



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 12, PARAGRAPH 1 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Concluding Observations: LITHUANIA

1. The Committee considered the initial report of Lithuania (CRC/C/OPSC/LTU/1) at its 1349th meeting (CRC/C/SR.1349), held on 18 September 2008, and adopted at its 1369th meeting (CRC/C/SR.1369), held on 3 October 2008, the following concluding observations.

Introduction

2. The Committee welcomes the submission of the State party's initial report and the replies to its list of issues (CRC/C/OPSC/LTU/Q/1/Add.1) submitted in a timely fashion, though it regrets that the report was not prepared in full accordance with the Committee's reporting guidelines. The Committee appreciates the frank and constructive dialogue held with the State party's multisectoral delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations on the State party's second periodic report (CRC/C/LTU/CO/2) and the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/LTU/CO/1).

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I. General Observations

Positive aspects

4. The Committee notes with appreciation the adoption of the following legislative and other measures:

Active measures taken in the field of prevention and prosecution of child trafficking and child prostitution, including the adoption and implementation of the Programme for the Prevention and Control of Trafficking in Human Beings (2005-2008); and

Adoption of measures to protect victims of sexual abuse or prostitution, including the National Programme for Prevention of Violence against Children and Assistance for 2005-2007 and 2008-2010.

5. The Committee further notes with appreciation the State party's signature or ratification of:

The 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, on 29 April 1998;

The International Convention on the Rights of Persons with Disabilities and its Protocol on 30 March 2007;

The International Convention for the Protection of All Persons from Enforced Disappearances on 6 February 2007; and

The Council of Europe Convention on Action against Trafficking in Human Beings in 2008.

II. Data

While welcoming the statistical data provided in the State party's report and the replies to the list of issues, the Committee regrets the lack of data disaggregated by, inter alia, sex, age urban/rural areas and the lack of research on the areas covered by the Optional Protocol.

7. The Committee recommends that the State party develop and implement a comprehensive and systematic mechanism of data collection, analysis and monitoring of all the areas covered by the Optional Protocol. The data should be disaggregated, inter alia, by nature of the offence and by sex, age, urban/rural areas and with particular attention to the

vulnerable groups of children.

III. General measures of implementation

National Plan of Action

8. While welcoming the Programme for the Prevention and Control of Trafficking in Human beings for 2005-2008, the Committee is concerned that there is no specific plan of action in relation to the sale of children, child prostitution and child pornography.

9. The Committee recommends that the State party develop a national plan of action aimed at addressing comprehensively all the issues covered by the Optional Protocol and provide adequate human and financial resources for its implementation. In doing so, the State party should pay particular attention to the implementation of all provisions of the Optional Protocol taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children held in Stockholm and Yokohama in 1996 and 2001 respectively.

Independent monitoring

10. The Committee welcomes the establishment of the Ombudsman for the Protection of the Rights of the Child in 2000, and the State party's response to some of the recommendations contained in the Ombudsman's report on the issue of sale of children, child prostitution and child pornography. The Committee also notes that in 2007 the Ombudsman drew up proposals for the Seimas (Parliament) and the Government regarding the situation of child victims of trafficking and prostitution in Lithuania.

11. The Committee recommends that the State party give timely consideration to the recommendations submitted by the Children's Rights Ombudsman and continue to provide the Ombudsman with adequate human and financial resources to exercise its mandate, including the monitoring of the implementation of the Optional Protocol.

Dissemination and training

12. While welcoming the various training and dissemination activities undertaken by the State party in the field of trafficking in human beings, including children, the Committee remains concerned that efforts to raise awareness among relevant professional categories and the public at large on the Optional Protocol and to provide adequate training for police officials, judges, prosecutors and social workers who are working with and for children are not systematic and that they do not cover all areas of the Optional Protocol.

13. The Committee recommends that the State party strengthen its training and dissemination activities and allocate adequate resources for the development of training materials and courses, covering all areas of the Optional Protocol, for all relevant professionals including police officers, public prosecutors, judges, medical staff, media and other professionals involved in its implementation. The Committee further recommends, in the light of article 9, paragraph 2 of the Optional Protocol, that the State party make the provisions of the Optional Protocol widely known, particularly to children and their families, through, inter alia, school curricula, long-term awareness-raising campaigns and training on the preventive measures and harmful effects of all offences referred to in the Optional Protocol, the participation of the community and, in particular, children, including child victims.

Allocation of resources

14. The Committee notes with concern the discrepancies in the level and quality of services available for child victims of offences covered by the Optional Protocol depending on the availability of human and financial resources of the municipal government concerned.

15. The Committee encourages the State party to ensure that sufficient resources are allocated equitably throughout the country for the implementation of all areas covered by the Optional Protocol, by providing, in particular, the necessary human and financial resources for the development and implementation of programmes aimed at the prevention, protection, physical and psychological recovery and social reintegration of victims, as well as the investigation and prosecution of the offences covered by the Optional Protocol.

IV. Prevention of the sale of children, child prostitution and child pornography

Measures adopted to prevent offences referred to in the Protocol

16. The Committee notes that the Parliament has approved the State Family Policy Concept which seeks to strengthen and support the "common institution of the family". The Committee is concerned, however, that the implementation of the Concept may lead to the availability of appropriate adolescent reproductive health information and services being severely restricted, with particularly adverse consequences on those children concerned by the Optional Protocol.

17. The Committee recommends that in implementing the State Family Policy Concept, the State party ensure the availability of appropriate adolescent reproductive health information and services, particularly to meet the special needs of the child victims of the offences under the Optional Protocol in their recovery and rehabilitation and ensure that all their rights are respected.

