

## **RE-SOCIALISATION OF OFFENDERS IN THE EU: ENHANCING THE ROLE OF THE CIVIL SOCIETY (RE-SOC)**

Workstream 1: Imprisonment in Europe

**COUNTRY REPORT – LITHUANIA**

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## 1. Introduction: Basic information on imprisonment situation in the country

European Court of Human Rights, CPT, Parliamentary Ombudsmen's Office of the Republic of Lithuania and other institutions and organizations (e.g., The Human Rights Monitoring Institute of Lithuania) constantly state that detention conditions in Lithuanian penal institutions are degrading the human dignity and make convicts and detainees suffering.<sup>1</sup> The main problems of physical living environment are prison overcrowding<sup>2</sup> and poor physical conditions of buildings. Moreover, human rights violations were determined in the quality of health care services, improper officials' conduct with convicts and detainees, etc.<sup>3</sup>

In 2009 the international study on Long-term Imprisonment and Human Rights was carried out<sup>4</sup>. The results of the research carried out in two Lithuanian correctional institutions (Alytus and Marijampole Correction Houses) showed that over 40 percent of convicts live in the same room with more than 16 other convicts, 47.8 percent of convicts indicated that the temperature in general was appropriate (36.8 percent said it was warm enough in winter; 67.2 percent said it was too hot in summer), only 22.5 percent of convicts stated that they can take a shower more than 20 times per month, 24.3 percent of convicts neither worked nor attended education, more than half of the convicts didn't work at all (neither housework or production nor other works).<sup>5</sup>

However, according to the reports of CPT and the Parliamentary Ombudsmen, the worst living conditions are in pre-trial/ remand facilities. Detainees are not ensured adequate living space (sometimes small cells (about 10 square metres) are occupied by 10 people), physical conditions of buildings are poor, detainees

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<sup>1</sup> By this moment the representatives of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) have visited Lithuanian penal institutions four times. During each visit, the representatives of CPT introduced similar conclusions: frequent violent cases among convicts (e.g., humiliation), overcrowded penal institutions, a small residential area in penal institutions, poor conditions (e.g., sanitarian, etc.), lack of convicts' occupation, complaints about the conduct of officials, etc. (Report to the Lithuanian Government on the Visit to Lithuania Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2010).

<sup>2</sup> Since 2007 prison population are steadily growing up (see Annex 3, Table 1. Prison population). In 2011 there were 11 penal institutions in Lithuania. Total number of places in these institutions was 9399. At the end of 2011 there were 9920 convicts and detainees. Only five institutions were not overcrowded. In Siauliai Remand Prison overcrowding exceeded even 50 percent (Prison Department under the Ministry of Justice of the Republic of Lithuania Reports: [http://www.kalejimudepartamentas.lt/?item=sk\\_ist&lang=3](http://www.kalejimudepartamentas.lt/?item=sk_ist&lang=3)). **All statistical data of penitentiary system is given in the Annex 3.**

<sup>3</sup> The Annual Reports of the Parliamentary Ombudsmen's Office of the Republic of Lithuania.

<sup>4</sup> The project group comprises researchers from Belgium, Denmark, England, Finland, France, Germany, Lithuania, Poland, Spain, Sweden and Croatia. The study surveyed the living conditions, the institutional climate and rehabilitative measures widely defined, and also included the extent of psychiatric health care provision in penal institutions.

<sup>5</sup> Drenkhahn K. Long-term Imprisonment and Human Rights. Findings of an International Study. University of Greifswald, Department of Criminology, 2009.

are given not enough time outside the cells, in pre-trial/ remand facilities there are insufficient natural light or ventilation, poor sanitarian conditions, etc.<sup>6</sup>

It should be noted that due to the fact that the state cannot ensure the standards of residential area for imprisoned persons (detained persons and convicts) established by legal acts, the Minister of Justice by Order No 1R-85 of 26 April 2010 and the Director of the Prison Department under the Ministry of Justice by Order No V-124 of 11 May 2010, reduced the standards of the detained persons and convicts to the extent the state is not able to physically ensure, e.g. the area of the ward in corrective facility for one persons is reduced from 5 to 3,6 sq.m. However, due to the fact that this such area is not suitable to ensure appropriate imprisonment conditions, capable of creating preconditions from the recognition of violation of human rights, the mentioned legal acts include a provision that the reduced standards of area for imprisonment are to be applied temporarily, i.e. until the implementation of the modernisation strategy of the Places of Imprisonment for 2009-2017.

The violation of human rights increases because of the fact that detainee's guilt has not been proven by a final court decision.<sup>7</sup> Because of the presumption of innocence, conditions in pre-trial/ remand facilities should be even better than in other penal institutions. In open prison colony<sup>8</sup> conditions are assessed as satisfying the minimum requirements.<sup>9</sup> Although the surface area per prisoner is not sufficient, the freedom of movement, ventilation, lighting and other conditions are assessed as satisfying the requirements.

Prisoner subcultures are strong in Lithuanian penal institutions, particularly in closed establishments. This is largely because sentences are usually 'passive' in the sense that prisoners do little with their time. Enquiries conducted by parliamentary ombudsmen, journalists and academic researchers have revealed that upper-class prisoners are exempt from formal administration orders. Low-class prisoners, by contrast, are assigned the dirtiest jobs such as garbage removal and toilet cleaning, and are more frequently subjected to disciplinary proceedings, mainly as a result of prior misconduct into which they have been forced by powerful prisoners.<sup>10</sup>

In common with the majority of EU member states, Lithuania has passed legislation designed to protect the human rights of its prisoners and provide them with a meaningful regime during their time in custody.

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<sup>6</sup> Report to the Lithuanian Government on the Visit to Lithuania Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 to 30 April 2008. CPT/Inf (2009) 22; The Annual Reports of the Parliamentary Ombudsmen's Office of the Republic of Lithuania.

<sup>7</sup> Aisling R. A Guide to the Implementation of Article 3 of the European Convention of Human Rights. Human Rights Handbooks, No. 6, 2003, p. 26: <http://echr.coe.int/NR/rdonlyres/0B190136-F756-4679-93EC-42EEBEAD50C3/0/DG2ENHRHAND062003.pdf>.

<sup>8</sup> About different types of facilities see section 2.4. Institutions and organizations.

<sup>9</sup> Based on the criteria of European Court of Human Rights.

<sup>10</sup> Report of the Parliamentary Ombudsmen's Office of the Republic of Lithuania, 2008; Dobryninas A., Sakalauskas G. Criminology, Crime, and Criminal Justice in Lithuania // European Journal of Criminology, 2011, Vol. 8(5), p. 428-429.

This legislation includes all of the commitments arising from legally binding international legal instruments. Enquire conducted by academic researchers has revealed that great part of Lithuanian national law does not comply with recommendations of international instruments/documents. Only 55 percent of international documents requirements and recommendations protecting the prisoners' rights are embedded in Lithuanian legislation.<sup>11</sup> Among the 24 countries rated, Lithuania goes only ahead Bulgaria, Poland and Ireland. Therefore, the protection of prisoners' rights is seen as a relevant problem.<sup>12</sup>

To sum up, the main problems of penitentiary system in Lithuania are:

1. Old buildings of penitentiaries do not allow guaranteeing suitable living conditions;
2. Dormitory-type premises in penitentiaries do not allow guaranteeing privacy and safety;
3. Too large number of the sentenced persons means constant threat of overcrowding;
4. Penitentiaries are too large (some even over 1000 inmates) therefore individual work with prisoners is hardly possible;
5. Lack of labour (only one fifth of prisoners are engaged in labour).

