**Information provided by the Republic of Lithuania to the Special Rapporteur’s thematic report on the notion of reparation for child victims and survivors of sale and sexual exploitation in both conflict and non-conflict settings to 52nd session of the Human Rights Council**

The national laws of the Republic of Lithuania fully ensure that every victim who has suffered damages from a criminal offence can effectively exercise their right to compensation. The Criminal Procedure Code of the Republic of Lithuania (hereinafter – CPC) ensures that every victim (including minors), regardless of the crime committed, is awarded both pecuniary and non-pecuniary damages. Article 117 of the CPC envisages that the prosecutor, supporting the prosecution, must file a civil lawsuit in court, if this has not been filed yet, in cases where the criminal act has caused damage to the state or to a person who, due to minor age, illness, dependence on the defendant, or for other reasons, cannot defend his/her legitimate interests in court. Furthermore, Article 118 of the CPC states that if the accused or persons materially responsible for his/her actions do not have the funds to compensate for the damage, in the cases and procedures provided for by law, the damage may be compensated from funds allocated by the state.

The list of violent crimes for which the caused damages are compensated is approved by order of the Minister of Justice of the Republic of Lithuania and is published in the public register of legal acts. The Ministry of Justice of the Republic of Lithuania is responsible for compensation of damages caused by violent crimes, as well as for compensation in advance including compensation for damages caused to children (minors) by violent crimes when crimes are of a sexual nature (exploitation of a child for pornography, rape, coercion in sexual relations, sexual assault, molestation of a person under the age of sixteen):

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| --- | --- |
| **Year** | **Number of children who have been awarded compensation for damages caused by a violent crime** |
| 2020 | 23 |
| 2021 | 8 |
| 2022 (data as of 1st of October 2022) | 6 |

After examining the applications received from minors or their representatives, the Ministry of Justice makes decisions on the compensation or compensation in advance for damages caused by violent crimes and monetary compensation is paid in accordance with the procedure established by the Republic of Lithuania Law on Compensation for Damage Caused by Violent Crimes (hereinafter – Law on Compensation). It should be noted that the Law on Compensation provides higher monetary compensations for children who have suffered from violent crimes (including crimes of a sexual nature) than it is foreseen for adults.

Moreover, Lithuania makes great efforts to ensure that every person affected by a criminal offence knows their rights and can use them effectively. The Ministry of Justice, in accordance with Article 6, Paragraph 6, Clauses 1 and 2 of the Law on Assistance to Victims of Crime, prepared an electronic publication on the rights of victims, which was approved by the order of the Minister of Justice of the Republic of Lithuania[[1]](#footnote-1). The purpose of the publication is raise awareness and to ensure that victims of criminal offences know their rights (including the right to compensation) and would be able to use them effectively, as well as would know how to contact the Service for assistance to persons affected by criminal acts and timely receive the necessary assistance.

Furthermore, Lithuania ensures child friendly criminal proceedings. If a child is victimized by a criminal act, the following special protection measures are mandatorily applied during the pre-trial investigation: closed hearing of the case in court, <...> video and audio recording is made during the interrogation[[2]](#footnote-2). Article 186 of the CPC establishes a special procedure for questioning child witnesses or victims. Part 1 of this article provides that a child witness or victim is interrogated by a judge of a pre-trial investigation. A child witness or victim is interviewed during the pre-trial investigation in premises adapted for the interrogation of children and usually no more than once. In cases where repeated questioning is necessary, they are usually interviewed by the same person. Their interrogation must be recorded by both video and audio means. Also, they are summoned to a court hearing only in exceptional cases. In the questioning of a child witness or victim regarding: crimes against human life, health, freedom, freedom of sexual decision and inviolability, profiting from child prostitution or involvement of a child in prostitution or in other cases, when requested by the participants of the process or at the initiative of the pre-trial investigation officer, prosecutor or pre-trial investigation judge, a psychologist must be invited to help interview the child, taking into account his/her social and psychological maturity. A representative of the **State Child Rights Protection and Adoption Service** in these instances observes the interview from another room and evaluates whether the rights of a child are not violated. Child witness and victim’s representative has the right to participate in the interrogation only if it is established that they will not affect the minor. The suspect and other participants in the process, except for the psychologist and the representative of the child, are not allowed to be in the room where the interrogation is conducted.

