



The EU Mutual Learning Programme in Gender Equality

Support services for victims of violence in asylum and migration

Greece, 20-21 February 2018

Comments Paper – Lithuania



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Justice



This publication is supported by the European Union Rights, Equality and Citizenship Programme (2014-2020).

This programme is implemented by the European Commission and shall contribute to the further development of an area where equality and the rights of persons, as enshrined in the Treaty, the Charter and international human rights conventions, are promoted and protected.

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Support system for victims of gender based violence: context and policy developments in Lithuania

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1. Issues of support services in asylum and migration

1.1. Asylum and migration context

In general immigration to Lithuania, including labour migration, family reunion and asylum/refugee processes, does not demonstrate critical scope that would aggravate economic or social conditions for local population. Statistics shows that in 2017 foreigners composed up to 1.53% of total population in Lithuania (Migracijos departamentas, 2017, p. 13). Data of labour migration shows gendered distribution in labour force: only 2% third country nationals' women and 98% men applied and received permissions to work Lithuania in 2016. This happens due to the jobs available for immigrants. The majority of permissions are issued to work in services (up to 85 %), building industry (11-12%) and industry (3-4%). Transport sector is the most occupied by the third country nationals' men from Ukraine, Byelorussia (approximately 80% of the service sector), then trade (approx. 5%), hotel services (approx. 3%), and other. Twice more migrant women (up to 67%) than men (33%) come to Lithuania for family reunion (Blazyte, 2017, p. 97-99). Research shows that these migrant women are economically dependent on their spouse/partner, they cannot receive social benefits if hadn't worked in Lithuania and particular vulnerable when enter labour market after birth of a child due to language issues, access to services and lack of measures for reconciliation of family and work. (Erentaite, Pilinkaite-Sotirovic, 2012, Blazyte, 2017).

There were 425 requests for asylum in 2016. Majority of them 161 requests (38%) were submitted by Syrian nationals (Migracijos departamentas, 2017). Twice more men (64%) than women (36%) sought asylum in Lithuania. According to the age groups, 53% men and 63% women asylum seekers were in the age group 18-34 years old and 45% men and 36% women were 35-64 years old. In 2016, children composed 13% of asylum seekers. This happened due to Lithuania's commitment to relocate families with underage children. By the end of December of 2017, 447 persons were relocated from Greece to Lithuania following the commitments of Lithuanian Government to contribute to solutions of refugee crises in the EU¹. Statistics also show that 331 person out of all relocated left Lithuania by the end of 2017.² Recent research on refugee integration in Lithuania shows that social support for refugee integration is very limited. Lithuanian state provides up to 204 euros per month per person for 6 months and then the subsidies are half reduced. Single mothers with an underage child could receive 306 euros per month the first 6 months then reduced to 153 EUR. Housing and employment are the basic obstacles

¹ Ruklos Pabėgėlių Priėmimo Centras. Faktai ir skaičiai, 2017.

² https://drive.google.com/file/d/0B-C7StinK_17cnp3OXZrFRjc0sxckVWeGNtWU9Va0lfUkIV/view
Ibid.

that hinder integration of refugees and increase their vulnerability, risks to poverty and social exclusion. (LSTC, 2017).

The Law on Legal Status of Foreigners defines that victims of human trafficking, rape, sexual assault and physical violence are vulnerable persons and could be accommodated in an alternative housing which meets their needs. However, NGOs working in the field of asylum were critical about practical implementation of this legal provision. In general asylum seekers are temporarily resided in the Foreigners' Registration Centre which is law enforcement rather than social institutions (officers in uniforms, guards with dogs around, wired fence, post control etc.) (LSTC, 2017). In 2015 the Minister of Social Security and Labour approved the regulations for foreigners, victims of trafficking, to be accommodated in social support institutions, namely, Rukla Refugee Reception Centre, and stay there until decision to cooperate with justice system will be made by a victim. They should be provided with safe premises separately from any interaction with the residents of the centre, can get medical aid and other support under the need. (Minister of Social Security and Labour, 2015). However, NGOs working in this field are critical about locating a victim in Rukla Refugee Reception centre due to the unsafe environment for victims of human trafficking.³

