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Legal Protection of LGBT Victims of Crime

The Implementation of the Directive 2012/29/EU of the European Parliament and of the Council of the European Union of the 25th of October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

National Report on Lithuania

Introduction

This report is part of the activities of the project “Accommodating the needs of the victims of homophobic and transphobic hate crimes – raising the competences of law-enforcement institutions” which is being implemented in 2015-2017. The project is aimed at diagnosing the specific needs of the victims of hate crimes in light of specific provisions of the Victims Rights Directive (hereinafter – the Directive) and ensuring their proper and respectful treatment by law-enforcement officials.

The project aims to improve the quality of victim support services, increasing competence and developing assessment tools and protocols for the law-enforcement officials and other relevant actors, whose competence plays a vital role in increasing the reporting of hate crimes.

The goal of this research is to evaluate whether the Lithuanian legal system guarantees the rights of all victims of crimes that are established in the Directive, as to what measures Lithuanian policy makers have taken to implement the Directive, and identify the issues of transferring the Directive into national law.

When conducting this research the relevant Lithuanian legal regulation was thoroughly examined in comparison with the requirements of the Directive for ensuring the rights of victims of crimes. In addition, reports of NGOs and information from governmental institutions, recommendations on the implementation of the Directive and the legal situation of victims of crimes in Lithuania were examined.

Legal amendments

After this report was produced, the Lithuanian authorities initiated significant updates to the Code of Criminal Procedure of the Republic of Lithuania (hereinafter – the CCP). Such amendments were necessary in order to make national legislation compatible with the Directive. New amendments will take effect on March 1st, 2016. By that time the Attorney General’s office is responsible for developing enabling legislation, which is instrumental for the designed changes to function properly.

Firstly, even though the definition of the “**victim**” has still not been introduced to the Lithuanian legislation, the existing definition of the “offended” was expanded in order to correspond to the

existing court jurisprudence and the requirements of the Directive. Therefore, when a person dies due to being a victim of a criminal offence, the family members and/or close relatives of the victim are recognized as the “offended” and they thus have all the procedural rights of the victim. Article 28, Part 2, regulating the procedural rights of the “offended” was also expanded in order to add additional right, i.e. to receive information about the status of the criminal procedure, which concerns the offended.

In addition to that, one new article was added to clarify the definition of a “**child**”. Though previously this definition was explained by referring to other legislative acts, now Article 27¹ clearly states that a child is a “person who is under the age of 18 at the time of conducting an act of criminal procedure”. If there is a doubt about the legal age, the person is considered a child until the real age is determined. If the person becomes of legal age during the criminal procedure, a prosecutor or a court might decide to continue to apply one or more guarantees provided for the minors by the CCP.

Moreover, Article 8 has been supplemented with Part 4, ensuring that any victim of a crime, who does not understand the Lithuanian **language**, has a right to file a complaint or a statement about a crime in their native language or any other language they know, or use the service of interpreter and file the complaint verbally. Article 43, explaining the definition of the “translator”, has been also improved by ensuring that translator can participate in the criminal procedure using means of remote video transmission, unless his/her physical presence is necessary for any of the persons involved in exercising their rights or understanding an ongoing criminal procedure.

More amendments were made in order to protect victim’s right to understand and be understood, ensured by the Directive. This guarantee was introduced to the CCP as Article 56¹. Victims will be able to be **accompanied by a person** of their own choosing. Although the participation of such person might be limited if it is decided to be contrary to the interest of the victim by pre-trial investigation officer, prosecutor, judge or a court. This change is much needed to meet the needs of the vulnerable victims of crimes, including LGBT people, whom would now be able to be accompanied by a representative of an LGBT NGO, victim support organization or other person of their choice.

The new Article 128 Part 4 and Article 308 Part 5 now describe how victims could be **informed** about the offender’s release or escape from prison and security measures that could be applied in such cases. The investigating officer will have an obligation to provide safety related information to the victim and inquire whether victim wants to be informed about the abovementioned whereabouts of the offender. It is important to note that the offender or his/her defender will not be allowed to get acquainted with the content of such victim’s wishes, thus protecting victim’s privacy.

Furthermore, one of the most important changes to the CCP is a group of articles and rules establishing and describing the special protection needs and means of responding to it. Article 36² states that “**special protection needs**” are personal characteristics and needs conditioned upon the nature or the circumstances of the offense, designed to protect the victim from mental trauma or other negative consequences and effects of the crime. In addition to this, Article 185 was amended to state that when it is necessary to ensure victim’s special protection needs, one or more measures by Article 186, namely “Interrogation of juvenile witness and victim”, could be taken into account. Part 2 of the Article 185 also states that certain types of victims can request to be interviewed by a person of the same gender, unless it would compromise the investigation. Such requests are possible for the victims of sex crimes, domestic violence, human trafficking and prostitution, as well as in cases related to gender based discrimination and hate. Even though it is a welcomed attempt for ensuring victim’s rights, it still requires further improvement. Firstly, it is not exactly clear why victims’ choice is limited to the officers of the same gender. Secondly, the article gives rather narrow list of cases when victims can execute this choice. For example, victims of most homophobic hate crimes would not be able to use this measure unless it is on the

abovementioned list. Therefore this novelty seems to be completely disregarding experiences and special needs of LGB persons.

It should be noted that in the updated CCP significant emphasis is placed on “**protecting children and their needs**”. As it was mentioned before, special protection needs of the victims refer to the regulation by the article describing the interrogation of juvenile witnesses and victims. It specifies that when juveniles are being interrogated, it usually takes place in a special room and only once per proceeding. If additional interview is needed, it has to be carried out by the same person. Interviews may be filmed or transcribed and then used in a court room or showed to the offender and other participants of the criminal procedure. The suspect in some cases might not be allowed to participate during the interview, as well as any other person, who might be influencing the interviewee. In some cases, during the court proceedings, the child might be addressed only by the judge, physically separated from any other participant in the criminal procedure. A representative of the child might be participating during the interrogation, a psychologist or a specialist of a children rights institution might be invited, to assist in conducting the procedure with accordance to child’s social and psychological maturity. Other amendments in Articles 239, 276 and 283 detailing the procedures related to a child’s participation in the criminal procedure also do not distinguish between children and victims with special needs. It is unclear, why legislator has chosen not to introduce necessary amendments in wording of the article to make it more inclusive or to specify different needs of various victims with special needs. Instead, victims with special needs are equated with children and their needs.