## **2. Legislation of imprisonment**

### **2.1. International and EU documents**

Lithuania has ratified and/or transported most of legally binding international and EU instruments/document in the area of imprisonment (see Annex 1). It should be mentioned that Lithuania ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (OPCAT) in December 2013. The Law on the Seimas Ombudsman's Office (the Parliamentary Ombudsman) was changed by the Lithuanian Parliament on 3 December 2013. It provides for additional functions of the Seimas Ombudsman's Office that are necessary to become a national human rights institution as well as national preventive mechanism.

The Protocol entered into force on 19 February 2014 only. Therefore, the system of effective prisoners' rights monitoring mechanisms, provided in the Protocol, is not yet fully implemented.

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<sup>11</sup> It should be noted that Lithuanian national regulation mostly does not comply with non-binding International documents.

<sup>12</sup> Vermeulen G. et al. Cross-border Execution of Judgements Involving Deprivation of Liberty in the EU. IRCP. Maclu, 2011; Vermeulen G. et al. (ed.) Material Detention Conditions, Execution of Custodial Sentences and Prisoner Transfer in the EU Member States. IRCP. Maclu, 2011.

As mentioned above, the great part of legal regulation of penitentiary system of Lithuania does not comply with recommendations of non-binding international instruments/documents.

## **2.2. Constitution**

Article 21 of the Constitution of the Republic of Lithuania establishes that the right to integrity of the person shall be inviolable; the dignity of the human being shall be protected by law; it shall be prohibited to subject anyone to torture, injure a human being, degrade his dignity, subject him to cruel treatment as well as establish such punishments.

The Supreme Administrative Court of the Republic of Lithuania has noted that it is essential to take all possible means in order to guarantee that the method of organization and management of penitentiary institutions facilitate the conditions of keeping the sentenced persons to meet the requirements of human dignity and socially acceptable standards of living.<sup>13</sup>

## **2.3. Substantive and procedural law**

The main laws and other legal acts regulating the area of imprisonment and probation are the following: The Criminal Code of the Republic of Lithuania, The Criminal Procedure Code of the Republic of Lithuania, Code of Execution of Penalties of the Republic of Lithuania, The Law of the Republic of Lithuania on Execution of Pre-Trial Detention, Statute of the Service in the Department of Prisons by the Ministry of Justice of the Republic of Lithuania, Internal Rules of the Penitentiary Institutions, Internal Rules of Pre-Trial Isolators, Internal Rules of Short-term Detention Facilities and others (for the details and complete list of legal acts see Annex 2).

The Criminal Code of the Republic of Lithuania (further CC) establishes the system of penalties and provides the imposition conditions of penalties and other related measures. Article 42 of the Criminal Code of the Republic of Lithuania establishes following types of penalties for a person who commits a crime: deprivation of public rights; deprivation of the right to be employed in a certain position or to engage in a certain type of activities; community service; fine; restriction of liberty; arrest; fixed-term imprisonment; life imprisonment. The fixed-term imprisonment and life imprisonment penalties cannot be imposed for persons who commit misdemeanours.

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<sup>13</sup> Administrative case No. A63 – 429/2009

Article 67 of the CC establishes that an adult person released from criminal liability on the grounds provided for in Chapter VI<sup>14</sup> of this Code or released from a penalty on the grounds provided for in Chapter X<sup>15</sup> of this Code may be subject to the penal sanctions. Penal sanctions must assist in implementing the purpose of a penalty. CC (Art. 67) establishes following types of penal sanctions: prohibition to exercise a special right; compensation for or elimination of property damage; unpaid work; payment of a contribution to the fund of crime victims; confiscation of property; prohibition to approach the victim; participation in the programmes addressing violent behaviour.

The CC provides special regulation of minor's criminal responsibility. Minors can not be subject of penalties of life imprisonment and deprivation of the right to be employed in a certain position or to engage in a certain type of activities. Minors may not be imposed more than 240 hours of community service. A fine may be imposed only against a minor already employed or possessing his own property. A minor may be subject to a fine in the amount of up to 50 MSLs. A minor may be subject to arrest for a period of five up to forty-five days. The period of a custodial sentence in respect of a minor may not exceed ten years (Art. 90).

A minor who has committed a misdemeanour or crime and has been released from criminal liability or a penalty may be subject to the reformatory sanctions. Article 82 of CC establishes following reformatory sanctions: a warning, compensation for or elimination of property damage, unpaid reformatory work, placement for upbringing and supervision with parents or other natural or legal persons caring for children, restriction on conduct, placement in a special reformatory facility.<sup>16</sup>

Article 98 of CC establishes conditions for application of compulsory medical treatment. Compulsory medical measures can be imposed to the persons who are recognised by a court as being legally incapacitated or of diminished capacity as well as the persons who, after committing a criminal act or having been imposed a penalty, start to suffer from a mental disorder rendering them incapable of understanding the nature of their actions or controlling them.<sup>17</sup>

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<sup>14</sup> Release from Criminal Liability When a Person or Criminal Act Loses Its Dangerousness (Art. 36); Release from Criminal Liability due to Minor Relevance of a Crime (Art. 37); Release from Criminal Liability upon Reconciliation between the Offender and the Victim (Art. 38); Release from Criminal Liability on the Basis of Mitigating Circumstances (Art. 39); Release from Criminal Liability When a Person Actively Assisted in Detecting the Criminal Acts Committed by Members of an Organised Group or a Criminal Association (Art. 39<sup>(1)</sup>); Release from Criminal Liability on Bail (Art. 40).

<sup>15</sup> Release from a Penalty due to an Illness (Art. 76); Release from a Custodial Sentence on Parole and Replacement of the Undischarged Term of the Custodial Sentence with a More Lenient Penalty (Art. 77); Amnesty (Art. 78); Clemency (Art. 79).

<sup>16</sup> A court may impose against a minor not more than three mutually compatible reformatory sanctions (Art. 82, part 2 of CC).

<sup>17</sup> Such persons may be subjected by the court to the following compulsory medical treatment measures:

- 1) out-patient observation under the conditions of primary mental health care;
- 2) in-patient observation under the conditions of a general observation at specialised mental health care establishments;
- 3) in-patient observation under the conditions of an enhanced observation at specialised mental health care establishments;
- 4) in-patient observation under the conditions of a strict observation at specialised mental health care establishments. (Art. 98 of the CC).

The procedure of the imposition of pre-trial detention as coercive measure of criminal proceeding is established in Criminal Proceeding Code. The procedure of pre-trial detention implementation is established in the Law on Execution of Pre-Trial Detention.

The procedure and conditions of implementation of penalties, main rights and duties of convicted persons and conditions of Parole<sup>18</sup> application are regulated by the Code on Execution of Penalties (further CEP). The CEP establishes main principles and provisions of penalties execution system. Detailed procedure of implementation of penalties is provided by the following executive acts: Internal Rules of the Penitentiary Institutions; Internal Rules of Pre-Trial Isolators; Internal Rules of Short-term Detention Facilities (see Annex 2). The CEP establishes the list of institutions responsible for execution of specific penalties. The penalty of fine shall be executed by bailiff. Probation services are responsible for execution of penalties of community service and restriction of liberty. Penalty of arrest shall be executed by short-term detention facilities. The penalties of fixed-term imprisonment and life imprisonment are executed by Correction houses, Juvenile correction houses, open prisons and prisons. Pre-trial detention houses are responsible for execution of pre-trial detention.<sup>19</sup>

The detailed procedure of Parole implementation is established in the Law on Probation (for more information see paragraph 1.3). This law is the main legal act of probation system regulation is the Probation Law of the Republic of Lithuania. According the definition established by this Law probation is described as conditional alternative to imposed custodial penalty including the supervision of a person to whom probation measures are imposed. The probation includes the suspension of a sentence<sup>20</sup> and release

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<sup>18</sup> The complete term is „release from correction institutions on Parole”.

