, etc.;
- the victim is indebted to the recruiter or his close relatives, friends;
- the recruiter promises to repay or annul the debt of the victim;
- the recruiter promises to find a qualified, well-paid job for the victim of trafficking in human beings abroad, when the victim of trafficking in human beings does not have the education required for such job or does not know a foreign language;
- The recruiter persuades the victim into going to a foreign state illegally by explaining that this will not have any negative consequences to the victim;
- the recruiter offers (persuades) the victim of trafficking in human beings to go to work or to go and live together after the passage of a short period of time after their acquaintance or meeting (an acquaintance);
- the victim is emotionally dependent on the recruiter, trusts him;
- the recruiter gives money to the victim of trafficking in human beings for petty expenses, clothes, beauty care, is helpful;
- The traffickers in human beings perform the control of communication and movements of the victim, restrict the victim's freedom of movement;
- if the victim refuses to go, the recruiter and the related persons threaten to harm the victim and (or) his/her close relatives, use blackmail, physical violence;

- the traffickers in human beings provide the victim of trafficking in human beings with forged or genuine personal and other documents;
- the traffickers in human beings provide the victim with travel tickets, make travel arrangements and (or) cover the travel expenses;
- the traffickers in human beings take personal and other documents, travel tickets from the victim;
- the victim does not sign any documents of employment or signs forged documents, the documents signed by the victim are taken from the victim of trafficking in human beings by the traffickers in human beings;
- the traffickers in human beings advise the victim on what to tell to the law enforcement officers (at the state border or the local police);
- in the story told by the victim the officer can see considerable discrepancies and contradictions;
- the traffickers in human beings transfer the victim to other persons for the purposes of accompanying, carrying and (or) meeting the victim;
- the traffickers in human beings transfer the victim to other persons for money, things or services.

#### **Characteristic features in the event of exploitation**

- the traffickers in human beings force the victim to provide sexual services for remuneration and to give away all or any part of the remuneration, or to provide such services for any other interests of the traffickers in human beings;
- the victim demonstrates a hyper sexualised behaviour, wears vulgar, provoking clothes, etc.;
- the traffickers in human beings take away the victim's personal and other documents, if they were not taken away previously, force to use forged documents;
- the traffickers in human beings force the victim to do a different work and (or) to work under poorer working conditions than were promised;
- The traffickers in human beings force the victim to work under poorer working conditions than the local population;
- the traffickers in human beings force the victim to work under the different conditions than were promised and (or) for free (e.g. the victim must pay the existing or alleged debt, to commit a criminal offence or to perform other acts);
- the traffickers in human beings force the victim to start work immediately or shortly after the arrival in the destination country;
- The traffickers in human beings restrict communication of the victim of trafficking in human beings with other persons (confiscate the telephone, limit conversations, isolate from other persons, etc.);
- The traffickers in human beings restrict the possibilities of the victim to take part in public events or religious rites;
- the traffickers in human beings restrict the freedom of movement of the victim, continuously watch him/her and allow going out only with the accompanying person (the victim has either limited or no choice of location and control over time);
- the traffickers in human beings perform the control of movements and (or) life of the victim, use security and monitoring equipment at work and at the place of residence, security is ensured by people and (or) animals;
- if the victim disobeys, the traffickers in human beings use psychological and physical violence, blackmail, sexual abuse, threats to harm close relatives, etc.;
- the traffickers in human beings use psychological and (or) physical abuse against the persons working together with the victim;
- the traffickers in human beings impose fines to the victim for disobeying the order established by them;
- the traffickers in human beings increase the debt of the victim by indicating trumped-up reasons;

