

## If you are a civil servant (or a person equivalent thereto) and have encountered corruption, you must know:



**As of 01 January 2019, a civil servant or a person equivalent thereto shall report to the SIS, the Prosecutor's Office or another pre-trial investigation institution of a corruption act of which he is aware.**

This obligation shall apply to all civil servants or persons equivalent thereto.

An **exception for reporting** a known corruption act is if the offence may have been committed by *close relatives or family members* of a civil servant or a person equivalent thereto.

**Close relatives** include (adoptive) parents, (adopted) children, brothers, sisters, grandparents and grandchildren; **family members** shall mean (adoptive) parents, (adopted) children, brothers and sisters and their spouses living with the offender, as well as the spouse of the offender or the person with whom the offender co-lives without registering marriage (partnership), spouse's parents.

An **exception for reporting** is also made in cases where the legislation imposes restrictions on disclosure of the information to be reported (for example, the obligation to report does not apply to a lawyer because of circumstances he has learned in the course of his defence duties).



**Civil servants or persons equivalent thereto shall have a duty to report known criminal acts of a corrupt nature.**

Civil servants include *state politicians, state officials, judges, civil servants* under the Law on Civil Service and *other persons* who, in their work or other duties prescribed by law in state or municipal institutions or bodies, *fulfil the functions of a government official* or have *administrative powers*, as well as *official candidates* for these positions.

A **person equivalent to a civil servant** is a person who performs functions of a *government official*, including judiciary, has *administrative authority* or *otherwise ensures the fulfilment of the public interest* by working or otherwise serving in a foreign or European Union institution or body, international public organisation or international or European Union judicial authority, or in a legal entity or another organisation controlled by a foreign country, as well as official candidates for this position.

In addition, a **person equivalent to a civil servant** shall also include persons who are employed or otherwise perform duties on a statutory basis in a public or private legal entity or another organisation, or is engaged in professional activities or has the appropriate *administrative powers*, or is *authorised to act on behalf of that legal person or another organisation*, or *provides public services*, as well as an arbitrator or juror.<sup>1</sup>



**It is mandatory to report criminal acts of a corrupt nature.**

**Criminal acts of a corrupt nature** are the following:

- *bribery*,
- *trading in influence*,
- *Graft*,
- *other criminal acts committed in the public administration sector or in the provision of public services for the benefit of oneself or others*, such as abuse of official position or misuse of powers, abuse of authority, forgery of documents or measures, fraud, misappropriation or squandering of property, disclosure of a professional secret, disclosure of a commercial secret, disclosing false information about income, profit or property, legalisation of proceeds or property obtained by criminal means, interfering with the activities of a civil servant or a person performing the functions of public administration, or engaging in any other criminal acts to commit or solicit a bribe or a graft or disguise bribery or graft.<sup>2</sup>

<sup>1</sup> See Art. 230 of the Criminal Code.

<sup>2</sup> See Article 2(2) of the Law on the Prevention of Corruption.



**A person shall report a specific criminal act of which he/she is aware.**

A civil servant or a person equivalent thereto shall be required to report such acts if he/she:

1. has obtained *incontestable data* attesting to the commission of the act; or
2. has *himself/herself* observed or otherwise *recorded* the commission of the act.

Cases in which a person immediately becomes aware of the act from direct witnesses to the event, has written records, or the acts have been recorded by technical means, and so on, could be considered *indisputable data*.

In the absence of indisputable data, or in the absence of a record by the civil servant or a person equivalent thereto of such criminal act, the person has no legal obligation to report the act to a law enforcement authority. On the other hand, in order to prevent corruption, individuals are always invited to report a criminal act if they reasonably believe that it is about to be, is being or has been committed.



**The person shall report the act as soon as possible after becoming aware of it.**

It is recommended that known criminal acts are reported and reported within the shortest possible timeframe so that authorised authorities can expeditiously investigate the circumstances of the act, collect evidence and prevent new acts.



**The person must report the criminal act to the SIS, the prosecutor's office or the pre-trial investigation body.**

The person may choose, at his/her discretion, to which law enforcement authority (the SIS, prosecutor's office or pre-trial investigation body) to report the corruption act of which he/she is aware. The obligation shall be completed if any of them are notified.