<sup>19</sup> It should be noted that a part of pre-trial detention is implemented in short-term detention facilities which belongs to government area of home affairs ministry while the penitentiary system belongs to the government domain of Ministry of Justice.

<sup>20</sup> Article 75 of the CC. Suspension of a Sentence.

1. Where a person is sentenced to imprisonment for a term not exceeding three years for the commission of one or several minor or less serious premeditated crimes or not exceeding six years for the crimes committed through negligence, a court may suspend the imposed sentence for a period ranging from one to three years. The sentence may be suspended where the court rules that there is a sufficient basis for believing that the purpose of the penalty will be achieved without the sentence actually being served.

2. When suspending a sentence, a court shall impose on the convict a penal sanction provided for in Chapter IX of this Code and/or one or more of the following mandatory injunctions:

- 1) to compensate for or eliminate the property damage incurred by a crime;
- 2) to offer an apology to the victim;
- 3) to provide assistance to the victim during the latter's medical treatment;
- 4) to take up employment or register at a labour exchange, not to change employment without the consent of the court;
- 5) to undertake studies, resume studies or acquire a specialty;
- 6) to undergo a treatment against alcohol addiction, drug addiction, addiction to toxic substances or a sexually transmitted disease, where the convict agrees therefor;
- 7) not to leave his place of residence for a period exceeding seven days without the consent of the institution supervising suspension of the sentence.

3. When imposing the mandatory injunctions provided for in paragraph 2 of this Article, a court shall lay down a time limit within which the convict must comply therewith.

4. Where, during the period of suspension of sentence, the convicted person:

- 1) complied with the penal sanction and/or the mandatory injunctions imposed by a court, committed no violations provided for in subparagraph 3 of this paragraph, and there is a basis for believing that in the future the person will abide by the law and



from correction institutions on Parole. Probation services are institutions which are responsible for implementation of probation measures.

The main penitentiary system monitoring and control institution is Prison department under Ministry of Justice. The Prison department coordinates and monitors the implementation of probation, penalties, penal sanctions, reformative sanctions, pre-trial detention, medical care of prisoners, prisoner's education and other measures related to penalties execution and probation. The function of the department is also to assess effectiveness of the implementation such measures.<sup>21</sup>

The main official institution of external monitoring is the Parliamentary Ombudsmen's Office of the Republic of Lithuania. The Law of Parliamentary Ombudsmen's<sup>22</sup> establishes that the purpose of the activity of the Parliamentary Ombudsmen is to protect a person's right to good public administration securing human rights and freedoms, to supervise fulfilment by state authorities of their duty to properly serve the people. Parliamentary Ombudsmen's activity includes investigation of complaints related to public administration subjects activities. Parliamentary Ombudsmen also has a right by its initiative to monitor the activity of an institution. One of main field of Parliamentary Ombudsmen's activities is the monitoring of the human rights situation in institutions of liberty restriction (including prisons, short-term detention facilities and psychiatric institutions).

#### **2.4. Other legislation**

It should be noted that there are only few special laws regulating other fields, such as health, work, education etc. Specific regulation of such fields is included in general criminal and criminal procedure, penalties execution and probations laws and executive legal acts. Some specific fields as nourishment, hygiene and sanitation, health are regulated by executive legal acts (e.g., Lithuanian Norm of Hygiene HN 76:2010 "Places of deprivation of liberty: general requirements for health protection", Description of

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will not commit any further criminal acts, the court shall release the convicted person from a penalty upon the expiry of the term of suspension of sentence;

2) complies with the penal sanction and/or mandatory injunctions imposed by the court, however committed other offences and was imposed administrative penalties or disciplinary sanctions, the court may extend the period of suspension of the sentence for one year;

3) fails, without valid reasons, to comply with the penal sanction and/or mandatory injunctions imposed by the court or violates public order, abuses alcohol or commits other offences for which administrative penalties or disciplinary sanctions have been imposed upon him at least twice, the court shall, on the recommendation of the institution supervising the conduct of the convicted person, warn the convicted person that suspension of the sentence may be revoked. Where the convicted person further fails to comply with the penal sanction and/or mandatory injunctions imposed by the court or commits offences, the court shall, on the recommendation of the institution supervising the conduct of the convicted person, rule on the revocation of suspension of the sentence and execution of the sentence;

4) commits a new criminal act, the court shall impose a penalty upon him according to the rules provided for in Article 64 of this Code.

<sup>21</sup> The Statute of Prison Department under Ministry of Justice. Valstybės žinios (Official gazette), 2012, No. 27-1246.

<sup>22</sup> Valstybės žinios (Official Gazette), 1998, No. 110-3024.

structure, number of staff and order of work of the services of health supervision operating in places of deprivation of liberty, Description of order of work of psychological services operating in places of deprivation of liberty, Physiological norms for nourishment of persons held in places for pre-trial detention and deprivation of liberty, Rules on organization of nourishment of persons held in places for pre-trial detention and deprivation of liberty, Order of treatment of the sentenced persons with addictive disorders in the places of deprivation of liberty etc. (see Annex 2 ).

### **3. Institutions and organizations**

#### **3.1. Governmental institutions**

##### ***3.1.1. Governmental institutions of penitentiary and pre-trial detention system in Lithuania:***

Prison Department of Lithuania was established on 11 February 1919. During the period of Soviet occupation the penal enforcement system of Lithuania was under the jurisdiction of the Ministry of Interior. On 1 September 2000 in the course of the reform of the legal system, the penal enforcement system was transferred from the jurisdiction of the Ministry of Interior to the Ministry of Justice. While prison, correction houses, open prison and pre-trial detention are under the Ministry of Justice, short-term detention facilities where persons serve arrest (short-term imprisonment)<sup>23</sup> are under the Ministry of Interior.<sup>24</sup>

At this time in Lithuania there are 11 penal institutions (without short-term detention facilities) subordinate to the Prison Department enforcing pre-trial detention sanctions and custodial sentences imposed by the court: Kybartai Correction House, Panevezys Correction House, Pravieniskes Correction House – Open Prison Colony, Alytus Correction House, Marijampole Correction House, Vilnius Correction House, Kaunas Juvenile Remand Prison and Correction House, Kaunas Remand Prison, Lukiskes Remand Prison – Closed Prison, Siauliai Remand Prison, Central Prison Hospital. Also there are 53 territorial probation agencies which are responsible for the execution of sentences alternatives to imprisonment and supervision of conditional release. The training Centre of the Prison Department

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<sup>23</sup> Arrest means a short-term imprisonment served in a short-term detention facility. The term of arrest shall be counted in days. According to the Criminal Code of the Republic of Lithuania there are two types of acts and omissions that are considered as criminal – crimes and misdemeanours. For the crimes this short term imprisonment can be imposed from fifteen to ninety days, for the misdemeanours this short term imprisonment can be imposed from ten to forty five days (Criminal Code of the Republic of Lithuania, Art. 10, 49).

