

NATIONAL REPORT



**Victims of Crime
Implementation Analysis
of Rights in Europe**



VOCIARE
Victims of Crime
Implementation Analysis
of Rights in Europe

promotor



**Victim Support
Europe**

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DISCLAIMER

All views expressed in the present report are those of the authors and not of the European Commission.

Most findings of the report are based on the research conducted by national researchers, between June 2018 and March 2019, and any inaccuracies in the interpretation of national results lays with the authors of the present report only. Additional support research, in particular regarding international experiences, was conducted by the authors of the present report.

The findings compiled in the present report represent, to the best of authors' abilities, the current situation of the practical implementation of the EU Victims' Rights Directive. Given its scope and ambition, authors are aware that some elements may be inaccurate or out of date. However, it was still important to offer the first overall picture, even if incomplete, of the practical implementation of the Directive, to inform future work of Victim Support Europe, its members and the policy initiatives at the EU and national level. Future efforts will be plan to improve the findings and provide a more detailed analysis of key rights defined in the Directive.

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EXECUTIVE SUMMARY

Directive 2012/29/EU, commonly known as the Victims' Directive, establishes minimum rights to all victims of crimes and constitutes the core of the European Union's legislative package aiming to guarantee that all victims of crimes have access to information, support and protection.

Member States were required to transpose the Directive into national legislation but need to guarantee its correct implementation in practice as well. This implementation is a task far from easy. This national research report aims to assess the success of practical implementation efforts in Lithuania.

The research identified certain **shortcomings** resulting in the incomplete protection of victims' rights in Lithuania. Overall, a considerable gap between the rights laid down in the national law and the ones guaranteed on the ground remains.

For example, the research has identified that the law enforcement officers are either unfamiliar or poorly familiar with victim's **right to be accompanied by a person of his/her choice** and have little practice enforcing it. The right is widely perceived as potential interference with the criminal investigation, and victims are deterred from exercising it.

Moreover, only victims of certain crimes can benefit from the **right to access victim support services**. Additionally, **restorative justice services** are unavailable in the country. Instead, reconciliation, is available for less serious criminal offenses. Notably, victims of domestic violence reported being pressured by the law enforcement into reconciling with the abusers.

Furthermore, an entirely new system introduced to meet the requirement for an **individual assessment** under the Victims' Directive, contributes little towards identifying victims with specific protection needs and ensuring their right to protection. The individual needs assessment form includes limited categories of vulnerability and is used in an overly mechanistic way. Often victims are not informed about the self-assessment and not consulted on its outcome. The guidance on protection measures to be put in place following the assessment is not being followed in practice, thus rendering the assessment process futile.

Despite the gaps and challenges mentioned above, some **good practices** have been identified and highlighted throughout the report.

A standardized multilingual “**letter of rights**” is currently served to every person recognized as a victim in Lithuania. It explains victims’ rights listed under Article 4 of the Victims’ Directive and includes useful guidance on the right to be accompanied by a person of victim’s choice, the right to access the case-file, make requests, make a closing speech during the trial hearing.

The Code of Criminal Procedure imposes strict obligations to audio-visually record all **interviews with child victims** during the pre-trial stage, and to conduct the interviews in specially designed interview rooms. The rooms are currently being established in police stations throughout the country. Also, the role of the psychologist in the criminal proceeding is gaining more and more prominence.

As a matter of good practice, the national rules on **eligibility for legal aid** were recently relaxed, resulting in more victims being able to have free legal representation. As of 1 January 2019, victims of terrorism, organized crime, human trafficking, domestic violence, sexual violence, exploitation and hate crime will be eligible to free legal representation throughout the criminal proceedings regardless of their financial situation.

The present national report, completed within the context of project VOCIARE, was useful to assess the practical implementation of the Victims’ Directive in Lithuania.

INTRODUCTION

The present national report aims at assessing the practical implementation of the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Victims’ Directive) in Lithuania in the context of project VOCIARE - Victims of Crime Implementation Analysis of Rights in Europe.

For this purpose, an adequate methodology was created and adopted. The first two steps taken in order to begin this report were a legislative analysis and a mapping of competent authorities and organisations. In order to assess how the Victims’ Directive has been implemented, it is vital to know more about national legislation, to know how the Directive was transposed into national law in order to further analyse if such legislation is being implemented, how and by whom. Mapping competent authorities and organisations is essential to guarantee that detailed answers will be provided by the competent authorities and organisations which relate to victims.

To support the work presented in this report, three research tools were developed in order to obtain the desired information: a desk research, an online survey, and interviews.

The desk research was the first stage of national research. It was carried out by the Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*) with valuable assistance of the Vilnius Institute for Advanced Studies and (VILIAS) and the Lithuanian Crime Prevention Center (*Nusikalstamumo prevencijos Lietuvoje centras*) between June and September 2018¹. Desk research included research of legal and policy instruments, literature and existing studies, discussions and other sources related to victims’ rights. The information collected was used to answer the set of questions raised in the report template. The national online survey was a particularly important tool for the research as it enables a much broader evidence base and allows for statistical analysis. It consisted of mostly closed-ended questions was disseminated to the Lithuanian organizations and practitioners having contact with victims (police, prosecutors, judges and court staff, policymakers and victim support organizations). The total of 40 responses were received to the survey request. 25 police officers, 2 prosecutors and 13 representatives of victim support organizations and social service providers participated in the survey.

Interviews served as an addition to desk research and were used to better inform the findings of the study. A total of 6 interviews were carried out via the electronic communication means. The interviewees included the representatives of victim support services (2), justice professionals (2), law enforcement (1) and policy officials (1) were carried out during the research phase.

¹ Human Rights Monitoring Institute remains fully responsible for the contents of this report.

Regarding its structure, this report is organised as follows:

- The **basic overview of the legal framework** provides an introduction into the current legal situation in Lithuania with respect to victims' rights.
- The **evaluation of the practical implementation of the Victims' Directive** is the main body of the report. This section consists of 26 subsections – one for each of the articles of the Directive. Assessment against the requirements set out in each article investigates the extent to which rights and obligations established in the Directive are in place in practice, are accessible and exercisable, and are used and benefit victims.
- The **section on good practices** provides a synthesized summary of good practices already implemented in Lithuania concerning the practical implementation of the Directive. Majority of these practices concern specific articles of the Directive rather than the Directive's implementation as a whole.
- The **section on gaps, challenges, and recommendations** describes the most prominent gaps and challenges in the practical implementation of the Directive in Lithuania and attempts to provide a set of recommendations aimed at addressing these challenges.
- The **section on conclusions** summarizes the main results of this report.

BASIC OVERVIEW OF THE LEGAL FRAMEWORK

The Victims' Directive was adopted on 25 October 2012 by the European Parliament and the Council, and Member States were required to transpose it into national law until 16 November 2015². **Victims' Directive was transposed into the Lithuanian legal system on 17 December 2015**³. Lithuania has communicated to the European Commission that 60 legal measures had transposed the Directive. This number includes all the relevant legislation that fulfils the Directive, including the pre-existing (e.g., the Constitution of the Republic of Lithuania) and new. As a part of the transposition effort, the most substantive amendments were made to the Code of Criminal Procedure (*Baudžiamojo proceso kodeksas*), and, less extensive, to the Law on Pre-trial Detention (*Suėmimo vykdymo įstatymas*), and to the Penitentiary Code (*Bausmių vykdymo kodeksas*)⁴.

Contrary to what is stated in the European Parliament report on the Victims' Directive,⁵ the Code of Criminal Procedure currently *does* reference the Victims' Directive under the section "Implemented EU Laws"⁶. As a result of the transposition, victims were granted the new rights (e.g., the right to be accompanied by the person of their choosing, the right to receive information about the suspect's release from detention, the right to protection of victims with specific protection needs). Also, new procedures, such as the individual assessment of victims, were introduced into the national legal system. Concerning the soft law measures, the Prosecutor General (*Generalinis prokuroras*) adopted a set of guidelines and protocols, including a victims' "letter of rights", to bring the rules on criminal proceedings in line with the requirements of the Directive⁷.

² All Member States, except for Denmark, opted into the Directive system.

³ The law amending Articles 8, 9, 28, 43, 44, 128, 185, 186, 188, 214, 239, 272, 275, 276, 280, 283, 308 of the Code of the Criminal Procedure and its Annex and supplementing the Code with Articles 27-1, 36-2, 56-1, 186-1 (Lietuvos Respublikos baudžiamojo proceso kodekso 8, 9, 28, 43, 44, 128, 185, 186, 188, 214, 239, 272, 275, 276, 280, 283, 308 straipsnių ir priedo pakeitimo ir Kodekso papildymo 27-1, 36-2, 56-1, 186-1 straipsniais įstatymas), 17 December 2015, No XII-2194. Retrieved from: <https://www.e-tar.lt/portal/legalAct/lt/html?documentId=1085d150aee411e5b12fbb7dc920ee2c>. The amendments came into effect on 1 March 2016.

⁴ Explanatory memorandum to the draft laws Nos XIIP-3703- XIIP-3705 (Įstatymų projektų Reg. Nr. XIIP-3703- XIIP-3705 aiškinamasis raštas), 2 November 2015, No XIIP-3703. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/630f7380817211e59a1ed226d1cbceb5?jfwid=124djr7cfo>

⁵ European Parliamentary Research Service (2017). The Victims' Rights Directive 2012/29/EU, European Implementation Assessment. European Parliament report on the Victims' Directive, p. 65. Retrieved from: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU\(2017\)611022_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

⁶ The law amending Articles 8, 9, 28, 43, 44, 128, 185, 186, 188, 214, 239, 272, 275, 276, 280, 283, 308 of the Code of the Criminal Procedure and its Annex and supplementing the Code with Articles 27-1, 36-2, 56-1, 186-1 (Lietuvos Respublikos baudžiamojo proceso kodekso 8, 9, 28, 43, 44, 128, 185, 186, 188, 214, 239, 272, 275, 276, 280, 283, 308 straipsnių ir priedo pakeitimo ir Kodekso papildymo 27-1, 36-2, 56-1, 186-1 straipsniais įstatymas), 17 December 2015, No XII-2194. Retrieved from: <https://www.e-tar.lt/portal/legalAct/lt/html?documentId=1085d150aee411e5b12fbb7dc920ee2c>

⁷ General Prosecutor's Office (2016). From now on, the rights will be explained to victims (Nukentėjusiesiems nuo šiol turės būti išaiškinamos jų teisės). Retrieved from: <https://www.prokuraturos.lt/lt/naujienos/prokuraturos-aktualijos/nukentejusiesiems-nuo-sioltures-buti-isaiskinamos-ju-teises/4748>

In order to better grasp how the Victim's Directive is being implemented in Lithuania and to what extent victims' rights are being upheld, a few considerations regarding the Lithuanian criminal proceedings are necessary.

The first stage of a typical criminal procedure is the criminal investigation, called **"pre-trial investigation"** (*ikiteisminis tyrimas*) in the Code of Criminal Procedure (hereinafter – CCP), which is usually conducted by the pre-trial officers (*ikiteisminio tyrimo pareigūnai*) working in the police force, and in some instances – officers of other investigating institutions⁸. Each case is assigned to a prosecutor (*prokuroras*), who oversees the **criminal investigation**, the second phase of the criminal proceedings. The investigation is considered concluded when the prosecutor draws up the act of indictment (*kaltinamasis aktas*) and submits it to the court. From that moment, the case is overseen by the court initiating the **trial phase**.

The first instance court's decision can always be appealed. A second appeal, appeal in cassation, to the Supreme Court of Lithuania (*Lietuvos Aukščiausiasis Teismas*) is also possible, but only on question of law⁹.

The Lithuanian criminal procedure has more characteristics of an inquisitorial system, although there are some features of an adversarial system¹⁰. A pre-trial investigation is essentially an inquisitorial procedure, while during the trial the case is heard in an adversarial manner, i.e., both prosecution and defence have equal rights to submit the evidence, make requests and present their arguments¹¹.

Traditionally, the criminal proceedings focused on the suspect and accused, and most of the legal reforms to date were aimed at strengthening defence rights.¹² The victim was seen, and in some instances, is continued to be seen as one of many sources of evidence, as opposed to an independent participant in the criminal proceedings with his/her interests. The Victims' Directive served as an impetus for changing the legal situation of the victims in Lithuania and also for challenging the deeply ingrained attitudes towards the victim's role in the proceedings.

In Lithuania, victims can participate in the various phases of the criminal proceedings in different degrees, *i.e.* having different obligations and attributions, depending on the role he/she assumes in the proceedings. Before being formally recognized as a victim (*nukentėjusysis*), a person may be questioned as a witness (*liudytojas*). If a person launches a civil suit within or outside criminal proceedings, he/she may be also recognized as a plaintiff (*civilinis ieškovas*). During the entire

⁸ For example, Special Investigation Service (Specialiųjų tyrimų tarnyba), Financial Crime Investigation Service (Finansinių nusikaltimų tyrimo tarnyba), State Border Guard Service (Valstybės sienos apsaugos tarnyba).

⁹ The Supreme Court examines the case only on the points of interpretation and applications of the law (question of law). The Court relies on the facts as established by the courts of the lower instance and does not re-examine them (question of fact).

¹⁰ Cape, E. and Namoradze Z. (2012). Effective criminal defence in Eastern Europe, p. 199. LARN

¹¹ CCP, Article 7

¹² Bitiukova N. (2017). Accessible Justice. The Right to a Lawyer and a right to legal aid in Lithuania, pp. 8-9. Retrieved from: <https://hrmi.lt/wp-content/uploads/2017/11/Accessible-justice.pdf>

procedure, victims have various rights enshrined in the Victims' Directive. The following pages will analyze, one by one, how these rights are implemented by the State and all the authorities which have direct contact with victims, in order to shed light on the current situation of victims in the Lithuanian criminal systems and on extension of their enjoyment of these rights.

EVALUATION OF PRACTICAL IMPLEMENTATION

ARTICLE 2 - DEFINITIONS

For the purposes of the Directive a 'victim' is a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence or a family members (the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim) of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

In Lithuania, "victim" (*nukentėjusysis*) is defined in the Code of Criminal Procedure (hereinafter – CCP) as "a natural person who suffered physical, mental harm or harm to property as a consequence of criminal activity"¹³. In 2015, as a result of the Victims' Directive's transposition, this definition was broadened to include "family members and close relatives of a person whose death was caused by a criminal offense and who have suffered physical, material and non-material harm as a result"¹⁴.

Under the CCP, "family members" (*šeimos nariai*) include parents (guardians), children (adopted children), siblings and their spouses as well as someone with whom the person is living without registering a marriage (i.e., living in registered partnership)¹⁵, or someone with whom an agreement to marry has been made, as well as the parents of the spouse and former spouses¹⁶.

As same-sex marriages, partnerships and adoption are not legally recognized in Lithuania,

¹³ CCP, Article 28(1)

¹⁴ CCP, Article 28(1). Before the transposition, deceased person's family members were recognized as victims by the national courts. See e.g. decision of the Lithuanian Supreme Court in the criminal case No 2K-565/2014

¹⁵ Please note that the Law on Partnerships has never been adopted in Lithuania. Therefore, neither different sex, nor same sex couples can de jure enter into a partnership in Lithuania. As such, CCP provision recognizing registered partners as family members is not applied in practice.

¹⁶ CCP, Article 38

same-sex couples in intimate relationships and their children are not considered to be "family members" under the criminal law¹⁷.

A person may only be recognized as a victim by the decision of a pre-trial officer, a prosecutor or the court itself, which means that the victim status is only acquired after the existence of **factual or legal basis**¹⁸. Only after a person is recognized as a victim will he/she access the majority of the rights provisioned in the Lithuanian criminal proceedings law. The practice varies across the country – in some areas, prosecutors tend to consider a person reporting a crime against him/her as a witness throughout the proceedings, and grant him/her victim "status" only at the end of the investigation, whereas in other areas a person is recognized as a victim after the first interview¹⁹. The practice of law enforcement pressuring victims of human trafficking and sexual crimes into providing more information about the offenders in exchange for the formal victim's status has also been identified²⁰.

