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**Article 35 of the Code of Criminal Procedure of the Republic of Lithuania**

Prosecutor is the Prosecutor General and prosecutors subordinate to him, participating in the criminal procedure in accordance with their competence

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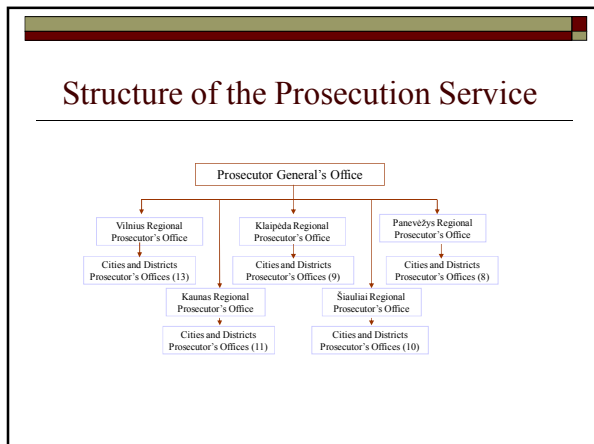
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Regional Prosecutor's Office and Prosecutors of Regional Prosecutor's Office

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analyse complaints, applications, notifications about criminal acts that have been committed in the territory of the local Prosecutor's Offices of that Region and that are in the jurisdiction of the Regional Court, when a pre-trial investigation in respect of them would be carried out in the pre-trial investigation institution under control of the Regional Prosecutor's Office

carry out, arrange and lead pre-trial investigation in the criminal cases that are in the jurisdiction of the Regional Court, arrange pre-trial investigation and support state charges in criminal cases;  
perform other functions of the Prosecution Service.

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### Documents

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- Constitution of the Republic of Lithuania
- Law on the Prosecution Service of the Republic of Lithuania
- Code of Criminal Procedure of the Republic of Lithuania
- Criminal Code of the Republic of Lithuania
- International Treaties
- Regulations of the Competence of Prosecution Office and Prosecutors of the Republic of Lithuania
- Orders, instructions of the Prosecutor General of the Republic of Lithuania

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### Priorities of the Prosecution Service Activities of 2007 (documents)

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Resolution of the Seimas of the Republic of Lithuania No. X-265 of 21 June 2005 concerning the Progress Report of the Prosecution Service of the Republic of Lithuania of 2004 and the Priorities for 2005-2006.

Resolution of the Committee on Human Rights of the Seimas of the Republic of Lithuania of 08 June 2005 concerning the Problems of Trafficking in Human Beings.

Decree of the Government of the Republic of Lithuania No. 558 of 19 August 2005 concerning Approval of the Programme for the Prevention and Control of Trafficking in Human Beings for 2005-2008.

Order of the Prosecutor General of the Republic of Lithuania No. I-74 of 29 March 2006 Concerning Activities of the Prosecution Service in Criminal Prosecution of Acts Related to Trafficking in Human Beings.

Resolution of the Seimas of the Republic of Lithuania No. X-1053 of 15 March 2007 concerning the Progress Report of the Prosecution Service of the Republic of Lithuania of 2005.

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**The main documents describing the concept of trafficking in persons in the international and EU law**

- The Protocol of 15 November 2000 to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime // Žin., 21.05.2003, No.: 49-2166.
- Seimas of the Republic of Lithuania ratified this Protocol on 22 April 2003 // Žin., 21.05.2003, No.: 49-2157.
- Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA) adapted the concept of trafficking in human beings presented in the UN Protocol.

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**International regulatory acts on trafficking in persons ratified by Lithuania**

- The European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (Valstybės žinios, 1995, No. 40-987) and its additional Protocols;
- ILO Convention 29 on Forced Labour (Valstybės žinios, 1996, Nr. 27-648), which condemned slavery methods, and prohibited use of forced labour ;
- Convention on the Elimination of All Forms of Discrimination against Women (Valstybės žinios, 1996, No. 21-549);
- ILO Convention 105 on Abolition of Forced Labour (Valstybės žinios, 1996, No. 28-676), which obligates all member states to suppress and not to make use of any form of forced or compulsory labour for the purpose of economic development;
- *The United Nations Convention Against Transnational Organized Crime (Žin., 2002, No. 51-1933) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the Convention (Valstybės žinios, 2003, No. 49-2166);*
- ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Valstybės žinios, 2003, No. 49-2161).

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**The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime**

- **Article 3**
- **Use of terms**
- For the purposes of this Protocol:
  - a) "trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs ;
  - b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used ;
  - c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
  - d) "Child" shall mean any person under eighteen years of age .

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**Trafficking in Persons**

- Regulation of trafficking in persons was included into the Criminal Code of the Republic of Lithuania on 2 July 1998.
- The last revision of trafficking in persons (Article 147 of the Criminal Code) was adopted on 23 June 2005. Its content was conditioned by the obligations of the Republic of Lithuania to harmonize Lithuanian legislation of trafficking in persons with international and EU legislation.

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**131-3 Trafficking in persons (Criminal Code of 1961)**

Selling of a person or any other transfer or acquisition of a person for the purpose of sexual exploitation, forced prostitution, or for the purpose of receiving payments or any other personal benefits, also transportation of a person for prostitution in Lithuania or outside the limits of Lithuania,

to be punished by imprisonment for the period from four to eight years.

The same act, committed repeatedly or in respect of a child, or by a group of persons on prior agreement, or by an extremely dangerous recidivist,

to be punished by imprisonment for the period from six to twelve years.