<sup>24</sup> Prison Department under the Ministry of Justice of the Republic of Lithuania website: [http://www.kalejimudepartamentas.lt/?item=sk\\_ist&lang=3](http://www.kalejimudepartamentas.lt/?item=sk_ist&lang=3).

organizes the training of the newly hired staff of the institutions subordinate to the Prison Department (see Figure 1).<sup>25</sup>

In Lithuania there are four different facilities (pre-trial/remand, open prison, correction houses and prison) which enforce pre-trial detention sanctions and custodial sentences imposed by the court. Persons are held in pre-trial/remand facilities while a final court decision concerning their case has not been reached yet. Convicts may be left to serve their sentence in pre-trial/remand facility if they work there. Persons sentenced for negligent crime and minor intentional crime<sup>26</sup> serve their punishment in open prison. Adult persons (excluding diminished capacity persons, pregnant women and mothers who raise children under the age of three years) sentenced for grave crimes<sup>27</sup> also convicts who were moved from correction houses and persons sentenced to life imprisonment serve their punishment in prison. In Lithuania there is one specialized penal institution for juveniles – Juvenile Remand Prison and Correction House. Minors who have reached eighteen years considering the opinion of the director of penal institution may be left in Juvenile Remand Prison and Correction House until the end of the sentence but no longer when they reach twenty one.<sup>28</sup>

On 1 July 2012 the new Probation Law came into force. Till 1 July 2012 the task of assistance for conditionally released persons in their re-entry and provision of social support for them was assigned to correction inspections. One of the main tasks of correction inspections was to ensure the execution of non-custodial sanctions (except restrictions on the property rights), suspended custodial sentence, conditional release from prison, conditional early discharge from punishment and the penal measure – unpaid work.<sup>29</sup>

On 1 July 2012 all correction inspections were reorganized to probation agencies. Probation according to Lithuanian Probation Law is a conditional alternative to custodial sentence: suspended sentence and conditional release, when the supervision of convict is implemented. For conditionally released persons some restrictions can be imposed during the period of their probation: e.g., prohibition to leave the house at a certain time if it isn't related with conditionally released person's job, prohibition to attend certain places if it isn't related with person's job, obligation to obtain treatment for alcoholism, drug addiction or venereal diseases if conditionally released person agrees, etc.<sup>30</sup> Probation agencies have more functions of supervision (not only supervision of suspended sentence and conditional release). One of the main tasks

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<sup>25</sup> Prison Department under the Ministry of Justice of the Republic of Lithuania website: [http://www.kalejimudepartamentas.lt/?item=sk\\_ist&lang=3](http://www.kalejimudepartamentas.lt/?item=sk_ist&lang=3).

<sup>26</sup> A minor crime is a premeditated crime punishable, under the criminal law, by a custodial sentence of the maximum duration of three years (Criminal Code of the Republic of Lithuania, Art. 11).

<sup>27</sup> A grave crime is a premeditated crime punishable, under the criminal law, by a custodial sentence of the maximum duration in excess of ten years (Criminal Code of the Republic of Lithuania, Art. 11).

<sup>28</sup> Code of Execution of Penalties of the Republic of Lithuania, Art. 62, 77, 81, 83, 90).

<sup>29</sup> The Instruction of Correction Inspections Work. Valstybės žinios (Official Gazette), 2001, Nr. 8-240 .

<sup>30</sup> Probation Law of the Republic of Lithuania.

of probation agencies is to ensure the execution of community service, restriction of liberty, conditional release from prison, suspended custodial sentence and penal or educational measures. The probation agencies deal with adults as well as juveniles.<sup>31</sup>

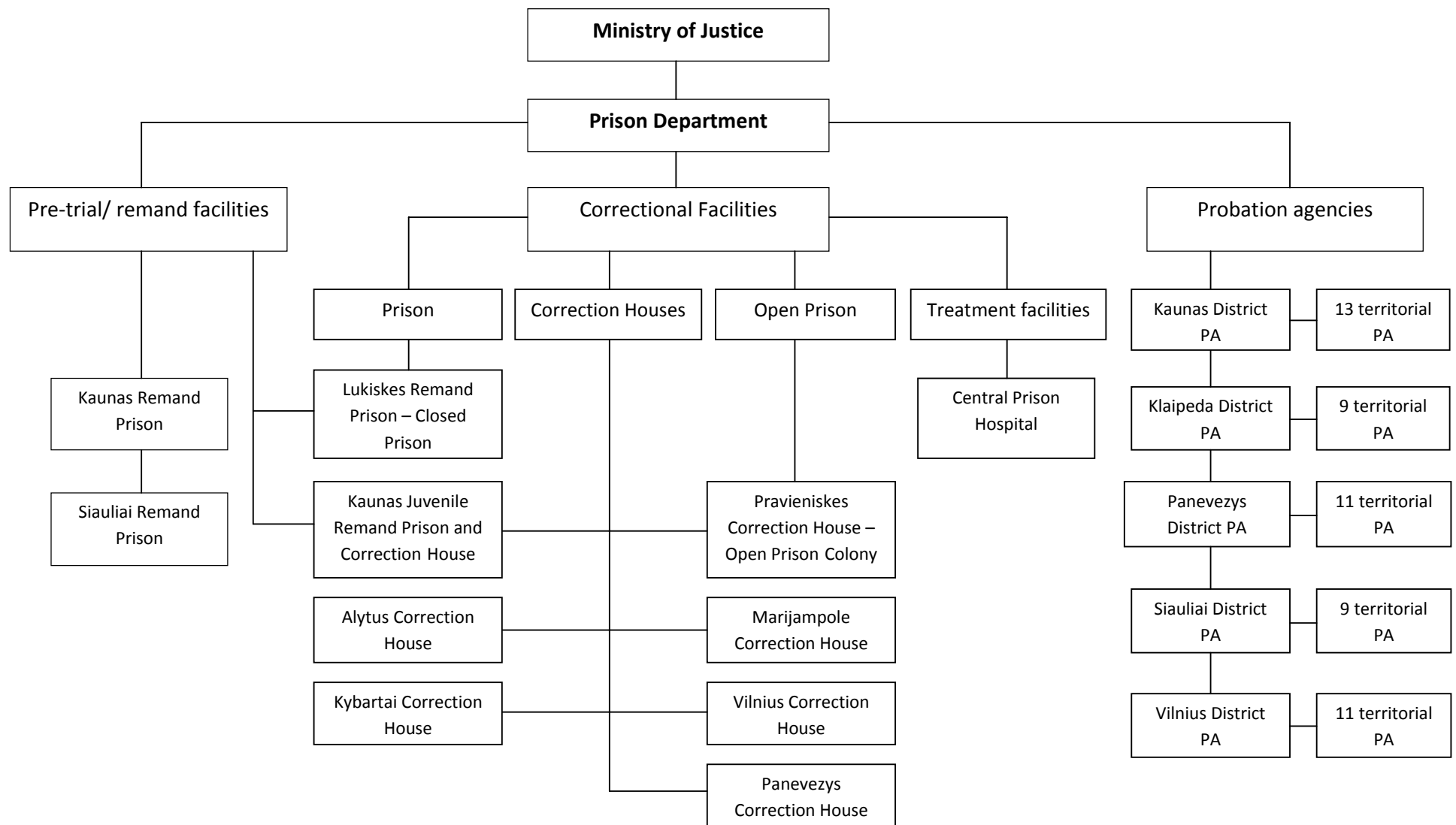
At this moment in Lithuania there are 5 probation agencies: Kaunas District Probation Agency, Klaipeda District Probation Agency, Panevezys District Probation Agency, Siauliai District Probation Agency, Vilnius District Probation Agency. The five regional probation agencies are headed by a Director General at the Prison Department. All probation agencies have territorial subdivisions: Kaunas district probation agency has 13 territorial probation agencies, Klaipeda district probation agency – 9, Panevezys district probation agency – 11, Siauliai district probation agency – 9, Vilnius district probation agency – 11 (see Figure 1).<sup>32</sup>

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<sup>31</sup> The age of criminal responsibility is 16 years (for serious offences the age is 14 years) (Criminal Code of the Republic of Lithuania, Art. 13).