Certain procedural rights are granted to any person who suffered material or non-material damages because of the offence, irrespectively of that person's formal status in the proceedings. For example, an injured party can file a civil lawsuit against an offender²¹ or appeal against the decision not to prosecute.²² Also, victims of domestic violence have access to temporary protection measures and specialized services irrespectively of their procedural status. Notably, the Law on Protection against Domestic Violence (*Apsaugos nuo smurto artimoje aplinkoje įstatymas*), uses the definition of "person who has experienced violence" (*smurtą patyręs asmuo*), rather than "victim" (*nukentėjusysis*)²³. The law explicitly provides that a child witnessing violence or living in the violent environment is considered to be "person who has experienced violence"²⁴ and should have recourse to the same level of protection and support.

Although the legal persons cannot be recognized as victims according to the CCP, they can nevertheless make a complaint and request to start a pre-trial investigation in respect of some of the offences under the Criminal Code²⁵. They can also institute a civil lawsuit against the offender in the course of the criminal proceedings²⁶.

¹⁷ Lithuanian Gay League (2016). Legal Protection of LGBT Victims of Crime, p. 4. Retrieved from: <http://www.lgl.lt/en/files/REPORT-Lithuania-legal-protection-of-LGBT-victims-UPDATE-2016-02-01.pdf>. In addition, please note that different-sex couples have no legal possibility to enter into a civil partnership either. See Bitiukova N. (2014), Vallianatos and Others v. Greece: What is in there for Lithuania? Retrieved from: <https://strasbourgobservers.com/2014/01/13/vallianatos-and-others-v-greece-what-is-in-there-for-lithuania/>

¹⁸ CCP, Article 28(1), APAV. Lithuania. Developments on the implementation of victim assistance mechanisms, p. 1. Retrieved from: https://www.apav.pt/ivor/images/ivor/PDFs/Fact_sheet_lithuania.pdf

¹⁹ Interview No 3

²⁰ Interview No 3

²¹ CCP, Article 110(1)

²² CCP, Article 168

²³ Law on the protection against domestic violence (Lietuvos Respublikos Apsaugos nuo smurto artimoje aplinkoje įstatymas), 26 May 2011, No XI-1425. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.400334/WaFyQaEEys>

²⁴ Ibid., Article 5.

²⁵ Decision of the Lithuanian Supreme Court in the criminal case No 2K-565/2014

²⁶ CCP, Article 110(1)

ARTICLE 3 – RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings. Communications with victims should be provided in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim, including (but not limited to) any disability. Victims should, in principle, be allowed to be accompanied by a person of their choice in the first contact.

The CCP does not provide for an assessment of the communication needs of each victim. However, the CCP foresees special procedural measures to ensure that minors, elderly and persons with disabilities can more effectively communicate their needs and participate in the criminal proceedings.

During the pre-trial investigation stage, **child victims** should be interviewed in the special interview rooms²⁷, preferably no more than once²⁸. They are called to participate in the trial only in the exceptional cases. Participation of the psychologist and a representative of child services is mandatory whenever a person under 14 and, in some cases, when a person aged between 14 and 18 years is interviewed (depending on the child's social and psychological maturity)²⁹. Psychologist participates in the interview directly by translating the questions posed by the law enforcement officers into the language the child understands. The representative of the child services observes the interview from the outside and can ask questions to the child or to intervene whenever the rights of the child are prejudiced. The minor's personal representative (*atstovas pagal įstatymą*) can join a child in the interview room if he/she does not unduly influence the testimony³⁰. The suspect and other participants of the proceedings are not allowed into

27 As explained in the Interview No 1, special interview rooms are currently being established in the police stations.

28 CCP, Article 186, also see Prosecutor General's Recommendations on carrying out the interview of a minor victim and witness (Rekomendacijos dėl nepilnamečio liudytojo ar nukentėjusiojo apklausos), 18 February 2015, No I-52, para. 3. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/bf7ef9c0b7b911e4a939cd67303e5a1f>

29 There is no formal system in place to carry out an official assessment of the child's social or psychological maturity.

30 CCP, Article 186(3)

the interview room, but can either directly observe the interview or review its video recording³¹. Similar rules apply when child victims are called to testify before the court³².

Persons with mental disabilities and **the elderly** who are unable to exercise their rights effectively can be allowed to have a personal representative, usually a parent, a guardian, or a representative of the social care home. The representative acts as an interlocutor between the victim and a criminal justice system and participates in the proceedings alongside the victim to ensure that the victim understands the proceedings and the authorities understand him/her.

To ensure that **persons with hearing and speech impairments** can effectively participate in the proceedings, they can be provided with the sign language interpretation³³.

However, neither **persons with visual impairments or mental health needs, nor minors** are provided with information in the form or language tailored to their needs. Research shows that no additional measures are taken to ensure that persons with mental disabilities understand their rights. Typically, they are only served the procedural documents, which sometimes officers read them aloud. The research described that usually, pre-trial officers communicate with persons with disabilities in the formal, "cold" way, "without explaining the situation in plain, human language"³⁴.

The majority of the police officers (67%) surveyed for this report described the measures to help the practitioners involved to recognize the individual communication needs of the victims as "rather sufficient" or "neither sufficient nor insufficient". Only 8% firmly stated that such measures were "sufficient". Almost 1/3 of surveyed police officers were unaware if the information was adapted to be understood by victims with intellectual disabilities or blind (partially blind) persons.

A limited number of guidelines, leaflets and informational campaigns produced by national authorities are aimed at "an average user" without special needs³⁵.

31 CCP, Article 186(4)

32 CCP, Article 283(3)

33 CCP, Article 43

34 Juodkaitė D. (2017), Strengthening the rights of people with psycho-social disabilities in the criminal procedure. Analysis of the situation in Lithuania (Asmenų, turinčių proto ir/ar psichosocialinę negalią procedūrinių teisių stiprinimas baudžiamojoje teisėje), p. 36. Retrieved from:

http://www.perspektyvos.org/images/failai/national_baseline_lt_www_edt.pdf. Note that the study looked at the experiences of suspects with mental disabilities. However, it is very likely that the situation of victims is the same.

35 For example, in 2015 the National Courts Administration (Nacionalinė teismų administracija) launched an important initiative aimed at preparing the victims and witnesses for the court day. Alongside the summons, victims and witnesses received leaflets explaining their procedural rights in easy to understand language. Animated videos and a virtual courtroom tool were released to familiarize victims with the setup of the courtroom and rules of the trial. However, these innovative tools did not consider the informational needs of persons with intellectual disabilities, minors or linguistic minorities.

These deficiencies are remedied by the initiatives coming from the non-governmental sector. In the framework of the project entitled “Improved Response to Victims of Crime”, Human Rights Monitoring Institute developed an informational website [nukentejusiems.lt](https://hrmi.lt/en/ztsi-pristato-informacine-svetaine-nukentejusiems-nuo-nusikaltimu/), which provides all necessary information to victims of crime. The content of the website is tailored to minors, persons with intellectual disabilities and persons with visual impairments³⁶. Also, multilingual leaflets for victims providing information about the procedural rights in a clear and accessible manner, including in Braille and the easy-read format, will be developed and distributed to the police stations across the country³⁷.

Regarding the **right to be accompanied**, during the criminal proceedings, including the pre-trial investigation stage, a victim can be accompanied by a person of his/her choosing. This is a new right under the CCP, which was introduced as a result of the transposition of the Directive.

A pre-trial officer, a prosecutor or a judge may impose restrictions on the participation of the accompanying person if he/she considers that such participation may be contrary to the interests of the victim or unless the course of proceedings would be prejudiced³⁸. If the judge allows, the accompanying person can also join the victim at the closed trial³⁹. The wording of the CCP provides the same limitations to the right to be accompanied as are envisaged in Article 3(3) of the Directive.

Still, many questions regarding practical implementation of the right to be accompanied remain unresolved.

As reported by interviewed experts, the majority of the police officers and prosecutors do not understand this right and have almost no experience enforcing it⁴⁰.

66% of surveyed police officers indicated that the victims make use of this right either “rarely” or “never”. 77% of surveyed victim support workers also stated that victims are either “sometimes” (46%) or “rarely” (31%) accompanied during criminal proceedings. When victims do bring an accompanying person along, majority of the surveyed police officers stated that they “sometimes” refuse accompaniment for victims because it is contrary to the victim’s interests (33%) and/or the

³⁶ Human Rights Monitoring Institute (2018). HRMI introduces informational website for victims of crime. Retrieved from: <https://hrmi.lt/en/ztsi-pristato-informacine-svetaine-nukentejusiems-nuo-nusikaltimu/>

³⁷ Human Rights Monitoring Institute (2017). Improved response to the victims of crime. Retrieved from: <https://hrmi.lt/en/pradejome-nauja-projekta-skirta-nukentejusiuju-teisems/>

³⁸ CCP, Article 56.1

³⁹ CCP, Article 9(5)

⁴⁰ Interview No 1, Interview No 3. Interviewed NGO representative (Interview No 2), described her experience accompanying a hate crime victim to the police interviews as “disappointing”. During victim’s first interview, the NGO representative was asked to leave interview room on several occasions and to present her “law school diploma” and “official request by the victim” to justify her participation. She was allowed to stay with the victim only after she pointed out the relevant legal provisions in the CCP and the Victims’ Directive and insisted on not leaving the interview room. She accompanied the victim to the second interview and the identity parade – on both occasions she was first ordered to leave the room, but eventually, after the intervention by the head of the police station, allowed to stay in. According to the interviewee, “it seemed that no one at the police station has ever heard about the right to be accompanied, they seemed to confuse me with the victim’s legal representative and didn’t know what to”.

course of proceedings would be prejudiced (33%) and/or the accompanying person may disturb the interview (4%, i.e., 1 police officer).

According to the interviewed human rights lawyer, the attitude of police officers and prosecutors towards this right is negative – they “*don’t understand why [the right to be accompanied] is needed, why an outsider should sit at the interview, as he can blab out the information or interfere with the investigation*”⁴¹. It is nearly impossible for the victims to exercise this right during the first interview before they are formally recognized as victims⁴². Many judges are also unfamiliar with the new right and sometimes refuse victims support workers accompany the victim to the closed trials⁴³.

⁴¹ Interview No 1.

⁴² Interview No 3.

⁴³ Interview No 3.

ARTICLE 4 - RIGHT TO RECEIVE INFORMATION FROM THE FIRST CONTACT WITH THE COMPETENT AUTHORITY

Member States shall ensure that victims are offered, without unnecessary delay, from their first contact with a competent authority, information about the type of support the victims can obtain and from whom; the procedures for making a formal complaint; how and under what conditions they can obtain protection, access legal advice and legal aid; access to compensation; entitlement to interpretation and translation; special measures if they are resident in another Member State; contact details for communications about their case; available restorative justice services; how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.

According to the CCP, the victim has a right to receive information “about the course of criminal proceedings involving him/her”⁴⁴. Pre-trial officers, prosecutors, and judges are required to explain procedural rights to the victim and to facilitate their effective exercise⁴⁵. Surveyed police officers stated that information is provided to victims usually verbally (92%) or in writing (67%). According to the surveyed victim support workers, victims receive either “most” (31%) or “partial” (23%) information upon the first contact with the authority.

As a part of the effort to transpose the Victims’ Directive, the Prosecutor General adopted a standardized **“letter of rights” for victims**. According to the Prosecutor General’s order passed on 16 May 2016 (amended on 31 May 2016), every victim should receive a standardized “letter of rights” and sign a protocol, confirming that he/she was explained his/her procedural rights. The “letter of rights” is available in different languages, such as Lithuanian, English, French, German,

⁴⁴ CCP, Article 28(2)

⁴⁵ CCP, Article 45

Polish and Russian⁴⁶.

In practice, a person is served with the “letter of rights” after the first interview, together with the decision to recognize him/her as a victim. Pre-trial officers usually do not provide additional explanations to the victim, although in isolated cases they may explain to the victim a right to receive the reimbursement of travel expenses⁴⁷.

The “letter of rights” used in Lithuania is a six-page document, organized into 18 sections, each covering a separate procedural right or several related rights. The sections do not follow a specific order or logic. However, rights, which are likely to be most important to a victim – right to obtain information about the course of criminal proceedings and to submit the requests – are described first in the document⁴⁸. The language used to describe the rights is rather technical⁴⁹.

Although no surveys have been undertaken to assess how victims understand the “letter of rights”, it is evident that both the form and the wording do not meet the requirement of “simple and accessible language”⁵⁰ as it might be difficult to read and to understand for a person without a legal background. The low level of accessibility may result in the victim’s inability to exercise his/her procedural rights effectively. As discussed above, the project led by the Human Rights Monitoring Institute aims at remedying these shortcomings.⁵¹

Concerning the contents of the document, the table below (see **Table No 1**) provides the comparison of the information required to be supplied to the victim under the Directive and contained in the „letter of rights”.

⁴⁶ Order by the Prosecutor General on the approval of the template documents for the criminal process (Dėl Baudžiamojo proceso dokumentų formų patvirtinimo), 16 May 2016, No I-122. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/503e80b21c0011e6acbed8d454428fb7/ASLPvrbYqH?positionInSearchResults=0&searchModelUUID=92caf7b9-d6a0-4cf1-b659-666079866358>. Annex to the report on informing the aggrieved person of his/her rights approved by the Order by the Prosecutor General No I-122. Retrieved from: <https://e-seimas.lrs.lt/rs/aesupplement/503e80b21c0011e6acbed8d454428fb7/ASLPvrbYqH/fe4ecb306edb11e89bb0cb50d0500eab/>

⁴⁷ Interview No 1, Interview No 3.

⁴⁸ Based on Liutkevičius K. (2017). Letter of rights in Lithuania: regulation and practice. National report, p. 19. Retrieved from: <https://hrmi.lt/wp-content/uploads/2017/06/Letter-of-rights-EN-2017.pdf>

⁴⁹ Although it does not refer to specific articles within the Code of Criminal Procedure often, it does point, in a general manner, to the “procedure prescribed in CCP” on six occasions throughout the text. The letter also includes many legalistic terms, such as “pre-trial investigation authority” (ikiteisminio tyrimo įstaiga), “pre-trial investigation officer” (ikiteisminio tyrimo pareigūnas). These terms are not explained anywhere in the “letter of rights”.

⁵⁰ Victim’ Directive, Article 3(2)

⁵¹ Human Rights Monitoring Institute (2017). Improved response to the victims of crime. Retrieved from: <https://hrmi.lt/en/pradejome-nauja-projekta-skirta-nukentėjusiųjų-teisėms/>

Table No 1.

Article 4 of the Victims' Directive	Annex to the Report on informing the victim of his/her right
<ul style="list-style-type: none"> information about the type of support the victims can obtain and from whom 	<ul style="list-style-type: none"> no information
<ul style="list-style-type: none"> the procedures for making a formal complaint 	<ul style="list-style-type: none"> section 1
<ul style="list-style-type: none"> how and under what conditions they can obtain protection 	<ul style="list-style-type: none"> section 13
<ul style="list-style-type: none"> how and under what conditions they can access legal advice and legal aid 	<ul style="list-style-type: none"> section 15
<ul style="list-style-type: none"> access to compensation 	<ul style="list-style-type: none"> section 12
<ul style="list-style-type: none"> entitlement to interpretation and translation 	<ul style="list-style-type: none"> section 10
<ul style="list-style-type: none"> special measures if they are resident in another Member State 	<ul style="list-style-type: none"> section 11
<ul style="list-style-type: none"> procedures for making complaints against a competent authority 	<ul style="list-style-type: none"> section 6 and section 17
<ul style="list-style-type: none"> contact details for communications about their case 	<ul style="list-style-type: none"> section 9
<ul style="list-style-type: none"> available restorative justice services 	<ul style="list-style-type: none"> no information⁵²
<ul style="list-style-type: none"> how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed 	<ul style="list-style-type: none"> section 8
<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> to obtain information about the course of criminal proceedings involving him/her
	<ul style="list-style-type: none"> to submit requests
	<ul style="list-style-type: none"> to apply for disqualifications
	<ul style="list-style-type: none"> to get acquainted with the pre-trial investigation material during the pre-trial investigation and trial
	<ul style="list-style-type: none"> to provide evidence
	<ul style="list-style-type: none"> to have legal representative
	<ul style="list-style-type: none"> to have a person accompanying him/her
	<ul style="list-style-type: none"> to deliver the final speech

⁵² The information about the available restorative justice services is not provided because these services are non-existent in Lithuania.