In order for the criminal procedure actors to determine, whether victim has special protection needs, new Article 186¹ was created. It states that investigating officer or prosecutor have to perform an **assessment of the special protection needs** of the victim and it has to take place not later than during the first interview with the victim. A psychologists or any other person possessing special knowledge or skills might be invoked in this procedure. Findings of the assessment influence the entire criminal procedure of the case and help to decide if any of the measures, established by the CCP have to be applied. It is important to note that the findings are kept separately from the other case files and are not accessible to the offender and his/her defender. The nature of the needs assessment procedure is still unknown since the law instructs it to be prepared by the Attorney General.

All in all, although these legal changes are commendable, it only partially responds to the contents of the Directive and further changes have to be made in the legal framework in order to ensure the rights of victims of crimes in general, and specific rights and needs of vulnerable groups of victims, including LGBT victims.

Executive Summary

It must be noted that while Lithuania must adopt laws and other relevant acts that ensure the rights of the victims of crimes outlined in the Directive by 16th November 2015, the majority of the rights guaranteed by the Directive have not yet been implemented. It is additionally important to note that after examining the legal regime of Lithuania, the practices that are being applied and their compatibility with the provisions of the Directive it has been concluded that the rights of LGBT victims of crime are not given enough attention and no consideration is given at all to the special needs that LGBT victims require, as well as to their protection from secondary victimization, intimidation and revenge. LGBT victims are not provided with psychological and social support at the time that legal processes takes place. There is also a lack of general and specialized preparation for police officers, court staff and other specialists in order to equip them to be able to provide appropriate assistance to LGBT victims. There are no provisions in the general regulations that would establish the dissemination of sufficient information to victims about their rights or how to use them, thus a proper participation of the victims in the legal process is not being guaranteed.

Chapter 1. Definitions

1. Victim

It must be noted that the concept of a “victim” is not used in the Lithuanian legal system. The closest definition of the concept of a “victim” to the one outlined in the Directive is the definition set by CCP at Article 28, Part 1 which states that a person who has experienced a criminal deed which resulted in physical, property or moral damage is considered as the “offended”. Within the Law on Protection against Domestic Violence a different definition is used which defines a victim as someone who has experienced domestic violence. This definition also includes children who have witnessed or lived in an environment where violence was used. In various court practices, the concept of the offended has been expanded. As stated by the Supreme Court of Lithuania¹, when a person dies due to being a victim of a criminal deed, the family members and/or close relatives of the victim are recognized as the offended and they thus have all the procedural rights of victim.

It is also important to note that in Lithuania the concept of the “offended” is purely procedural, i.e. the person who has become a victim of crime and who is seeking to use their procedural rights has to be recognized as the offended by the officer conducting the pre-trial investigation, the prosecutor or the court (CCP Art. 28, Part 1).

Thus, even though the concept of the “offended” and its interpretation is equal to the concept of a “victim” which is used in the Directive, the offended person may not be able to use the rights of a “victim” that are outlined in the Directive because currently, in accordance to the rights of the offended outlined in the CCP, a person can only use them after a procedural decision providing the person such status has been made. The Law on Protection against Domestic Violence does not require for the person who is considered to be “the person who has experienced domestic violence” to have procedural recognition and the sole fact that a person experienced domestic violence, i.e. has become a victim of a crime, allows them to use the rights guaranteed by the Law. However, this Law is unique and is only aimed at certain individuals who have experienced domestic violence, where their domestic environment is comprised from individuals who are or have been related to them by marital relations, partnership or other close relationship as well as people living together and sharing a household.

2. Family Members

The CCP establishes the definition of “family members” and “next of kin”. Family members are the parents (guardians), children (adopted children), siblings and their spouses as well someone who the person is living with without registering a marriage or someone with whom an agreement to marry has been made. Also the parents of the spouse and former spouses (Article 38). Meanwhile next of kin includes parents (guardians), children (adopted children), siblings, grandparents and grandchildren (penal code of the Republic of Lithuania, Article 248).

It must be noted that same sex marriage and partnership is not legally recognized in Lithuania and the process of adoption is not available for same sex couples either. Therefore, families that are comprised from same sex couples are not included into the definitions of “family members” and “next of kin”. Thus, the opportunity for them to use the CCP and the rights outlined in the Directive becomes limited.

¹ Ruling of the Supreme Court of Lithuania of 14th November 2005 in the case No. 2K-P-464/2005.

3. Child

It is important to note that the definition of what constitutes a “child” is not included in the CCP. The concepts of a “minor” and “juvenile” are being used in criminal proceedings instead. The concept of a “child” is established only in other legislation.

According to the Law on the Fundamentals of Protection of the Rights of the Child, a child is a person under the age of 18, except for cases when the law states otherwise. The relevant concept has been set in the recommendations by the Attorney General on the examination of underaged witnesses or victims² (hereinafter – Recommendations on minors) where a “child” is a person under the age of 18 except cases when the law states otherwise and a “minor” is someone who was under the age of 14 at the time of the occurrence of a criminal deed. Therefore, the concepts of a “child”, “minor” and “juvenile” are equal to the definition of a “child” used in the Directive.

4. Restorative Justice

It has to be noted that the restorative justice or mediation elements outlined in the Directive is not applied in criminal proceedings in Lithuania. However, this issue has been actively discussed and considered. According to the Human Rights Monitoring Institute (HRMI), when preparing the bill for the introduction of mediation it would be beneficial to already accommodate it to the requirements of the Directive. The Directive outlines certain terms for the use of mediation, for instance mediation can only be applied when it is in accordance with the interests of the victim and bearing in mind all safety concerns. In addition, mediation has to be based on a free and conscious consent of the victim who are also provided with detailed information about the process and its results.³

5. Limitations, if any, adopted in the national law as to the family members who may benefit from the rights set out in the Directive

Due to the rights of victims outlined in the Directive not being fully ensured in Lithuania, there are also no regulations providing the ability to use the rights of family members of the victim. There is also no specified number of the family members of the victim that would provide a priority for the family members of the victim to use their rights established in the Directive.

