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HUMAN RIGHTS  
MONITORING INSTITUTE

# **ALTERNATIVE REPORT TO THE UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

Submitted by the Human Rights Monitoring Institute

On the occasion of the review of the fifth periodic report by  
LITHUANIA under the UN Convention on the Elimination of All  
Forms of Discrimination against Women

June 2014

## ABOUT HUMAN RIGHTS MONITORING INSTITUTE

**Human Rights Monitoring Institute (HRMI)** was founded by the OSF-Lithuania in 2003 as a human rights watchdog organisation. Since its establishment HRMI has been advocating for full compliance of national laws, policies and practices with international human rights obligations, and working to encourage people to exercise their rights. Over the years, HRMI activities evolved and expanded, leading to the development of new strategies and approaches that would not only promote legal changes but would also ensure that rights are real and effective in practice.

In its work HRMI uses a combination of tools: research, reporting, litigation, public advocacy, lobbying, participating in legislative process, providing expert advice, consultations and trainings, building networks and coalitions, and campaigning. As a result, HRMI plays a unique role in the local human rights movement as the only NGO in Lithuania employing a holistic approach to advance rights protection. It is also the only NGO covering such wide range of thematic human rights areas. In 2010-2013, HRMI activities cut across the following themes: criminal justice, freedom of information, right to private and family life, national security and counterterrorism, women's rights, rights of persons with disabilities, rights of the child, LGBTI rights, rights of migrants and asylum seekers, countering hate speech and discrimination.

To achieve its objectives, HRMI actively cooperates with foreign and international NGOs such as [Amnesty International](#), [Human Rights Watch](#), [Interights](#), [Reprieve](#), [Redress](#), [Irish Council for Civil Liberties](#), [Fair Trials International](#), [Hungarian Helsinki Committee](#), [Open Society Justice Initiative](#) and others. HRMI is a member of [EU Fundamental Rights Platform](#), [Eurochild](#), [UNITED for Intercultural Action](#), [Civic Solidarity Platform](#), and [JUSTICIA](#). Since 2005, HRMI representatives have been sharing expertise with lawyers, NGOs and other actors in the countries of the FSU region: Serbia Moldova, Georgia, Armenia, Russia, Tajikistan, Ukraine, Belarus and others.

Since its establishment 10 years ago, HRMI has litigated and won 18 strategic cases on behalf of vulnerable and marginalized individuals and communities; submitted 14 shadow reports to international human rights bodies; [issued 55 public statements](#); [released 7 Human Rights Overviews](#) - comprehensive reports on human rights challenges and developments in Lithuania; [conducted research and released 21 publication](#); submitted 10 proposals for draft laws; [held 16 major awareness raising campaigns](#); organized 129 public and expert events – meetings, discussions, and conferences; [joined 6 national and international NGO networks](#); [held 4 intensive human rights summer courses](#) and delivered trainings on ECHR, right to fair trial, anti-discrimination and other rights-related themes to various institutions, officials, lawyers, NGO representatives in Lithuania and in the countries of FSU region.

In 2012, HRMI was appointed a [national operator of the EEA Grants NGO Programme in Lithuania](#). It is the first time that an NGO was entrusted with the management of funds designated to strengthening civil society in Lithuania.

[www.hrmi.lt](http://www.hrmi.lt)

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## INTRODUCTION

Human Rights Monitoring Institute welcomes an opportunity to provide the Committee with the information regarding the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Lithuania on the occasion of the review of Lithuania's 5<sup>th</sup> periodic report.

HRMI notes that significant developments have taken place since the review of Lithuania's 3<sup>rd</sup> and 4<sup>th</sup> periodic reports, the most notable being the adoption of the Law against Domestic Violence which for the first time recognized domestic violence as a violation of human rights and a crime subject to prosecution. Nevertheless, acknowledging the progress in the area of combating domestic violence, HRMI notes with concern the delays in long-overdue reforms or setbacks in the implementation of certain Lithuania's obligation under the CEDAW.

To highlight the specific concerns and provide the recommendations for improvement, in this report HRMI focuses on the following issues also referred to in the Committee's List of Issues, namely in paragraphs 8, 10 and 16:

- a. Violence against women;
- b. Trafficking and exploitation of prostitution;
- c. Health.

The information contained in this report is based on a variety of sources, including reports by and consultations with the national governmental institutions and non-governmental organizations, research and reports by intergovernmental organisations, bodies and special procedures, and complaints received by the HRMI.

## 1. RECOMMENDATIONS Nos 12 AND 19. VIOLENCE AGAINST WOMEN

1. Enactment of the special *Law on Protection against Domestic Violence* in 2011<sup>1</sup> revealed the actual scope and prevalence of the domestic violence crime (DV) in Lithuania. The police responded to 18 268 DV related call-outs and launched 7 586 criminal investigations in 2012 alone.<sup>2</sup> In 2013, the figures further increased: 21 615 call-outs and 10 015 criminal investigations.<sup>3</sup> This accounts for 10,5 percent of the total crimes committed annually.<sup>4</sup> 82,7 percent of victims in 2012 were women, this figure decreasing only by 1 percent in 2013 with 81,7 percent of victims being women.<sup>5</sup>
2. The law aims at protecting persons against domestic violence, which, due to damage caused to society, is attributable to the acts of public significance warranting public prosecution. The new legislation effectively abolished private prosecution in all DV cases and released victims from the obligation to submit official complaint to law enforcement authorities.

### 1.1. Legal definitions

3. The law defines “violence” as an intentional physical, mental, sexual, economic or another influence exerted on a person by an act or omission as a result whereof the person suffers physical, property or non-pecuniary damage“. “Domestic environment” is defined as “the environment comprising the persons currently or previously linked by marriage, partnership, affinity or other close relations, also the persons having a common domicile and a common household.”
4. The definition of “violence” in the special DV law lists various forms of violence, but it does not provide for more elaborate definitions of any of those forms nor does it extend to encompass patterns of abusive, coercive or controlling behaviours. There are no comprehensive criminal definitions in any other laws covering violent relationships in a more holistic manner either.
5. In terms of criminal law, domestic violence crime is punishable under the Criminal Code as isolated acts (for example, Health Impairment (Articles 135-140); Threatening to Murder or Cause a Severe Health Impairment to a Person or Terrorisation of a Person (Article 145); Restriction of Freedom of a Person’s Actions (Article 148); Crimes and Misdemeanours against Freedom of a Person’s Sexual Self-determination and Inviolability (Articles 149-153)).<sup>6</sup> The Lithuanian criminal law does not include a definition of stalking. Actions similar to stalking are punishable under Article 167 of the Criminal Code which prohibits “unlawful collection of information about person’s private life”.