In practice, information about the specialized support services is often provided in the form of leaflets, which are supplied to the law enforcement by the services themselves. However, there is no protocol for providing victims with the information „about access to medical support, any specialist support, including psychological support, and alternative accommodation“⁵³.

⁵³ Victims' Directive, Article 4(1)(a)

ARTICLE 5 – RIGHTS OF VICTIM WHEN MAKING A COMPLAINT

Member States shall ensure that victims receive written acknowledgement of their formal complaint. Where they do not understand or speak the language of the competent authority, they should be enabled to make the complaint in a language that they understand or by receiving the necessary linguistic assistance. The acknowledgement should be translated free of charge where the victim doesn't speak the language.

Victims have a right to submit complaints, to lodge requests, to provide additional information⁵⁴ and to testify⁵⁵ in the national language or the language they know. They are entitled to receive free-of-charge translation/interpretation services organized by the relevant law enforcement authority. This right is explained in section 10 of the “letter of rights” served to the victims.

There is no legal requirement to assess the victim’s knowledge of a specific language, and no formal system for such assessment exists. In practice, it is left to the victim to decide what language he/she is comfortable submitting a complaint in (in writing or orally)⁵⁶. The majority of the surveyed police officers agreed that victims are “always” enabled to make a complaint in their native language (76%) or with the linguistic assistance (63%)⁵⁷.

A victim has a right to receive a copy of his/her complaint registered with the relevant authority or a written acknowledgment (a „certificate“) of the complaint⁵⁸, upon request⁵⁹. There is no protocol mandating the law enforcement officers to provide the victim with the information

⁵⁴ CCP, Article 8(2). The Order by the Prosecutor General on the approval of recommendations for the launch of pre-trial investigation and its registration (Dėl Rekomendacijų dėl ikiteisminio tyrimo pradžios ir jos registravimo tvarkos patvirtinimo), 11 August 2008, No I-110, para. 34. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.325977/UymrgWEXQM>

⁵⁵ CCP, Article 81(1)

⁵⁶ The quality of the translation/interpretation provided to the victim is discussed in more detail later in this report (see section “Article 7 – Right to interpretation and translation”).

⁵⁷ Surveyed victim support workers were unable to answer most of the questions regarding the Article 5 of the Directive.

⁵⁸ The Order by the Prosecutor General on the approval of recommendations for the launch of pre-trial investigation and its registration (Dėl Rekomendacijų dėl ikiteisminio tyrimo pradžios ir jos registravimo tvarkos patvirtinimo), 11 August 2008, No I-110, para. 20. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.325977/UymrgWEXQM>

⁵⁹ According to the interviewed prosecutor, victims normally receive a written acknowledgment of the complaint, which includes the date of the complaint, registration numbers, and contact details of the officer who registered the complaint. If the victim arrives to the police/prosecutor’s offices with two copies of the complaint, the officer will put a stamp “received” and include a registration number on the second (victim’s) copy of the complaint (Interview No 5).

about this right. 88% of surveyed police officers stated that victims „always“ or „often“ receive the written acknowledgment of their complaint.

The acknowledgment of the complaint or the copy of the complaint is provided to the victim within two days by e-mail or by regular post. The certificate of the acknowledgment contains a summary of the complaint, its registration number, and date, the contact details of the officer who registered the complaint. The translation of the certificate is provided to the victim who does not understand the Lithuanian language⁶⁰. There is no requirement for the victim to ask for the translation. If the victim does not understand the language, the translation should be provided to him/her.

⁶⁰ The Order by the Prosecutor General on the approval of recommendations for the launch of pre-trial investigation and its registration (Dėl Rekomendacijų dėl ikiteisminio tyrimo pradžios ir jos registravimo tvarkos patvirtinimo), 11 August 2008, No I-110, para. 20. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.325977/UymrgWEXQM>

ARTICLE 6 – RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Member States shall ensure that victims are notified without unnecessary delay of their right to receive information related to criminal proceedings: any decision not to proceed with or to end an investigation or not to prosecute the offender; the time and place of the trial, and the nature of the charges against the offender; of any final judgement in a trial and of information about the state of the criminal proceedings, in accordance with their role in the criminal justice system; about the reason which led to the above mentioned decisions; notification in case the person remanded in custody, prosecuted or sentenced concerning the victim is released from or has escaped detention.

Historically, even before the transposition of the Directive victims were provided with the information listed under Article 6(1)-(2) of the Victims' Directive. Specifically, victims are **provided with the copy of the decision not to initiate the pre-trial investigation,⁶¹ or the decision to terminate it.⁶²** Victims are also **notified about the end of the pre-trial investigation and about their right to access the case-file, including the indictment** – the document which explains the nature of the charges against the accused⁶³. Victims receive a summons which indicates the time and place of each session of the trial. The copy of the final judgment is provided to the victims upon their request, either on the day the judgment is rendered or within five days by post⁶⁴.

In 2015, the CCP was amended to grant the victims an **overarching right to receive information about the state of the criminal proceedings** (in line with Article 6(2)(b) of the Directive)⁶⁵. Victims are informed about this right in the “letter of rights”. According to the surveyed police officers, victims receive information about the course of the pre-trial investigation “always” (40%), “often” (52%) or “sometimes” (8%). 45% of surveyed police officers indicated that information is not provided to the victims based on their role in the criminal justice system (e.g., absence of a formal

61 CCP, Article 168.
62 CCP, Article 214.
63 CCP, Articles 218 and 237(1), (3)
64 CCP, Article 310(3)
65 CCP, Article 28(2)

victim status), whereas the reasons for withholding information in other cases are unclear⁶⁶. Notably, the **CCP does not allow the victims to waive the right to receive the information discussed above⁶⁷**.

In practice, victims receive information about their case by actively approaching the pre-trial officer or the prosecutor in charge of the investigation⁶⁸. According to the interviewed human rights lawyer, the level of detail provided depends on the victim's perseverance and officer's good-will as there are no protocols in place discussing when and what information should be provided to the victim.⁶⁹ As a matter of attitude, some representatives of the law enforcement consider an inquiry about the state of the proceedings as “interference” with the investigation and withhold information on this ground⁷⁰.

Following the transposition of Article 6 of the Directive, the CCP was amended to provide new rights to the victims. Under the new regime, pre-trial officer or a prosecutor **notifies the victim about the pre-trial detention of the suspect**, except for the cases where the place of residence of the victim is unknown or when the notification may result in the harm to the suspect⁷¹.

A pre-trial officer or a prosecutor also clarifies whether the victim wishes to be **notified about the suspect's release or escape from detention**. Should the victim express such wish, the responsible officer informs the respective detention center about such wish in writing. The suspect or his lawyer does not have the access to this information⁷².

According to the applicable laws, the detention center should inform the victim about the suspect's release not later than one day before the date of the release. If the suspect escapes the detention center, the victim must be notified immediately. In both cases, the victim should also receive information about the protection measures available to him/her⁷³.

66 Surveyed victim support workers were unable to answer majority of the questions related to the right to receive information about the case.

67 The Ministry of Justice (Teisingumo ministerija) proposed not to include this right into the Lithuanian national legal system as “according to the CCP, the victim has an active standing in the criminal process and has an obligation to testify. The court has a right to decide that his participation is mandatory at the trial. The copies of certain procedural documents (for example, a decision not to launch a pre-trial investigation, a decision to terminate a pre-trial investigation, a judgment) should always be served to the participants of the process, including the victim. Therefore, the victim has no right not to receive mandatory information about the criminal proceedings or to refuse to participate in them”. See Transposition table of the Directive 2012/29/EU to the national laws (Direktyvos 2012/29/ES ir nacionalinių teisės aktų atitikties lentelė), 2 November 2015, No XIIP-3703. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/14176d90817311e59a1ed226d1cbceb5?jfwid=124djr7cfo>

68 Interview No 1, Interview No 3.

69 Interview No 1.

70 Interview No 3.

71 CCP, Article 128(4)

72 CCP, Article 128(4)

73 The law on pre-trial detention (Suėmimo vykdymo įstatymas), 18 January 1996, No I-1175, Article 48(7). Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.24254/qvlpvVqPJI>

Once the case moves to the trial stage, similar rules apply. If following the trial, the accused is convicted and detained, the judge clarifies whether the victim **wishes to be notified about his/her release or escape**. Where the victim does not participate in the trial, this information is provided to him/her in writing within five days after the judgment is rendered, except for the cases where the place of residence of the victim is unknown or when the notification may result in the harm to the accused (convicted). The judge informs the penitentiary institution about the victim's wish to be notified about the release or escape of a convicted individual.⁷⁴ The penitentiary institution informs the victim about the release of the convicted person not later than three days before the date of the release, about the escape – immediately⁷⁵.

Majority of the surveyed police officers confirmed that victims are “always” (67%) or “often” (17%) informed about the release or escape of the suspect. In practice, the notification is done in writing by the investigating police officer⁷⁶. However, it appears that the victim's notification is often perceived as a gesture of courtesy, rather than the exercise of a victim's right. As remarked by the interviewed victim support worker, “some pre-trial officers and prosecutors provide information [about suspect's release] to “good victims”, the ones who were injured and provided consistent testimonies. They provide information because they feel sorry for a victim because there is a developed emotional connection between the officer and a victim”⁷⁷. The interviewed prosecutor agreed that in practice victims are not always informed about suspect's release⁷⁸.

In some cases, victims learn about the suspect's release from the media, despite their request to be notified in advance.⁷⁹ Such situation causes victims “a great deal of insecurity”⁸⁰.

74 CCP, Article 308(5)

75 Penitentiary Code (Bausmių vykdymo kodeksas), 27 June 2002, No IX-994, Article 180(8). Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.171368/rNEaZbKxtz>

76 Interview No 5.

77 Interview No 3.

78 Interview No 5: „According to CCP (Article 128, p. 4), if the victim wants to be informed about the release or escape of the suspect, the prosecutor or pre-trial officer prepares a document which is sent to the place of detention of the suspect. This is compulsory. However, if the victim does not express such a request or if the document is not prepared, it may be that the victim is not informed.”

79 Interview No 3.

80 Interview No 4.

ARTICLE 7 - RIGHT TO INTERPRETATION AND TRANSLATION

Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings are provided, upon request, with interpretation at least during any interviews or questioning and with translation of information essential to the exercise of their rights in criminal proceedings in accordance with their role. Victims may challenge a decision not to provide interpretation or translation.

The CCP provides that the criminal proceedings in Lithuania take place in the country's official language⁸¹. The participants of the proceedings, including victims who do not know Lithuanian, have the right to make statements, testify and submit explanations, requests, and complaints, to speak in the court in their native language or any other language, which they know. Also, victims can be provided with an interpreter when reading the case-file⁸².

Only the documents that are handed in (įteikiami) to the victims (e.g., summons) are translated to victims' native language or another language, which they know⁸³. The documents which victims receive for informational purposes (*susipažinimui*) are not automatically translated. For example, the decision not to launch a pre-trial investigation is not automatically translated to the language the victim understands. According to the interviewed prosecutor, “if a complainant turns [to the law enforcement] with the motivated request, explaining that [he/she] did not understand the decision not to launch a pre-trial investigation, is unable to procure translation, and would request for a translation of the document, such translation would be carried out and sent to the complainant”. The drawback of such approach is that the victims are not informed about this possibility in the language they understand and therefore are unlikely to exercise it in practice.

The interpretation/translation is provided to victims free of charge.⁸⁴ Some interpreters/translators are employed by the courts and law enforcement authorities, whereas in other cases

81 CCP, Article 8(1)

82 CCP, Article 8(3)

83 CCP, Article 8(5)

84 Jakuleviciene L. (2015), The right to interpretation and translation and the right to information in criminal proceedings in the EU, p. 5. Retrieved from: fra.europa.eu/sites/default/files/fra_uploads/rights-suspected-persons-country_lt.pdf

their services are selected through public procurement procedures⁸⁵. Interpreters/translators can also participate in the criminal proceedings remotely, through the use of communication technology. The latter possibility was introduced into the CCP during the transposition of the Victim's Directive⁸⁶.

At the pre-trial stage, a pre-trial officer or a prosecutor is responsible for assessing the translation needs of the victim and determining whether translation/interpretation is necessary. At the trial stage, the assessment is performed by the judge. There are no tools in place to assess victim's communication needs, and thus the assessment process itself is rather informal and intuitive. According to the CCP, the assessment should be undertaken "within the shortest possible time"⁸⁷. Ultimately, in the majority of cases, the decision whether or not to provide translation/interpretation falls within the pre-trial officer's full discretion.

Although there are no studies available assessing the quality of translation/interpretation available for victims of crime, a number of issues in this respect were identified during the transposition of the Directive on the right to translation and interpretation into the Lithuanian legal system. According to the 2017 study, "[a]ttempts to effectively implement the rights in practice run afoul of a fair number of problems. For example, when providing translation services to suspects, especially where the language is quite rare in Lithuania, and the suspect does not know any of the more commonly encountered foreign tongues, there are issues with the quality of the translation. The situation is further complicated by the fact that currently, there is no real oversight of the quality of translations or any self-regulation from the translator community - there is not even a register for translators⁸⁸".

Surveyed police officers listed lack of availability of interpreters (17%) and translators (17%) as well as the fact that interpreting services do not address victims' vulnerability (17%) and translators are not available on time (20%) as main problems with respect to interpretation/translation services in Lithuania⁸⁹.

Human Rights Monitoring Institute approached the Ministry of Justice back in 2013, recommending to establish a clear mechanism or a procedure allowing to determine when interpretation/translation services are required and a register of qualified interpreters/translators, but the proposal was not taken forward by the Ministry⁹⁰.

85 Ibid., p. 22. If translators/interpreters are employed by the authorities, their names are listed together with all other employees. If translation/interpretation services are provided by the third parties selected through the public procurement procedure, the officials would turn to those third parties where there is a need for translation/interpretation or follow another arrangement concluded between the authority and the service provider. As explained further in the text, there is no uniform registry of translators/interpreters.

86 CCP, Article 43

87 CCP, Article 8(1)

88 Bitiukova N. (2017). Accessible Justice. The Right to a Lawyer and a right to legal aid in Lithuania, p. 9. Retrieved from: <https://hrmi.lt/wp-content/uploads/2017/11/Accessible-justice.pdf>

89 Surveyed victim support workers could not answer most of the questions regarding interpretation and translation services. As explained by one of them, "there are no foreigners in our area experiencing [domestic] violence, so there is no need [for translation/interpretation]".

90 Human Rights Monitoring Institute (Žmogaus teisių stebėjimo institutas) (2013). Letter to the Minister of Justice (Teisingumo ministru). Retrieved from: [www.hrmi.lt/uploaded/Teisekura/2013-02-11%20\(IS-VIII-2\)%20Rastas%20TM%20del%20ES%20direktyvu%20igyvendinimo%20baudziamajame%20procese.pdf](http://www.hrmi.lt/uploaded/Teisekura/2013-02-11%20(IS-VIII-2)%20Rastas%20TM%20del%20ES%20direktyvu%20igyvendinimo%20baudziamajame%20procese.pdf)

ARTICLE 8 - RIGHT TO ACCESS VICTIM SUPPORT SERVICES

Member States shall ensure that victims have access to confidential victim support services, free of charge, before, during and for an appropriate time after criminal proceedings. Member States shall facilitate the referral of victims, by the competent authority that received the complaint to victim support services. Member States shall take measures to establish specialist support services in addition to, or as an integrated part of, general victim support services. Member States shall ensure that access to any victim support service is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.

Victims' Directive in Lithuania has triggered some important legislative changes improving the situation of victims⁹¹. However, when it comes to integrated victim support services available for all victims of crime, the system has not been established yet.