Chapter 2. Information for LGBT Victims of Crimes

1. The victim’s right to understand and be understood (Article 3)

It should be noted that within the national law there is no legal requirement for officials to communicate with victims of crime in a simple and clear language that is easy to understand. Within Lithuanian law there are no general provisions that would ensure a simple and understandable communication with victims with disabilities, there is only a partial guarantee to receive translation assistance for people with speech impairments. Article 43 of the CCP states

² Recommendations by the Attorney General on the examination of underage witnesses or victims (ratified on 16th September 2009 by the order of the Prosecutor General No. I-126 and updated on 18th February 2015 by the order No. I-52)

³Research by the Human Rights Monitoring Institute, “The Directive of the Rights of the Victims of Crimes: a New Approach to Victims of Domestic Violence”, 2014.

that an interpreter is a person who speaks the language needed for translation, or someone who understands sign language.

It is important to note that currently an opposite trend to the one outlined in the Directive can be seen in the communication with victims of crime. Usually the written communication with the victims is formal, official and includes specific legal concepts that are not always easily understood. The victim's right to understand and be understood depends entirely on the competences of the officials dealing with him/her.

Although it is not prohibited in Lithuania for the victim to be accompanied by a person of their own choosing to their first meeting with the relevant authority, such a right is not directly outlined and therefore the opportunity to use it will depend solely on the goodwill of the officials. For the victim to be accompanied by a third party, that party must be the legal representative of the victim, i.e. a representative authorized by the Article 55 of the CCP. Thus if an LGBT victim's partner has a legal education he or she can assist the victim as their legal representative.

It can be considered that the victim's right to be accompanied by a person of their own choosing is partly implemented through Part 4 of Article 53 of the CCP according to which a person who is not deemed unfit but because of old age, disability, illness or other valid reasons cannot exercise the rights conferred by law can be represented by a family member or a close relative. However, this is not fully in line with the concept of the accompanying person who is helping the victim to understand. Such a representative would act more as a legal representative of the victim, rather than an advisor.

2. The right to be offered information from the first contact with a competent authority (Article 4)

In Lithuania, the right outlined in the Directive for the victim to be offered information is guaranteed insufficiently. Article 45 of the CCP provides only a general obligation for judges, prosecutors and investigating officers to explain the procedural rights of the participants and to ensure the possibility to use them. However, as has been highlighted in a study conducted by HRMI⁴ that even though the CCP establishes the victims' right to information in criminal proceedings, this law and its implementation are not regulated in detail. The specific rights the victims are informed upon seem to be left to the discretion of each individual officer. Regulated in more detail is only the obligation to provide information about the right to compensation for victims of violent crimes (Article 46 of the CCP). In addition, there is no requirement in the CCP to provide information to the victim during their first contact meeting with the competent authority.

Wider access to information, as an exception, is available for one category of victim – victims of domestic violence. According to the Law on Protection against Domestic Violence the person who has experienced domestic violence has the right to: 1) receive the information from police officers and specialist support centres on institutions that can provide assistance; 2) to receive specialized comprehensive assistance provided for persons affected by violence; 3) apply for and receive assistance in accordance with the legislation (Art. 10). Upon receiving information about instances of domestic violence from police officers and being given the contacts of the victim, the specialist

⁴ Research by the Human Rights Monitoring Institute, "The Directive of the Rights of the Victims of Crimes: a New Approach to Victims of Domestic Violence", 2014.

support centres immediately get in touch with the victims and offer assistance in order to overcome potentially critical conditions, then inform them about further assistance and the creation of an individual aid plan, as well as to agree upon the most acceptable specialized integrated assistance methods for the victim.⁵

It should be noted that while the Law on Protection against Domestic Violence victims provides sufficiently broad access to information, in practice, as stated by the HRMI⁶, information about the social and legal services to victims is generally received from crisis centres instead of police officers. After interviewing 9 victims of domestic abuse there was not a single positive response that the respondents were informed of their status in criminal proceedings, they also had not received information from officials on any potential safeguards or information on what procedures to use in order to apply for compensation for damage suffered. Only one respondent was aware of the possibility of obtaining reimbursement for the process, who received this information from a specialized support centre.

The HRMI study concludes after interviewing the victims of hate crimes that it appears that information about the rights guaranteed to them, as well as other information related to the pre-trial investigation is provided very formally or is not provided at all. Language barriers become serious obstacles too and a lack of professional interpreters exists.⁷

3. The victim's rights when making a formal complaint of the crime (Article 5)

In Lithuania, the victim's rights when making a formal complaint that are outlined in the Directive are partially guaranteed.

As provided in the Attorney General's recommendations for a pre-trial investigation and the registration procedure⁸ (hereinafter - Recommendations for the pre-trial investigation), at the request of the applicant the obtainment of a complaint, statement or a report about a criminal act is confirmed by a copy of the complaint, statement or report that is being given or by providing a certificate that confirms the obtainment of the complaint, statement or report, summarizing the complaint, statement or report and providing the date when the particular document was received, its registration number, the name of the employee who received the document and their phone number. If the applicant does not understand the Lithuanian language, the certificate is translated into the language understood by the applicant. The certificate is signed by an employee from the Prosecutor's Office who has accepted the complaint, statement or report about the criminal deed. However, it should be noted that the obtainment of the certificate depends on the will of the victim, and the legislation does not establish an obligation to inform the victim that they have a right to obtain such a certificate.

⁵ The description on the activities of the specialized integrated assistance centres approved by the Minister of Social Security and Labour of the Republic of Lithuania (7th May 2012 order No. A1-227).

⁶ Research by the Human Rights Monitoring Institute, "The Directive of the Rights of the Victims of Crimes: a New Approach to Victims of Domestic Violence", 2014.

⁷ Research by the Human Rights Monitoring Institute, "Protection of Hate Crime Victims' Rights: the Case Study of Lithuania", 2013.

⁸ Recommendations by the Attorney General for pre-trial investigation and registration procedure (ratified on 11th August 2008 by the order No. I-110 and updated on 30th June 2014 by the order No. I-133).

As outlined in the Recommendations for pre-trial investigation, the victim's complaint, statement or report that is in the official language of the country must be translated into the victim's native language. If the public prosecutor understands the contents of the document the translation is only done in the cases where the investigation material is provided to a participant of the process who does not understand the document or when it is passed to the court. The response to the complaint, statement or report is given in the official language of the country. Thus, the victim has the right to make a complaint, statement or report in their native language, however, there is no guarantee they will receive the answer in their native language.

CCP Article 8 ensures that the participants of the criminal process who do not understand Lithuanian have the right to make statements, give evidence, provide explanations, and make requests and complaints in their native language or any other language they understand. In all these cases, as well as when getting acquainted with the case files the participants have the right to an interpreter in accordance with the CCP procedures.