According to data of the Ministry of Interior, in 2016 there were 52 persons identified as victims of human trafficking: one foreign person was identified as trafficked to Lithuania and 51 were Lithuanian born persons trafficked from Lithuania. Meanwhile Lithuania Caritas shows that in 2016 support services were provided for 273 persons who suffered sexual abuse, prostitution and trafficking. (Galdikaite, Mite, 2017). Report of the Ministry of Interior provides information that in 2016 Migration Department did not consider any application for asylum which would be identified as basis of human trafficking. (VRM, 2017).

1.2. Support services for victims of gender based violence

1.2.1 Legal provisions

Lithuanian legislation does provide framework for support services for victims of domestic violence. In 2011 Lithuania adopted the Law on Protection against Domestic Violence which defines relationships between persons involved in domestic violence incidents. These relationships include intimate partners, former intimate partners, parents-children, siblings and co-owners of an apartment. The Law covers broader human relations than intimate partner violence (IPV) and is applied to protect any person who is a victim of domestic violence, including, women, men, children, seniors and other relatives. Lithuanian Penal Code does not specify intimate partner violence and domestic violence offence. Any violence including intimate partner violence is criminalised under several offences of the criminal code such as Articles 129, 135, 136, 137, 138, 139, 140 and 145 (⁴). Rape and sexual assault are defined under the articles 149, 150/151/151(1) of the Penal Code. In 2013, the Penal Code and the Code of Penal Procedure were amended with the provisions that a pre-trial investigation must be initiated in all cases where the offence bears elements of domestic violence, even in the absence of a complaint by the victim or a statement by the victim's legal representative. Human

³ Interview with a representative of KOPŽI, 26-01-2018

⁴ Lithuania, Parliament of Lithuania, Penal Code, Articles 129, 135-140, 149, 145, 150 of Penal Code, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=366707

trafficking is criminalised under the articles 147, 147(1), 147(2), 157 of the Penal Code.⁵

Victims of domestic violence are treated in criminal proceedings as victims of any other crime, without taking into account their vulnerability and special protection needs. This reportedly stems from the fact that protection measures envisaged by the Law on Protection against Domestic Violence are included in the same chapter of the Penal Procedure Code as remand measures. This means that judges tend to apply the same high evidentiary threshold in such cases as they do when considering motions for detention on remand.

Lithuania signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on 7 June 2013, but has not yet ratified it. Civil society actors in Lithuania have expressed their concern that the public debates related to the ratification of the Istanbul Convention quite often feature inaccurate information and misrepresentation by opponents of the Convention, most notably with regard to its main principles and aims. Such discussions often reveal a strong gender bias and stereotypical attitudes which frequently downplay the disproportionately high impact of domestic violence on women and mischaracterise the Convention as a threat to family values. (Muznieks, 2017).

Legislation on trafficking in Lithuania integrated the EU related conceptual legal and political aspects on human trafficking. In 2013 the Ministry of Interior revised and updated indicators to identify victims of human trafficking and invited the state, municipal institutions and NGOs to approve them in their work. In 2015 the General Prosecutor approved the Recommendations on Identification of Victims' of Human Trafficking, Pre-trial Investigation and Inter-institutional Cooperation (Generalinis Prokuroras, 2015). Refugees and irregular migrants are identified as potential victims of trafficking. Nevertheless, some research highlights that gaps remain to identify and protect potential victims of such crimes. (Augutiene, Subačienė, 2016) Indicators to identify victims of trafficking are approved by very limited number of institutions: 8-9 out of 60 municipalities, 4 out of 12 state institutions and 4 NGOs working in this field (Augutienė, Adomaitytė-Subačienė, 2016). The conclusions of the State Audit highlighted the gaps in professional competences of the specialists in the state institutions to identify victims of trafficking. This hinders the timely support for victims, their protection and prevention of crimes of human trafficking (Augutiene, Adomaitytė-Subačienė, 2016).