<sup>32</sup> Prison Department under the Ministry of Justice of the Republic of Lithuania website: [http://www.kalejimudepartamentas.lt/?item=sk\\_ist&lang=3](http://www.kalejimudepartamentas.lt/?item=sk_ist&lang=3).

**Figure 1.** Penal institutions and probation agencies.<sup>33</sup>



<sup>33</sup> Sakalauskas G., Kalpokas V. Nuteistųjų ir grįžusiųjų iš įkalinimo įstaigų integracijos modelis. Teisės institutas. Vilnius: Eugrimas, 2012, p. 20.

### ***3.1.2. Criminal justice institutions (courts, prosecutors, police) and their role and functions in penitentiary system (especially functions, related with re-socialisation of offenders):***

The main purpose of probation is to ensure effective re-socialization of probationers and to reduce their recidivism. In order to achieve this purpose, probation agencies cooperate with different criminal justice institutions. Police officers are responsible for the search of probationers whose residence is unknown. They also have to inform probation agencies about the administrative offences and the beginning of pre-trial investigations.<sup>34</sup>

The courts play an important role in the sphere of conditional release. Decisions to release on parole are taken by courts. The prosecutors and courts take into consideration the reports written by committees in penal institutions. Reports concerning risk assessment, criminogenic factors, behaviour of convicted persons, etc. weren't written until 1 July 2012 when the new Probation Law came into force. Until the new Probation Law came into force the only information which was given to the court by correction inspections was about the execution of imposed sentence.

### ***3.1.3. Other institutions involved in assistance and re-socialisation of offenders:***

In order to achieve the purpose of probation, probation agencies cooperate with other institutions, e.g., Labour Exchange under the Ministry of Social Security and Labour, health care facilities, Children rights protection service, municipalities.

Labour exchange makes individual employment action plans for probationers, provides tools for greater opportunities for integration into labour market. Health care facilities provide information about the progress and results of treatment of addiction-related diseases. Children rights protection service provides information about minors who are under probation and their social environment also about the parental duties of persons who have children under eighteen and are released on parole. Municipality provides an opportunity to do unpaid work and provides information about the execution of this work.<sup>35</sup>

## **3.2. Non-governmental organizations**

A rather important role in the sphere of rehabilitation and social integration of conditionally released prisoners plays non-governmental organizations. In Lithuania there are only few main NGOs which directly work with conditionally released persons, e.g., Lithuanian Caritas, Prisoners' Aid Association, Care organization of prisoners' released on parole. There are many organizations which do not work directly with ex-prisoners but provide different services for socially vulnerable persons (including ex-

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<sup>34</sup> Probation Law of the Republic of Lithuania.

<sup>35</sup> Probation Law of the Republic of Lithuania.

prisoners), e.g., non-formal education centres, community association for addictive disorders, St. Cross House, etc.

Lithuanian Caritas is an organization run by good willed people who are motivated by the social teaching of the Catholic Church and humanistic attitudes. Caritas has been functioning in the seven following dioceses of Lithuania: Kaunas Archdiocese, Panevezys diocese, Telsiai diocese, Vilkaviskis diocese, Vilnius Archdiocese, Siauliai diocese and Kasiadorys diocese. Lithuanian Caritas has been pursuing a project called “Care and reintegration of current and ex-convicts” for over 10 years now. The main principle of their work is to respect the client and his dignity. They try to do everything to gain his trust and support him with choosing Christian lifestyle and starting to live on his own.<sup>36</sup>

Prisoners’ Aid Association regularly visits penal institutions. According to the Amnesty Law a representative of Prisoners’ Aid Association can be a member of amnesty committee.<sup>37</sup> Prisoners’ Aid Association took the initiative in providing the right to vote for prisoners, transferring penal institutions under the jurisdiction of the Ministry of Justice, transformation of some penal institutions.<sup>38</sup>

Lithuanian Caritas and Prisoners’ Aid Association provide such services as individual work with persons under probation (e.g., individual social-psychological consultation, individual legal advice consultation, support in addressing alcohol or drug dependence problems, assistance in job search, etc.), group work (e.g., social skills training, psychological, personality development, communication skills improvement group sessions, etc.), provision of temporal lodging, occupational training and counselling (e.g., assistance in curriculum vitae, motivational letter writing, etc.), food services (e.g., assistance in food preparing, food distribution, etc.), leisure activities, events, community spirit training (e.g., individual community work, a possibility of meeting with family members in order to maintain social relations).<sup>39</sup>

All probation agencies cooperate with state and local authorities, public and religious organizations and other juridical or natural persons. Both state and nongovernmental organizations in most cases prepare projects for reintegration of sentenced persons and present them to the European Social Fund Agency in order to obtain financing. Nevertheless, it should be noted that at present there are too few non-governmental organizations that deal with the problems of ex-prisoners, even if we take into consideration the increased attention towards the problems of sentenced persons.<sup>40</sup>

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<sup>36</sup> Lithuanian Caritas website: <http://www.caritas.lt/>

<sup>37</sup> Amnesty Law of the Republic of Lithuania.

<sup>38</sup> Prisoners’ Aid Association website: <http://www.kaliniudraugija.lt/>

<sup>39</sup> Sakalauskas G., Kalpokas V. Nuteistųjų ir grįžusiųjų iš įkalinimo įstaigų integracijos modelis. Teisės institutas. Vilnius: Eugrimas, 2012, p. 20.

<sup>40</sup> Deveikyte E. Probation in Lithuania. In van Kalmthout A.M., Durnescu I. (eds.). Probation in Europe. The Netherlands: aof Legal Publishers, 2008.

## 4. Polices, programs, and coordination mechanisms

### 4.1. Policies

One of the main initiatives to improve physical conditions in penal institutions can be seen in Modernization Strategy of Lithuanian Penal Institutions which came into force in 2009. The two main purposes of this Strategy are: to modernize penal institutions during the shortest time and with minimal expenses and to reduce operating costs of penal institutions without prejudicing public safety. The intended results are: the problem of overcrowding of pre-trial/ remand facilities will be solved; in order to reduce the costs of convoy penal institutions will be located rationally, considering the convicts', law enforcement agencies' and district courts' location; the storage conditions of convicts and detainees will match the Lithuanian legislation and European Prison Rules; the security problem in penal institutions will be solved and the public safety will be strengthened; working conditions in penal institutions will be improved; the exploitation of these newly and modernized penal institutions will cost less.<sup>41</sup>

One of the main initiatives modernizing short-term detention facilities is the Short-term Detention Facilities activities optimization program approved by General Commissioner of Lithuanian Police in 2009.<sup>42</sup> The purpose of the program is to reduce the number of short-term detention facilities which are in poor material conditions and which have low number of detainees. Such purpose is based on the lack of financial resources for the renovation or construction of new such facilities.

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<sup>41</sup> Modernization Strategy of Penal Institutions, Valstybės žinios (Official gazette), 2009, No. 121-5216.