Currently, there is no generic victim support structure⁹² run by the Government or NGO in Lithuania that would provide general and specialist support to all victims of crime⁹³.

There are state and municipal institutions responsible for providing legal aid and social services to individuals in need, and organizations which provide general and/or specialist support services and other help for certain groups of victims. Namely, victim support services are provided to the following groups of victims:

- Victims of **domestic violence**;
- Victims of **human trafficking**;
- **Children victims of sexual abuse, direct and indirect domestic violence.**

91 European Parliamentary Research Service (2017). The Victims' Rights Directive 2012/29/EU, European Implementation Assessment. European Parliament report on the Victims' Directive, p. 68. Retrieved from: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU\(2017\)611022_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

92 Generic victim support services are understood as "victim support service covering all types of victims of crime". See European Union Agency for Fundamental Rights (2014). Victims of crime in the EU: the extent and nature of support for victims, p. 9. Retrieved from: http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support_en_0.pdf

93 Ibid., p. 21.

There is no national victim support helpline in Lithuania. Several helplines provide information, emotional and psychological assistance for the specific target groups, such as children and youth⁹⁴, adults who need psychological support⁹⁵, women who are victims of domestic violence or are in need of emotional assistance⁹⁶. All costs for these services are covered by the Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*) (hereinafter – MSSL) from the state budget⁹⁷.

Support to victims of domestic violence

Support to victims of domestic violence is the most developed area of support regarding offered assistance and clarity of legal regulation. At the end of 2011, the Law on Protection against Domestic Violence (*Lietuvos Respublikos Apsaugos nuo smurto artimoje aplinkoje įstatymas*) came into force in Lithuania⁹⁸. For the first time, ‘domestic violence’ definition as well as the measures to better protect victim rights and provide free of charge specialized legal, psychological, and other help were defined by law⁹⁹.

As mandated by the law, specialized support centers (SSCs) have been established throughout the country¹⁰⁰. They perform public functions and provide comprehensive, specialized assistance to victims of domestic violence.¹⁰¹ Currently, there are 16 SSCs¹⁰² working on a regional basis¹⁰³ and serving several municipalities at once. In order to provide specialized comprehensive support to victims of domestic violence and to ensure the efficiency and complexity of the provided support, SSCs, “if necessary, cooperate with the municipal child rights protection units (*Vaiko teisių apsaugos skyrius*) municipal institutions, neighborhoods or NGOs providing help to victims of violence; with institutions and/or organizations providing referrals, accommodation or other necessary services (e. g. crisis centers); with the police, healthcare institutions, legal aid agencies, etc¹⁰⁴.” However, as noted by interviewed victim support worker, some tensions between municipal institutions

94 “Child Line” (Vaikų linija), phone number: 116 111, Retrieved from: <https://www.vaikulinija.lt/en/#sidebar>, “Youth Line” (Jaunimo linija), phone number: 8 800 28888, Retrieved from: <https://www.jaunimolinija.lt/en/>, “Linija Doverija” (support provided in Russian), phone number: 8 800 77277. Retrieved from: <http://www.klausau.lt/telefonai>

95 “Hope line” (Vilties linija), phone number: 116 123, Retrieved from: <http://www.viltieslinija.lt/>

96 “Help to Women” (Pagalbos moterims linija), phone number: 8 800 66366, Retrieved from: <http://moters-pagalba.lt/>

97 Lithuanian Emotional Support Service Association (Lietuvos emocinės paramos tarnyba asociacija). Retrieved from: <http://www.klausau.lt/telefonai>

98 Law on the protection against domestic violence (referenced above)

99 Aduavičiūtė M. (2014). Victims’ rights directive: new perspective on domestic violence victims (Nusikaltimų aukų teisių direktyva: naujas požiūris į artimųjų smurto aukas), p. 6. Retrieved from: https://www.hrmi.lt/uploaded/Apzvalgos/Tyrimas_auku-teisiu-direkt_1.pdf

100 Law on the protection against domestic violence (referenced above)

101 Prevention of domestic violence (Smurto artimoje aplinkoje prevencija). Retrieved from: <https://socmin.lrv.lt/lt/veiklos-sritys/seima-ir-vaikai/seimos-politika/smurto-artimoje-aplinkoje-prevencija>

102 Ministry of the Social Affairs and Labour (Socialinės apsaugos ir darbo ministerija). Prevention of domestic violence (Smurto artimoje aplinkoje prevencija). Retrieved from: <https://socmin.lrv.lt/lt/veiklos-sritys/seima-ir-vaikai/seimos-politika/smurto-artimoje-aplinkoje-prevencija>

103 Lygus.lt. Specialized support centers (Specializuoti pagalbos centrai). Retrieved from: <http://www.lygus.lt/spc-kontaktai/>

104 Order of the Minister of Social Affairs and Labour, Minister of the Interior and Minister of Health on the approval of the programme on the specialised assistance centres (LR Socialinės apsaugos ir darbo ministro, LR Sveikatos apsaugos ministro ir LR Vidaus reikalų ministro įsakymas dėl specializuotos pagalbos centrų programos patvirtinimo). 19 December 2011, No A1-534/V-1072/1V-931, para. 16. Retrieved from: <https://www.e-tar.lt/portal/lt/legalAct/13b32bc0a31811e58fd1fc0b9bba68a7/NTBzywygmc>

providing social services and SSCs exist: “they are afraid we will take away their jobs, even though our functions and ways of activity differ. We mostly focus on informing, counseling and empowering victims of domestic violence while their work is much broader. Such “competition” causes problems to successful cooperation¹⁰⁵”.

SSCs are financed by the State, municipalities, EU Structural funds, and other financial means received on the legal basis¹⁰⁶. Funding, however, is mostly project-based. Therefore, it is difficult to ensure successful continuity of SSCs activity. Interviewed victim support worker stressed out that uncertainty regarding future funding exists: “A three-year funding project¹⁰⁷ will soon end, so far we do not know whether there will be a new one. This uncertainty really impedes our work. For it to be effective, it is necessary to ensure the continuity of our work with victims¹⁰⁸”.

Support to victims of human trafficking

In 2015, Recommendations on Identification of Victims of Human Trafficking, Pre-trial Investigation and Inter-institutional Cooperation (*Rekomendacijos dėl prekybos žmonėmis aukų nustatymo, ikiteisminio tyrimo ir tarpinstitucinio bendradarbiavimo*)¹⁰⁹ were approved.

Recommendations aimed to redefine the criteria for the identification of victims of human trafficking, and the features of pre-trial investigation in order to ensure the prompt and effective investigation of criminal offenses, as well as proper application of laws and timely help.

Specialized assistance to victims of human trafficking in Lithuania is provided by several NGOs¹¹⁰ receiving small scale (mostly project based) funding from the MSSL.¹¹¹ Some support to victims of human trafficking (legal, emotional, and social) is also provided in the municipalities¹¹².

Support to children victims

Special attention in Lithuania is paid to helping children victims of violence. Child protection and assistance is coordinated by the State Child Rights Protection and Adoption Service under

105 Interview No 4.

106 Ibid.

107 Funded by the Ministry of Social Security and Labour.

108 Interview No 4.

109 Prosecutor General’s recommendations on identification of victims of human trafficking, pre-trial investigation and inter-institutional cooperation (Generalinio Prokuroro Rekomendacijos dėl prekybos žmonėmis aukų nustatymo, ikiteisminio tyrimo ir tarpinstitucinio bendradarbiavimo). 17 December 2015, No 20631. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/7a3026a0a8ae11e59010bea026bdb259>

110 Ministry of the Social Affairs and Labour (Socialinės apsaugos ir darbo ministerija). Support to victims of domestic violence (Pagalba nukentėjusiems nuo prekybos žmonėmis). Retrieved from: <https://socmin.lrv.lt/lt/veiklos-sritys/socialine-integracija/pagalba-nukentejusiems-nuo-prekybos-zmonemis>

111 Augutienė R. et al. (2016). Human trafficking: what professionals won’t tell (Prekyba žmonėmis: ko nepasako specialistai). Kaunas. Retrieved from: <http://www.anti-trafficking.lt/files/lankstinukai/prekyba-zmonemis-ko-nepasako-specialistai.pdf>

112 In 2016, specialists from the municipal administrations of Vilnius, Kaunas, Klaipėda, Druskininkai, Biržai and Tauragė districts provided assistance to victims of human trafficking. Sirgedienė R. (2017). State of play regarding trafficking of human beings in Lithuania in 2016 (Situacija kovos su prekyba žmonėmis srityje Lietuvoje 2016 metais), p. 12. Retrieved from: http://vrm.lrv.lt/uploads/vrm/documents/files/LT_versija/Viesasis_saugumas/Prekyba_zmonemis/Ataskaita-2016-kova-su-prekyba-zmonemis.pdf

the Ministry of Social Security and Labour (*Valstybės vaiko teisių apsaugos ir įvaikinimo tarnyba*), municipal child rights protection units (hereinafter – MCRPU) work in each municipality.

Municipal child rights protection units organize and supervise the provision of support to children. However, not all services are provided by the staff of the MCRPU. Professionals from various institutions and organizations are also involved: health care, education, care facilities, crisis centers, mental health centers, SSCs, and NGOs¹¹³. For example, cooperation and referral system between SSCs and MCRPU exist: if there is evidence that children were witnesses of a domestic violence and/or children are living in a violent environment and/or they were directly affected by violence themselves, the SSCs workers must immediately, not later than the next working day of the SSC, inform MCRPU by e-mail or by phone.

Since June 2016, the Center for the Support of Children Victims of Sexual Abuse (*Vaikų, nukentėjusių nuo seksualinės prievartos, pagalbos centras*) started its activity in Vilnius. In this centre, short-term integrated assistance (e. g. child interviewing, medical examination, psychological assessment and support, temporary accommodation) is provided to juveniles from all municipalities who potentially are victims of sexual violence. At the beginning of 2017, the long-term Mobile Assistance Groups (*ilgalaikės pagalbos teikimo mobilios pagalbos grupės*) for children victims of sexual violence were established in the municipalities¹¹⁴. These special groups provide long term integrated assistance (e. g. individual evaluation of needs, services and measures in need; assistance plan for further action) to the child and/or his or her family members at or as close as possible to their residential place¹¹⁵.

Lack of institutional and political will

To the best authors' knowledge, at the moment the Lithuanian Government is not considering the establishment of generic victim support services for all victims of crime. Despite NGOs repeatedly raising the question¹¹⁶, the lack of institutional and political will is notable¹¹⁷.

113 State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour (*Valstybės vaiko teisių apsaugos ir įvaikinimo tarnyba prie Socialinės apsaugos ir darbo ministerijos*) (2017). Activity Report 2016 (2016 metų veiklos ataskaita), pp. 62-63. Vilnius. Retrieved from: http://vaikoteises.lt/media/file/ataskaitos/2016_m.%20ataskaita.pdf

114 The letter of the Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*). 26 September, 2017, No. (19.4-33) SD-5306.

115 Mobile Assistance Groups are formed by the order of the Director of the Municipality Administration upon the recommendation of the Child's Rights Protection Division of the municipality. Order by the the Minister of Social Security and Labour on the Recommendations for the provision of integrated assistance to children who are possible victims of sexual exploitation (*Socialinės apsaugos ir darbo ministro įsakymas dėl Kompleksinės pagalbos teikimo vaikams, galimai nukentėjusiems nuo seksualinio išnaudojimo, rekomendacijų patvirtinimo*), 14 July 2016, No A1-353. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/ae508c404d2211e68f45bcf65e0a17ee?positionInSearchResults=2&searchModelUUID=6c05bf4d-0d24-4257-b031-30df64499c32>

116 Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*). The letter to the Ministry of Interior (*Vidaus reikalų ministerija*) regarding the "Development of Victim Support Services", 20 December 2017, No IS-XII-32.

117 The letter of the Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*). 26 September 2017, No (19.4-33) SD-5306.

While no official body coordinates victim support services at the national level, the Ministry of Interior (*Vidaus reikalų ministerija*) has recently engaged in the dialogue with other responsible institutions (Ministry of Justice - *Teisingumo ministerija* - and MSSL), regarding the establishment of victim support services system. However, no pro-active measures were further taken by any of these institutions. MSSL state that there are enough social services (*socialinės paslaugos*) provided by the municipal institutions and the establishment of support system for all victims of crime "is not within their competence"¹¹⁸. It is important to note that social services (*socialinės paslaugos*) are regulated by the Law on Social Services¹¹⁹ (*Socialinių paslaugų įstatymas*) and the main purpose of social services is to "[c]reate conditions for a person (family) to develop or strengthen the ability and possibilities to solve social problems, maintain social relations within the society and to help overcome social exclusion"¹²⁰. Support to victims of crimes is not one of the functions of social services.

While the Ministry of Justice (*Teisingumo ministerija*) acknowledges the importance of victim support services, they suggest to "expand SSCs competence" foreseeing additional services to all victims of crime as provided in the Art. 8 & 9 of the Directive¹²¹. Nevertheless, such proposals should be discussed in great detail including SSCs' representatives in the discussion and evaluating the possibilities to expand their activities.

118 The letter of Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*). 26 September 2017, No (19.4-33) SD-5306.

119 Law on the social services (*Socialinių paslaugų įstatymas*). 19 January 2016, No X-493. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.270342/lykPDcIHkB>

120 The Ministry of Social Security and Labour. Social services and service provision. Retrieved from: <https://socmin.lrv.lt/en/activities/social-integration/social-services-and-social-work/social-services-and-service-provision>

121 Human Rights Monitoring Institute's correspondence with the Ministry of Justice (*Teisingumo ministerija*).

ARTICLE 9 - SUPPORT FROM VICTIM SUPPORT SERVICES

Victim support services shall, as a minimum, provide: a) information, advice and support relevant to the rights of victims; b) information about or direct referral to any relevant specialist support services in place; c) emotional and psychological support; d) advice relating to financial and practical issues arising from the crimes; e) advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation. Specialist support services shall develop and provide: a) shelters or any other appropriate interim accommodation for victims; b) targeted and integrated support for victims with specific needs such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships.

As stated before, victims have limited access to support services in Lithuania is limited. There is no generic victim support structure, and support is provided only to certain categories of victims of crime (see **Table No 2**).

Table No 2.

Group of victims/ nature of support	General support (Article 9(1) of the Victims' Directive)	Specialist support (Article 9(3) of the Victims' Directive)
Victims of domestic violence	<ul style="list-style-type: none"> • Specialised support centers (SSCs) provide information, emotional and psychological support, legal counselling, help when communicating with the police, social workers and other institutions. • Helplines provide information, emotional support mostly by phone, every day round the clock¹²². 	<ul style="list-style-type: none"> • Crises centers provide temporary overnight stay (<i>laikinas apnakvindinimas</i>) (for up to 3 days). They also provide temporary accommodation (<i>laikinas apgyvendinimas</i>)¹²³. • Specialized victim support centers provide integrated support (trauma support, case management and counselling)
Victims of human trafficking	<ul style="list-style-type: none"> • Municipalities provide legal, emotional, and social support. • Organisations provide information, consulting and referrals. For example, Caritas Lithuania (<i>Lietuvos Caritas</i>), which operate in 7 cities)¹²⁴. • Helplines provide information, emotional support by phone (every day round the clock), and e-mail¹²⁵. 	<ul style="list-style-type: none"> • Crises centers provide temporary accommodation. • NGO Center Against Human Trafficking and Exploitation (<i>Kovos su prekyba žmonėmis ir išnaudojimu centras</i>)¹²⁶ provide integrated support (i. e., safe shelter, temporary accommodation, legal, emotional counselling). • NGO Support Center for Families of Missing persons (<i>Dingusių žmonių šeimų paramos centras</i>)¹²⁷ food, clothes, and temporary accommodation at the Center; solicitation in access to legal, medical and emotional support.

¹²² "Help to Women" (Pagalbos moterims linija), phone number: 8 800 66366, Retrieved from: <http://moters-pagalba.lt/>

¹²³ Usually, for up to 6 months, however, these terms can be prolonged, and they differ in different crisis centers.