1.2.2. Social support provisions

Since 2012, a network of specialised assistance centres (in total 17 centres) providing support to victims of domestic violence, financed by the state budget and administered by civil society organisations, has been functioning in Lithuania. The aim is to guarantee provision of specialised integrated assistance to victims of domestic violence. These centres support victims of violence, inform them and direct to the assistance they need. The Centres provide emotional, psychological and legal assistance, and represent victims in other institutions, and assist them in restoring interpersonal relationships with family members. In bigger municipalities victims of domestic violence can receive specialised assistance at crisis centres and temporary accommodation centres for mothers and children. There is also a national

⁵ Ibid.

women's helpline which operates around the clock and provides psychological assistance for victims of domestic violence. Similarly, there is a helpline under Caritas Lithuania programme "Support for victims of prostitution and human trafficking" which operates 24/7 and provides social psychological and legal aid for victims, their family member and others who are uncertain about their conditions (suspect their involvement in these crimes).

According to the Law on Protection against Domestic Violence Police officers have a duty to immediately notify the local specialised support centre about the offence of domestic violence and inform victims that they will be contacted by the centre. Police informs the specialised support centre about victims of domestic violence when pre-trial investigation.

The Law of Social Services (Socialiniu paslaugu istatymas) defines a person at social risk who has suffered or has been at risk to experience psychological, physical or sexual abuse or violence. The persons could receive common social services and/or specialised complex services. The law is applicable to persons who have temporal or permanent resident permit if experienced violence and sought support in the institutions. However, some research highlights that the law does not identify the quality indicators and assessment criteria of social services. Thus, in general social services are available but its quality and impact are not measured (Augutienė, Adomaitytė-Subačienė, 2016).

Victims of trafficking and prostitution obtain support from NGOs which work in the field and provide psychological, emotional, social, monetary, housing and medical services. Some organisations provide services and work to empower victims and assist them to cooperate with law enforcement. (Galdikaitė, Mitė, 2017). The safety of the human trafficking victims could be ensured by applying the programme for witnesses and victims to insure protection against any criminal impact on them (Lithuanian Police Commissioner General, Director of Prison Department, Prosecutor General, 2017). This programme is very expensive and hardly applied in the cases of human trafficking (law enforcement should identify a real threat to human life and health and provide evidence-based testimonies about existing dangers for a victim. (Galdikaite, Mitė, 2017). Referral mechanism in the case of human trafficking is weak; no binding instruments are elaborated to guarantee that victims of human trafficking will be referred to NGOs for complex specialised support. Much depends on the discretion of the police officer.

Recently police dealing with the cases of domestic violence started issuing a special electronic device for victims who suffer domestic violence to ensure their possibility to immediately inform about any dangers caused by a perpetrator. Police considers the same possibility to provide devices for victims of human trafficking. (Galdikaitė, Mitė, 2017).

2. Challenges of policy implementation to better support victims of gender based violence

The state has developed national programmes for protection and prevention of domestic violence for 2014-2020 and actions plan for 2015-2017 where the main steps to organise support for victims of domestic violence and intimate partner violence are identified. Neither the programme nor the action plan targeted refugee

and/or migrant victims. Additionally, both the Programme and the Action Plan define the measures for victims in gender-neutral categories.

