



Access to justice for children

Country fact sheet: **Lithuania**¹



Overview

Country size: 65 300 km²

General Population: 2,79 million

Number of Children: 569 100 (2012)

Date of ratification of the Convention on the Rights of the Child:

31 January 1992

Date of abolition of the death penalty: 9 December 1998

Minimum ages

Minimum age of criminal responsibility ("MACR"): 16 years in general but 14 years for serious crimes.

Age of imprisonment: 16 years in general but 14 years in exceptional cases.

Age until juvenile justice legislation is applied: 18 years

Type of legal system

The Lithuanian legal system is based on a civil law system.

Specialisation of the system

Lithuania provides for several specialised institutions and professionals including:

- The State Child Rights Protection and Adoption Service
- The Interdepartmental Child Welfare Council
- Child social workers

Child-specific legislation

- [The Constitution of the Republic of Lithuania](#) – contains provisions regarding the protection and care of children.
- [Criminal Code](#) – contains provisions on the criminal responsibility of children and safeguards for child victims.
- [The Law on the Basics of the Protection of the Rights of the Child](#) – provides for the non-discrimination of children and the child's right to be heard and to participate.
- [Criminal Proceedings Code](#) – contains provisions on legal rights and safeguards for children in conflict with the law.
- Other legislation relevant to children in contact with the law include the [Penitentiary Code](#) and the Law on Compensation for Damage Caused by Violent Crimes.

The [Convention on the Rights of the Child](#) is directly applicable in Lithuania's justice system.

¹ The information used to compile this fact sheet is based on the responses to the questionnaire received in August 2020.

Child suspects or accused in criminal proceedings

Implementation of EU Directive 2016/800

The **EU Directive 2016/800** on procedural safeguards for children who are suspects or accused persons in criminal proceedings is in the process of being transposed into Lithuanian law. Several draft amendments were made to the *Criminal Proceedings Code* to be compliant with **EU Directive 2016/800**, including amendments to provisions regarding the right to information, right to an individual assessment, and parental participation.

Cross-cutting safeguards

- While the minimum age of criminal responsibility is 16 years old, it is possible for children below this age to have criminal responsibility. Children age 14 and above may be subject to criminal responsibility if they commit serious offences including, murder, rape, or robbery. A child who has not reached 14 years of age and commits a serious crime may be subject to educational measures. See *Criminal Code, Article 13*.
- Children have the right to free legal assistance throughout legal proceedings and there is compulsory participation of an advocate if the suspect/accused is a child. See *Criminal Proceedings Code, Articles 10, 21, 44, 50 and 51*.
- Legal representatives, such as parents and guardians, may be present at all stages of legal proceedings. However, the court may refuse to permit the legal representative to participate in the proceeding if it deems it contrary to the interests of the child. See *Criminal Proceedings Code, Articles 53 and 54*.
- A child in contact with the law has the right to privacy. The publication of pre-trial investigation data of child suspects and victims is prohibited. Also, while hearings are generally open to the public, hearings involving child suspects and victims may be closed. See *Criminal Proceedings Code, Articles 9, 21, and 177*.

- Equal treatment and protection from discrimination is guaranteed by the *Law on the Basics of the Protection of the Rights of the Child*.
- A child suspect or accused has the right to be informed. This includes the right to receive information on the proceedings against him or her, right to translation, right to make requests, and the right to review investigative material. See *Criminal Proceedings Code, Article 21*.

Specific procedural measures

- An individual assessment of the child suspect or accused shall be performed. It should assess the child's personality, environment, and needs. The individual assessment shall be used in determining corrective measures. See *Criminal Proceedings Code, Article 27² and 189¹*.
- Court psychologists play a significant role in the proceedings as described below in "Other relevant information".

Diversion and alternatives to detention

- Lithuanian law provides that the purpose of criminal liability is to: ensure responsibility in accordance with the child's age and maturity, to limit custodial sentences, to eliminate deviant behaviour and assist the child in changing his or her lifestyle, and to deter a child from committing further criminal offences. See *Criminal Code, Article 80*.
- Prior to trial, a child may be placed in the custody of their parents while waiting for trial. The parent or legal guardian must provide a written statement to ensure the child will behave properly and will appear when summoned. The parents of a child who fails to appear when summoned will be fined. See *Criminal Proceedings Code, Article 138*.
- Alternatives to post-trial detention include public works, fines, and restriction of liberty. See *Criminal Code, Article 90*.
- Children shall be detained in separate locations from adults. See *Penitentiary Code, Articles 52 and 70*.

Child victims and witnesses in criminal proceedings

Implementation of EU Directive 2012/29

As of 11 May 2020, Lithuania had not fully transposed **EU Directive 2012/29** establishing minimum standards on the rights, support and protection of victims of crime. As of this date, the European Commission had ongoing infringement proceedings against Lithuania for its failure to fully transpose EU Directive 2012/29. According to the Ministry of Justice, Lithuania adopted the necessary legislation to transpose EU Directive 2012/29 in 2020 and are waiting for the European Commission to terminate the infringement proceedings.

Cross-cutting safeguards

- Under Lithuanian law, victims have the right to receive compensation for damage suffered as a result of a criminal offence. Also, the pre-trial officer or prosecutor must notify the victim of violent crime about the right to receive compensation under the *Law on Compensation for Damage Caused by Violent Crimes*. See *Criminal Proceedings Code, Articles 44 and 46*.
- Other procedural safeguards provided to victims include the right to legal assistance, right to have parents or guardians present during proceedings, right to avoid contact with the offender, and the right to appeal.

Focus on status offences

Offences such as possession of alcohol and tobacco and breaching social behaviour are in accordance with the Code on Administrative Offences. The disciplinary measures taken may depend on the age of the child and may result in a fine. Other offences including truancy and running away from home are addressed through the social welfare and community systems.

Other relevant information

Lithuania has various measures in place to ensure the equal protection and non-discrimination of children. The *Law on the Basics of the Protection of the Rights of the Child* states that all children have the same rights and prohibits discrimination on the basis of sex, age, nationality, race, language, religion, beliefs, social status, family status, health or any other circumstances.

Also, in Lithuania **court psychologists** play a significant role in the child justice process. The court psychologist works in the following areas:

1. in pre-trial investigation (conducts child interviews with the pre-trial investigation judge);
2. in criminal cases (helps judge to interview children during the court hearing); and
3. in civil cases (helps judge to hear the child's opinion).