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**Article 147. Trafficking in persons**

1. The one who sold, purchased, or otherwise transferred or received a person, or recruited, transported or kept a person in prison using physical ~~coercion or threatening, or otherwise taking away ability of a person to resist,~~ or abusing a position of dependence or vulnerability of a person, or using fraud or deception, or giving payments or other material benefits to a person having control over a victim, if a culprit knew about or sought to involve a victim into prostitution, or to make profit from prostitution of that person, or to abuse this person for pornography or forced labor, to be punished by imprisonment for the period from two to ten years.

2. The one who committed the acts specified in the paragraph 1 of this Article in respect of two or more victims, or acting in an organised group, or for the purpose of receiving organ, tissue or body cells of a victim, to be punished by imprisonment for the period from four to twelve years.

3. A legal person shall also bear responsibility the acts specified in this Article.

*Amendments of the Article:*  
 No. X-272, 2005-06-23, Žin., 2005, No. 81-2945 (2005-06-30)

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**Article 147. Trafficking in persons (old version)**

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The one, who sold, purchased or otherwise received a person with the purpose to receive material or other personal benefits, to be punished by imprisonment for the period up to eight years.

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**Trafficking in persons (Article 147 of the Criminal Code)**

**With the purpose of abuse**

Selling or other transfer		Physical coercion
Buying or other acquisition		threatening
Recruitment		Taking away other possibilities to resist
Transportation or keeping in prison		Abusing dependence
		Abusing vulnerability
		fraud, deception
		Payment or other benefits to a person having control over a victim

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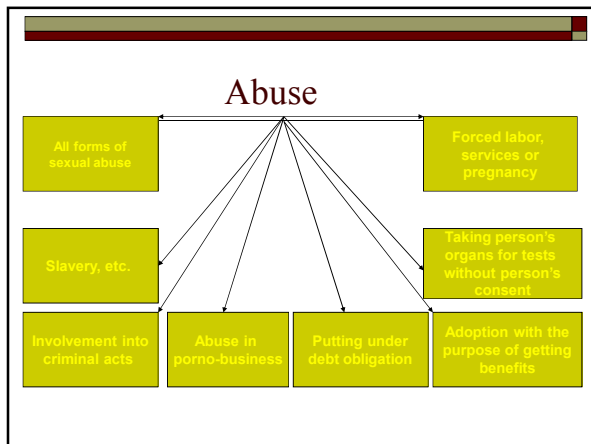
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**Article 147(1). Abuse by forced labour**

1. The one who illegally forced a person to perform certain work using ~~physical coercion or threatening, or otherwise taking away ability of a person to resist,~~ or abusing a position of dependence or vulnerability of a person, to be punished by a penalty or restriction of freedom, or arrest, or imprisonment for the period up to three years.

2. The one who committed acts specified in the paragraph 1 of this Article, forcing a person to work in conditions of slavery, or other inhuman conditions, to be punished by arrest or imprisonment up to eight years.

3. A legal person shall also bear responsibility the acts specified in this Article.

*The Code was supplemented with the Article:  
No. X-272, 2005-06-23, Žin., 2005, No. 81-2945 (2005-06-30)*

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**Article 157. Buying or selling of a child (old version)**

1. The one who cold, bought or otherwise transferred or received a child of minor age, to be punished by imprisonment for the period up to eight years.

2. The one who was involved in trading of children of minor age to be punished by imprisonment for the period from two to ten years

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**Article 157. Buying or selling of a child**

1. The one who offered to buy or otherwise acquire a child, or who sold, bought or otherwise transferred or received a child, or recruited, transported or kept a child imprisoned, knowing or seeking to involve a child in prostitution or receiving benefits from a child's prostitution, or abuse of a child for pornography or forced labour, to be punished by imprisonment for the period from three to twelve years.

2. The one who committed the acts specified in the paragraph 1 of this article, or committed it with two or more children, or with a juvenile child, or acting in an organised group, or for the purpose of receiving organ, tissue or body cells of a victim, to be punished by imprisonment for the period from five to fifteen years.

3. A legal person shall also bear responsibility the acts specified in this Article.

*Amendments of the Article  
No. X-272, 2005-06-23, Žin., 2005, No. 81-2945 (2005-06-30)*

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**Article 307. Receiving benefits from other person's prostitution**

1. The one who received benefits from other person's prostitution or pimping, ~~to be punished by restriction of freedom, or arrest, or imprisonment for the period up to four years.~~
2. The one who organised or managed prostitution, or transported a person for prostitution with that person's consent to or from the Republic of Lithuania, to be punished by imprisonment for the period from two to eight years.
3. The one who received benefits from the prostitution of a person of minor age, or who organised or managed prostitution of a person of minor age, or transported a person of minor age for prostitution with that person's consent to or from the Republic of Lithuania, to be punished by imprisonment for the period from two to eight years.
4. A legal person shall also bear responsibility the acts specified in this Article.

*Amendments of the Article:  
No. X-711, 2006-06-22, Žin., 2006, No. 77-2961(2006-07-14)*

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**Article 308. Involvement into prostitution**

1. The one, who involved a person into prostitution, ~~to be punished by a penalty or restriction of freedom, or arrest, or imprisonment for the period up to three years.~~
2. The one, who involved into prostitution a person dependent materially, through service or otherwise, or involved a person using physical or psychological coercion, fraud or deceit, or involved a person of minor age by any means, to be punished by imprisonment for the period from two to seven years.
3. A legal person shall also bear responsibility the acts specified in this Article.

*Amendments of the Article:  
No. X-711, 2006-06-22, Žin., 2006, No. 77-2961(2006-07-14)*

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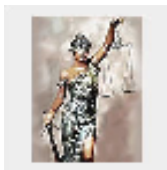
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**Thank you for attention!**




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*Klaipėda Regional Prosecutor's Office*

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of grave crime investigation)*

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laima.rokanskiene@prokuraturos.lt*

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