¹²⁴ Human Trafficking (Prekyba žmonėmis). Retrieved from: <http://prekybazmonemis.lt/pagalba-lietuvoje/>

¹²⁵ For example, "Hope line" (Vilties linija), phone number: 116 123, Retrieved from: <http://www.viltieslinija.lt/>

¹²⁶ Center Against Human Trafficking and Exploitation (Kovos su prekyba žmonėmis

ir išnaudojimu centras). Retrieved from: <http://anti-trafficking.lt/>

¹²⁷ Support Center for Families of Missing persons (Dingusių žmonių šeimų paramos centras). Retrieved from: <http://www.missing.lt/>

Child victims of sexual violence and domestic violence	<ul style="list-style-type: none"> • Municipal child rights protection units provide information, referral¹²⁸. • Organisations provide psychological, emotional, social, and legal support. For example, Children Support Center¹²⁹. • Helplines provide emotional support by phone (every day round the clock), online chat, and e-mail¹³⁰. 	Center for the Support of Children Victims of Sexual Abuse (<i>Vaikų nukentėjusių nuo seksualinės prievartos, pagalbos centras</i>) provide short term integrated assistance (emergency psychological, social, legal, medical, and other necessary services including temporary (up to 3 days) accommodation) to children victims of sexual violence.
Other victims, who don't fall in the categories above	Helplines provide emotional support for people in crisis situation by phone (every day round the clock), and e-mail. ¹³¹	No integrated specialist services for other categories of victims exist, but they can receive a temporary overnight stay in the shelters (<i>nakvynės namai</i>) if "there is a risk to the health or life of a person"

There is no referral mechanism for victims of all crimes in Lithuania that would be regulated by legal acts in Lithuania. As explained above, some referral systems exist in cases of domestic violence¹³², human trafficking¹³³, and if a child is a victim of violence¹³⁴. According to the Police department under the Ministry of the Interior (*Policijos departamentas prie Vidaus reikalų ministerijos*), "police inform the victim about the possibilities to receive comprehensive (legal and social) support or contact the corresponding institution so that assistance would be provided for the victim".¹³⁵ However, in practice support possibilities are limited for most victims of crime.

128 Children Support Center (Paramos vaikams centras). Support for children victims of sexual violence. Retrieved from: <http://www.pvc.lt/lt/socialines-kampanijos/1-is-5/2-be-kategorijos/161-pagalba-vaikui-patyrusiam-seksualini-smurta>

129 Children Support Center (Paramos vaikams centras). Retrieved from: <http://www.pvc.lt/lt/>

130 For example, Child Line" (Vaikų linija), phone number: 116 111, Retrieved from: <https://www.vaikuliniija.lt/en/#sidebar>, "Youth Line" (Jaunimo linija), phone number: 8 800 28888, Retrieved from: <https://www.jaunimolinija.lt/en/>, "Hope line" (Vilties linija), phone number: 116 123, Retrieved from: <http://www.viltieslinija.lt/>

131 For example, "Hope line" (Vilties linija), phone number: 116 123, Retrieved from: <http://www.viltieslinija.lt/>. Please note that the helpline is not per se specialized in victim support – operators are trained to emotionally support any person who calls in.

132 Under Article 9 of the Law on the protection against domestic violence, police officers are obliged to inform the victim of domestic violence about the possibilities to receive comprehensive support from the SSC and to immediately inform the SSC about the case.

133 The Recommendations on identification of victims of human trafficking, pre-trial investigation and inter-institutional cooperation (*Rekomendacijos dėl prekybos žmonėmis aukų nustatymo, ikiteisminio tyrimo ir tarpinstitucinio bendradarbiavimo*) referenced above indicate that all institutions have a duty to inform a person who may have been or might be harmed by human trafficking about the possibility to receive support from NGOs, which provide assistance to the victims of human trafficking.

134 Police and SSCs are obliged to notify the child rights protection unit.

135 European Union Agency for Fundamental Rights (2014). Victims of crime in the EU: the extent and nature of support for victims, p. 4. Retrieved from: http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support_en_0.pdf

Temporary accommodation

Temporary overnight stay is possible for all people "in crisis situation" at the shelters (*nakvynės namai*) when, without the provision of these services, there is a risk to the health or life of a person¹³⁶. **Temporary accommodation** (for up to 6 months) at shelters is provided "[f]or those who do not have a place of residence or who are unable to use it due to experienced violence, coercion or other reasons"¹³⁷.

Crisis Centers (*krizių centrai*) are providing temporary overnight stay and temporary accommodation for victims of domestic violence. Crisis centers operate in every municipality in Lithuania (60) and services are provided free of charge¹³⁸. Victims of domestic violence are referred to the crisis centers by the SSCs¹³⁹. There is also a possibility to stay in a crisis center with children. As noted by the interviewee, some crisis centres can decide on the prolonged terms of staying depending on their capacities at the time¹⁴⁰. Services provided by the crisis centers are free of charge. However, as noted by the interviewee, capacities to provide temporary accommodation at the crisis centers differ and might not always be sufficient¹⁴¹. Moreover, "if a woman is officially registered in one municipality, she is not able to receive shelter in any other municipality, even though she lives there at the time. This causes many problems when it comes to timely crisis management"¹⁴².

Overall, even though certain "social support" is available for people in Lithuania (mostly, in the municipal institutions), there is not enough focus on support, both general and specialist, to victims of crime. The services – helplines and shelters – available to general population and not well-equipped to respond to the needs of victims of crime. The absence of a dedicated referral mechanism further complicates victims' access to the limited available services.

136 Order of the Minister of Social Security and Labour "On Approval of Recommendations for the Accommodation at the Shelters and Temporary Accommodation". 10 May 2017, No A1-234. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/3ac70042368511e79f4996496b137f39?jfwid=wny8rl1pt>

137 Ibid.

138 Nukentejusiems.lt, Support to people suffering from domestic violence. Retrieved from: <https://www.nukentejusiems.lt/en/report-crime-get-help/support-people-suffering-domestic-violence/>

139 Some SSCs, however, are also operating as crisis centers and provide integrated support.

140 Interview No 3.

141 Interview No 4.

142 Interview No 4.

ARTICLE 10 - RIGHT TO BE HEARD

Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.

Victims exercise their right to be heard by testifying, providing information to the law enforcement authorities, filing requests/complaints/appeals during the criminal proceedings, asking questions to the defense and giving the closing speech at the trial. These rights pre-date the transposition of the Directive.

During the pre-trial and trial stages stage, a victim has both a **right and an obligation to testify**¹⁴³. When testifying, a victim has to take an oath and to provide truthful information. Otherwise he/she may be held liable for perjury.¹⁴⁴ Studies on procedural justice in Lithuania reveal that although the pre-trial officers usually explain to the victims their obligation to provide truthful information, sometimes they present it in a way that amounts to threats or psychological pressure. According to the testimony of one victim, *“afterwards [the officer] explained to me that I cannot lie, and explained what would happen if I gave false evidence...I remember it so well because he threatened me that if I lie I will end up in jail myself”*¹⁴⁵.

A victim has the same right as the defense to **provide additional information about the case** during the pre-trial investigation and the trial. This information can be submitted, or a request for the State to order production of such information can be filed at any time, until the closing speeches¹⁴⁶. Ultimately, it is for the court to determine whether the information provided meets the principle of admissibility and can be recognized as evidence¹⁴⁷.

During the trial, a victim may also **ask defense, witnesses, experts and specialists questions related to the case**¹⁴⁸. He/she has a right to give a **closing speech**, which cannot be limited in

143 CCP, Articles 28(2) and 283

144 CCP, Articles 28(3) and 283

145 Valickas G., Justickis V., Vanagaitė K. And Voropaj K. (2012). Procedural justice and public trust in law enforcement officials and institutions (Procedūrinis teisingumas ir žmonių pasitikėjimas teisėsaugos pareigūnais ir institucijomis), p. 190. Vilnius University Press. http://www.vu.lt/site_files/LD/Proced%C5%ABrinis_teisingumas_ir_%C5%BEmoni%C5%B3_pasitik%C4%97jimas_teis%C4%97saugos_pareig%C5%ABnais_bei_institucijomis.pdf

146 CCP, Articles 292 and 293(4)

147 CCP, Article 20(1) of the CCP

148 CCP, Article 275(1)

time¹⁴⁹. Although the victim is informed about his/her right to give a closing speech in the “letter of rights”, its exercise in practice vastly depends on whether and how the court explains it to the victim¹⁵⁰. Studies show that only in 51,4% of cases the court is active in informing the victim about this right. However the information is usually provided in a very formal way¹⁵¹.

From the legal standpoint, victims’ right to be heard is not significantly restricted during the pre-trial stage or the trial. Surveyed police officers confirmed that victims are “always” (54%) or “often” (46%) heard and enabled to provide evidence during the criminal proceedings. 79% of surveyed police officers responded that the right of the victim to be heard is *not* limited during criminal proceedings (the rest of the respondents said that they did not know).

However, as highlighted in the procedural justice studies, pre-trial officers often fail to facilitate the exercise of the right to be heard. They seldom inquire if victims have any requests or questions or otherwise encourage the victims to participate in the proceedings actively¹⁵². In general, victims tend to file requests, ask questions and state their position before the court. They feel that they have more chances to meaningfully influence the outcome of the court proceedings, rather than of the pre-trial investigation¹⁵³.

Concerning **child victims**, new procedural rules were introduced in the CCP to ensure that when minors exercise their right to be heard their interests are not harmed and their vulnerabilities are taken into account¹⁵⁴.

149 CCP, Article 293

150 Matuizienė E. (2012), Interests of the victim in the criminal proceedings (Nukentėjusiojo interesai baudžiamajame procese). Socilinių mokslų studijos 4(3), pp. 1192-1193, supra note 10. Retrieved from: https://www.mruni.eu/upload/iblock/2f4/021_matuziene.pdf

151 Valickas G., Justickis V., Vanagaitė K. And Voropaj K. (2012). Procedural justice and public trust in law enforcement officials and institutions (Procedūrinis teisingumas ir žmonių pasitikėjimas teisėsaugos pareigūnais ir institucijomis), p. 166. Vilnius University Press. http://www.vu.lt/site_files/LD/Proced%C5%ABrinis_teisingumas_ir_%C5%BEmoni%C5%B3_pasitik%C4%97jimas_teis%C4%97saugos_pareig%C5%ABnais_bei_institucijomis.pdf

152 Ibid., pp. 183-184

153 Ibid., pp. 197-200

154 The law amending Articles 8, 9, 28, 43, 44, 128, 185, 186, 188, 214, 239, 272, 275, 276, 280, 283, 308 of the Code of the Criminal Procedure and its Annex and supplementing the Code with Articles 27-1, 36-2, 56-1, 186-1 (Lietuvos Respublikos baudžiamojo proceso kodekso 8, 9, 28, 43, 44, 128, 185, 186, 188, 214, 239, 272, 275, 276, 280, 283, 308 straipsnių ir priedo pakeitimo ir Kodekso papildymo 27-1, 36-2, 56-1, 186-1 straipsniais įstatymas), 17 December 2015, No XII-2194, Articles 10-11; 13-15, 17-18. Retrieved from: <https://www.e-tar.lt/portal/legalAct.html?documentId=1085d150aee411e5b12fbb7dc920ee2c>. These guarantees are discussed in more details in sections “Article 3-Right to understand and be understood” and “Article 24-Right to the protection of child victims during criminal proceedings” of this report.

ARTICLE 11 - RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

Member States shall ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to review of a decision not to prosecute. Where the role of the victim will be established only after a decision to prosecute the offender has been taken, Member States shall ensure that at least the victims of serious crimes have the right to a review of a decision not to prosecute. Member States also need to ensure that victims are notified of their right to receive, and that they receive sufficient information to decide whether to request a review.

The right to review a decision not to prosecute is granted to any person who submitted a complaint to the law enforcement authority, i.e., this right does not depend on the person's role in the proceedings. This right pre-dates the transposition of the Victims' Directive.

The copy of the decision not to initiate pre-trial investigation is sent to the person who submitted the complaint, and he/she has a right to appeal against the decision within seven days of receipt. If the victim fails to file an appeal within the prescribed time due to health or other important reasons, he/she may request an extension. Decisions taken by the pre-trial officer are reviewed by the prosecutor, while prosecutor's decisions are reviewed by the pre-trial investigation judge. Decisions of the pre-trial investigation judge can be appealed against to the higher court¹⁵⁵. The copy of the decision includes the information on the appeal procedure.

The right to review the decision not to prosecute is relatively broad and historically well-established in the Lithuanian criminal justice system. The key obstacle to its effective exercise is a lack of qualified legal assistance. Victims without legal education and without quality legal representation may find it more difficult to understand if the investigation carried to date followed the letter of the law, and to elaborate convincing legal appeal points. However, only persons who are granted a formal "victim" status are eligible for legal aid.

¹⁵⁵ CCP, Article 168

ARTICLE 12 - RIGHT TO SAFEGUARDS IN THE CONTEXT OF RESTORATIVE JUSTICE SERVICES

Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Member States shall facilitate the referral of cases, as appropriate to restorative justice services.

In Lithuania, the concept of restorative justice is not in use yet.¹⁵⁶ Mediation is only possible for civil cases, and there is no system in place for victim-offender mediation in criminal cases¹⁵⁷.

In 2014, the Lithuanian Probation Services launched a project entitled 'Mediation Implementation in the Probation Service'. The project aimed to create a victim-offender mediation model to be used within the Lithuanian criminal justice system and to train professionals who will work in this field¹⁵⁸. However, the results of the project were not rolled out throughout the country¹⁵⁹.

"Reconciliation" is a practice employed during the criminal proceedings which has some elements of restorative justice but is not necessarily considered as such by the legal scholars¹⁶⁰. According to the Criminal Code¹⁶¹, reconciliation between the victim and offender releases the offender from the criminal liability. This means that criminal proceedings are suspended for the parties to find peace and make an agreement. The practice of reconciliation is voluntary, thus both parties need to agree to it. Upon reconciliation, the offender is released from the criminal liability if he/she has confessed the criminal act, restored the damage to and reconciled with the victim, and there is

¹⁵⁶ In 2015, when transposing the Directive, the Ministry of Justice noted that "[c]urrently there are no restorative justice services available in Lithuania. [Article 12] will be implemented when the restorative justice system will be created". See Transposition table of the Directive 2012/29/EU to the national laws (Direktyvos 2012/29/ES ir nacionalinių teisės aktų atitikties lentelė), 2 November 2015, No XIII-3703, Article 12. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/14176d90817311e59a1ed226d1cbceb5?jfwid=124djr7cfo>

¹⁵⁷ APAV. Lithuania. Developments on the implementation of victim assistance mechanisms, p. 2. Retrieved from: https://www.apav.pt/ivor/images/ivor/PDFs/Fact_sheet_lithuania.pdf

¹⁵⁸ APAV. Lithuania. Developments on the implementation of victim assistance mechanisms, p. 2. Retrieved from: https://www.apav.pt/ivor/images/ivor/PDFs/Fact_sheet_lithuania.pdf

¹⁵⁹ Giedrytė-Mačiulienė R. and Venckevičienė J. (2016). Implementation of mediation in probation services in Lithuania (Mediacijos įgyvendinimas probacijos tarnybose Lietuvoje). Teisės problemos, No 2(92). Retrieved from: <http://teise.org/wp-content/uploads/2017/02/Giedryt%C4%97-Ma%C4%8Diulien%C4%97-Venckevi%C4%8Dien%C4%97-2016-2.pdf>

¹⁶⁰ Michailovič I. et al. (2014). Perspectives of restorative justice in Lithuania (Atkuriamojo teisingumo perspektyvos Lietuvoje). Vilnius. Retrieved from: https://www.cobalt.legal/files/bundleNewsPost/2339/Atkuriamjo_teisingumo_perspektyvos_Lietuvoje_Monografija_5dd8708b.pdf. Presumably, it also does not meet the criteria under Article 2(1)(d) of the Victims' Directive as there is no impartial third party involved in the process.