4. The victim's right to receive information about their case (Article 6)

The right of the victim to receive information about their case in Lithuania is partially implemented.

As mentioned above, the CCP outlines a general duty of officials to inform victims about their case, however, the CCP does not state that officials have a duty to inform victims of their right to obtain information about the decision to not investigate, to stop an investigation or not to prosecute the offender. Also they are not explicitly entitled to provide information about the offender's release from prison and other significant information outlined in Directive.

The CCP guarantees the victim's right to receive the decisions on not pursuing the investigation, on ending it or not prosecuting the offender as well as information about the court hearing dates, their location and the nature of the criminal charges. The victim has the right to appeal against the actions of the investigating officer, the prosecutor, the investigating judge and the court and accordingly has the right to appeal against the decisions mentioned above and outlined in the Directive (CCP Art. 28). In practice, all these decisions are sent to the victim via mail with the date until which they can still appeal. The victim has a right to take part in the proceedings before the court (CCP Art. 28) and is invited to the hearing as a witness and therefore has a duty to appear in court and testify, which also means he is informed about the location and the time of the hearing. It is not established within the CCP that the victim has to be informed about the nature of the charges against the offender.

Article 28 of the CCP states that the victim has the right to appeal against the judgment or court order. CCP Article 310 Part 3 states that persons who participated in the proceedings before the court can, upon request, receive court transcripts immediately after the announcement of the sentence, or within five days of receiving such a request. In practice, the victims or their legal representatives receive them by post if they did not participate in the adjudication of the court.

Article 28 Part 2 of the CCP states that a victim has the right to pre-trial investigation and can become acquainted with the case in court. In practice, the victims have a right to know about the progress and the proceedings of the case by phoning an officer (however, some officials refuse to provide such information) or by sending a request to the prosecutor to allow for access to the case files. When familiar with the case the victim has the opportunity to learn about developments

within the case. Therefore the victim cannot freely dispose of their right because it is restricted by additional procedures such as the prosecutor's permit and so on.

When decisions are taken to not pursue the investigation, to end it, or not to prosecute the offender the essence of the criminal deed and the reasons for the particular decision are outlined. In fact, they briefly describe the criminal deed, its evaluation and the final conclusions. There is usually enough information to allow the victim to appeal against these decisions.

The CCP does not foresee the victim's right to not receive information as there is no provision that would entitle officials to not inform the victim at their request.

The CCP has guaranteed the victim's right to receive information about the upcoming offender's release from prison (CCP Art. 128, Part 4 and Art. 308, Part 5) but the legislation does not specify when nor how information about this particular victim's right will be given, as well as this, there is no outlined right to be informed about the escape of the offender. Also, the legislation does not establish that the victim should be informed as to what measures can be applied to protect them from the offender who is released or who has escaped from prison.

5. The victim's right to complimentary interpretation and translation during criminal proceedings (Article 7)

Lithuania guarantees the victim's right to interpretation and translation services throughout the process.

According to the CCP Article 8, Part 2 the participants of the criminal process who do not speak Lithuanian are guaranteed the right to make statements, give evidence and explanations, make requests and complaints in their native language or any other language which they understand. In all these cases, as well as when being acquainted with the case file, the participants of the process have the right to an interpreter. According to Article 104, Part 1 the costs of the process for the witness, victim, expert, specialist and interpreter will be reimbursed by the investigating agencies, prosecution or court resources. Thus the CCP ensures the right of victims to receive free interpretation and translation services in all stages of the process.

The Recommendations for pre-trial investigation outline complaints, statements or reports which are not in the official language of the State should be translated into the official language. However, the answer to the complaint, statement or report must be given in the official language. Thus, the victims are entitled to submit a written complaint, statement or report in their Mother tongue but the right to receive a response translated into the native language of the victim is not guaranteed.

The CCP provides a possibility to communicate with victims remotely using remote video and audio media (CCP Art. 184 and Art. 279). These amendments of the CCP were adopted in 2013 and, as a result, in 2014 18 courts, 13 detention facilities and two public prosecutors' offices were equipped with the necessary technology⁹. At the beginning of 2015 such long-distance examinations were launched but the national law has yet to define the procedures for such a form of examination and the cases in which they can and should be applied. Moreover, only certain

⁹ See: <http://www.teismai.lt/lt/naujienos/teismu-savivaldos-naujienos/1046>.

parts of the institutions are equipped with the necessary technology. In addition, there is no guarantee that when using these measures the victim is guaranteed translation services.

At the moment it is not guaranteed in Lithuania that victims can receive complimentary written translations in a language they can understand of the information that is necessary to enable the victims to exercise their rights in criminal proceedings.

Chapter 3. Support for and protection of LGBT victims of crimes

1. The right of victims (and their family members) to access victim support services (Article 8), including access to confidential victim support services, free of charge (Article 8).

Lithuania does not properly ensure the right of all victims of crime and their family members to access victim support services.

It should be noted that the crime victim assistance measures are intended to assist only one group of victims – individuals who have experienced domestic violence. Article 9 of the Law on Protection against Domestic Violence states that police officers whom arrive to a domestic violence scene must inform the victim about the help available and together with the victim inform the specialist support centre about the incident. The specialist support centre immediately contacts the victim and offers them specialized comprehensive assistance. The legislation does not outline that the above mentioned measures could be applied to persons who are not directly affected by such violence (except for children who live in violent environments or were witnesses of violence).

This assistance is provided by specialist support centres (NGOs) which are institutions whose main purpose is to provide comprehensive assistance to victims of domestic violence. Their activities are financed from the state budget of the Republic of Lithuania, municipal budgets, European Union structural funds and other legal sources.¹⁰ In these centres specialists from the field of social work alongside other employees that hold experience in working with people who have experienced abuse are employed, at least one of whom must be a psychologist, a certified social worker or have a background in law.

Specialized support centres must ensure the protection of personal data and confidentiality, and inform the victim about that. Information about the person who has experienced domestic violence may be shared with others only according to certain exacting laws of the Republic of Lithuania.

Since Lithuania does not recognize same-sex marriage or partnerships and the Law on Protection against Domestic Violence applies only to people who have experienced domestic violence in families, individuals are not entitled to use these victim services.

2. Ensuring that victims support services meet the minimum set out by the Directive (Article 9).

¹⁰ The description on the activities of the specialized integrated assistance centres approved by the Minister of Social Security and Labour of the Republic of Lithuania (7th May 2012 order No. A1-227).