#### Recommendations:

- Expand definition of domestic violence to encompass patterns of violent, abusive and controlling behaviours;
- Introduce domestic violence as a separate crime in the Criminal Code;
- Introduce definition of stalking in the Criminal Code.

### 1.2. Protection measures

25. There are two kinds of protection measures foreseen in the DV law. Art. 5 provides for protection measures applicable during pre-trial investigation: 1) the obligation for the perpetrator of violence

<sup>1</sup> Law on Protection against Domestic Violence, No. XI-1425, 26 May 2011

<sup>2</sup> „Data related with domestic violence in 2012“, Police Department under the Ministry of Interior, available at: [www.policija.lt](http://www.policija.lt)

<sup>3</sup> „Data related with domestic violence in 2012 and 2013“, Police Department under the Ministry of Interior, available at: [www.policija.lt](http://www.policija.lt)

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Criminal Code, No. VIII-1968, 26 September 2000

to temporarily move out of the place of residence, if he resides together with the victim of violence; 2) the obligation for the perpetrator of violence not to approach the victim of violence, not to communicate and not to seek contact therewith. These measures “shall be applied until completion of examination of a case, unless a pre-trial investigation judge imposes the pre-trial supervision measures specified in the Code of Criminal Procedure of the Republic of Lithuania, namely, detention or the obligation to reside separately from the victim. These measures shall be imposed by a ruling of the pre-trial investigation judge not later than within 48 hours.”

26. Art. 6 provides for application of victim protection measures that shall be applied immediately by police officer upon recording an incidence of domestic violence. The law does not specify what protection measures are to be applied in such case, but in practice police officers usually arrest the suspect up to 48 hours.<sup>7</sup> Protection measures applied after the conviction are provided for in the Criminal Code and are ordered by the court issuing conviction. According to the DV law, the obligation to move out of the place of residence and prohibition to approach the victim “shall be imposed in combination with the punishment, with the exception of the cases when the convict is subject to arrest or imprisonment.”
27. Hence the law provides that in all DV cases at all stages of the proceedings there is an imperative obligation for the authorities to apply victim protection measures. However, the practice of their application is inconsistent and fails to ensure adequate protection to the victims.
28. According to the procedure approved by the Commissioner General of the Police, the request for application of protection measures during pre-trial investigation (Art. 5) should be filed to the judge by pre-trial investigation officer.<sup>8</sup> However, the Criminal Procedure Code, the main law regulating adjudication of criminal cases, does not provide for protection measures. It provides for remand or the so called “pre-trial supervision” measures that in some instances could serve as protection measures such as obligation to reside separately or detention. But according to the Code, remand measures are applied by the court *only upon prosecutor’s request*, hence if prosecutor does not request a specific remand measure, it cannot be ordered by the court.
29. This legal uncertainty results in some judges ordering protection measures and some refraining from their application,<sup>9</sup> and sometimes leads to situations, where the judges not only fail to apply protection measures, but also grant application of such remand measure as home arrest, which can cause real risk and danger to the victim.<sup>10</sup> This concerning trend is an indicative example of the absence of individual victim needs assessment with regards to protection from repeated victimisation, retaliation or intimidation. Victims of domestic violence are treated in criminal proceedings as victims of any other crimes, without taking into account their vulnerability and special protection needs.
30. Another issue raised by victim support services is that there are no efficient sanctions for breaching court orders, and violation of remand or protection measures would not necessarily lead to application of other, stricter measures.<sup>11</sup>
31. Reconciliation procedure is also indiscriminately used in DV cases during both, pre-trial investigation and trial stage, without taking into account specific nature of DV crime and its

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<sup>7</sup> Overview of the case-law on domestic violence, conducted by the Human Rights Monitoring Institute’s experts, May 2014

<sup>8</sup> Order of the Commissioner General of the Police, „On the approval of the procedure for police officers responding to reports on domestic violence“, No. 5-V-84, 31 January 2012

<sup>9</sup> Information from police officers gathered at a public round-table discussion on the implementation of the Law on Protection against Domestic Violence, organized by Vilnius Specialized Support Centre, 4 December 2013

<sup>10</sup> Telephone communication with Vilnius Specialized Support Centre, 2 April 2014

<sup>11</sup> Telephone communication with Vilnius Specialized Support Centre, 2 April 2014

repetitive pattern, and without detailed assessment of possible risk to the victim.<sup>12</sup> According to information provided by prosecution office, reconciliation procedure in domestic violence cases is used in exactly the same way as in other criminal cases, and no changes to the application of this procedure were introduced after the adoption of the DV law.<sup>13</sup>

32. To conclude, the entirety of laws and the practice of their implementation in Lithuania fail to ensure adequate and comprehensive protection of DV victims. Responding to concerns raised by women rights NGOs, on 10 April 2014 the Parliament approved amendments to the DV law, the most important one being the obligation of police officers to notify immediately victim support services of domestic violence incident and provide the services with contact details of the victim without requiring her written consent.<sup>14</sup>
33. Apart from this, the amendments did not introduce any substantial changes that would deal with systemic flaws in victim protection or the lack of individual needs assessment during the proceedings. A more comprehensive revision of existing laws and developing practice is needed along with guidelines/recommendations and trainings to law enforcement and judiciary on dealing with domestic violence cases that would provide basis for development of uniform and sound practice.
34. Policy measures such as recommendations and guidelines should be aimed at familiarizing law enforcement officers and judges with specific nature of DV crime and special needs that DV victims have in criminal proceedings, and increasing their understanding why DV requires a different approach than other violent crimes. This would help to build victims' trust in authorities and legal proceedings which is currently rather low.
35. The national DV response legal and policy framework can be substantially improved by: 1) adequately transposing the provisions of EU Directive on the Minimum Standards on the Rights, Support and Protection of Victims of Crime (2012);<sup>15</sup> 2) ratifying Council of Europe Convention on combating and preventing violence against women and domestic violence (2011). The latter was signed by Lithuania in 2013, but for it to enter into force and become a part of national legal system, the Parliament has to ratify it by passing a law.