Much attention is focused on prevention, including public campaigns and targeted measures at schools. The Action plan raises the need for inter-institutional cooperation, improvement of professional competences of various specialists (law enforcement, prosecutors, social workers, child rights protection officers, medical personnel and others) working in the field of domestic violence (on national and local levels). Additionally the trainings for the teams of different professionals in municipalities were implemented in order to better coordinate the work of institutions and better address and solve the cases of domestic violence. Nevertheless the new Action Plan for 2017-2019 highlighted the existing limits of professional competences to identify domestic violence, intervene and provide support for victims. Additionally, the Action Plan critically assesses the limited inter-institutional cooperation and points at the lack of complex support system (legal, social, psychological and any other) (Minister of Social Security and Labour, 2017).

In regard to human trafficking similar tendencies in policies and challenges of their implementation could be identified. The state approved the programme of Public Safety Development for 2015-2025 which highlights two targeted objectives: to combat and prevent human trafficking and strengthen support system for victims of human trafficking. In 2016 government of Lithuania approved the Commission on Coordination in the field of Combating Human Trafficking. The Commission is composed by the representatives of the state institutions and NGOs who work in the field of combating human trafficking. The members of the Commission mainly exchange information on the implemented measures of the Action Plan on Combating Human Trafficking and inform their institutions about discussions in the Commission. (VRM, 2017). In general, the Commission does not have any decision making power and is too big to discuss in detail the problems of legal developments and social support to victims of trafficking.

Additionally, the Action Plan to Combat Human Trafficking for 2017-2019 has been approved and coordinated by the Ministry of Interior. The support measures for victims of trafficking are planned through the open call for applications of NGOs working in the field. The Ministry of Social Security and Labour allocated 80000 EUR for this measure. (Galdikaitė, Mitė, 2017). Nevertheless, some previous evaluation of the Action Plan for the Implementation of the National Crime Prevention and Control Programme in 2013-2015 showed limited results in its implementation. The measures to increase the qualification of anti-trafficking specialists and to offer comprehensive assistance to victims of human trafficking were developed and carried out. The planned activities covered trainings for law enforcement. As a result, there were 20 police officers per year trained. The human rights NGOs critically assessed this limited measures arguing that the impact of the trainings is hardly satisfactory in terms of better identifying and solving the crimes of human trafficking.⁶ Regardless this critical assessment, similar tendencies for professional training of police officers remained in the new Action plane for 2017-2019. Trainings receive only 0.5 percent of all allocated funds. (Galdikaitė Mitė, 2017).

⁶ Human Rights Monitoring Institute (HRMI). 2015. <http://pasidomek.lt/en/other-forms-of-exploitation>

3. Initiatives to improve support system and overcome challenges

Recently an important amendment to the Law on State-Guaranteed Legal Aid was proposed by the Committee of the Human Rights of the Lithuanian Parliament. The amendment suggests expanding the list of persons who can obtain free secondary legal aid regardless their income and property ownership. These persons are victims of terrorist crimes, human trafficking, sexual assault, including crimes against person's consent and integrity, and organised crimes.⁷ This amendment would provide better access to the state legal aid for victims to defend their cases and improve their right to justice.

The projects supported by the European Refugee Fund developed the methodological guidelines to deal with vulnerable asylum seekers, including victims of human trafficking and sexual assault. These methodological guidelines recommend making a questionnaire which would help to identify the level of vulnerability in the first stage of procedures. It is also suggested that any interrogation should be completed in a separate room without participation of any family members or other asylum seekers. Women should have a possibility to be interrogated by the same sex specialist and interpreter in order to develop trustful atmosphere for conversation. Social workers are encouraged to observe body language. Methodological guidelines provide recommendations how to organise the process to assess the emotional and physical conditions of an asylum seeker, to assess the level of vulnerability and the needs for special support to avoid any possible secondary victimisation. A brief instruction for a specialist provides information how to prepare and lead the interrogation of victim of sexual abuse, rape or human trafficking. The most important to maintain respect to human dignity and the questions should not go to details of crimes. (Jakuleviciene, Siniovas, 2014).