Serious criminal acts of corrupt nature are advised to be reported to the SIS, which is charged with conducting pre-trial investigations in such cases.

The pre-trial investigation body shall be the police. Pre-trial investigation bodies also include the State Border Guard Service, the Military Police, the Financial Crime Investigation Service, the Customs of the Republic of Lithuania, the Fire and Rescue Department, when investigating criminal acts that have been detected in the performance of direct functions by these authorities.



**Methods and procedure of reporting to the SIS.**

You can **report** a known corruption act to the SIS in the following ways:

1. on [www.stt.lt](http://www.stt.lt) by leaving a message on the website;
2. by sending a message to: **pranesk@stt.lt**;
3. **24/7 hotline (8 5) 266 3333**;
4. **via mobile app 'Pranešk STT'**;
5. by **visiting** the Complaints Division of the Administration Department of **the SIS**, the SIS Kaunas Department, the SIS Klaipėda Department, the SIS Panevėžys Department, the SIS Šiauliai Department;
6. by sending a notice **by post** to the SIS structural units.

When submitting information, it is important to specify: (1) the specific facts of the violation; (2) the person who is about to participate, is participating or has participated in the violation; (3) whether the person has already reported the violation; if yes, who was notified and whether a reply was received; 4) your full name, contact details.

The person shall, if possible, **enclose written or other available data on the violation** to the report.



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The STI, the prosecutor's office or other pre-trial investigation body will ensure the confidentiality or anonymity of the personal data of such civil servant.

The **confidentiality of personal data** shall be ensured in accordance with the provisions of the Law on the Protection of Whistleblowers and other legal acts.

**Confidentiality.** The principle of the activities of bodies and other entities and their employees civil servants or officials, which ensures that the personal data of the whistleblower and other information that directly or indirectly identifies him or her are processed solely for the purpose of performing work or service functions and that this information is not disclosed to third persons, except in certain limited cases. Such cases may include, for example, a request by a person who provides or has provided information about the violation or provision of knowingly false information by a person.

Pursuant to Article 9 of the Law on the Protection of Whistleblowers, each body and person receiving or processing information on a violation must ensure the confidentiality of the person submitting the information thereon. The identity of the whistleblower may only be disclosed to the person or body investigating the violation.

The institutes of **anonymity** and **partial anonymity** are enshrined in the Code of Criminal Procedure and may be applied by an order of a prosecutor or a pre-trial investigation officer on the grounds provided for in this Code.

Identity data of the victim and the witness who has been granted anonymity, filed and classified in accordance with the procedure laid down in the Code of Criminal Procedure, shall constitute a state secret and be accessible only to the prosecutor, pre-trial investigation officer and judge in the case.



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Persons reporting a corruption act may be eligible for assistance, protection and encouragement measures

The main **measures of protection, encouragement and assistance** for whistleblowers are contained in the Law on the Protection of Whistleblowers.

**These measures are:**

- (1) ensuring secure channels for reporting information on violations;
- (2) ensuring the confidentiality of the person;
- (3) a prohibition against adversely affecting the person providing information on the violation;
- (4) the right to remuneration for valuable information;
- (5) the right to compensation;
- (6) provision of free legal aid;
- (7) relief from liability.

The safeguarding of a person's confidentiality and the prohibition of applying adverse influence shall apply from the time when the information provided by the person on the violation is received at the body or the competent authority (the Prosecutor General's Office) and shall apply to all persons<sup>3</sup> who have provided information about violations.

The right to remuneration for valuable information, the right to compensation, the guarantee of free legal aid and relief from liability may be applied from the moment the person is recognised as a whistleblower at the competent authority (the Prosecutor General's Office).

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<sup>3</sup> Except in the case referred to in Article 6(1) of the Law on the Protection of Whistleblowers, i.e. where the person has reported the violation without complying with the reporting form requirements of the Law on the Protection of Whistleblowers, but the information provided in the report is in compliance with the other requirements of this Law and the person may be recognised as a whistleblower by the competent authority. In such cases, the competent authority shall ensure the confidentiality of the person from the moment he/she is recognised as a whistleblower.