#### **Recommendations:**

- Ratify Council of Europe Convention on combating and preventing violence against women and domestic violence (2011);
- Conduct assessment of the current legal framework and its ability to ensure efficient DV response and protection of DV victims, evaluate the developing practice and design legal and policy measures for improvement;
- Introduce victim protection measures in the Criminal Procedure Code, detail the grounds and conditions for their application, and sanctions for violation of protection measures;
- Widely consulting with experts and victim support services providers, issue recommendations/guidelines for prosecutors (Prosecutor General's Office), police (Police Department under the Ministry of Interior), judiciary (National Courts Administration, Ministry of Justice) on handling domestic violence cases with a focus on special needs of DV victims.

<sup>12</sup> Eastern Europe Studies Centre, „Struggling for gender equality: Sharing Lithuanian and Bulgarian Experience“, 2013, p. 20, available at: [www.hrmi.lt/uploaded/Documents/Struggling%20for%20Gender%20Equality\\_2013\\_EN.pdf](http://www.hrmi.lt/uploaded/Documents/Struggling%20for%20Gender%20Equality_2013_EN.pdf)

<sup>13</sup> Telephone consultations with a prosecutor at Vilnius District Prosecution Office, 11 July 2013

<sup>14</sup> Law on the Amendment of articles 5, 7, 8 and 9 of the Law on Protection against Domestic Violence No. XI-1425“, No. XII-815, 10 April 2014

<sup>15</sup> 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/JH A, OJ 2012 L 315/57

### 1.3. Policy measures addressing domestic violence against women

36. *National Programme for Prevention of Domestic Violence and Provision of Support to Victims 2014-2020* is under preparation at the Ministry of Social Security and Labour.<sup>16</sup> The draft programme has already been criticized by victim support services for placing too much focus on abusers and diverting the already very sparse financial resources from victim support services to correctional programmes for changing violent behaviour.<sup>17</sup>
37. Selected indicators for measuring the effectiveness of the Programme's objectives also raise some concerns. For example, one of the criteria is "decreased number of investigations in domestic violence crimes". This is not the most accurate indicator bearing in mind the latency of the crime, vulnerability of the victims, and the lack of protection and respectful and sensitive treatment of victims throughout the proceedings which results in victims' unwillingness to report the crime.<sup>18</sup>
38. There is no gender aspect integrated in the draft *National Programme for Prevention of Domestic Violence and Provision of Support to Victims 2014-2020* despite that DV is a gender-based crime because it affects women disproportionately. After the adoption of the gender-neutral DV law, implementation of the *National Strategy of Combating Violence against Women* was discontinued, although it was planned to run until 2015. Domestic violence is also excluded from the *National Programme of Equal Opportunities between Women and Men 2010-2014*. Furthermore, the Government intends to cancel this Programme altogether, raising serious concern among NGOs.<sup>19</sup> Hence the overall State's response to DV is marked by complete and, judging from the latest policy developments, deliberate lack of gender-sensitive approach.

#### Recommendations:

- Ensure that all DV legislation and policies clearly prioritise victims' needs for protection and support;
- Ensure that policy measures: a) are designed in consultation with victims and victim support services providers and take their views into account; b) are based on surveys, research and accurate situation assessment; c) have clear, logical and well-founded objectives, indicators, and targets;
- Reintroduce *National Strategy on Combating Violence against Women*;
- Ensure the continuation of *National Programme of Equal Opportunities between Women and Men* and include eradication of domestic violence as one of the Programme's objectives;
- Ensure that *National Programme for Prevention of Domestic Violence and Provision of Support to Victims 2014-2020* and all other DV related legislation and policies are based on gender-sensitive approach and integrate gender aspect.

### 1.4. Victim support services

39. Since the DV law came into force at the end of 2011, the workload of DV victim support services has significantly increased. Before the adoption of the law, the services were provided by NGOs funded by foreign and international donors with little to no public funding. The new legislation imposed obligation on the State to provide specialised integrated support to all DV victims, and the authorities decided to use the existing NGO network to build the services on.

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<sup>16</sup> Telephone communication with Vilnius Specialized Support Centre, 2 April 2014

<sup>17</sup> *Ibid.*

<sup>18</sup> List of Evaluation Criteria and their Indicators for the National Programme on Prevention of Domestic Violence and Provision of Support to Victims 2014-2020, draft document. available at

[http://www.lrs.lt/pls/proj/dokpaieska.showdoc\\_l?p\\_id=223901&p\\_org=7&p\\_fix=v&p\\_gov=n](http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=223901&p_org=7&p_fix=v&p_gov=n)

<sup>19</sup> Public NGO appeal to the Parliament, the Government and Equal opportunities Ombudsperson, 6 May 2014, available at: <http://www.hrmi.lt/uploaded/Documents/Kreipimasis%20del%20M-V%20programos%20panaikinimo.pdf>

40. However, according to information available on the website of the Ministry of Social Security and Labour which is responsible for specialised support to DV victims, in 2012, the annual funding allocated to specialised support centres ranged between 24 617 EUR to 3446 EUR a year.<sup>20</sup> In 2013, a total of 286 000 EUR were allocated to all specialised support centres, and the same amount was allocated in 2014.<sup>21</sup> That means that the entire victim support services throughout the country must provide services for the whole year together receiving only 286 000 EUR state funding. Using these very limited funds, the victim support centres not only have to provide the services and ensure day-to-day running of the offices, but also raise public awareness and disseminate information.
41. The provision of support to victims is further obstructed by the lack of cooperation on part of police authorities, resulting in limited number of referrals. The police fail to put in the effort to refer victims to support services whilst requesting from the victims their written consent (although the law does not require written consent) and justifying such practice with the need to protect personal data. There is a lack of training for the police on specialized integrated support, which results in the inability to provide victims with sufficient and adequate information on the services and the lack of understanding of the importance of such support services that could guide victims throughout the proceedings.
42. This practice is expected to change after the recent amendments to DV law, approved by the Parliament 10 April 2014, and imposing an obligation on police officers to notify immediately victim support services of domestic violence incident and provide the services with contact details of the victim without requiring her written consent.<sup>22</sup>

#### **Recommendations:**

- Ensure adequate and continuous state funding to victim support services;
- Ensure that victims are referred to victim support services by police officers and that all professionals encountering victims of domestic violence inform them of the free specialized integrated support they are entitled to;
- Raise public awareness of the integrated support services and widely disseminate information on the services available, or, alternatively, ensure adequate funding to specialized victim support services for carrying out these activities;
- Provide sensitivity trainings to police officers on special support needs of DV victims and the significance of specialized integrated support to DV victims.