¹⁶¹ Criminal Code (Baudžiamasis kodeksas). 26 September 2000, No VIII-1968, Article 38. Retrieved from: <https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/HFxXiOzfPz>

the basis for believing he/she will not offend anyone again. There are no benefits for the victim to participate in the reconciliation process, besides the voluntary restoration of the damage and the agreement for compensation. The agreement between victim and offender occurs between the two parties, but the criminal justice authorities formalize it.

During reconciliation, criminal justice authorities participate in the process together with the suspect and victim, but there is no impartial third party. The referral procedure is inexistent since there are not separate bodies mediating victims and offenders in Lithuania.

In the case of reconciliation, the victim can withdraw at any point and initiate the criminal proceedings. It is not possible to stop the criminal proceedings once they started, even when the victim and offender reconciled. In case of private prosecution, the reconciliation may take place before the court, and the judge acts as a mediating party.

Reconciliation is available only with respect to crimes punishable by a non-custodial sentence of a custodial sentence of no more than six years¹⁶².

Pre-trial officers, prosecutors, and judges usually inform the parties about a possibility of a reconciliation and, in some cases pressure the victims to reconcile. Interviews with the victims of domestic violence revealed such practice in domestic violence cases¹⁶³. In 2018, the United Nations Human Rights Committee, in its concluding observations on the fourth periodic report of Lithuania, also expressed concern about “the excessive use of reconciliatory

ARTICLE 13 - RIGHT TO LEGAL AID

Member States shall ensure that victims have access to legal aid, where they have the status of parties to criminal proceedings.

The Law on State-Guaranteed Legal Aid (*Valstybės garantuojamos teisinės pagalbos įstatymas*), adopted back in the year 2000, established a system of state-guaranteed legal aid for persons who were unable to properly defend their rights and legitimate interests due to their financial condition.

Currently, legal aid provided by the State in civil, criminal and other cases is divided into primary and secondary legal aid. **Primary legal aid** encompasses the provision of legal information and legal advice, as well as the preparation of documents meant for state or local authorities. Hour-long legal consultations are usually provided by specialists at the legal departments of various municipalities¹⁶⁴. Any person lawfully residing in Lithuania is entitled to primary legal aid.

Secondary legal aid is understood as state-guaranteed assistance from a lawyer in judicial proceedings: drafting documents, conducting the defense, representing their client in proceedings (including enforcement proceedings), as well as representing the latter’s interests when settling disputes out of court.

Secondary legal aid can be provided based on means or on merits. With respect to the **means test (financial eligibility)**, secondary legal aid is provided to persons that fall below the wealth and annual income threshold set by the Government (see **Table No 3**).

162 Criminal Code, Article 38

163 Adutavičiūtė M. (2014). Victims’ rights directive: new perspective on domestic violence victims (Nusikaltimų aukų teisių direktyva: naujas požiūris į artimųjų smurto aukas), p. 24. Retrieved from: https://www.hrmi.lt/uploaded/Apzvalgos/Tyrimas_auku_teisiu-direkt_1.pdf. Also see Liutkevičius K., et al (2018). Human Rights in Lithuania 2016-2017: Overview, pp. 118-119. Retrieved from: <https://hrmi.lt/wp-content/uploads/2018/07/2016-2017-%C5%BDmogaus-teisi%C5%B3-ap%C5%BEvalga.pdf>

164 Law on State-Guaranteed Legal Aid (*Valstybės garantuojamos teisinės pagalbos įstatymas*). 28 March 2000, No VIII-1591. Article 2(6). Retrieved from: <https://www.e-tar.lt/portal/lt/legalAct/TAR.EAA93A47BAA1/ucAAwrSjgW>

Table No 3.

Level of personal wealth	Percentage of costs of legal aid covered by the State	The rule for calculating assets	The rule for calculating annual income	Annual income expressed in EUR (in accordance with the law in force on 1 January 2017)
First (Level I)	100%	1 standard wealth level ¹⁶⁵	9 minimum monthly wages (MMW) + 3 MMW for each dependent, or	3420 EUR (excluding dependents) ¹⁶⁶
Second (Level II)	50%	1,5 standard wealth level	13 MMW + 4,5 MMW for each dependent	4940 EUR (excluding dependents)

The level of wealth and annual income is set relatively low. A person earning 450 EUR/month (gross) will not be entitled to receive legal aid free of charge.

With respect to the **merits test (interest of justice)**, in certain cases, victims are entitled to receive secondary legal aid **regardless of wealth and income.**

Currently, all victims receive free secondary legal aid in the compensation of damages proceedings (these proceedings may constitute a part of the criminal proceedings or be launched independently of a criminal case)¹⁶⁷. Also, child victims of crimes against their health, as well as crimes against liberty (e.g., trafficking in human beings) or sexual self-determination (e.g., sexual abuse) or dignity and honor (e.g., libel) or child and a family (e.g., exploitation of a child for pornography), are entitled to secondary legal aid throughout criminal proceedings. The pre-trial officer, the prosecutor of the court may assign a lawyer to a minor in other cases if this is deemed necessary¹⁶⁸.

In early 2018, the Ministry of Justice proposed to provide secondary legal aid based on merits and thus regardless of wealth and income, throughout the criminal proceedings to all victims of terrorism, organized crime, human trafficking, domestic violence, sexual violence, exploitation

¹⁶⁵ A more detailed explanation on the calculation of these standards is available at the State-Guaranteed Legal Aid Service website at <http://www.teisinepagalba.lt/lt/antrine/tm/skaiciuokle/>

¹⁶⁶ The minimum monthly wage has been set at 380 EUR by a Government resolution. Resolution of the Government of the Republic of Lithuania on minimum wages (Vyriausybės rezoliucija dėl minimaliojo darbo užmokesčio). 22 June 2016, No 644. Retrieved from: <https://www.e-tar.lt/portal/lt/legalAct/172d7630394911e69101aaab2992cbcd>

¹⁶⁷ Law on State Guaranteed Legal Aid (referenced above), Article 12(2)

¹⁶⁸ Ibid.

or hate crime¹⁶⁹. This proposal was adopted into the law on 30 June 2018¹⁷⁰ and will become effective on 1 January 2019.

Although there are no studies assessing the quality of legal representation provided to the victims, the study “Accessible Justice” carried out in 2017 found that the legal aid provided to suspects was of medium quality. On the scale from 1 to 10, the work of legal aid lawyers was assessed at 5.75 points by a pre-trial officer and prosecutors, and at 6.5 points by the judges. Respondents believed that legal aid lawyers were more passive in the proceedings than their colleagues in the private practice¹⁷¹. These findings, coupled with the fact that there is no mandatory victim rights training for legal aid lawyers, suggest that legal aid system may not be well equipped to meet the needs of victims, and, particularly, of very vulnerable victims.

¹⁶⁹ The Government of the Republic of Lithuania (2018). Proposal to make state guaranteed legal aid more accessible (Siūloma didinti valstybės garantuojamos teisinės pagalbos prieinamumą). Retrieved from: <https://lrv.lt/lt/naujienos/siuloma-didinti-valstybes-garantuojamos-teisines-pagalbos-prieinamuma>. Notably, the proposal by the Ministry of Justice aimed at providing a higher level of protection to the victims who are deemed particularly vulnerable. It follows closely the categories of victims provided for in Article 22(3) of the Victims’ Directive, however, it does not include victims with disabilities.

¹⁷⁰ Human Rights Committee of the Parliament of the Republic of Lithuania (2018). HRC agreed to strengthen the state guaranteed legal aid and to make it more accessible. Retrieved from: http://www.lrs.lt/sip/portal.show?p_r=119&p_k=1&p_t=258963

¹⁷¹ Bitiukova N. (2017). Accessible Justice. The Right to a Lawyer and a right to legal aid in Lithuania. Retrieved from: <https://hrmi.lt/wp-content/uploads/2017/11/Accessible-justice.pdf>

ARTICLE 14 - RIGHT TO REIMBURSEMENT OF EXPENSES

Member States shall afford victims who participate in criminal proceedings, the possibility of reimbursement of expenses incurred as a result of their active participation in criminal proceedings, in accordance with their role in the relevant criminal justice system.

Victims have a right to request daily allowance (*per diems*) and reimbursement of their expenses (travel and accommodation costs) related to their participation in criminal proceedings, e.g., interviews, court hearings¹⁷². Accommodation costs are reimbursed up to 140 EUR/day, whereas the daily allowance is estimated at 15 EUR/day. No ceiling for the travel expenses applies, and travel by private car (not taxi) is permitted¹⁷³.

Also, victims can receive compensation for their time spent traveling and participating in the criminal proceedings¹⁷⁴. The compensation is calculated proportionally to their average monthly salary. If the victim is unemployed, they can still request reimbursement of their factual expenses¹⁷⁵.

The police, prosecutor's office or the court upon the receipt of the written reimbursement request and supporting documents (invoices, tickets, etc.) reimburses the victim's expenses. Although no uniform request form exists, some authorities – for example, a Klaipėda district court (*Klaipėdos apylinkės teismas*), - adopted their forms that are now provided to the victims.¹⁷⁶ The one-page long form adopted by the court seems to be straightforward, requesting to provide information on the means of transportation, to list all the expenses, to indicate the account number and the ID number.

172 CCP, Article 103(1)

173 Decision of the Government of the Republic of Lithuania on the amounts to be paid to witnesses, victims, experts, specialists, interpreters/translators in criminal and administrative proceedings (Lietuvos Respublikos Vyriausybės nutarimas dėl liudytojams, nukentėjusiesiems, ekspertams, specialistams ir vertėjams išmokėtinų sumų dydžio nustatymo ir apmokėjimo baudžiamajame procese ir administracinių nusižengimų teismoje tvarkos aprašo patvirtinimo), para. 5. 25 April 2003, No 524. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.210044/zikBoWAOWq>; Decision of the Government of the Republic of Lithuania on per diems and reimbursement of travel expenses (Lietuvos Respublikos Vyriausybės nutarimas dėl dienpinių ir kitų komandiruočių išlaidų apmokėjimo). 24 April 2009, No 526. Retrieved from: <https://www.e-tar.lt/portal/lt/legalAct/TAR.E356C85AC1C6/rQuSVLNprk>

174 CCP, Article 103(2)

175 Decision of the Government of the Republic of Lithuania on the amounts to be paid to witnesses, victims, experts, specialists, interpreters/translators in criminal and administrative proceedings (referenced above), para. 8

176 Order of the chair of the Klaipėda district court on the template form for the reimbursement of expenses (Klaipėdos apylinkės teismo pirmininko įsakymas dėl prašymo dėl išlaidų atlyginimo formos patvirtinimo). 16 March 2018, No 1V-68. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/c21d4454295f11e883caab1e5c7c4854?jfwid=-g0zrzglll>

ARTICLE 15 - RIGHT TO THE RETURN OF PROPERTY

Member States shall ensure that recoverable property which is seized in the course of criminal proceedings is returned to victims without delay, unless required for the purposes of criminal proceedings.

The recoverable property belonging to the victims is returned to them by the court, following the final ruling in the criminal case or by the prosecutor, when the pre-trial investigation is terminated¹⁷⁷.

Victims may also request the return of the property earlier. In this case, the property may be returned to the victim only after these items and valuables were sufficiently investigated and discussed in the procedural documents.¹⁷⁸ According to the interviewed prosecutor, "it can get more tricky if [police] finds many items with the suspect, and he cannot tell where he stole what, while the victim has no means to prove that that item is his/her. Then the items are kept with the case file until the case is decided"¹⁷⁹.

Victims must preserve the returned items until the end of the criminal proceedings¹⁸⁰. There are no procedures in place ensuring that property is returned to victims in a sensitive way (e.g. any blood stains from the objects are removed), and no such practices was identified during the research.

177 CCP, Article 94(2)

178 CCP, Article 108(2)

179 Interview No 5.

180 CCP, Article 108(2)

ARTICLE 16 – RIGHT TO DECISION ON COMPENSATION FROM THE OFFENDER IN THE COURSE OF CRIMINAL PROCEEDINGS

Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time, except where national law provides for such a decision to be made in other legal proceedings.

Victims are entitled to receive compensation for material and non-material damage from the offender. They are informed about this right in the “letter of rights”. A victim may institute a civil suit against the offender in the course of criminal proceedings, either during the pre-trial investigation or at the trial stage. In both cases, the court decides the outcome of the lawsuit. Alternatively, within three years a victim may institute a civil lawsuit outside the criminal proceedings¹⁸¹.

The victim may request compensation from the State only after the court make a decision awarding damages to the victim and the offender fails to compensate them within the time prescribed by the court¹⁸². The State compensation scheme is available only to the victims of violent crimes¹⁸³. The victim seeking the compensation from the State is required to file a request with the Ministry of Justice, which manages the scheme¹⁸⁴. The Ministry decides about the compensation within one month¹⁸⁵. Victims of violent crimes and their family members are also entitled to receive compensation “in advance”, i.e., in the course of the criminal proceedings, if the lawsuit for compensation was not filed or the court did not examine it¹⁸⁶.

181 Civil Code (Civilinis kodeksas), Article 1.125(8). 18 July 2000, No VIII-1864. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.107687/ptwbndUSrt>

182 Law on compensation of damage for violent crimes (Smurtiniai nusikaltimai padarytos žalos kompensavimo įstatymas), Article 4. 30 June 2005, No X-296. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.259415/ROVxmLJlop>

183 Violent crime is an act having the features of a crime provided for in the Criminal Code, which caused intentional deprivation of victim's life, intentional serious or non-serious health impairment, or an act having the features of a less serious, serious or grave crime against the individual's freedom, freedom of sexual self-determination, or immunity. Ibid., Article 2(1)

184 Ibid., Article 5

185 Ibid., Article 6

186 Ibid., Article 8

In 2016, the Ministry of Justice satisfied 273 claims for compensation (2015–395)¹⁸⁷ and awarded a total of 708 thousand euros¹⁸⁸ (in 2016 – 980,5 thousand euros)¹⁸⁹ to victims of violent crimes. 67 requests (2015–94) were refused either because the victims failed to submit all the necessary documents, or because the requests did not meet the admissibility rules under the applicable laws.¹⁹⁰ According to the information from the Ministry of Justice, in 2016, all the requests were examined within the period prescribed by the law, i.e., within one month of the receipt¹⁹¹.

187 Ministry of Justice (2017). Activity report 2016 (2016 metų veiklos ataskaita), p. 34. Retrieved from: <http://www.tm.lt/dok/Teisingumo%20ministerijos%202016%20met%C5%B3%20veiklos%20ataskaita.pdf>

188 Ministry of Justice (2017). 249 persons received compensation from the Fund for Victims of Crime (Išmokas iš Nukentėjusių nuo nusikaltimų asmenų fondo pernai gavo 249 asmenys). Retrieved from: <http://tm.lt/naujienos/pranesimasspaudai/2512>

189 National audit office of Lithuania (2016). Protection of the State's budget when compensating for damages caused by other persons (Valstybės biudžeto lėšų apsauga, įstatymų nustatytais atvejais atlyginus kitų asmenų padarytą žalą). No VA-P-40-1-12, p. 18. Retrieved from: <https://www.vkontrole.lt/failas.aspx?id=3618>.

190 Ministry of Justice (2017). Activity report 2016 (2016 metų veiklos ataskaita), p. 34. Retrieved from: <http://www.tm.lt/dok/Teisingumo%20ministerijos%202016%20met%C5%B3%20veiklos%20ataskaita.pdf>

191 Ibid., p. 34. Retrieved

ARTICLE 17 – RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

Member States shall ensure that authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed. The authorities of the Member State where the criminal offence was committed shall be in a position: a) to take a statement immediately after the complaint is made to the competent authority; b) to have recourse to video conferencing and telephone conference calls for the purpose of hearing victims who are resident abroad.

Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.

Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.

Lithuania has not initiated any amendments to the CCP to transpose Article 17 of the Directive. However, to ensure that the rights of cross-border victims are respected, new rules were introduced into the Prosecutor General's Recommendations on the launch of the pre-trial

investigation and its registration¹⁹². The updated recommendations state that the police stations and the prosecutor's offices cannot refuse to accept victim's complaint based on the fact that the **criminal offenses against a Lithuanian resident were allegedly committed in another country**¹⁹³. Such claims should be either forwarded to the officer in charge or transmitted within five working days to the competent authority of the Member State where the criminal offense was allegedly committed¹⁹⁴.