<sup>42</sup> Short-term Detention Facilities Optimization Program approved by General Commissioner of Police order of 1 July 2009, No. 5-V-473: <http://www.policija.lt/index.php?id=2796&archive=1>



## Annex 1: Treaties and legislation

### Legally binding international instruments/documents

#### *United Nations treaties*

Entry into force	Name of the treaty	Signed - date	Commencement date
3 September 1981	Convention of the elimination of all Forms of Discrimination against Women		1994.02.17
4 January 1969	Convention of Elimination of all Forms of Racial Discrimination	1998.06.08	1999.01.09
2 September 1990	Convention on the Rights of the Child (UN)		1992.03.01
23 March 1976	International Covenant on Civil and Political Rights (1966)		1992.02.20
3 January 1976	International Covenant on Economic, Social and Cultural Rights (1966)		1992.02.20
26 June 1987	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)		1996.03.02
22 June 2006	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		2014.02.19

#### *Council of Europe legislation*

Entry into force	Name of the treaty	Signed - date	Commencement date
3 September 1953	European Convention on Human Rights and Fundamental freedoms (1950)	1993.05.14	1995.06.20
1 April 2005	Protocol 12 to the European Convention on Human Rights and Fundamental Freedoms (2000)	-	-
1 February 1989	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)	1995.09.14	1999.03.01
22 August 1975	Convention on the Supervision of Conditionally Sentenced of Conditionally Released Offenders	-	-

#### *EU legislation*

Entry into force	Name of the treaty	Transposition – date/legislation/etc.
1 December 2009	Charter of Fundamental Rights of the European Union (2000)	Direct effect
2004 January 01	Framework Decision on the European Arrest Warrant and the Surrender Procedures between Member States	Direct effect
2011	Framework Decision on the application on the Principle of Mutual Recognition to Judgements in Criminal Matters imposing Custodial Sentences of Measures Involving Deprivation of Liberty for the Purpose of their Enforcement in the European Union	Direct effect

## Annex 2. National legislation

### The list of national laws and executive acts

The title	Details
The Constitution of the Republic of Lithuania	Valstybės žinios (Official Gazette), 1992 No. 33-1014 Internet source (English version): <a href="http://www3.lrs.lt/home/Konstitucija/Konstitucija.htm">http://www3.lrs.lt/home/Konstitucija/Konstitucija.htm</a>
The Criminal Code of the Republic of Lithuania	Valstybės žinios (Official Gazette), 2000 No. <a href="#">89-2741</a> Internet source (English version): <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=366707&amp;p_tr2=2">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=366707&amp;p_tr2=2</a>
The Criminal Procedure Code of the Republic of Lithuania	Valstybės žinios (Official Gazette), 2002, No. <a href="#">37-1341</a>
Code of Execution of Penalties of the Republic of Lithuania	Valstybės žinios (Official Gazette), 2002, No. <a href="#">73-3084</a>
The Law of the Republic of Lithuania on Execution of Pre-Trial Detention	Valstybės žinios (Official Gazette), 1996, No. <a href="#">12-313</a>
Probation Law of the Republic of Lithuania	Valstybės žinios (Official Gazette), 2012, No 4-108
The Law of the Republic of Lithuania on State-guaranteed Legal Aid	Valstybės žinios (Official Gazette), 2000, No. <a href="#">30-827</a>
Statute of the Service in the Department of Prisons by the Ministry of Justice of the Republic of Lithuania	Valstybės žinios (Official Gazette), 2008, No. 135-5230
The Law of the Republic of Lithuania on the State Control	Valstybės žinios (Official Gazette), 1995, No. <a href="#">51-1243</a>
Statute of the Ministry of Justice of the Republic of Lithuania. Approved by the Regulation No.851 of the Government of the Republic of Lithuania on 09.07.1998	Valstybės žinios (Official Gazette), 1998, Nr. 63-1816
Internal Rules of the Penitentiary Institutions. Approved by the Order No.194 of the Minister of Justice of the Republic of Lithuania on 02.07.2003.	Valstybės žinios (Official Gazette), 2003, No. 76-3498
Internal Rules of Pre-Trial Isolators. Approved by the Order No. 1R-172 of the Minister of Justice of the Republic of Lithuania on 01.06.2009	Valstybės žinios (Official Gazette), 2009, No. 68-2782
Internal Rules of Short-term Detention Facilities. Approved by the Order No. 182 of the Minister of Justice of the Republic of Lithuania on 18.06.2003	Valstybės žinios (Official Gazette), 2003, No. 68-3095
Lithuanian Norm of Hygiene HN 76:2010 “Places of deprivation of liberty: general requirements for health protection”. Approved by the Order No. V-241 of the Minister of Health of the Republic of Lithuania on 30.03.2010	Valstybės žinios (Official Gazette), 2010, No. 41-1999
Lithuanian Norm of Hygiene HN 24:2003 “Requirements for safety and quality of drinking-water”. Approved by the Order No. V-455 of the Minister of Health of the Republic of Lithuania on 23.07.2003	Valstybės žinios (Official Gazette), 2003, No. 79-3606
Description of structure, number of staff and order of work of the services of health supervision operating in places of deprivation of liberty. Approved by the Order	Valstybės žinios (Official Gazette), 2009, No. 34-1323

No. V-195/1R-76 of the Minister of Health of the Republic of Lithuania and the Minister of Justice of the Republic of Lithuania on 18.03.2009	
Description of order of work of psychological services operating in places of deprivation of liberty. Approved by the Order No. 1R-111 of the Minister Justice of the Republic of Lithuania on 06.04.2009	Valstybės žinios (Official Gazette), 2009 No.: 40-1526
Physiological norms for nourishment of persons held in places for pre-trial detention and deprivation of liberty. Approved by the Regulation No. 14 of the Government of the Republic of Lithuania on 09.01.2002	Valstybės žinios (Official Gazette), 2002, No. 4-98
Rules on organization of nourishment of persons held in places for pre-trial detention and deprivation of liberty. Approved by the Order No. 4/07-117 of the Director of the Department of Prisons by the Ministry Justice of the Republic of Lithuania on 02.05.2006	Valstybės žinios (Official Gazette), 2002, 2006, No. 52-1923
Description of order of granting of long-lasting meetings with cohabitants. Approved by the Order No. V-56 of the Director of the Department of Prisons by the Ministry Justice of the Republic of Lithuania on 27.02.2007	Valstybės žinios (Official Gazette), 2007, No. 26-976
Regulation No. 264 of the Government of the Republic of Lithuania On organization of general education and career education of persons on pre-trial detention and persons serving sentences of deprivation of liberty, passed on 08.04.2009	Valstybės žinios (Official Gazette), 2009, No. <a href="#">43-1666</a> .
Order of treatment of the sentenced persons with addictive disorders in the places of deprivation of liberty. Approved by the Order No. 118/V-234 of the Minister of Justice of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania on 22.04.2003	Valstybės žinios (Official Gazette), 2003, No. 39-1801
Instruction of securing and supervision of places of deprivation of liberty. Approved by the Order No. 4/07-130 of the Director of the Department of Prisons by the Ministry Justice of the Republic of Lithuania on 04.07.2005	Valstybės žinios (Official Gazette), 2005, No. 89-3361
Norms for material welfare of the sentenced persons serving sentences of deprivation of liberty and sentences of life imprisonment, persons on pre-trial detention and children (infants) present in children's (infants') home of correctional houses. Approved by the Order No. 1R-139 of the Minister Justice of the Republic of Lithuania on 09.06.2004	Valstybės žinios (Official Gazette), 2004, Nr. 93-3422

### Annex 3. Statistics on penitentiary system<sup>43</sup>

All statistics should be indicated at 31 December of each year.<sup>44</sup>

**Table 1.** Prison population

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Prison population total	8125	8137	8079	7866	8000	8655	9139	9920	9729
Prison population rate (per 100.000 inhabitants)	237	239	238	234	239	260	281	310	326
New persons' entries to penitentiary institutions in a given year*	12826	12699	11838	10777	10850	10239	10043	9817	9274
Rate of new persons' entries to penitentiary institutions (per 100.000 inhabitants) in a given year**	380	382	362	334	339	324	324	324	310
Pre-trial/ remand	1284	1127	997	955	978	1208	1196	1347	1179
Rate of pre-trial/ remand (per 100.000 inhabitants)	38	34	30	30	31	38	39	44	39

\* **See definition** in European Sourcebook of Crime and Criminal Justice Statistics. Number of entries/receptions excluding: entry following a transfer from one penal institution to another in the same country; entry following the detainee's removal from the institution in order to appear before a judicial authority; entry following a prison leave or a period of absence by permission; entry following an escape, after re-arrest by the police.