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<sup>20</sup> Information available on the Ministry's website at <http://www.socmin.lt/lt/konkursai/konkursu-rezultatai/archive/specializuotos-pagalbos-centru-hdbk.html>

<sup>21</sup> Information from the Ministry of Social Security and Labour gathered at a public round-table discussion on the DV law, organized by Vilnius Special Support Centre, 4 December 2013

<sup>22</sup> Law on the Amendment of Articles 5, 7, 8 and 9 of the Law on Protection against Domestic Violence No. XI-1425“, No. XII-815, 10 April 2014

## 2. ARTICLE 6. TRAFFICKING IN WOMEN AND GIRLS

43. In 2012, amendments to the Lithuanian Criminal Code expanding the material scope of the human trafficking offence were adopted.<sup>23</sup> Previous legal regulation defined trafficking in humans as trafficking for prostitution, pornography and forced labour. The new regulation establishes that trafficking in humans also includes trafficking for slavery; pornography and other forms of sexual exploitation; not only for labour but other forced services as well; and trafficking in children includes trafficking for slavery; other forms of sexual exploitation; illegal adoption; and forced services, including begging, committing a crime and other purposes of exploitation. Consent of the victim does not eliminate criminal liability of the trafficker. Knowingly taking advantage of a person's forced labour or services including prostitution was also criminalized.
44. Though these amendments are a positive change in the legislation, aimed at facilitating the investigation and prosecution of human trafficking crimes, human trafficking nevertheless remains an issue of big concern in Lithuania. The scale of human trafficking keeps increasing in Lithuania and increasingly younger girls become victims trafficked for prostitution purposes.<sup>24</sup>
45. The investigation of human trafficking offences fails to take into account the peculiarities of the crime, i.e. human trafficking is based on psychological, as opposed to physical coercion, for example, the use of intimidation, drugs or trickery, which lures victims in through misleading offers of easy and profitable positions abroad. Vulnerable girls, i.e. girls from social risk families, care institutions, uneducated girls or girls with mental or intellectual disabilities, become human trafficking victims more often.<sup>25</sup>
46. According to the official data, in the period of 2011-2014, 38 crimes of human trafficking (Article 147), 2 crimes of exploitation for forced labour or services (Article 147(1)), 0 cases of use of forced labour or services (Article 147(2)) and 17 crimes of purchase and sale of a child (Article 157) have been registered.<sup>26</sup> The numbers are relatively low, and they do not reflect the situation on the ground. The latency of the crime could be partly explained by the reluctance of the victims to report to the law enforcement authorities due to both fear of revenge of perpetrators and distrust in the law enforcement and courts.
47. According to *Caritas Lithuania*, pre-trial investigation officers fail to treat victims in a sensitive manner, investigations are often conducted unprofessionally – victims are not provided with support, and sometimes are even blamed for the crime. Consequently, victims of human trafficking refuse to cooperate with the law-enforcement authorities, which results in pre-trial investigations being terminated. For example, in 2011, 11 pre-trial investigations were terminated due to the “unreliability of testimony of the victim”, which was based on the following reasoning: “later on victims refused to testify, changed their testimonies, did not provide data supporting the testimonies, provided different interpretations of the same facts, did not arrive to meet pre-trial investigation officer or to the court”.<sup>27</sup>

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<sup>23</sup> Law on the Amendments to Articles 147, 147(1), 157 and 303 and the Annex and Addition of the Article 147<sup>2</sup> of the Criminal Code, No. XI-2198, 30 June 2012

<sup>24</sup> LZINIOS, „Younger girls become victims of prostitution“, *Lzinios.lt*, 25 May 2011, available at: <http://lzinios.lt/lzinios/kriminalai-ir-nelaimes/i-prostitucija-itraukiamos-vis-jaunesnes-merginos/150092>

<sup>25</sup> “Report for 2011 on Implementation of 2009-2012 Human trafficking prevention and control program”, Ministry of Interior, available at:

[http://www.vrm.lt/fileadmin/Padaliniu\\_failai/Viesojo\\_saugumo\\_dep/Prekyba\\_zmonemis/VRM\\_ataskaita\\_LRV\\_uz\\_2011.pdf](http://www.vrm.lt/fileadmin/Padaliniu_failai/Viesojo_saugumo_dep/Prekyba_zmonemis/VRM_ataskaita_LRV_uz_2011.pdf)

<sup>26</sup> Data provided by the Ministry of Interior, available at:

[http://www.ird.lt/infusions/report\\_manager/report\\_manager.php?metai=2014&menuo=3&idAta=1&rt=1&oldYear=2014&id=198&idStat=10&regionas=0&id3=1#Atas-1G](http://www.ird.lt/infusions/report_manager/report_manager.php?metai=2014&menuo=3&idAta=1&rt=1&oldYear=2014&id=198&idStat=10&regionas=0&id3=1#Atas-1G)

<sup>27</sup> “Report for 2011 on Implementation of 2009-2012 Human trafficking prevention and control program”, Ministry of Interior, available at:

[http://www.vrm.lt/fileadmin/Padaliniu\\_failai/Viesojo\\_saugumo\\_dep/Prekyba\\_zmonemis/VRM\\_ataskaita\\_LRV\\_uz\\_2011.pdf](http://www.vrm.lt/fileadmin/Padaliniu_failai/Viesojo_saugumo_dep/Prekyba_zmonemis/VRM_ataskaita_LRV_uz_2011.pdf)