- the traffickers in human beings provide the victim with misleading information about the rights of the employees and the obligations of the employers under the legal acts of the country of destination, or about the police, migration services, etc.;
- the traffickers in human beings intimidate the victim about the contacts they have in law enforcement authorities, threaten to notify the officers about the illegal residence and (or) work;
- the traffickers in human beings take away from the victim all or the major part of the remuneration or charge the major part of the remuneration for the residential space, food, clothes, etc.;
- the traffickers in human beings accommodate the victim with other persons who work together with the victim in the premises where the person lives and works or provides services;
- the traffickers in human beings accommodate the victim under especially poor conditions that do not meet the elementary hygienic requirements (e.g. together with the animals on a farmstead, do not provide bed linen, order to sleep on the ground, etc.);
- the traffickers in human beings accommodate and (or) employ the victim in another state illegally;
- the traffickers in human beings often change the place of residence and (or) work of the victim or keep transferring the victim to other persons;
- the victim does not know the address, where he/she lives and (or) works;
- The traffickers in human beings isolate the victim from the persons who know the local language, especially when the victim does not know foreign languages;
- the traffickers in human beings provide the victim and other persons, who work together with him/her, with the same translator, lawyers and (or) guardian;
- the traffickers in human beings transport the victim and other persons to (from) the place of work by vehicles without windows or with covered windows;
- the victim has a tattoo with a sign or initials of traffickers in human beings on his/her body (especially characteristic to sexual exploitation);
- the victim starts and (or) finishes work at the time that is not characteristic to such economic activity (late in the evening, at night, early in the morning, etc.);
- the victim does not know the amount of remuneration paid for his/her work.

### **Risk factors of becoming a victim of trafficking in human beings for a child**

#### **Factors**

- does not attend school, has poor learning results, does not have any profession;
- does not have a permanent place of residence, has run away from home or after returning home, cannot explain where he/she was;
- has poor living conditions or lives in a home for orphans;
- has mental health and (or) physical health problems (developmental, eating disorders, traumas, etc.);
- previously experienced violence or sexual abuse;
- is ill with sexually transmitted diseases, early sexual activity, early unplanned pregnancy;
- is addicted to alcohol, narcotic or psychotropic substances;
- uses self-injury, had attempts to commit suicide;
- is involved in the activity that is incompatible with the child's age, visits the places adapted to minors (e.g. night clubs, bars, etc.);
- suffers from social isolation, i.e. does not have friends, avoids any communication or even an eye contact;
- makes unnatural attempts to look like an adult person, dresses in clothes that are not appropriate for the age;

- travels together with the adult person, who is neither a close relative nor a legitimate representative;
- has an adult friend, who is considerably older than he/she and communication with whom is maintained during the meetings or through the telecommunication means;
- has expensive things or property (clothes, telephone, money, etc.), but cannot explain how they were acquired;
- has things that belong to other persons;
- has a record of criminal history, connections with the persons tending to the commission of crimes, was involved in the commission of criminal offences, i.e. was caught while stealing, begging, distributing narcotic or psychotropic substances;
- belongs to a group of street children, which moves to a different place on a daily basis, but spends nights at the same place (characteristic feature of street crimes);
- belongs to a group of street children the activities whereof are controlled by an adult person (characteristic feature of street crimes);
- has debts, especially to the recruiter;
- does not know foreign languages or the language of the country of destination to which he/she intends to go;
- Age-related risk:
- young child - especially at risk of being recruited for pornography, illegal adoption, sexual exploitation or minor work, begging, petty thefts, organ transplants;
- minor – especially at risk of being recruited for sexual exploitation, petty thefts.

#### **Higher risk groups**

- children from social risk and socially vulnerable families;
- children from social risk groups: children who vagabond, beg, do not attend school or have behaviour problems at school, abuse alcohol, narcotic or psychotropic substances, are addicted to gambling, are involved or tend to be involved in criminal activities, have experienced or are in danger of experiencing psychological, physical or sexual abuse, violence in their family and for such reasons their possibilities of education and participation on public life are limited;
- children without parental care;
- children engaged in prostitution;
- children who have already become the victims of trafficking in human beings;
- children from national and ethnic minority groups;
- unaccompanied minor foreigners.

#### **Characteristic features of the victim of trafficking in human beings (adult person and child) on the basis of the suffering experienced by him/her**

- has signs of physical violence;
- has health disorders, somatic and sexually transmitted diseases, addictions to harmful habits;
- has the signs characteristic to psychological-emotional violence: mental instability, aggression, irritability, increased feeling of fear and (or) shame, sensitivity, reduced feeling of security, denies everything, seeks self-isolation, blames him/herself and the circumstances, lacks self-confidence and trust in others, etc.;
- has mental and behavioural disorders: post-traumatic syndrome, depression, anxiety, depersonalisation, amnesia, etc.;
- has Stockholm syndrome (identification with the trafficker (exploiter), psychological (emotional) dependence, does not consider him/herself to be the victim);