These are the duties outlined for specialized support centres (S.C.)¹¹:

1) Upon receiving information about a case of domestic violence the S.C. must immediately contact the person who has experienced the domestic violence and offer assistance in overcoming the critical condition as well as offer psychological and legal assistance.

2) The S.C. must then provide comprehensive assistance in organizing the following services: information, counseling, mediation, the organization of medical assistance if the abused person should require.

3) Seeking to provide long-term assistance to victims of domestic violence, cooperating with municipal governments or non-governmental crisis management centres that provide help and shelter as well as institutions that provide social services, the police, health care institutions and institutions that provide legal assistance.

In the specialized support centres the victim is directed to the necessary specialists, i.e. a psychologist, a medical specialist, the police (even if the person did not contact the police for it is the duty of the centre to inform them about the particular case). The centre provides legal and psychological assistance to help the victim overcome the critical state, inform and advise them, organize or mediate that further assistance could be provided by institutions if the person wishes so.

Temporary accommodation is guaranteed by the State for victims of domestic violence.¹²

A specific and integrated assistance to victims of sexual abuse and gender-based violence in non-domestic environment or hate crimes (including homophobic and transphobic motives) is not very well developed in Lithuania. In a conference held in 2014 in the Lithuanian Parliament, entitled *“Helping victims of sexual violence: practical aspects”*¹³ police officers, prosecutors, doctors and non-governmental organizations who work with victims of sexual violence admitted to a lack of specialists in all the relevant fields and the need to be able to investigate such crimes properly, interview the victims properly and provide them with a comprehensive legal and psychological assistance. Therefore, in Lithuania a broad targeted assistance to victims with special needs is not developed.

Chapter 4. Participation of LGBT victims of crimes in criminal proceedings

1. The victim’s right to be heard (Article 10).

The victim’s right to be heard is guaranteed in Lithuania.

Article 28, Part 2 of the CCP states that victims have a right to participate in proceedings before the court, as well as to deliver a closing speech. Since during the pre-trial investigation the officers

¹¹ The description on the activities of the specialized integrated assistance centres approved by the Minister of Social Security and Labour of the Republic of Lithuania (7th May 2012 order No. A1-227).

¹² The catalogue of social services approved by the Minister of Social Security and Labour of the Republic of Lithuania (5th April 2006 order No. A1-93).

¹³ See: <http://manoteises.lt/naujiena/seksualiniu-nusikaltimu-aukoms-lietuvoje-truksta-specialistu-pagalbos/>

have to collect all relevant information to investigate the case, victims have the right to be interviewed and their testimony is recorded in the protocols. The examination begins with a suggestion to discuss everything about any of the circumstances relevant to solving the case. Questions may then be asked.

The victim holds a procedural status in the national law and is a participant of the process, therefore, in accordance with Article 236 of the CCP they are invited to the hearing and the case proceeds with them present. The victim may attend the hearing alone or with their legal representative, or through a legal representative only. If the victim or their legal representative fail to appear, the court decides whether to hear the case without them.

According to Article 28, Part 2 of the CCP the victim or his legal representative are entitled to present evidence. However, whether the evidence will be used in the criminal proceedings depends on whether or not they are relevant, since under Article 20 of the CCP evidence may only be the information that confirms or denies at least one circumstance which is important to resolve the case fairly. Whether the information obtained is considered evidence is decided by a judge or court each time. Victims may give evidence during the examination as well as later - with additional requests during additional examinations.

The CCP provides specific requirements for examining under-aged victims. They are outlined in detail in the Recommendations for examining minors. Special rules are intended to minimize trauma potentially inflicted upon minors¹⁴. In accordance with the rules on examining minors, usually an employee of a children's rights protection authority or a psychologist is invited to assist during the questioning, who also pays attention to the under-aged victim's social and psychological maturity, whether the minor under questioning has special needs, has possibly suffered from sexual abuse or detrimental effects on their psychological well-being. In order to prevent secondary trauma during the legal procedures, the examination should be carried out with the help of a psychologist who has the special knowledge and skills to work with minors. If being called in for questioning in court can lead to a psychological trauma or other serious consequences the under-aged victim is not invited to the court hearing.

Specialised juvenile interrogation rooms are set up where an informal environment reminiscent of home is created. In many of them psychologists work together with the officials in order to help them find the contact with a minor. Often the psychologists themselves conduct the necessary examination. It has been increasingly suggested that specialized investigators, prosecutors and judges should work with minors.¹⁵

2. The victim's right to a review of a decision not to prosecute (Article 11).

The victim's right to a review of a decision not to prosecute is fully guaranteed in Lithuania.

As already mentioned, according to Article 28, Part 2 of the CCP the victim has the right to appeal against the investigating officer, prosecutor, investigating judge and the court. According to Article 168 of the CCP the refusal to initiate an investigation is sent to the person who has filed the

¹⁴ Recommendations on minors, CCP Article 186 and Article 280

¹⁵ See: <http://www.prokuraturos.lt/Naujienos/Prokurorokomentaras/tabid/69/ItemID/2839/Default.aspx>

complaint, statement or the report. Pre-trial investigation officer's refusal to undertake an investigation may be appealed to the prosecutor, and the prosecutor's decision may be appealed to the pre-trial judge. The victims are also informed about the closure of an investigation by a copy of the decision being sent to them. This decision can be appealed as well. The decision to terminate the investigation is again communicated to the victim based on the complaint, statement or a report of the pre-trial investigation (Article 214 of the CCP). The victim also has the right to submit an appeal and a cassation appeal against the decision (CCP Art. 312 and Art. 367).

It is important to note that there is no national law which outlines the right for the victim to obtain all the information relevant to the case. Prosecutors and other officials also do not inform about such a right. The CCP provides the right to access the case materials to the suspect and his defense as well as the victim and his representative but the right to have access to this material is given only after approval by the Prosecutor (Article 181 of the CCP.). In practice, the right to access the case file is also held by the person who has filed the statement or by his representative, however, the victims are not informed by either of such rights.

3. Right to safeguards in the context of restorative justice services (Article 12).

Restorative justice services are not available in Lithuania.

4. Right to legal aid during criminal proceedings where the victim has the status of party to the proceedings (Article 13).