Besides, the Law on Compensation of Damage for Violent Crimes (*Smurtiniai nusikaltimai padarytos žalos atlyginimo įstatymas*) provides for cooperation procedures between Lithuanian authorities and respective institutions in the other EU Member States. The Ministry of Justice may send requests of Lithuanian citizens (or permanent residents) to compensate for damage for crimes committed in another EU Member State or to receive compensation requests from the other Member State. In the second case, the Lithuanian Ministry of Justice has seven days upon the receipt of the request to provide relevant documents to the Member State's requesting authority and to the person concerned¹⁹⁵.

Nationals or residents of other EU Member States who fall victims in Lithuania have the same procedural rights as the Lithuanian nationals, including, the right to make a complaint to the law enforcement authorities in the language that they understand, the right to receive interpretation and translation services¹⁹⁶, the right to be heard, and the right to legal aid. The use of video conferencing to record interviews of witnesses and victims who either have a "protected status" within the proceedings or are not able to be present at the interview (e.g., foreign nationals), has been provided for in the CCP since 2013¹⁹⁷. The survey results offer an inconclusive answer to the question if the Lithuanian authorities have necessary means (i.e., video conference, telephone conference calls or other) to enable foreign victims to be heard remotely. In general, neither surveyed police officers nor surveyed victim support workers were able to answer the majority of the questions on the rights of victims residing in another Member States, which indicates a poor understanding of these rights and the lack of experience dealing with such victims.

¹⁹² The Order by the Prosecutor General on the approval of recommendations for the launch of pre-trial investigation and its registration (Dėl Rekomendacijų dėl ikiteisminio tyrimo pradžios ir jos registravimo tvarkos patvirtinimo), 11 August 2008, No I-110. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.325977/UymrgWEXQM>

¹⁹³ *Ibid.*, paras.16 and 68

¹⁹⁴ *Ibid.*, paras. 26 and 76.1

¹⁹⁵ Law on compensation of damage for violent crimes (referenced above), Articles 17-19

¹⁹⁶ The challenges with respect to the practical implementation of the right to interpretation/translation are discussed in section "Article 7-Right to interpretation and translation".

¹⁹⁷ CCP, Article 183(4)

ARTICLE 18 - RIGHT TO PROTECTION

Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members.

There are four types of protection measures available to the victims. Each of them is discussed below in turn¹⁹⁸.

Anonymity. One of the measures to protect victims from intimidation and retaliation is total or partial anonymity. This measure can be applied only in cases where, unless the measure is applied, the perpetrator will be able to identify the victim from his/her testimony or other circumstances. Requesting anonymity is one of the rights of a victim. An investigator or a prosecutor may apply anonymity if the following cumulative conditions are satisfied:¹⁹⁹

- 1) There is evidence of a real threat²⁰⁰ to the life, health, freedom, property or other vital interests of the victim, his/her family members or close relatives (i.e., there is a real threat of such crimes as murder, health impairment, rape, destruction of property, etc.);
- 2) The testimony of the victim is important in the criminal proceedings;
- 3) The victim is involved in the proceedings concerning a grave, serious or less serious crime.

In practice, these measures are considered to be exceptional and rarely applied in practice.²⁰¹

198 Based on Leonaitė E. et al (2018). Officer's communication with the victim. Handbook (Pareigūno bendravimas su nukentėjusiais. Praktinis vadovas), pp. 27-28. Retrieved from: <https://hrmi.lt/wp-content/uploads/2018/01/Praktinis-vadovas-2018.pdf>

199 CCP, Articles 198–204. Also, Order of the Prosecutor General on the approval of the recommendations on the anonymity and partial anonymity of the victim or the witness and the approval of the procedural clearance of this decision (Generalinio prokuroro įsakymas dėl Rekomendacijų dėl anonimiškumo ir dalinio anonimiškumo nukentėjusiajam ar liudytojui suteikimo ir šio sprendimo procesinio įforminimo patvirtinimo). 3 June 2014, No I-114. Retrieved from: <https://www.e-tar.lt/portal/legalAct.html?documentId=5a42e4c0ebdd11e3bb22becb572235f5>

200 The reality of a threat is determined based on the type of the crime and its seriousness, the relationship between the victim and the suspects, the aggressiveness of the suspects and other parties involved in the case, etc.

201 Interview No 1.

Anonymity is usually granted in cases where there is more than one victim²⁰². It is considered that anonymity cannot be applied in cases of domestic violence or with respect to the sexual violence crimes perpetrated by victim's acquaintance (neighbour, family member, etc.) as the offender will be able to identify the victim anyway²⁰³.

Measures of protection against criminal influence. If there is verified evidence of criminal influence, i.e., a real danger to the life, health or property of the victim because of his/her cooperation with law enforcement authorities, the following measures²⁰⁴ of protection against criminal influence may be applied at the victim's request:

- Physical protection of the person and his/her property;
- Temporary transfer of the person to a safe place;
- Establishment of a special regime regarding the provision of personal data by state and corporate registers and information systems;
- Change of the person's place of residence, work or studies;
- Change of the person's identity and biographical data;
- Plastic surgery to change the person's appearance;
- Issuance to the person of firearms or other special means;
- Financial aid.

According to the interviewed victim support worker, these measures are not applied in practice, even in cases of human trafficking, where victims are regularly intimidated by the perpetrators and pressured not to testify. It is widely considered that social workers are responsible for protecting the victim, and, in case of a real and present threat, they can contact police by calling 112²⁰⁵.

202 Interview No 3.

203 The law enforcement considers that if the offender knows the victim personally (for example, in case of domestic violence), there is no reason to apply anonymity as the victim will be identified anyway. As a result, they apply anonymity only where more than one victim is involved or the nature of the crime does not presuppose personal acquaintance between a victim and a perpetrator. Interview No 1.

204 Law on the protection from criminal influence of the participants of criminal proceedings and criminal intelligence and the officers of justice and law enforcement institutions (Baudžiamojo proceso bei kriminalinės žvalgybos dalyvių, teisingumo ir teisėsaugos institucijų pareigūnų apsaugos nuo nusikalstamo poveikio įstatymas). 13 February 1996, No I-1202. Retrieved from: <https://www.e-tar.lt/portal/legalAct/TAR.717DD0E6FE37/QsxKARKFdI>; Order of the Lithuanian Police Commissioner General, the Director of the Prison Department under the Ministry of Justice of the Republic of Lithuania and the Prosecutor General of the Republic of Lithuania on the approval of the regulations on protection from criminal influence (Lietuvos policijos generalinio komisaro, Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos direktoriaus ir Lietuvos Respublikos generalinio prokuroro įsakymas dėl Apsaugos nuo nusikalstamo poveikio nuostatų patvirtinimo). 18 September 2008, No 5-V-532/V-237/I-123. Retrieved from: <https://www.e-tar.lt/portal/legalAct/TAR.D39F1C607D10/ZHleKLoYdw>

205 Interview No 3.

Remand measures. Remand measures aim to prevent new crimes and ensure the smooth investigation and legal proceedings of a case. Although aimed at the offender, these measures help to protect the victim from repeat victimization, intimidation, and retaliation. For example, a prosecutor may apply to the court asking to oblige the suspect to live separately from the victim and/or not to approach the victim closer than at a specified distance²⁰⁶. If there is evidence suggesting that the suspect may interfere with the proceedings in an attempt to influence the victim, the suspect may be apprehended²⁰⁷.

Temporary protection measures. The Law on Protection against Domestic Violence²⁰⁸ provides for temporary protection measures to ensure the protection of a person who has experienced domestic violence:

- An obligation for the abuser to temporarily move out of the place of residence (if he/she resides together with the victim);
- An obligation for the abuser not to approach the victim, not to communicate and not to seek any contact with the victim.

These measures regarding victims of domestic violence are applied in cases where there is not yet enough evidence to start a pre-trial investigation, and the circumstances of the alleged violent incident need to be further clarified. A court adopts a decision to impose these measures upon application by a pre-trial officer. A pre-trial officer who has performed a risk assessment and identified the risk of domestic violence or who has received a request by the victim for the application of these measures must contact the court immediately, within 24 hours after the receipt of the initial report of violence. Temporary protection measures are applied until the decision to start a pre-trial investigation is taken. When a pre-trial investigation starts, the application of analogous remand measures can be considered. In practice, the application of protection measures is criticized as there are no clear risk assessment protocols in place, and police officers are often reluctant to apply the measures and to monitor their enforcement²⁰⁹.

Surveyed victim support workers responded that victims and their family members “rarely” (40%) or “never” (20%) receive adequate protection from intimidation and retaliation²¹⁰. The majority of the surveyed victim support workers said that victims and their family members “sometimes” (20%) or “never” (40%) receive adequate protection against the risk of emotional or psychological harm.

206 CCP, Article 120

207 CCP, Articles 122–123.

208 Law on the protection against domestic violence (referenced above), Article 5

209 Liutkevičius K. et al. (2018). Human Rights in Lithuania 2016-2017: Overview, p. 119. Retrieved from: <https://hrmi.lt/wp-content/uploads/2018/07/2016-2017-Human-Rights-in-Lithuania.pdf>

210 40% of the respondents could not provide an answer to this question.

ARTICLE 19 - RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

(1) Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.

(2) Member States shall ensure that new court premises have separate waiting areas for victims.

No comprehensive assessment of all premises where criminal proceedings are conducted was carried out in Lithuania. 42% of surveyed police officers stated that separate waiting areas for victims and offenders do not exist, but 76% confirmed that, at the **police stations**, appointments with victims and suspects are arranged at different times. The victim support worker also acknowledged this practice²¹¹.

Interviewed human rights lawyer explained that waiting areas in the police stations do not ensure victim’s privacy and a right to avoid the contact. The front desk, where a victim makes the first oral or written complaint, is usually situated in the common waiting area. The victim’s statement may be heard by the third parties, including the offender’s friends or family members²¹².

The **courtrooms** normally have three separate entrances: one for victims, witnesses and other participants of the proceedings, including the public, a second one for judges and court officials, and a third one for arrested suspects/accused. Therefore, usually, the design of the courtroom does not preclude the interaction between victims and non-arrested suspects or family members of friends of the accused. According to the interviewed representative of the National Courts’ Administration (*Nacionalinė teismų administracija*), new rules of the design of the court premises, require to have separate waiting areas in the courts²¹³. The new courthouses in Šilutė and Ukmergė are currently being constructed in accordance with these new rules²¹⁴.

211 Interview No 3.

212 Interview No 1.

213 Interview No 6.

214 Interview No 6.

As noted by organizations working with victims of human trafficking, the victims giving evidence at court are forced to confront their abusers repeatedly, including in the bathrooms and smoking areas²¹⁵. This often becomes the reason why victims refuse to testify and to proceed with the case²¹⁶.

Nevertheless, in line with the Guidance document of the European Commission regarding the Victims' Directive²¹⁷, the National Courts Administration is running a "Volunteers in Courts" service since 2016. The victims can arrange a meeting with the volunteers in advance or find them upon arrival at the court. The service, currently available in 10 courts across the country²¹⁸, is aimed at providing practical information about the trial arrangements and emotional support to victims and witnesses.

215 Interview No 3.

216 Liutkevičius K. et al. (2018). Human Rights in Lithuania 2016-2017: Overview, p. 133. Retrieved from: <https://hrmi.lt/wp-content/uploads/2018/07/2016-2017-Human-Rights-in-Lithuania.pdf>

217 "[E]stablishing procedures whereby a victim/witness who feels insecure about attending court can contact a victim or witness support service, which can provide generic information and support and prepare them for the trial. If required, the victim support service should also be able to meet a victim/witness upon arrival in court and wait with them to provide moral support during the trial." (DG Justice (2013). Guidance document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 41. Retrieved from: http://victimsupport.eu/activeapp/wp-content/uploads/2014/04/EC-Guidance-Document_Feb201411.pdf).

218 Interview No 5.

ARTICLE 20 - RIGHT TO PROTECTION OF VICTIMS DURING CRIMINAL INVESTIGATIONS

Member States shall ensure that during criminal investigations: a) interviews of victims are conducted without unjustified delay; b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation; c) victims may be accompanied by their legal representative and a person of their choice; d) medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.

Victim's interviews

There are no clear safeguards in the CCP to ensure that the interview with the victim is conducted without unjustified delay. 2/3 of surveyed police officers confirmed that interview with victims of both violent and non-violent crimes are "always" or "often" conducted without unjustified delay. The main reasons behind unjustified delayed are police work overload (52%), prioritizing other cases or more serious crimes (40%), procedural requirements (36%) and delay in collaboration between authorities (28%). 54% of the surveyed victim support workers said that prioritizing other cases or more serious crimes is the key reason for an unjustified delay.

The general rule is that the *decision to open a pre-trial investigation* should be taken without undue delay, no later than within 10 days of the receipt of the victim's complaint²¹⁹. In some cases, when there is not enough information to launch the pre-trial investigation, the investigating officer or a prosecutor may request additional information from the state authorities, interview victims, etc²²⁰.

Also, according to the recommendations released by the Prosecutor General, when a person arrives at a police station to verbally report a crime, he/she should be interviewed, and his/her testimony should be recorded²²¹.

219 CCP, Article 168(1); The Order by the Prosecutor General on the approval of recommendations for the launch of pre-trial investigation and its registration (referenced above), para. 35

220 CCP, Article 168(1)

221 The Order by the Prosecutor General on the approval of recommendations for the launch of pre-trial investigation and its registration (referenced above), para. 66

No transposition measures were introduced to the CCP to ensure that *all* victims are not subjected to excessive questioning. This safeguard was made available only to the child victims. 64% of the surveyed police officers stated that the number of interviews of victims is “always” or “often” kept to a minimum and the interviews are carried out only where strictly necessary for the criminal investigation. Interviewed victim support worker estimated that on average victims are interviewed at least 3 times during the pre-trial investigation²²².

Medical examinations

Similarly, no special measures to ensure that medical examinations are kept to a minimum were introduced in Lithuania. Official medical examinations during the pre-trial investigation are carried out by the Forensic Science Centre of Lithuania (*Lietuvos teismo ekspertizės centras*). 76% of the surveyed police officers responded that medical examinations are “always” or “often” kept to a minimum and only carried out where strictly necessary for the criminal proceedings.

According to the interviewed experts, the waiting period for the examination can take from several days up to half a year²²³. The atmosphere at the Centre was described as “hostile to the victims²²⁴”. It is not uncommon for female victims of sexual violence to be examined by male medical professionals working at the Centre²²⁵.

The right to be accompanied by a legal representative and a person of victim’s choice

Whereas historically victims had a right to be accompanied by their legal representative (*jgaliotasis atstovas*), the right to be accompanied by a trusted person of their choice was newly introduced in the CCP as a result of the transposition of the Directive²²⁶.

Victims may choose to have an attorney-at-law (or an associate attorney-at-law) as their legal representative. They are also allowed to appoint a person with a law degree (who is not qualified to practice as an attorney-at-law) as their legal representative if the law enforcement officer in charge or a judge authorizes such appointment. The representative participates in the criminal proceedings together with the victim, or, if the victim chooses so, may participate in the proceedings *instead* of the victim.

The key barrier to the exercise of this right is a person’s procedural status. Only a person recognized as a victim can enjoy legal representation. As explained in the previous sections, the victim’s status is usually granted at the end or after the first interview, and the victim’s lawyer

222 Interview No 3.

223 Interviews Nos 2 and 3.

224 Interview No 3.

225 Interview No 3.

226 For more information about this right see section “Article 3 – Right to understand and be understood”.

may not be allowed to be present at it²²⁷.

The effectiveness of the representation largely depends on the qualifications and experience of the appointed representative. When a victim chooses to seek the assistance of the legal aid lawyer, the quality of such services is medium at best²²⁸.

227 Interview No 3.

228 See the section “Article 13 – Right to legal aid”.

ARTICLE 21 – RIGHT TO PROTECTION OF PRIVACY

Member States shall ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy of the victim. Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim.