- lacks self-confidence and (or) confidence in others;
  - avoids contact with authorities and institutions (prosecutor's office, police, etc.), organisations providing assistance to such victims, etc.;
  - refuses help, avoids talking about his/her status;
  - tells different or fictional stories about the experienced situation and exploitation, is incapable of remembering the accurate facts.
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Annex  
to the Recommendations on the  
Identification of Victims of  
Trafficking in Human Beings,  
Pre-Trial Investigation and  
Interinstitutional Cooperation

**(Sample Form of the Notification)**



\_\_\_\_\_  
(Name of the Prosecutor's Office)

\_\_\_\_\_  
(Name and address of the non-governmental organisation  
or the International Organisation for Migration)

\_\_\_\_\_  
(Date) No

**NOTIFICATION ABOUT THE VICTIM  
OF THE CRIME OF TRAFFICKING IN HUMAN BEINGS**

1. Pre-trial investigation number \_\_\_\_\_

2. Victim \_\_\_\_\_  
(name, surname, citizenship, sex)

\_\_\_\_\_  
(date of birth)

\_\_\_\_\_  
(last residence address: city (region), country)

3. Victim's telephone number, e-mail address

4. Circumstances of the case \_\_\_\_\_  
(date and place(s) of commission of the alleged criminal act, countries, other circumstances)

5. Assistance required \_\_\_\_\_

6. I hereby give my consent for the personal data specified herein to be forwarded to the  
organisation named herein \_\_\_\_\_  
(name and surname of the victim or lawful representative of the minor victim, signature)

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(Prosecutor's position)

(Signature)

(Name and surname)

Annex 3  
to the Recommendations on the  
Identification of Victims of  
Trafficking in Human Beings,  
Pre-Trial Investigation and  
Interinstitutional Cooperation

**LIST OF ORGANIZATIONS  
PROVIDING ASSISTANCE TO THE VICTIMS OF TRAFFICKING IN HUMAN BEINGS**

<b>Ref. No</b>	<b>Name of the organization</b>	<b>Address</b>	<b>Telephone numbers</b>
1.	<b>“Caritas” Lithuania</b>	<p><i>Central Project Headquarters</i> Papilio g. 5, Kaunas caritas@anti-trafficking.lt www.anti-trafficking.lt</p> <p><i>Panevėžys Division</i> Katedros a. 7, Panevėžys panevezys@anti-trafficking.lt</p> <p><i>Marijampolė Division</i> Bendoriaus g. 2, Marijampolė marijampole@anti-trafficking.lt</p> <p><i>Tauragė Division</i> K. Donelaičio g. 21, Tauragė taurage@anti-trafficking.lt</p> <p><i>Šiauliai Division</i> Kražių g. 15, Šiauliai siauliai@anti-trafficking.lt</p> <p><i>Klaipėda Division</i> Taikos pr. 29 a, Klaipėda klaipeda@anti-trafficking.lt</p>	<p>Tel.: 8 679 61 617 (24/7) Tel.: (8 37) 32 33 00, 8 672 17 335</p> <p>Tel.: 8 634 79 523</p> <p>Tel.: 8 631 53 173</p> <p>Tel.: 8 646 32 720</p> <p>Tel.: 8 653 74 459</p> <p>Tel.: (8 46) 31 50 78, 8 678 18 791</p>
2.	<b>Missing Persons’ Families Support Centre</b>	<p>Žalgirio g. 133, Vilnius centras@missing.lt natalja@missing.lt http://www.missing.lt www.116000.lt facebook.com/www.missing.lt</p>	<p>Tel./Fax: (8 5) 248 3373 Tel.: 8 652 98 187 Free of charge hotline <b>8 800 261 61</b> (I–V) 9:00 a.m.–4:00 p.m. Free of charge international hotline <b>116000</b> for missing children 24/7.</p>

3.	<b>Klaipėda Social and Psychological Services Centre</b>	Molo g. 1A, Klaipėda kmn@moteriai.lt www.moteriai.lt	Tel./Fax (8 46) 35 00 99 9:00 a.m.–5:00 p.m. Tel.: 8 607 81 688, 8 650 60 094
4.	<b>International Organization for Migration Vilnius Office</b>	Jakšto g. 12, Vilnius iomvilnius@iom.lt www.iom.lt	Tel.: 8 700 77887 Fax: (8 5) 261 13 26
5.	<b>Association “Men’s Crises Centre”</b> (assistance provided only to the men, who are the victims of trafficking in human beings)	V. Krėvės pr. 59, Kaunas info@vyrukrizes.lt www.vyrukrizes.lt	Tel.: 8 662 26 770, 8 603 75 603

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