According to the state-guaranteed legal aid law of the Republic of Lithuania, there are two levels of free legal services provided:

- Primary legal assistance – this includes legal information, legal advice, as well as preparation of documents for state and municipal authorities, with the exception of judicial documents;
- Secondary legal assistance - this guarantees a state lawyer during the judicial process, drafting of documents, defense and representation in court, including enforcement proceedings, as well as representation of the person's interests in solving a dispute outside the court.

This legal aid is available to all Lithuanian and European Union citizens or persons legally residing in Lithuania or the European Union. Secondary assistance is provided free of charge to victims of crimes that have resulted in damages, including cases where the damages is dealt with in a criminal case or when the victim does not have sufficient funds.

5. The victim's right to reimbursement of expenses (Article 14).

Lithuania guarantees the victim's right to reimbursement of expenses incurred during criminal proceedings.

The relevant travel expenses, as well as the remuneration paid for withdrawal from work are reimbursed from the expenses of the pre-trial investigation bodies, prosecution or court resources (CCP Art. 103 and Art. 104).

Other costs incurred by the victim such legal services etc., are reimbursed by the offender under the ruling of the court (Article 105 of the CCP).

Victims of violent crimes are provided access to the Crime Victims Fund which can also provide these victims compensation that has been ordered by the court but not yet recovered from the convicted offender.¹⁶

6. The victim's right to the return of property (Article 15).

In Lithuania, the victim's right to the return of property is guaranteed. According to Article 93 of the CCP items that have significance in investigating the criminal deed can be held until the court decision comes into force or until the deadline within which the decision or the order to terminate the process may be appealed. If the court believes that the objects or valuables found and held during the process belong to the victim or any other person that has been offended, it decides to return them to the owner. These items or property can be returned to the owner upon his request before the end of the process but only after these items or valuables are sufficiently investigated and described in detail.

Items that can be damaged, lose value or have high maintenance and storage costs and cannot be returned to the owner are immediately sold (or transferred). In such cases the owner is compensated according to the value of the sold (transferred) or destroyed items.

According to Article 94 of the CCP, during the adjudication or termination process, objects that held importance in the investigation and examination of the criminal act are returned to their rightful owners.

7. The victim's right to decision on compensation from the offender in the course of criminal proceedings (Article 16).

Lithuania guarantees the victim's right to decision on compensation from the offender in the course of criminal procedures.

According to the national law, the victim can claim damages from the offender in two ways:

- By issuing a civil action within the case (Article 109 of the CCP); or
- By expressing a separate civil action proceeding (Article 112 of the CCP).

The damage can be compensated by the offender voluntarily, but the national law does not implement any measures or programs that encourage offenders to pay the damages.

8. The rights of victims resident in another member state (Article 17).

The rights of victims resident in another Member State are only partially guaranteed in Lithuania.

It must be noted that neither within the CPP nor the Recommendation for pre-trial investigation has there been established a claim that the victim's testimony has to be recorded immediately after the competent authority receives the report about a criminal offense.

As the testimony of the victim is one of the core actions of pre-trial, it usually takes place once the investigation is initiated. The victim's complaint can be filed by mail or filled in under the

¹⁶ See: <http://www.tm.lt/tm/nusikaltimufondas/>

supervision of relevant officers; based on that a decision or a refusal to start the investigation is made. Thus, the victim testifies only after the adoption of a procedural decision to launch the pre-trial investigation which is not taken immediately upon receiving the complaint.

Only in exceptional cases the victim may be asked to testify before the pre-trial investigation has begun. According to page 37 of the Recommendation, if the complaint has been lodged with insufficient data to determine whether a crime has been committed and whether to open an investigation or not, a clarification of the complaint can be carried out, where one of the actions is the testimony of the person on whose behalf the complaint, statement or report is being filed. Neither within the CPP nor the Recommendation is there a specified duration of time during which such an adjustment must be carried out after the complaint was filed.

It should be noted that currently the possibility of a remote testimony exists when the victim for some reason cannot appear for questioning or a trial hearing (CCP Art. 184 and Art. 279).

It is also important to note that the victim is not guaranteed access to file his appeal in their own Member State as under national law the complaints for crimes must be filed for the pre-trial investigation bodies with competence relevant to the territory in which the crime was committed. According to Article 5, Part 1 of the CCP, proceedings for offenses committed by foreign citizens and stateless persons in the territory of the Republic of Lithuania are implemented according to the CCP.

Within the national law there is no outlined possibility that the competent authority to which a complaint is submitted by the victim shall immediately transmit it to the competent authority of the Member State where the offense took place, if the Member State in which the complaint was filed has not exercised its competences to proceed.

Chapter 5. Protection of victims and recognition of specific protection needs of certain victims

1. The rights of victims (and, if needed, their family members) to be protected from secondary and repeat victimization and retaliation (Article 18).

The rights of victims to be protected from secondary and repeat victimization and retaliation are only partially guaranteed in Lithuania. These rights are not guaranteed at all to family members of the victim.

The following coercive measures for offenders are outlined in the CCP: arrest, intensive surveillance (control of the suspect via means of electronic monitoring), house arrest and the obligation to live separately from the victim. Arrest is used in cases where the suspect may interfere with the pre-trial investigation (Article 122 of the CCP). An obligation to live separately from the victim is imposed if it is reasonably believed that the offender, living together with the victim, will attempt to illegally influence the victim or will continue to enact criminal activities towards the victim or other people living in that premises (CCP Art. 1321). Intensive surveillance is the control of the suspect using electronic surveillance measures where the suspect is obliged to wear an electronic monitoring device and comply with the established schedule (CCP Art. 131).

According to Article 119 of the CCP, coercive measures may be granted to ensure the participation of the suspect, accused or convicted person in the pre-trial investigation, the trial and execution of the judgment as well as to prevent further offenses.

Thus, while provisions for certain restraining measures of the offender exist, there is no clear evidence that they are applied in cases where the victim is being prevented from secondary victimization.

As already examined, the rights of domestic violence victims are protected more effectively. The Law on Protection against Domestic Violence clearly establishes that the person who suffered domestic violence has to have protective measures ensured in all cases, both when the acts of domestic violence have been determined and before the case is solved, or even in conjunction with the punishment (Art. 5).

However, within the national law regulations and provisions have not been developed that would protect the victims from clashes with the offender during the pre-trial period or judicial hearing to ensure the respectful treatment of the victim or that the victim would be questioned without the presence of the offender.