\*\* Calculated on the basis of data recalculated during the Population and Houses Census in 2011.

**Table 2.** Prison population by socio-demographic characteristics (total numbers)\*

		2004	2005	2006	2007	2008	2009	2010	2011	2012
Females		262	310	321	343	358	372	421	422	442
Minors		184	179	171	192	200	188	158	130	112
Age structure of prisoners	18-20	871	902	880	891	598	793	924	827	705
	21-29	2873	2843	2709	2586	2817	2833	3085	3191	3212
	30-39	1775	1878	2011	1910	2043	2147	2205	2511	2512
	40-49	940	986	1033	1046	1051	1118	1160	1329	1389
	50-59	301	315	350	372	407	449	462	557	567
	60 and older	81	86	99	106	106	107	107	158	165

\***With arrest.** Arrest means a short-term imprisonment served in a short-term detention facility. The term of arrest shall be counted in days. According to the Criminal Code of the Republic of Lithuania there are two types of acts and omissions that are considered as criminal – crimes and misdemeanours. For the crimes this short term imprisonment can be imposed from fifteen to ninety days, for the misdemeanours this short term imprisonment can be imposed from ten to forty five days (Criminal Code of the Republic of Lithuania, Art. 10, 49).

<sup>43</sup> If you think some concepts may differ from other countries or if there are any important aspects in your country to explain please specify in a few sentences.

<sup>44</sup> Some part of data was published, though not all, therefore it was directly applied to Prison Department under the Ministry of Justice of the Republic of Lithuania. The data reports are available at the Prison Department website: [http://www.kalejimudepartamentas.lt/?item=vkl\\_at\\_mt&lang=1](http://www.kalejimudepartamentas.lt/?item=vkl_at_mt&lang=1).

**Table 3. Prison population by offences (total numbers)<sup>45\*</sup>**

Type of offence	2004	2005	2006	2007	2008	2009	2010	2011	2012
Criminal offences total	6841	7010	7082	6911	7022	7447	7943	8573	8550
Major traffic offences	-	-	-	-	-	-	-	-	-
Intentional homicide	1418	1549	1592	1685	1778	1806	1882	1997	1976
Bodily injury (assault)	Total	-	-	-	-	-	-	-	-
	<i>of which:</i> Aggravated bodily injury	275	302	292	345	386	420	451	476
Sexual assault	Total	-	-	-	-	-	-	-	-
	<i>of which:</i> Rape	348	376	380	410	401	420	424	470
	<i>of which:</i> Sexual abuse of a child	-	-	-	-	-	-	-	-
Robbery	1674	1488	1438	1330	1210	1283	1278	1358	1331
Theft	1770	1903	1906	1732	1637	1716	1784	1847	1709
Drug offences	299	317	372	452	518	650	745	882	965
Smuggling	28	29	84	41	41	57	74	75	79
Fraud	110	162	188	187	230	273	342	393	422

**\*With arrest.**

(-) data isn't counted.

**Table 4. Prison population by length of sentence (percentage) and average length of imprisonment (months)**

		2004	2005	2006	2007	2008	2009	2010	2011	2012
Prison population by length of sentence (percentage)*	Less than 1 month									
	From 1 month to less than 3 months									
	From 3 months to less than 6 months	9	9,6	8,3	7,2	6,9	7	5,7	4,7	4,2
	From 6 months to less than 1 year									
	From 1 year to less than 3 years	33,3	33,8	32,6	31,5	30,9	31,1	30,5	27,6	26,1
	From 3 years to less than 5 years	22,8	21,5	21,9	22,5	22,2	22	22,7	24,4	25,3
	From 5 years to less than 10 years	21,8	21,6	22,5	23	23,4	23	23,3	24,5	25,2
	From 10 years to less than 15 years	9,6	10	11,1	11,5	12,1	12,7	13,4	14,2	14,4
	From 15 years to less than 20 years	2,1	2	2,2	2,6	2,8	2,6	2,9	3	3,4
	20 years and over	0,2	0,1	0,1	0,2	0,2	0,2	0,2	0,2	0,2
	Life imprisonment	1,3	1,3	1,4	1,5	1,6	1,4	1,4	1,3	1,3
Average length of imprisonment (months)	Imposed by the court**	58	60	58	64	65	67	69	70	74
	Factual** <sup>46</sup>	30	24	25	23	23	24	24	25	27

**\*Without arrest.** Arrest means a short-term imprisonment served in a short-term detention facility. The term of arrest shall be counted in days. According to the Criminal Code of the Republic of Lithuania there are two types of acts and omissions that are considered as criminal – crimes and misdemeanours. For the crimes this short term imprisonment can be imposed from fifteen to ninety days, for the misdemeanours this short term imprisonment can be imposed from ten to forty five days (Criminal Code of the Republic of Lithuania, Art. 10, 49).

<sup>45</sup> Fill this table if you see it is necessary or write a few sentences for which criminal offences mostly people are in prisons.

<sup>46</sup> In a given year conditionally released persons and those persons who served all sentence.

**Table 5.** Number of different facilities and number of persons in different types of facilities (total numbers)<sup>47</sup>

		2004	2005	2006	2007	2008	2009	2010	2011	2012
Pre-trial/ remand	Number of pre-trial/ remand facilities	4	4	4	4	4	4	4	4	4
	Number of persons in pre-trial/ remand facilities	2002	1917	1803	1729	1826	1887	1912	2064	1790
Open prisons	Number of open prisons	1	1	1	1	1	1	1	1	1
	Number of persons in open prisons	41	47	48	55	59	78	81	97	92
Other	Number of correction houses	11	11	11	11	11	11	11	7	7
	Number of persons in correction houses	5814	5857	5980	5830	5872	6420	6874	7451	7535
Other	Number of prisons	1	1	1	1	1	1	1	1	1
	Number of persons in prisons	154	151	148	145	142	146	146	148	150
Total number of different facilities**		15	15	15	15	15	15	15	11***	11***

\* The Republican Hospital of the Correctional Department also was included.

\*\*Without short-term detention facilities.

\*\*\* Some institutions were reorganized into one institution.

**Table 6.** Situation in penal institutions

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Total capacity of penal institutions/ prisons	9444	9476	9874	9062	9063	9062	9399	9399	9399
Density per 100 places	86	86	82	87	88	96	97	106	104
Surface area per prisoner (in m <sup>2</sup> )	3,83	3,87	3,90	4	3,94	3,64	3,44	3,17	3,24

**Table 7.** Persons under parole, probation and surveillance orders (total numbers)<sup>48\*</sup>

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Probation (including the attached measures)	3181	2152	1945	1742	1732	n/n	1443	1376	1036
Parole (including the attached measures)	11845	10946	9339	8533	8278	7845	8070	8293	8116
Surveillance orders	-	-	-	-	-	-	-	-	-

\*All statistics refer to the 1<sup>st</sup> January.

(n/n) means that we haven't got this information.

(-) data isn't counted.