18. The Committee is deeply concerned at the information in the State party report that: "Children under 18 years of age, in particular adolescent girls living in special boarding schools, special child-education and care homes, governmental and non-governmental child-care homes, or social at-risk families, very often become victims of trafficking in human beings, prostitution and pornography".

19. The Committee notes the efforts undertaken by the State party to reduce poverty and social exclusion with a view to preventing children belonging to vulnerable groups from becoming victims of offences referred to in the Optional Protocol. However, the Committee is concerned that targeted preventive measures as well as awareness-raising programmes on sale of children, child prostitution and child pornography as well as measures to identify the causes and extent of the problem remain limited, particularly with regard to children living in poverty and children living in institutional care.

20. The Committee encourages the State party to:

Undertake research on the effects of the previous actions taken and on the nature and extent of sexual exploitation of children, including prostitution and pornography, in order to identify children at risk and to address the root causes of the problem;

On the basis of the above-mentioned study, adopt a more comprehensive and targeted approach to address sale of children, child prostitution and child pornography, by incorporating prevention, recovery and reintegration measures, with particular focus on vulnerable groups of children; and

Seek, for the purpose of more effective prevention in the areas covered by the Protocol, technical assistance from, inter alia, UNICEF and other international organizations and agencies.

V. Prohibition of the sale of children, child pornography and child prostitution

Existing criminal or penal laws and regulations

21. The Committee welcomes the amendments made to the Criminal Code and the Code of Criminal Procedure aimed to achieve compliance with the Optional Protocol following its ratification, including the increased criminal liability for the use of child prostitution or child pornography for natural as well as legal persons. However, the Committee remains concerned that the Criminal Code of the State party does not criminalize all acts and activities listed in article 3 of the Optional Protocol. In particular, the Committee notes with concern the lack of a definition of child prostitution and child pornography in the Criminal Code.

22. The Committee urges the State party to review its legislation, in particular the Criminal Code, with a view to bringing it into full conformity with the Optional Protocol, including by introducing definitions of child prostitution and child pornography, in accordance with article 3 (b) and (c) of the Optional Protocol.

Statute of limitation

23. The Committee notes the limitation periods for the offences covered under the Optional Protocol and is concerned that the limitation periods in some circumstances are too short and that criminal prosecution cannot be proceeded with due to the young age of the victim.

24. The Committee recommends that the State party reconsider the limitation period for offences covered under the Optional Protocol so that they commence only after the child victim has reached the age of majority.

Jurisdiction and extradition

25. The Committee welcomes that procurement and sale of children is subjected to universal jurisdiction in the State party, but regrets that the scope of the application of universal jurisdiction does not apply to other crimes covered under the Optional Protocol.

26. The Committee recommends that the State party consider taking measures to extend its universal jurisdiction to cover all the offences referred to in the Optional Protocol and to abolish the requirement of dual criminality.

VI. Protection of the rights of child victims

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Protocol

27. The Committee notes with appreciation the various legal measures taken to protect the rights and interests of child victims and witnesses in the criminal justice process and the separate specialized judiciary unit which is able to deal with child victims of crimes related to the Protocol. However, the Committee notes with concern that these measures are discretionary rather than mandatory and it also regrets the lack of information on concrete programmes of recovery for the child victim and data on financial compensation to victims.

28. The Committee recommends that the State party continue to consolidate its efforts to bring its legislation and administrative procedures to closer harmony with the Optional Protocol and in this respect, be guided by the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (ECOSOC res. 2005/20), and in particular:

Continue to strengthen, in the light of article 8, paragraph 1 of the Optional Protocol, its measures, including legislation, to protect the rights and interests of the child victims and witnesses of the offences prohibited under the Optional Protocol at all stages of the criminal justice process;

Continue developing specialized medical and psychological care services for child victims, and take measures with the aim of ensuring all appropriate assistance to child victims, including their social reintegration and physical and psychological recovery, including by ensuring access and availability of professionals working with child victims throughout the country, in the light of article 9 of the Optional Protocol;

Take measures to ensure appropriate training, particularly legal and psychological, for persons working with child-victims of the offences prohibited under the Optional Protocol, in accordance with article 8, paragraph 4 of the Optional Protocol;

Continue and strengthen the collaboration with non-governmental organizations, in particular, by supporting their advocacy and efforts to ensure that adequate services are available for child victims;

Support the existing helpline by, inter alia, allocating sufficient resources and ensure that it is accorded a 3-digit, 24-hour, toll-free number to assist child victims; and

Ensure that all child victims have access to adequate procedures and seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9, paragraph 4 of the Optional Protocol.

29. The Committee is concerned that child victims of crimes covered by the Optional Protocol may be held responsible, including child victims of prostitution aged 16 and 17 who may face administrative fines.

30. The Committee urges the State party to take all possible measures to avoid stigmatization and social marginalization of child victims of the offences covered by the Optional Protocol and make the necessary legislative amendments to ensure that these children are neither criminalized nor penalized.

VII. International assistance and cooperation

31. The Committee, while acknowledging the active measures taken by the State party against trafficking in children and child prostitution, in close cooperation with the Council of the Baltic Sea States (CBSS), is concerned that, according to the State's party report, "there were no instances of international legal cooperation in relation to criminal activities covered by the Optional Protocol".

32. The Committee recommends that the State party take all necessary measures to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, repatriation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography.

VIII. Follow-up and dissemination

Follow-up

33. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to relevant government ministries, the Seimas (Parliament) and to local authorities, for appropriate consideration and further action.

Dissemination

34. The Committee recommends that the report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including through the internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

IX. Next report

35. In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Protocol in its fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