Physical security procedures could be treated similarly as to what is outlined by the Law on the Protection from Criminal Influence of Criminal Procedure and Operational Activity Participants, Justice and Law Enforcement Officials including measures of protection against criminal activities that are applied to witnesses and victims in criminal proceedings. They are applied in cases involving serious and severely serious crimes, but also in cases of less serious crimes; cases where the life or health of a person may be under threat, property may be destroyed or damaged.

According to this law, the following precautions are available: 1) physical protection of a person and his property; 2) the temporary relocation of a person to a safe place; 3) setting up a special regime through which the data about a certain person is provided from the state and departmental registers and information systems; 4) a change in the place residence, work or school; 5) an alteration in the identity and biographical data of a person; 6) plastic surgery, i.e. changing a person's appearance; 7) issuing a firearm or other special measures; 8) financial support.

The CCP also provides the possibility of keeping the anonymity of the victim. The principle of anonymity is applied in cases when: 1) there is a real danger to the victim or their family members with regard to their health, freedom or property; 2) the victim's testimony is of a vital importance during the criminal proceedings; and 3) the victim is involved in the process due to a severely serious or a serious crime.

Thus, the physical protection measures apply only to serious, severely serious and some less serious offenses.

It should be noted that in practice these measures are not used often and the information about protection from the impact is not granted to victims.

2. The victim's right to avoid contact with the offender (Article 19).

Examinations during the pre-trial process take place only in the presence of the victim and the officer, however, the CCP does not regulate any appropriate measures that need to be applied in order for the victim and the offender to not face each other in the investigating institution or the court.

Avoiding such contact in court is determined only partially because the offender is removed from the courtroom only in cases where there are reasonable grounds to believe that his participation

will hinder another offender, victim or witness to give a truthful testimony, and removal is removed temporarily (CCP Art. 274). Usually examinations in the court sessions are held with the participation of both the offender and the victim.

In addition, there are no separate waiting rooms in the courts; everyone waits in the same room next to the courtroom.

3. The victim's right to protection during criminal investigations (Article 20).

Neither the CCP nor the Recommendation for the pre-trial investigation sets a time limit during which the victim has to be questioned.

When the victim is a minors it is ensured that they normally would not be questioned more than once, and in the hearing would be convened only in exceptional cases (Article 186 of the CCP). In the rest of the cases, there is nothing to guarantee that the victims are only questioned once. Most officers who are investigating the crime determine whether to question the victim again. Lack of such provisions does not increase the efficiency of the investigation.

It must be noted that each victim is guaranteed the right to a legal representative. Article 55 of the CCP states that the authorized representative is allowed to participate in the process when the investigating officer or the prosecutor makes a decision on their participation in the process and the court makes a ruling. The representative may participate in the process together with the represented person. The representative may also participate instead of the person they are representing. The representative may be a lawyer, an assistant lawyer or a person with a legal background. Lithuania does not guarantee that the victim can take part in the process together with a chosen person who has no legal training.

The national law does not specify in which cases a medical examination of the victim should be carried out and how many times should that be done.

4. The victim's right to protection of privacy (Article 21).

The victim's right to protection of privacy is not ensured properly in Lithuania.

According to the CCP the offender has the right to access the pre-trial investigation material (Art. 21), access the case file, and use the relevant procedures to obtain copies and transcripts of various documents (Art. 22). The CCP does not regulate the data protection of the victim. The data is stored only on the victim, where the victim is granted anonymity or partial anonymity (Art. 198 of the CCP), which is determined only in serious cases where there is a danger to the victim's life, health and so on (Art.199 of the CCP).

Within the national law there is no legal regulation which would establish measures to prevent the distribution of information about an under-aged victim. During the infamous pedophilia scandal in Kaunas, Lithuania, the community knew of the under-aged victim's identity, appearance, place of residence and family members.¹⁷

¹⁷ See: <http://www.delfi.lt/temos/stankunaites-dukra/>

Lithuanian legislation has outlined certain obligations for public information providers and promoters, which, while ensuring the freedom of public information also protects the privacy of individuals and victims. The Law on Public Information of Lithuania states the obligation of public information producers, disseminators and journalists to comply with professional ethics, which are outlined in the Lithuanian Journalists and Publishers Ethics Code (Art. 43). Whether journalists are adhering to their professional ethics is controlled by the Inspector of Journalist Ethics (Law Art. 49).

The aforementioned Code provides a duty where without the consent of the person who is the victim of a criminal act, or in the case when the victim is dead, without the consent of his relatives, no information about the victim can be published. Such information can be published without the person's or their relatives consent only in cases where the offense is suffered by a public body or when the publication of such information is within the sphere of public interest (Art. 41).¹⁸

5. Individual assessment to identify specific protection needs of victims (Article 22).

It should be noted that the Lithuanian law does not define what a victim with special needs is and that such needs must be assessed individually. Thus, there is no guarantee that each victim's individual needs under national law will be assessed. Lithuanian laws do not take into account aspects such as sexual orientation, gender identity, the needs of victims of hate crimes, the motives of such crimes and so on.

Partially, this right is guaranteed only for victims of human trafficking. As stated in research conducted by HRMI¹⁹, part of the special protection measures regulated by the CCP come from EU Directives on combating human trafficking and sexual exploitation of children, which are direct safeguards for under-aged victims, and also provide the possibility to use these measure by adult victims of crime when they can help to abate or prevent a psychological trauma or other serious consequences. Such measures include, for example, the right to non-public hearing, the minimum number of questionings, the opportunity to testify using communication technology, receive questions through a representative or the Chairman of the hearing. However, the CCP does not regulate which authority and according to what criteria it defines/judges the likelihood of mental trauma or other serious consequences.

6. Rights of victims with specific protection needs during criminal proceedings (Article 23).

Since there is no definition of what is a victim with special needs, accordingly there is no formation of provisions for the protection of their rights.

Partially these rights are guaranteed for minors who when questioned are questioned in specialized juvenile interrogation rooms. Also, the rights for a remote questioning possibility are starting to be ensured (CCP Art. 184 and Art. 279). However, these measures are not the result of a special assessment.

¹⁸ See: <http://www3.lrs.lt/docs2/FDQQUEDY.PDF>

¹⁹ Research by the Human Rights Monitoring Institute, "The Directive of the Rights of the Victims of Crimes: a New Approach to Victims of Domestic Violence", 2014.

Miscellaneous

1. The training of specialists (Article 25).

It should be noted that Lithuanian law does not provide general training for all specialists (court staff, police officers etc.) who would be trained to properly communicate with the victims, assess their needs. Moreover, the legislation does not outline an obligation to participate in such trainings.