48. Another issue of concern is the courts' ability to understand the specifics of the crime and the status of victims. In November 2013, for example, in a case of human trafficking for the purpose of prostitution of three minor victims (the victims were 15 and 14 years of age at the time of the commitment of the crime), the perpetrators were charged and sentenced under Article 307 (gaining profit from another person's prostitution) rather than Article 157 (purchase and sale of a child). Furthermore, they received as mild sentences of 150 hours of community service. When the judge was asked to comment on her decision, she referred to the short period of time that the crime lasted (20 days) and made degrading comments regarding victims' appearance, thus implying that the victims were themselves to blame.<sup>28</sup>
49. Certain legal loopholes obstruct effective investigation into and prevention of human trafficking in Lithuania. Lithuanian Criminal Code includes provisions stipulating criminal liability for making profit from another person's prostitution (Article 307) and involvement in prostitution (Article 308). The latter two crimes are not considered human trafficking crimes therefore milder punishments apply for those. Furthermore, Lithuanian law enforcement authorities and courts tend to invoke these two provisions even in clear cases of human trafficking. For example, people who had threatened females involved in prostitution with physical violence and asked them for payment for "providing security" were charged with extortion of property instead of human trafficking;<sup>29</sup> a couple that has been exploiting a young female as a sex worker was charged with profiting from prostitution;<sup>30</sup> in 2011, an organized group of six people that had for a considerable period of time profited from a group of females, involved in prostitution, were accused only of profiting from prostitution and involving other person in prostitution.<sup>31</sup>
50. The official statistics confirm that these two articles of Criminal Code are more often invoked in practice, i.e. in the period 2011-2014, 132 crimes of profiting from another person's prostitution (Article 307) and 30 crimes of involvement in prostitution (Article 308) have been registered.<sup>32</sup>
51. Although the Ministry of Interior declared combating trafficking in human beings as the priority, in 2011-2012 no adequate funding was designated for this purpose. Instead of 822 000 Lt (approx. \$323 635) that were intended, a 4 times smaller sum of 175 000 Lt (approx. \$ 8 900) was ultimately earmarked for implementation of *2009-2012 Human trafficking prevention and control program* in 2011.<sup>33</sup> Since 2013, the Ministry of Interior had not adopted any *Human trafficking prevention and control program*.
52. Human trafficking for the purpose of prostitution cases often appear in the media along with stigmatisation of victims. Perpetrators, benefitting from human trafficking, are depicted as "helping

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<sup>28</sup> DELFI, „Judge shows exceptional mercy: why did the minors working as prostitutes start crying?“, *Delfi.lt*, 19 November 2013, available at: <http://www.delfi.lt/news/daily/crime/isskirtinis-teisejos-gailestis-kodel-apsiverke-prostitutemis-dirbusios-nepilnametes.d?id=63323324>

<sup>29</sup> LRYTAS, "Port city pimps will be taken to trial (video)", *Lrytas.lt*, 21 December 2011, available at: [http://www.lrytas.lt/-13244667291324218620-bus-teisiami-prostitu%C4%8Di%C5%B3-tarpusavyje-nepasidalin%C4%99-uostamies%C4%8Dios%C4%85vadautojai-video.htm?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=rss](http://www.lrytas.lt/-13244667291324218620-bus-teisiami-prostitu%C4%8Di%C5%B3-tarpusavyje-nepasidalin%C4%99-uostamies%C4%8Dios%C4%85vadautojai-video.htm?utm_source=rss&utm_medium=rss&utm_campaign=rss)

<sup>30</sup> DELFI, "Prostitute-trafficking couple: isn't a media coverage also a punishment?", *Delfi.lt*, 5 March 2012, available at: <http://www.delfi.lt/archive/article.php?id=56323047>

<sup>31</sup> 15MIN, "Vilnius residents who earned almost a million from prostitution business will face trial in October", *15min.lt*, 1 July 2011, available at: <http://www.15min.lt/naujiena/aktualu/nuskaltimaiirnelaimes/beveik-milijona-is-prostitucijos-susizerevilnieciai-pries-teisma-stos-spali-59-158554>

<sup>32</sup> Data provided by the Ministry of Interior, available at: [http://www.ird.lt/infusions/report\\_manager/report\\_manager.php?metai=2014&menuo=3&idAta=1&rt=1&oldYear=2014&id=198&idStat=10&regionas=0&id3=1#Atas-1G](http://www.ird.lt/infusions/report_manager/report_manager.php?metai=2014&menuo=3&idAta=1&rt=1&oldYear=2014&id=198&idStat=10&regionas=0&id3=1#Atas-1G) (accessed April 2014)

<sup>33</sup> „Report for 2011 on Implementation of 2009-2012 Human trafficking prevention and control program“, Ministry of Interior, available at: [http://www.vrm.lt/fileadmin/Padaliniu\\_failai/Viesojo\\_saugumo\\_dep/Prekyba\\_zmonemis/VRM\\_ataskaita\\_LRV\\_uz\\_2011.pdf](http://www.vrm.lt/fileadmin/Padaliniu_failai/Viesojo_saugumo_dep/Prekyba_zmonemis/VRM_ataskaita_LRV_uz_2011.pdf)

the prostitutes to earn a living”, while crime victims – females involved in prostitution – are portrayed as having only themselves to blame.<sup>34</sup>

53. Human trafficking victims, including the under-age girls, do not always receive adequate support and assistance. Under-age girls might even be placed in a so-called “socialisation centre” in Lithuania. Lithuania has an administrative detention facility for girls, where girls with variety of specific and individual needs are accommodated. Next to the girls involved in prostitution (prostitution is administrative offence in Lithuania for which person is liable as of 16 years of age) and under-age victims of human trafficking, the centres also accommodate juveniles dubbed ‘delinquents’ or ‘out of control’ – girls with behavioural problems ranging from a track record of administrative offences to refusing to abide by the rules of a foster home or their parents’ governance; and girls in conflict with law – juveniles under the minimum age of criminal responsibility, who committed acts that would otherwise be held crimes.<sup>35</sup>
54. Even though the name of this institution denotes its educational or socialization goals, this is none the less closed institution operating under strict regime, and placement in it amounts to *de facto* detention.<sup>36</sup> The needs of any girl detained there, especially under-age human trafficking victims, remain unaddressed because the centre provides only formal education without proper treatment, rehabilitation or other support. Whilst in detention, girls do not always receive even psychological support they need,<sup>37</sup> and violence amongst children and staff violence and abuse is also reported.<sup>38</sup>
55. Another issue of concern is the lack of mechanism within the State Border Guard Service intended to identify foreign human trafficking victims arriving (legally or illegally) to Lithuania. The State Border Guard Service is the institution having the first contact with the potential victims; however, currently no identification procedures of potential foreign victims of trafficking are in place.