<sup>47</sup> This is only the suggestion how to categorize different facilities. You should categorize different facilities according to the situation in your country and explain what are the functions of these different facilities (you can do this in the section **2.4. Institutions and organizations**).

<sup>48</sup> On 1 July 2012 the new Probation Law came into force. Probation according to Lithuanian Probation Law is a conditional alternative to custodial sentence: suspended sentence and conditional release, when the supervision of convict is implemented. Probation agencies have more functions of supervision (not only supervision of suspended sentence and conditional release). One of the main tasks of probation agencies is to ensure the execution of community service, restriction of liberty, conditional release from prison, suspended custodial sentence and penal or educational measures.

**Table 8.** Groups of (possibly vulnerable) prisoners (total numbers)

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Foreigners	78	73	76	72	90	118	100	128	113
Ethnic/ cultural/ religious groups – this is not one group but many	-	-	-	-	-	-	-	-	-
Alcohol addicted persons	420	493	592	584	573	464	508	470	403
Persons addicted to other drugs than alcohol (excluding nicotine)	944	965	1151	1030	1033	1015	1159	1075	1087
Mentally handicapped persons (e.g., lower IQ) - code F7 <sup>49</sup>	221	200	210	176	165	163	148	154	139
Persons with a psychiatric handicap	1765	1738	1684	1564	1580	1634	1624	1571	1514
Physically handicapped persons	-	-	-	-	-	-	-	-	-
HIV/AIDS	292/0	252/2	267/2	259/10	286/12	301/19	387/19	383/31	390/38
“Querulous persons”/ “trouble makers”	4940	5385	4965	4978	5231	5500	6355	6827	7854
Sexual offenders*	348	376	380	410	401	420	424	470	500
Former police officers, prosecutors, judges, etc.**	77	75	93	91	82	91	85	104	118
(Functional) illiterates***	83	94	108	110	112	124	135	105	106
Persons not speaking the local language	-	-	-	-	-	-	-	-	-
Old prisoners (reached retirement age; or ≥ 60 years)	81	86	97	106	106	107	105	152	162

\*Only convicted for rape.

\*\*Former civil servants.

\*\*\*Prisoners without education.

(-) data isn't counted.

**Table 9.** Deaths and injuries in penal institutions (total numbers)

		2004	2005	2006	2007	2008	2009	2010	2011	2012
Deaths	Total	12	25	27	29	26	32	25	32	35
	<i>of which: natural death</i>	6	13	20	14	15	16	14	21	28
	<i>of which: suicides</i>	4	11	6	11	10	13	8	11	5
	<i>of which: accidents</i>	0	0	0	0	1	0	0	0	0
	<i>of which: homicides</i>	2	1	0	4	0	2	3	0	2
	<i>of which: other (please specify)</i>	0	0	1*	0	0	1**	0	0	0
Injuries	Total	2508	2416	1959	1711	1572	1809	1791	1772	2058
	<i>of which: assaults***</i>	33/394	62/318	40/155	35/158	40/274	66/340	70/341	61/372	55/409
	<i>of which: accidents</i>	-	-	-	-	-	-	-	-	-
	<i>of which: self-harm</i>	-	-	369	246	274	410	461	500	693
	<i>of which: other (please specify)</i>	0	0	0	0	0	0	0	0	0

\*Negligent homicide

\*\*Drugs

\*\*\*Started/ refused to initiate pre-trial investigation of bodily injury.

(-) data isn't counted.

<sup>49</sup> Code F7 mental retardation (International Classification of Diseases).

**Table 10.** NGO, volunteers, re-socialisation programs, legal advice (total numbers)

		2004	2005	2006	2007	2008	2009	2010	2011	2012
NGO's collaborating with penitentiary institutions*	Total*	1643	1612	1753	1660	1462	1556	1738	2336	2592
	<i>of which:</i> prisons*	1643	1612	1753	1660	1462	1556	1738	2336	2592
	<i>of which:</i> probation agencies	-	-	-	-	-	-	-	-	-
Volunteers <sup>50</sup>	Total	-	-	-	-	-	-	-	-	-
	<i>of which:</i> in prisons	-	-	-	-	-	-	-	-	-
	<i>of which:</i> in pre-trial/ remand	-	-	-	-	-	-	-	-	-
	<i>of which:</i> in probation agencies	-	-	-	-	-	-	-	-	-
Re-socialisation (rehabilitation) programs	Number of programs <sup>51</sup>	100	130	157	159	154	170	183	167	162
	Number of persons attending such programs	3576	5905	4122**	3795**	4506**	5297**	5719**	4330**	4706**
Legal advice in penal institutions free of charge or via legal aid		-	-	-	-	-	-	-	-	-

\*Number of cases of practical help which was provided by public (social) and religious organizations.

\*\*Number of persons attending such programs (except compulsory programs)

(-) data isn't counted.

**Table 11.** Prisoners who are studying and/or working (total numbers)

		2004	2005	2006	2007	2008	2009	2010	2011	2012
Number of prisoners who are studying at a given year (high school, vocational school, university)		1609	1859	1872	2007	1884	2204	2350	2354	2549
Number of graduated prisoners at a given year		846	781	1014	1053	1042	1066	1271	1353	1348
Other education (skills improvement) ( <i>please specify</i> )		-	-	-	-	-	-	-	-	-
Number of prisoners who are working at a given year	In a state companies / In private firms	1140	1260	1158	1206	1061	968	1154	1204	1189
	Involved in individual work, creative or other activity	174	263	290	301	430	387	270	170	196
	Working fatigue in penal institutions	857	756	878	904	868	892	896	906	1005
	Total	2171	2279	2326	2411	2359	2247	2320	2280	2390

<sup>50</sup> According to the Lithuanian Law on Volunteering volunteer work is unpaid, beneficial to society activity which conditions are determined by an agreement between a volunteer and an organizer of this activity. A volunteer might be an older than 14 years citizen of the Republic of Lithuania or a foreigner who legally resides in the territory of Lithuania. A person under 18 years might participate in a volunteer activity if his representative under the law does not contradict.

<sup>51</sup> Number of all rehabilitation programs in all Lithuanian penal institutions (this means that the same program may be counted more than once).



(-) data isn't counted.

**Table 12.** Financing of penal institutions (total numbers in euros)

	2004	2005	2006	2007	2008	2009	2010	2011	2012	
Total budget of penal institutions (including funding for acquisition of fixed assets and investments)					67 905 000	60 829 000	54 980 000	56 051 000	55 721 000	
Average amount spent per day for one prisoner <sup>52</sup>	10,8	11,5	13,6	14,6	19	16,6	14,3	13,7	13,4	
Average number of prisoners in penal institutions	7916	8020	8063	7860	7787	8267	8856	9450	9906	
Average amount spent per day for one prisoner for:	nutrition	0,76	0,84	1,08	1,32	1,54	1,54	1,25	1,41	1,48
	clothing and bedding	0,16	0,16	0,17	0,21	0,26	0,17	0,16	0,09	0,15
	medicines	0,11	0,12	0,12	0,14	0,19	0,17	0,17	0,16	0,16
	social rehabilitation programmes and services	-	-	-	-	-	-	-	-	-
	drug substitution (methadone)**									
	harm reduction	-	-	-	-	-	-	-	-	-

(-) data isn't counted.

\*\*Methadone program doesn't exist in Lithuanian penal institutions.

<sup>52</sup> This includes: wage, contribution to social insurance, nutrition, medicines, telecommunications, transport maintenance, clothing and bedding, press, other goods, duty journeys, public utilities, maintenance of permanent material property, training, operating leases, other expenses, interest payments, grants, etc.