Another initiative to improve police officers communication with victims of any crimes, including domestic violence, trafficking and sexual assault and rape, were prepared by the NGO Human Rights Monitoring Institute under the EU support project "Improved Response for Victims of Crime".⁸ The developed guidelines for police officers include an important recommendation on how to maintain an effective communication with the victims of human trafficking and adhere to their needs. This includes principles of confidentiality, support to restore the possibility for victims to control their life, protection against possible persecution by traffickers and its negative impact. An important referral mechanism should be ensured that law enforcement would refer a victim to NGOs which provide specialised support services. In practice this referral mechanism does not work and significantly depends on discretion of a police officer (ZTSI, 2018).

Recommendations for police officers in contacting victims of domestic violence include certain tips to avoid victim blaming. Police officer should not question the behaviour of a victim but rather express their trust and respect, provide information about available support and ensure safety of a victim (ZTSI, 2018).

⁷ Valstybės Garantuojamos Teisinės Pagalbos Įstatymo NR. VIII-1591 2, 11, 12, 13, 15, 18, 30, 31, 32, 34 straipsnių ir priedo pakietimo įstatymo projektas, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/e942d0f0d36411e782d4fd2c44cc67af?jfwid=-wbkgqohgo>

⁸ Žmogaus teisių stebėjimo institutas. <https://hrmi.lt/en/pradejome-nauja-projekta-skirta-nukentejusiuj-teisems/>

4. Transfer of Greek practices

Several issues could be discussed in regard to Greek practices and their potential transfer to the context of Lithuania. Referral mechanism for victims of human trafficking depends on discretion of police in Lithuania. Meanwhile the Greek practice shows the protocols which specify the procedures and mechanisms for different institutions to follow in order to identify, refer and accommodate the victims. Learning the details how different institutions agreed upon these procedures is an important aspect. Currently the discussions about the inter-institutional cooperation are developing in Lithuania. In practice the cooperation is very limited due to lack of agreement between the institutions on common goals and exchange of information to better coordinate their work and solve the problems of intimate partner violence. This could be also discussed in the seminar how institutions develop the protocols to cooperate on a specific task in the field of intimate partner violence.

Trainings for professionals of different sectors on intercultural communication is lacking in Lithuania. Though the National action plans include certain very limited training activities for law enforcement, intercultural training is almost missing for all professionals (police, social workers, psychologists, medical personnel and others) who provide assistance for victims of gender based violence, particular asylum seekers, refugees and/or migrants. Thus Greek experiences about impact of these trainings to improve outreach and assistance to the victims could facilitate similar developments in other EU countries.

As Lithuanian context shows the funding for integration is fragmented and to a great extent depends on the EU structural funds. The issues of integration and victim support system are separated between ministries, departments and policies. Thus the challenge remains how to apply intersectional approach to bring together victims' safety and integration policies.

References

Augutienė R., Adomaityte-Subačienė I. 2016. Prekyba žmonėmis: ko nepasako specialistai (Human Trafficking: What is silenced by specialists?). Kaunas: Lietuvos Caritas.

Blazyte G. Imigracija dėl šeimos susijunimo Lietuvoje: lytis ir etniškumas socialinės adaptacijos kontekste, Daktaro disertacija, Vilnius 2017.

Erentaitė R., Pilinkaitė Sotirovič V. 2012. Lyties aspektas migracijos procesuose; trečiųjų šalių piliečių situacijos Lietuvoje analizė (Gender in migration: third country nationals in Lithuania". Etniškumo studijos, 2012. 1/2

Galdikaitė S., Mitė J. 2017. Kova su prekyba žmonėmis: sistemos stiprinimas (Esamos situacijos analizė). Vidaus reikalų ministerija. JPP Kurk Lietuvai.

Jakulevičienė L., Siniovas V. 2014. Pažeidžiamų prieglobsčio prašytojų nustatymo ir darbo su jais metodika. Vilnius.