Specialists are trained to interact with victims with special needs only in training organized by the non-governmental sector, such as the training organized by the Lithuanian Caritas Vilkaviškis city diocese called "Support for victims of prostitution and human trafficking" or the training course for Alytus County police officers "Human trafficking: the victims of exploitation and the ways of identifying them" in 2014.

According to the National LGBT* rights organization the Lithuanian Gay League (LGL)²⁰, based on the information provided by the Police Department, the professional police training is of a general nature and does not pay extra attention to sexual orientation nor gender identity related issues. The same lack of specialized information has been identified among prison staff during their professional training. There is no independent specialized body able to receive and investigate complaints regarding hate crimes or hate motivated incidents committed by law enforcement officers.

More trainings and certain special programmes have been adopted so far in relation to the victims of domestic violence. The Government has approved the National 2014-2020 programme on domestic violence prevention and assistance for victims of domestic violence²¹, where state and municipal employees and other people working in the area of domestic violence prevention and assistance to persons affected by domestic violence will raise their professional competences.

2. Appropriate cooperation (Article 26).

The national law does not outline the general provisions and programmes to promote international cooperation and the sharing of best practices.

Measures to combat domestic violence are most widespread. The National 2014-2020 programme on domestic violence prevention and assistance for victims of domestic violence²² provides such means of combating domestic violence: public education on domestic violence issues through social ads and campaigns (TV programmes, advertisements, seminars and other events).

²⁰ Documentation report by the National LGBT* rights organization Lithuanian Gay League (LGL) on Monitoring the Implementation of the Council of Europe Recommendation CM/Rec (2010) to Member States on Measures to Combat Discrimination on Grounds of Sexual Orientation and Gender Identity, 2013.

²¹ The National 2014-2020 programme on domestic violence prevention and assistance for victims of domestic violence (approved on 28th May 2014, regulation No. 485).

²² The National 2014-2020 programme on domestic violence prevention and assistance for victims of domestic violence (approved on 28th May 2014, regulation No. 485).

It should be noted that Lithuania lacks specialized programmes aimed at informing the public about the rights set out in the Directive, as well as programmes aimed at reducing the risk of secondary victimization, etc. Moreover, attention to LGBT victims is generally given.

Recommendations

1. Since within the Lithuanian law the concept of a “victim” is not used and instead the concept of the “offended” is, and such a status is purely a procedural one, which is granted by a separate procedural decision and is linked to the procedural rights guaranteed by the CCP, it is recommended to transpose the broader term of the “victim” from the Directive into national law so that the person who has experienced a criminal deed is guaranteed the broader rights outlined in the Directive. This does not necessarily have to be related to the procedural status of their rights and obligations in the criminal proceedings, and the possibility to provide comprehensive assistance to all victims and their family members would be provided.

2. Since Lithuania does not recognize same-sex marriage and partnership, there is no possibility for same sex couples to adopt children. The definitions used in the penal code of “family members” and “close relatives” do not include LGBT families, thereby limiting the ability of LGBT families to receive the rights guaranteed by the Directive. The transposition of the Directive into Lithuanian law must take into account the specifics of LGBT families and provide the relevant complex, specialized assistance and ensure the rights guaranteed by the Directive to LGBT family members.

3. When implementing the victim’s right to information outlined in the Directive, clear provisions must be adopted on what information and how the information must be provided for each victim of the crime from the very first contact with the competent state authorities, to ensure public authorities communicate in clear and understandable language taking into account the needs of each individual victim. Consequently, specialist trainings (pre-trial investigation bodies, court and other judicial staff, police officers, etc.) must be carried out. During such training attention must be paid to ways of communicating with LGBT victims in order to provide them a non-hostile environment.

As recommended by the HRMI²³, in order to ensure the proper implementation of the Directive, it is essential for police officers and other legal practitioners dealing with victims of crime (the Prosecutor's office, courts, emergency services workers) develop methodological guidelines for communication with victims of crime, highlighting the vulnerable victims of crime (children, domestic violence, sexual violence, etc.) and the specifics of interacting with them. It is not only important to prepare and distribute such guidelines, but also to provide training on how to apply them in practice.

4. When implementing the right of the victim to specialized assistance outlined in the Directive, Lithuania must expand the availability of social services network by requiring for specialized assistance to be given not only to the victims of domestic violence but for all the victims in general, with specific provision of specialist support measures, the procedures of providing them and

²³ Research by the Human Rights Monitoring Institute, “The Directive of the Rights of the Victims of Crimes: a New Approach to Victims of Domestic Violence”, 2014.

procedures for paying for them. Accordingly, it must be taken into account that LGBT victims may need psychological support or protection from secondary victimization, intimidation or revenge.

5. When implementing the victims' right to protection set out in the Directive, Lithuania has to ensure appropriate protective measures for victims and offenders not to be exposed to undue threat or psychological / physical trauma during the pre-trial investigation as well as before the court. Also, it must be ensures that upon the victim's request, the offender would not participate in the process of questioning.

6. When implementing the victim's right to privacy set out in the directive Lithuania should implement appropriate measures to ensure that information about the victim would not be disclosed the offender (in particular - contact information, information about the victim's private life and other important information), also that it would be made impossible without the victim's consent to release information about them to the media, with particular emphasis on the private lives of LGBT people (i.e. that no information on their sexual orientation and other details of their private life that could increase the chance of another criminal offence would be disclosed).

7. Due to the fact that individual evaluation of victims is not performed in Lithuania, relevant procedures must be established in order to assess the individual needs of victims for special protection. Particular attention must be paid to victims who have suffered serious damage due to the severity of the crime, also victims who have suffered from a crime based on a bias or a discriminatory motive, the victims whose relations to the offender make them especially vulnerable, victims of terrorism, organized crime, human trafficking, gender-based violence, domestic violence, sexual abuse or exploitation, hate crime victims and victims with disabilities. Special protection must also be provided for such individuals.

8. It is highly recommended to prepare and develop joint programmes and special training courses for specialists (pre-trial investigative bodies, court and other judicial staff, police officers, etc.) who directly work with victims of crime, paying attention to the specific needs of LGBT victims. It is also recommended to cooperate with other EU countries, to exchange best practices and consult on individual cases. It is necessary to educate the public and raise awareness of all crime victims and not only the victims of domestic violence.