## Recommendations:

### National legislation

- Remove Articles 307 and 308 from the Criminal Code. For an effective fight against human trafficking every case where a third person is profiting from another person’s prostitution should be qualified as human trafficking;
- Ensure that no underage victim of prostitution is punished with administrative fines;
- Abolish administrative liability for involvement in prostitution;

### Policy-level

- Adopt a new national *Human trafficking prevention and control program* and ensure adequate funding for it;
- Establish adequate victim needs identification and support system, especially for under-age human trafficking victims;
- Establish procedures within the State Border Guard Service intended to identify foreign human trafficking victims arriving to Lithuania legally or illegally;
- Ensure accessibility of legal aid to trafficked victims throughout the proceedings;
- Ensure that no girls involved in prostitution or under-age victims of human trafficking are held in *de facto* administrative detention in a “socialization centre”;
- Reform “socialization centre” where girls are held in *de facto* administrative detention;

<sup>34</sup> DELFI, “The pimps trial: police cannot find prostitutes”, *Delfi.lt*, 28 November 2011, available at: <http://www.delfi.lt/archive/article.php?id=52261443>

<sup>35</sup> “Public audit report on the effectiveness of children socialization centres”, National Audit Office, 29 July 2013, available at: [www.vkontrole.lt/failas.aspx?id=3073](http://www.vkontrole.lt/failas.aspx?id=3073)

<sup>36</sup> ECtHR, *A. and Others v. Bulgaria*, Application No. 51776/08, 29 November 2011

<sup>37</sup> Information gathered during a round-table discussion in Kaunas organised by Family Relations Institute, 25 February 2014

<sup>38</sup> DELFI, „Socialisation centres – damaging institutions?“, *Delfi.lt*, 14 August 2011, available at: <http://www.delfi.lt/news/daily/education/socializacijos-centras-zalojimo-istaiga.d?id=48559067>

### *Capacity-building and awareness-raising*

- In consultation with the NGO sector, issue recommendations/guidelines for prosecution (Prosecutor General's Office), police (Police department under the Ministry of Interior), judiciary (National Courts Administration, Ministry of Justice) on handling human trafficking cases;
- Organise and conduct training, including sensitivity training, for law enforcement and judiciary on handling human trafficking cases and on the special needs of victims in the proceedings;
- Raise public awareness on the risks of an easy and profitable work abroad, targeted at the most vulnerable victims, i.e. young females coming from the families at social risk, or inmates of large social care institutions;
- Ensure adequate and continuous state funding for non-governmental organisations working to support trafficked persons;
- Establish and provide adequate funding for the specialised integrated support services to human trafficking victims;
- Organise and conduct training, including sensitivity training, for the State Border Guard Service on identification of victims and their special needs.

### 3. ARTICLE 12. RIGHT TO HEALTH

#### 3.1. Legislative initiates restricting access to safe and legal abortion

56. The initiatives aiming to prohibit termination of pregnancy in Lithuania have been recently revisited and put for voting. They come in hand with other legislative proposals, e.g. the proposal to constitutionally define a “family” as a married couple of man and a woman raising their biological children together. Altogether, such initiatives fall under the “protection of family values” umbrella – the rhetoric extensively used by politicians for the advancement of their agenda and political gains, – which ultimately results in the rights of disadvantaged and vulnerable women being unjustifiably abridged.
57. On March 10, 2013 a group of MPs representing the party *Electoral Action of Poles* registered a draft *Law on the Protection of a Life in the Pre-Natal Phase*<sup>39</sup> together with the accompanying legislative proposals – draft amendments to the Civil Code<sup>40</sup> and the Criminal Code.<sup>41</sup> The legislative package is altogether known as “abortion ban bill” (the Bill). The explanatory memorandum attached to the Bill refers to “the teaching of the Catholic Church and Joan Paul II” as a justification for the abortion prohibition.<sup>42</sup>
58. Art. 6 of the draft *Law on the Protection of a Life in the Pre-Natal Phase* allows to terminate the pregnancy in only two cases: (i) when a pregnancy poses an evident threat to life of a mother or (ii) when a pregnancy occurs as a result of a criminal act (e.g. rape). However, in both cases the pregnancy can be terminated only when not more than 12 weeks have passed from the day of inception.
59. Pursuant to Art. 6(4), if a minor or a person stripped of legal capacity intends to terminate the pregnancy, she needs to obtain a written consent by one of the parents or a guardian, in absence of any of them – she needs to obtain a court order.
60. According to draft Art. 131(1), 135, and 142 of the Criminal Code, termination of pregnancy in all other cases constitutes an act punishable by community service, arrest or imprisonment. Article 131(1) provides that a doctor who terminates the pregnancy may face up to three years imprisonment; while according to Article 135 paras. 3-4, anyone – including a mother, – who inflicts serious harm on an “unborn child” may be imprisoned for up to two years.
61. The Health Committee of the Lithuanian Parliament seconded the Bill,<sup>43</sup> while two other Committees – Human Rights Committee and Legal Affairs Committee, – are still deliberating the issue. Several open hearings bringing together human rights NGOs, the Church representatives and MPs, were organized by the Human Rights Committee, however legal repercussions of the Bill, such as the ones outlined in ECtHR and CEDAW case-law, were not discussed. According to the Human Rights Committee, both hearings were aimed at discussing “moral aspects” of the proposed legislation as opposed to legal ones.<sup>44</sup>

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<sup>39</sup> Draft Law on the Protection of a Life in a Pre-natal Phase, No. XIIP-337, 10 March 2013, available at:

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=444122&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=444122&p_tr2=2)

<sup>40</sup> Draft Law Amending Article 2.2 of the Civil Code, No. XIIP-339, 10 March 2013, available at:

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=444125](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=444125)

<sup>41</sup> Draft Law Amending and Supplementing Articles 135 and 142 of the Criminal Code and Supplementing [the Code] with Article 131(1), No. XIIP-338, 10 March 2013, available at: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=444123](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=444123)

<sup>42</sup> Explanatory memorandum to the Draft Laws Nos. XIIP-337 and XIIP-339, 10 March 2014, available at:

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=444127](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=444127)

<sup>43</sup> Opinion of the Health Committee on the Draft Law on the Protection of a Life in a Pre-natal Phase, No. XIIP-337, available at:

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=462307](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=462307)

<sup>44</sup> BNS, „The priest: banning abortions actually helps women“, *Delfi.lt*, 23 October 2013, available at:

<http://www.delfi.lt/news/daily/health/kunigas-abortus-draudziantis-istatymas-is-tiesu-yra-pagalba-moteriai.d?id=63105612>

62. Notably, the drafters of the Bill are purposively deceiving the public as to the justification for and the impact of the proposed regulation. According to the explanatory memorandum, the Bill reflects the expectations of the citizens.<sup>45</sup> However, the most recent public opinion polls show that 36,3% of Lithuanians agree that a woman has a right to decide whether to terminate pregnancy and 48% agree that abortion is justified in certain cases – personal circumstances, woman’s health and other reasons. Only 9,2% do not justify abortion in any case. The scale of anti-Bill protests, including on-line petition that collected over five thousand signatures,<sup>46</sup> and a public action “For the right of women to decide for themselves”,<sup>47</sup> are also indicative of the Lithuanian public’s stance on the issue.
63. The drafters of the Bill also fail to explain the drawbacks of the abortion criminalization, such as a dramatic increase in illegal and unsafe abortions, medical corruption, heightened women mortality rates especially among young women and incest victims. For instance, the Polish Federation for Women and Family Planning estimates that as many as 200,000 illegal abortions are carried out in Poland, where termination of pregnancy is generally prohibited, every year (generating \$95 million in fees for doctors).<sup>48</sup>
64. Criminalization of abortion is a major step back for women’s rights in Lithuania and a clear indication of the State’s repetitive attempts to regulate public morals at the expense of women’s right to privacy, health and life. It also disregards the Committee’s recommendations put forward in the concluding observations on the Lithuania’s third and fourth periodic reports. In para. 24 of the 2008 concluding observations, the Committee expressed a “deep concern” over a very similar piece of draft legislation, noting that “the adoption of such law may lead women to seek unsafe illegal abortions, with subsequent risks to their health and lives and contributing to a rise in maternal mortality”.<sup>49</sup>

#### Recommendations:

- Ensure that the *Law on the Protection of a Life in the Pre-Natal Phase* or any similar pieces of legislation aiming at substantially restricting women’s right to private life and health are not adopted;
- Widely inform the public on the risks of abortion criminalization, such as increase in unsafe illegal abortions, threat to health and well-being of women and increase in maternal mortality;
- Take measures to ensure that access to safe and legal abortion is provided to all women of Lithuania by virtue of introducing the right to terminate pregnancy into the national legislation.

### 3.2. A right to safe pregnancy and childbirth

65. Lithuanian legal framework fails to ensure woman’s right to safe childbirth at home. In 2013, the issue of home birth was raised in the public debate after Lithuanian law enforcement initiated criminal investigations into several incidents where home deliveries have ended with deaths of new-borns.<sup>50</sup>

<sup>45</sup> Explanatory memorandum to the Draft Laws Nos. XIIP-337 and XIIP-339, 10 March 2014, available at:

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=444127](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=444127)

<sup>46</sup> Petition „My Body Belong to Me, Not to the Parliament“, 24 January 2014, available at: <http://www.laisva.lt/322/my-body-belongs-to-me-not-to-the-parliament/>

<sup>47</sup> DELFI, „Protest with Hangers Against Abortion Ban“, *Delfi.lt*, 8 March 2014, available at:

<http://www.delfi.lt/news/daily/lithuania/pries-abortu-draudima-mitingas-su-pakabomis.d?id=64226680>

<sup>48</sup> Ghosh, Palash, „Will Catholic Poland Finally Legalize Abortion“, *ibtimes.com*, 26 September 2014, available at:

<http://www.ibtimes.com/will-catholic-poland-finally-legalize-abortion-796091>

<sup>49</sup> CEDAW Committee’s concluding observations on the Lithuania’s third and fourth periodic reports under the CEDAW, CEDAW/C/LTU/CO/4, 8 July 2008

<sup>50</sup> See e.g. BNS, „Police thinks a sect might be involved in the home childbirth case“, *Lzinios.lt*, 5 March 2013, available at:

<http://lzinios.lt/lzinios/Kriminalai-ir-nelaimes/Gimdymo-namuose-byloje-policija-izvelgia-sektos-pozymiu>

66. In February 2013, Human Rights Monitoring Institute addressed the Minister of Health and pointed out that these incidents were a direct outcome of the rigid state policy and legal regulation, banning medical and health care staff from providing professional care and assistance during home deliveries.<sup>51</sup> Such care can be provided lawfully only in general hospitals and maternity hospitals. This results in situations where women, who chose to give birth at home, receive unqualified care or are deprived of any professional care altogether.
67. The State's failure to ensure provision of medical and health care services violates Art. 12 of the CEDAW providing that „States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary [...]“.
68. The European Court of Human Rights has recognized in *Ternovszky v Hungary*, 2011, (Application No. 67545/09) that a woman's right to respect for private and family life includes the right to choose the place of delivery and receive a qualified health care and professional assistance during childbirth. The court also said that the states have an obligation to enact legislation necessary for providing medical and health care services during childbirth at home. Furthermore, the states cannot prohibit or otherwise discourage qualified professionals who would be willing to provide such assistance.<sup>52</sup>
69. HRMI urged the Minister of Health to respect Lithuania's international obligations and ensure that all health policies and regulations are in line with basic human rights standards. The Minister's response was that the State had no legal obligation to provide such services at home.<sup>53</sup>

#### Recommendation:

- Amend the legislation and policies to ensure women's right to safe childbirth at home and the right to receive qualified professional medical and health care services during delivery.