It should be noted that an authorized representative is mandatorily appointed for the child victim in cases when a minor has suffered from of criminal acts against human health, freedom, freedom of sexual decision and inviolability and other cases when without the help of an authorized representative the rights and legitimate interests of the minor would not be adequately protected (Article 55, paragraph 4 of the CPC).

As a good practice of providing the necessary help to child victims and survivors of sale and sexual exploitation, the Child Victims of Sexual Abuse Assistance Centre of the Foster Home "Užuovėja" should be mentioned. The center brings together all the services needed to investigate cases of child sexual abuse. The center “Užuoveja” provides free comprehensive assistance to children who have suffered from sexual abuse. Assistance is provided for children victim’s family members as well. Despite the fact that such a specialized center is the only one in Lithuania, it receives children who have suffered from sexual abuse from all regions of the country. Taking into account the need of timely assistance and the availability of services in cases of sexual violence against children, it is appropriate to consider the establishment of more such centers that can operate in the major counties of the country.

Furthermore, Lithuania took some actions to ensure the protection of children who fled the war in Ukraine, especially unaccompanied children, from human trafficking. Following measures were implemented:

1. A special algorithm was developed when it comes to unaccompanied minors arriving from Ukraine. This algorithm set specific action plan to deal effectively with cases when a group of children is coming to Lithuania from Ukraine and actions when single children are coming from Ukraine to Lithuania. In the case of the group, the information about all groups of children has to be provided to the Ministry of Social Security and Labour of the Republic of Lithuania, which had helped in all cases to coordinate the accommodation of all children in municipalities. In all these cases State Child Rights and Adoption Service under the Ministry of Social Security and Labour (hereinafter – SCRAS) meet in person with all children from these groups, perform an assessment of their mental and physical health situation, and collect information about all children. All the gathered information about unaccompanied minors arriving to Lithuania is shared with the consul of Ukraine in Lithuania. In the case of single children arriving e.g., with their relatives or family friends, or other people, SCRAS meets all children too to identify, and perform the assessment of their situation, incl. identification if a person with whom the child has arrived is a proper person to take care of a child;
2. Information was provided to the society that there will be no possibilities for adoption or long-term foster care of children from Ukraine;
3. Information was provided to the society to stress that it is necessary to inform SCRAS about all unaccompanied children arriving in Lithuania;
4. During the period when the flow of arriving persons was extremely high, SCRAS representatives were on duty at the registration points for foreigners so that they could immediately communicate with the identified unaccompanied minors;
5. At the registration points of foreigners and during the first contact with SCRAS, information leaflets were distributed, which contain information about the child rights protection system in Lithuania, what is considered to be a violation of the rights of a child and how to react upon receiving a notification of a possible violation. Efforts were made to present the information in a user-friendly language;
6. In response to the need to properly take care of children who fled the war, especially unaccompanied children, SCRAS initiated and created informative educational videos with Ukrainian subtitles about child loss, post-traumatic stress syndrome, self-help and other extremely important issues in such a situation.

Link: <https://www.youtube.com/playlist?list=PLXKaIKyT3thb69bP5fc7q2ujKlbnsS_81>

1. January 3rd 2022 order No. 1R-7 “Regarding the approval of the description of the procedure for the preparation, publication and updating of the Electronic Information Publication (leaflet), which contains the information specified in Article 9, Part 1 of the Law of the Republic of Lithuania on Assistance to Victims of Crime”. [↑](#footnote-ref-1)
2. February 29 2016, order No. I-63 of the General Prosecutor of the Republic of Lithuania “On the Approval of Recommendations on the Assessment of Victims' Special Protection Needs". [↑](#footnote-ref-2)