Law on Protection Against Domestic Violence (Apsaugos nuo smurto artimoje aplinkoje apsaugos įstatymas), No. XI-1425, 26 May 2011

Law on Social Services (Socialinių paslaugų įstatymas) January 19, 2006 No. X-493. <http://www3.lrs.lt/pls/inter3/oldsearch.preps2?a=270342&b=>

Lietuvos socialinių tyrimų centras (LSTC). 2017. Reikminių tyrimų projektas "Prieglobstį gavusių užsieniečių integracijos politikos įgyvendinimo vertinimas ir integracijos procesų stebėseną. Projekto ataskaita

Lithuania, General Prosecutor, Recommendations on Identification of Victims' of Human Trafficking, Pre-trial Investigation and Inter-institutional Cooperation (Generalinis Prokuroro įsakymas, Prekybos žmonėms aukų nustatymo, ikiteisninio tyrimo ir tarpinstitucinio bendradarbiavimo rekomendacijos), No. 1-327/1V-1050/A1-758m 16 December 2015.

Lithuania, Minister of Interior. 2016. Order on Approval of Action Plan to Combat Human Trafficking 2017-2019 (Įsakymas dėl kovos su prekyba žmonėmis 2017-2019 metų veiksmų plano patvirtinimo), No. IC-598 29-08-2016

Lithuania, Minister of Social Security and Labour, Order of Approval of Regulations for Foreigners, Present or Former Victims of Human Trafficking, to Be Accommodated in the Refugee Reception Centre for the Period of their Determination (LR Socialinės apsaugos ir darbo ministras. Įsakymas dėl užsieniečių, kaip esančių ar buvusių su prekyba žmonėmis susijusių nusikaltimų aukų, jų apsisprendimo laikotarpiu apygyvendinimo pabėgėlių priėmimo centre tvarkos aprašo patvirtinimo, No. A1-461, 10 August, 2015.

Lithuania, Minister of Social Security and Labour, Order on Approval of Action Plan for 2017-2020 to Implement the National Programme on Prevention and Support for Victims of Domestic Violence in 2014-2020 (Įsakymas dėl Valstybinės smurto artimoje aplinkoje prevencijos ir pagalbos teimo nukentėjusiems asmenis 2014-2020 metų programos įgyvendinimo 2017-2019 m. veiksmų plano patvirtinimo). No. A1-182, 2017-04-18

Lithuania, Police Commissioner General, Director of the Prison Department under the Ministry of Justice, General Prosecutor. 2017. Order on Amendment to the Order No. 5-V-532/V-237/V-1-123, 18-09-2008 "On Regulations Against Criminal Impact" (Įsakymas Dėl Lietuvos policijos generalinio komisaro, Kalėjimų departamento prie LR TM direktoriaus ir LR Generalinio prokuroro 2008 m. rugsėjo 18 d. įsakymo Nr. 5-V-532/V-237/V-1-123 "Dėl apsaugos nuo nusikalstamo poveikio nuostatų patvirtinimo" pakeitimo, No. 5-V-272/V-117/I-88, 22-03-2017.

Lithuania, Seimas of the Republic of Lithuania, Law on Legal Status of Foreigners, Nr. IX-2206, 29 April, 2004.
<https://www.e-tar.lt/portal/lt/legalAct/TAR.42837E5A79DD/uCWCKWxVbe>

Migracijos departamentas prie LR Vidaus reikalų ministerijos. 2017. 2016 m. migracijos metraštis (Migration Yearly Book)

Report by Niels Muznieks, Commissioner for Human Rights Council of Europe, 19-04-2017.

Vidaus Reikalų Ministerija (VRM). 2017. Situacija kovos su prekyba žmonėmis srityje Lietuvoje 2016 metais (Combating Human Trafficking: Contextual analysis in 2016).

Žmogaus teisių stebėjimo institutas (ZTSI). 2018. Pareigūno bendravimas su nukentėjusiais. Praktinis vadovas, Vilnius.