### 3.3. Absence of comprehensive reproductive health legislation and policy

70. In the concluding observations on Lithuania's third and fourth periodic reports, the Committee called on the State to "take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services". However, Lithuania has failed to ensure that the national legislative and policy framework creates a favorable environment for women to exercise their reproductive rights.<sup>54</sup>
71. There is no comprehensive piece of legislation on the national level outlining the right to safe and legal abortion, access to contraceptives in general and free contraceptives in certain cases (rape, low income, minor age, etc.), or compulsory sex education at schools.<sup>55</sup> Although in July 2002, a group of MPs registered a draft *Law on Reproductive Health*, it was not approved by the Government or the Human Rights Committee<sup>56</sup> and thus was not deliberated further by the Parliament.<sup>57</sup>

<sup>51</sup> Human Rights Monitoring Institute, Letter to the Minister of Health of the Republic of Lithuania, 26 February 2013, available at: [http://www.hrmi.lt/uploaded/PDF%20dokai/ZTSI\\_Viesas\\_kreipimasis\\_del\\_gimdymo\\_namuose.pdf](http://www.hrmi.lt/uploaded/PDF%20dokai/ZTSI_Viesas_kreipimasis_del_gimdymo_namuose.pdf)

<sup>52</sup> EctHR, *Ternovszky v. Hungary*, App no 67545/09, 14 December 2010

<sup>53</sup> Ministry of Health of the Republic of Lithuania writ No. (10.1.3.1-33) 10-2522, 3 March 2013, available at :<http://www.hrmi.lt/uploaded/Documents/Ministro%20atsakymas%20del%20gimdymo%20namuose.pdf>

<sup>54</sup> CEDAW Committee's concluding observations on the Lithuania's third and fourth periodic reports under the CEDAW, CEDAW/C/LTU/CO/4, 8 July 2008, para. 25

<sup>55</sup> Draft Law on Reproductive Health, No. IXP-1775, 5 July 2002, available at:

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=170862](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=170862)

<sup>56</sup> Opinion of the Human Rights Committee on the Draft Law on Reproductive Health, No. IXP-1775, 18 November 2002, available at: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=193454](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=193454)

<sup>57</sup> Opinion of the Government on the Draft Law on Reproductive Health, No. IXP-1775, 31 July 2003, available at: [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=215717](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=215717)

72. The idea of providing a legal basis for reproductive rights was revisited in December 2013, when the Ministry of Health set up an inter-disciplinary working group tasked with the preparation of the *Law on Reproductive Health*. It appears that the expert group was established to counteract the “abortion ban bill” deliberated in the Parliament (see s. 2.1). However, the deadline for the group to come up with the draft has not been set, nor any advisors from the European reproductive health organizations were invited to provide their expertise and assistance in drafting the complex law.
73. Moreover, in March 2014 a group of seven MPs registered another draft *Law on Reproductive Health* in the Parliament.<sup>58</sup> Hence, it might happen that by the 2014 autumn’s session the Parliament will have to deliberate to concurring pieces of legislation. The prospects of adoption of any of them are far from clear as reproductive health remains a controversial issue in Lithuania.
74. The prevailing attitudes and misconceptions regarding reproductive health and rights are well illustrated by the resolution of the Lithuanian Parliament adopted in December 2013. Back then, the Lithuanian Parliament called upon the European Parliament to reject *Edite Estrela’s draft resolution on sexual and reproductive health and rights*. Lithuanian MPs said in their resolution that “upon the adoption of the before-mentioned resolution by the European Parliament, EU member states would be urged to ensure that masturbation in early infancy contributes to sexual education and also that children under 6 should already know about sexual intercourse between same-sex people and children under 9 should get access to information about methods of contraception.”<sup>59</sup>
75. The issue of assisted reproduction has not been yet resolved either. In 2010, two draft laws were registered, aiming to regulate assisted reproduction procedures. The draft *Law on Assisted Reproduction* allowed for gamete donation and embryo freezing;<sup>60</sup> while under the draft *Law on Artificial Reproduction* the conditions of in vitro fertilization would be regulated more stringently: it was suggested to produce only as many embryos as can be simultaneously transferred to the uterus, with a maximum limit of three embryos.<sup>61</sup> The age limit for women, who may undergo in vitro fertilization, also differed – 50 and 45 years accordingly.<sup>62</sup> Eventually, none of the laws were adopted thus leaving 50 thousand infertile families with this number increasing by two thousand each year, without any prospects of obtaining assisted reproduction services in the country.<sup>63</sup>
76. In the absence of any reproductive health legislation or programmatic national-level strategies, Lithuania scores the lowest of nine EU countries in terms of efficiency of the reproductive health policy.<sup>64</sup> In particular, the International Planned Parenthood Federation European Network has noted that in Lithuania, “sexual and reproductive health and rights (SRHR) are not a political priority”; “[r]eligious sensitivities have an impact on the way SRHR are dealt with in Lithuania”, and that “[s]exuality education at schools is largely limited to promotion of abstinence”.<sup>65</sup>

<sup>58</sup> Draft Law on Reproductive Health, No. XIIP-1591, 13 March 2014, available at:

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=467170&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=467170&p_tr2=2)

<sup>59</sup> BNS, „Seimas addressed EP over sexual health resolution“, Lithuaniantribune.com, 10 December 2014, available at:

<http://www.lithuaniantribune.com/59144/seimas-addressed-ep-over-sexual-health-resolution-201359144/>

<sup>60</sup> Draft Law on Assisted insemination, No. XIP-2388, 14 September 2010,

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=380793](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=380793)

<sup>61</sup> Draft Law on Artificial insemination, No. XIPP-2502, 12 October 2010,

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=382967](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=382967)

<sup>62</sup> *Ibid.*

<sup>63</sup> Ombudsperson of Seimas Romas Valentukevičius, Report No. 4D-2009/1-162, “On the inquiry carried out on the initiative by the Seimas Ombudsperson into alleged violations of the rights of persons to safe and healthy environment”,

<http://www.lrski.lt/index.php?p=0&l=LT&n=62&pazyma=3616>

<sup>64</sup> International Planned Parenthood Federation European Network (IPPF EN) with the support of Burson-Marsteller Brussels. , Barometre, 2013, available at:

[http://barometr.trr.org.pl/index.php?option=com\\_content&view=article&id=129&Itemid=798&lang=en](http://barometr.trr.org.pl/index.php?option=com_content&view=article&id=129&Itemid=798&lang=en)

<sup>65</sup> *Ibid.*

**Recommendations:**

- Organize effectively the work of the expert group established by the Ministry of Health through consulting international and European experts and allocating sufficient human and financial resources to the members of the group so they are fully equipped to draft a comprehensive *Law on Reproductive Health*;
- Adopt the *Law on Reproductive Health* which *de minimis* provides for the right to safe and legal abortion, access to contraceptives in general and free contraceptives in certain cases (rape, low income, minor age, etc.), and compulsory sex education at schools;
- Adopt legislation, either as a separate law or within the *Law on Reproductive Health*, allowing the access to effective and timely assisted reproduction services;
- Ensure that religious groups do not exercise undue influence in the matters regarding reproductive health and rights.