The CCP affords a general right to protection of privacy to all participants of the criminal proceedings. According to the CCP, every person has a right to his/her own protection, and his/her family's private life and any limitations of this right should be provided in the CCP²²⁹. The rules of criminal procedure aim to maintain the balance between confidentiality and transparency – the pre-trial investigation is governed by the principle of non-disclosure, while the trial proceedings are generally open to the public.

The information about the pre-trial investigation cannot be disclosed without the authorization of the prosecutor in charge, it is also prohibited to disclose information about child victims²³⁰. 64% of surveyed police officers confirmed that the competent authorities “always” or “often” take legally permissible measures to prevent the public dissemination of any information that could lead to the identification of a child victim.

Participants of the proceedings cannot make copies of the case file documents if the documents contain information about the personal life of other participants²³¹. If the pre-trial investigation is terminated, all information about the private life of persons concerned should be destroyed²³².

The court hearings are generally public. However, the judge may organize a closed trial when:

- child victims are involved in the case,
- cases of rape or other crimes of sexual nature are being heard,

229 CCP, Article 44(9)

230 CCP, Article 177

231 CCP, Article 181(6)(2)

232 CCP, Article 161(2)

- it is necessary to ensure that private life of trial participants is duly protected,
- victims or witnesses are given anonymity, or
- it is necessary to protect victims with specific protection needs.²³³

The last group of victims was added to the list during the transposition of the Directive²³⁴.

According to the Law on the Provision of Information to Public, information about a person's private life can be published without his/her consent only if it became known in the course of a public trial²³⁵. This rule applies not only to journalists but to anyone who makes information available to the public, including independent media outlets, social media pages, etc. The Journalist Ethics Inspector is charged with monitoring and enforcing compliance with this rule. The Journalist Ethics Inspector can issue warnings, order the media outlet to retract information violating honour or dignity of a person, and/or bring violations to the attention of other responsible authorities or the Ethics Commission (discussed below)²³⁶.

Also, the amended Code of Ethics on the Provision of Information to Public provides for more detailed rules applicable to crime reporting. Journalists and media outlets are under obligation to ensure that crime reporting does not result in the secondary victimization of victims²³⁷. They are prohibited from disclosing the identity of a victim without his/her consent, or, in case the victim dies – without the consent of his/her family members. This protection does not apply to public figures or the information of public interest²³⁸. Journalists and media outlets are prohibited from disseminating any information that could lead to the identification of a child victim or a suspect unless a child suspect is at large²³⁹. The Ethics Commission enforces the compliance with the Code of Ethics. The Code's violation may lead to disciplinary action against the journalist²⁴⁰.

The implementation of the rules discussed above is particularly challenging in rural areas²⁴¹.

233 CCP, Article 9(3)

234 CCP, Article 9(3)

235 Law on the provision of information to public (Visuomenės informavimo įstatymas). 2 July 1996, No I-1418. Article 14(3)

236 Ibid., Article 50(3)

237 Code of ethics on the provision of information to public (Visuomenės informavimo etikos kodeksas), Article 18. 29 February 2016. Retrieved from: <http://www.etikoskomisija.lt/teisine-informacija/etikos-kodeksas/item/69-lietuvos-visuomenes-informavimo-etikos-kodeksas>

238 Code of ethics on the provision of information to public, Article 35

239 Code of ethics on the provision of information to public, Article 44

240 Code of ethics on the provision of information to public, Article 63

241 For example, in a 2014 study on the legal protection of domestic violence victims in Lithuania, one victim discussed her experience after reporting the crime to police: “[a local newspaper published my] initials, date of birth, street, everything. At that point I, I was embarrassed to go to the street. <...> because it said, that [he] pulled [her] hair. Family conflict and the hair was pulled. So, it was clear. Like before – [they] were talking on the street, avoiding [me] <...>. Now, of course, so much time has passed, and I do not feel like I have lost something. However, back then, it seemed – that is it. THAT is IT”. See Adutavičiūtė M. (2014). Victims' rights directive: new perspective on domestic violence victims (Nusikaltimų aukų teisių direktyva: naujas požiūris į artimųjų smurto aukas), p. 27. Retrieved from: https://www.hrmi.lt/uploaded/Apzvalgos/Tyrimas_auku-teisiu-direkt_1.pdf.

ARTICLE 22 - INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

Member States shall ensure that victims receive a timely and individual assessment to identify specific protection needs due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

In Lithuania, an entirely new system was introduced to meet the requirement for an individual assessment under Article 22 of the Victims' Directive. The assessment of the specific protection needs of victims (hereinafter – the assessment) is regulated by the *Recommendations on the Assessment of the Specific Protection Needs of Victims*, approved by the Prosecutor General²⁴². The assessment is carried out by completing the *Form for the Assessment of the Specific Protection Needs of a Victim* or the *Form for the Assessment of the Specific Protection Needs of a Minor Victim*²⁴³.

The assessment should be carried out by the law enforcement officers before the first victim's interview²⁴⁴. When it is obvious that the crime caused physical, material or non-material damage to the person, the assessment may be carried out regardless of whether the person has officially been recognized as a victim²⁴⁵. According to the Prosecutor General's recommendations, the assessment form should be completed using all the available data (not only the victim's testimony). It also allows to include the psychologist or "other persons who have special knowledge or skills" in the assessment process but fails to specify when and under what circumstances officers may seek their assistance²⁴⁶.

Law enforcement officers are asked to assess the victim according to a series of categories of vulnerability, broadly divided under three headings: (i) nature of the criminal offenses; (ii) personal characteristics of the victim; (iii) personal characteristics of the suspect²⁴⁷. Although the form includes a number of categories relevant for the assessment, it is not comprehensive enough to fully capture and understand victim's protection needs. For example, one category - "other

242 Order of the Prosecutor General on the approval of the recommendations on the assessment of the specific protection needs of victims (Generalinio prokuroro įsakymas dėl Rekomendacijų dėl nukentėjusiųjų specialių apsaugos poreikių vertinimo patvirtinimo). 29 February 2016, No I-63. Retrieved from: <https://www.e-tar.lt/portal/lt/legalAct/86bc22f0dfa611e58a92afc65dd68e97>

243 Ibid.

244 CCP, Article 186.1

245 Order of the Prosecutor General on the approval of the recommendations on the assessment of the specific protection needs of victims (referenced above), para. 2.3

246 Ibid., para. 5

247 Ibid., Annex 1

relevant data" - may potentially include a wide array of personal characteristics, such as ethnicity, religion, disability, sexual orientation, age, etc. The form is not designed to insert/write down the victim's protected traits; it only allows to mark whether these traits had an impact on criminal offense (presumably, referring to whether or not a crime had a biased motive). The circumstances of the crime (i.e., the victim resides in a high crime or gang-dominated area, cross-border victim, etc.) are not considered in the form. The history of violence or previous victimization experience is considered only in relation to a child victim, even though this information may also be relevant for the assessment of an adult victim's needs. Neither the CCP nor the General Prosecutor's guidelines provide for a presumption of the vulnerability of victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities (Article 22(3) of the Directive), and no special assessment measures are put in place for them.

In order to assess the risk, for each of the vulnerability categories, a maximum of two points may be given. The points are then added up to reach a total out of 30. If the total amounts to 10 points or less, the level of risk "to suffer harm during the criminal process or otherwise" is perceived as very low, 11-20 - as a medium, and 21 and more - as high²⁴⁸. The level of risk determines which protection measures the victim benefits from²⁴⁹. It is doubtful whether a technical risk-based approach fulfils the objective of the individual needs assessment, i.e. "to identify specific protection needs and to determine whether and to what extent they would benefit from special measures" (Article 22(1) of the Victims' Directive).

Although the needs assessment should be completed with respect to all victims without exceptions, the survey results suggest that this might not be the case in practice. Only 20% of the surveyed police officers confirmed that victims are "always" provided with an individual assessment of their protection needs. Given that the police officers are charged with carrying out the assessment, their answers indicate a particularly low awareness of Article 22 of the Victim's Directive.

In practice, the assessment is carried out either by the patrol officers at the scene of the crime or during the victim's interview²⁵⁰.

The form filled out by the patrol officers is passed on to the pre-trial officers. Usually, they do not additionally consider the results of the assessment and tend to keep the filled-in form

248 European Parliamentary Research Service (2017). The Victims' Rights Directive 2012/29/EU, European

Implementation Assessment. European Parliament report on the Victims' Directive, p. 84. Retrieved from: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU\(2017\)611022_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

249 See sections "Article 20 – Right to protection of victims during criminal investigation" and "Article 23 – Right to protection of victims with special protection needs".

250 Interview Nos 1 and 5.

“somewhere in the bottom of the file”²⁵¹.

There is no requirement for the law enforcement officers to be trained in the assessment techniques. Since the individual assessment was introduced into the Lithuanian legal system, only a handful of trainings for the law enforcement officers were organized to explain the purpose and the methodology of the assessment. This results in the form being used in an overly mechanistic way, sometimes without informing the victim about the assessment at all in breach of the newly introduced victim’s right to participate in the individual assessment²⁵².

If the information that forms the basis of the individual assessment changes or if the victims requests so, the prosecutor must arrange for or perform an additional or a new assessment²⁵³. However, if the victim was not informed about the process in the first place, it is highly unlikely that he/she will request to update the assessment.

251 Interview No 1.

252 CCP, Article 28(2)

253 Order of the Prosecutor General on the approval of the recommendations on the assessment of the specific protection needs of victims (referenced above), paras. 14-15

ARTICLE 23 - RIGHT TO PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

(1) Member States shall ensure that victims with specific protection needs may benefit from the measures. A special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

(2) During criminal investigations, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment, may benefit from the following measures: a) interviews with the victim being carried out in premises designed or adapted for that purpose; b) interviews with the victim being carried out by or through professionals trained for that purpose; c) all interviews with the victim being conducted by the same persons; d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships being conducted by a person of the same sex as the victim, if the victim so wishes.

(3) During court proceedings, victims with special protection needs shall also have the following measures available: a) measures to avoid visual contact between victims and offenders; b) measures to ensure that the victim may be heard in the courtroom without being present; c) measures to avoid unnecessary questioning concerning the victim’s private life not related to the criminal offence; d) measures allowing a hearing to take place without the presence of the public.

The Prosecutor General’s recommendations detail how and what protection measures are provided to the victims based on the outcome of the individual needs assessment²⁵⁴ (see **Table No 4**). **Table No 4**.

Level of risk	The rule	Protection measures as listed in the Prosecutor General’s recommendations
Low (<10 points)	Mandatory protection measures should be provided	<ul style="list-style-type: none"> • participation of the translator/ interpreter, • information about available protection measures, information about suspect’s release or escape from arrest/detention, • audio-visual recording of the child’s interview, • participation of a psychologist and a social worker at the child victim’s interview

²⁵⁴ Ibid., paras. 9-11 and Annex 3

Medium (11-20 points)	Special protection measures based on the victim’s or victim’s representative’s wishes should be provided	<ul style="list-style-type: none"> • closed trial²⁵⁵ • participation of the victim’s accompanying person • interviews being conducted by a person of the same sex as the victim²⁵⁶ • interviews being carried out by a trained officer • all interviews being carried out by the same person (for minors only) • participation of the victim’s personal representative • participation of the victim’s legal representative • interview conducted using communication technology without the victim having to participate in the trial • interview conducted by the investigating judge • interview in the specially designed rooms (for minors only) • interview carried out no more than once • interview audio-visually recorded (for adult victims) • interview without participation of the suspect (for minors only) • interview carried out in the presence of the psychologist or a social worker (for adult victims)
High (>21 points)	Maximum special protection measures should be provided	

²⁵⁵ Ibid., para. 2.4.1

²⁵⁶ Available only for victims of sexual violence, gender-based violence or violence in close relationships, discrimination and gender-based hate crimes.

The recommendations also include limited guidance on when each measure should be put in place, e.g., an interview carried out by a trained officer is recommended in cases of domestic violence, sexual violence, human trafficking and cases involving child victims²⁵⁷.

The rules on the protection measures do not adequately account for victims' wishes. The Prosecutor General seems to suggest that victims' wishes should only be considered when the individual needs assessment results in "medium risk", whereas in "high risk" cases the victim's views can be neglected. According to the surveyed victim support workers, the victim's wishes are "sometimes" (15%) or "rarely" (40%) taken into account.

Also, the recommendations confuse three categories of safeguards available to victims:

- victims' rights (e.g., the right to interpretation and translation, the right to receive information, the rights in the event of a decision not to prosecute),
- general protection safeguards available to all victims under Article 20 of the Victim's Directive, and
- protection measures available to victims with specific protection needs under Article 23 of the Victims' Directive.²⁵⁸

This may result in the situation where certain victim's rights, e.g., a right to be accompanied by a person of victim's choice, is *recommended* to some victims as a special protection measure, and not explained at all to the others.

The effectiveness of the available special protection measures is also questionable. For example, interviews carried out by a trained officer are rarely conducted due to a limited number of trained officers and limited availability of the specialized training. 56% of surveyed police officers stated that the victims benefit from this right only "sometimes", "rarely" or "never". In contrast, 72% of surveyed police officers were confident that interviews with victims of sexual violence, gender-based violence, etc. are conducted by a person of the same sex "always" or "often".

As explained by the interviewed human rights expert, in practice there is rarely a link between the outcome of the assessment and the protection measures in place. Where additional safeguards are introduced, this is done following the letter of the CCP, but not as an outcome of the victim's needs assessment.²⁵⁹ For example, the interviews with the victims of sexual violence, gender-based violence or violence in close relationships, may be conducted by a person of the same sex as the victim because this is the victim's right under

²⁵⁷ Order of the Prosecutor General on the approval of the recommendations on the assessment of the specific protection needs of victims (referenced above), para. 16.4

²⁵⁸ Please note that victims of those crimes mentioned under Article 23 are not taken into special consideration. The determination of the measures to be applied depends on the assessment alone and not on the type of crime.

²⁵⁹ Interview No 1.

Article 185 of the CCP, and not because this is a measure available to victims "with specific protection needs identified in accordance with Article 22(1) [of the Victims' Directive]"²⁶⁰.

With respect to the trial stage, there are no protocols in place mandating the law a pre-trial officer or a prosecutor to share the outcome of the victim's individual assessment with the court. As a result, in some cases, judges are never made aware of the existence of the individual assessment's results, whereas, in other instances, they receive a case-file with the filled-in form included therein²⁶¹.

²⁶⁰ Victims' Directive, Article 23(2)(d)

²⁶¹ Interview No 1.

ARTICLE 24 - RIGHT TO PROTECTION OF CHILD VICTIMS DURING CRIMINAL PROCEEDINGS

Member States shall ensure that where the victim is a child: a) in criminal investigations, all interviews with the child victim may be audio visually recorded; b) in criminal investigations, and proceedings, competent authorities appoint a special representative for child victims where the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family; c) where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

The CCP considers that **minors** (persons under 18)²⁶² are procedurally vulnerable by default. Due to their limited procedural capacity, minor victims are unable to exercise all their rights and fulfill all their obligations fully²⁶³.

There are no special authorities responsible for trying cases involving juvenile suspects or victims. All cases relating to juvenile criminal justice are tried in courts of general competence and examined by the pre-trial institutions (police, prosecutors, etc.)²⁶⁴. However, since 2015 the Prosecutor General recommended that interview of child victims and witnesses be carried out by pre-trial officers or prosecutors specialized in juvenile criminal justice²⁶⁵. The national case-law also supports this approach²⁶⁶.

262 Please note that “a minor” and “a child” is used in this report interchangeably to refer to any person below 18 years of age (Article 2(1)(c) of the Victim’s Directive).

263 Ažubalytė R. and Zajančauskienė J. (2015). Vulnerability Assessment of Participants in Lithuanian Criminal Proceedings in the Context of EU Regulations. *Baltic Journal of Law and Politics*, volume 7, issue 2, 152-178, p. 160. Retrieved from: <https://content.sciendo.com/abstract/journals/bjlp/7/2/article-p152.xml>

264 Kavoliūnaitė-Ragauskienė E., Alternatives to custody for young offenders. National report on juvenile justice trends. Lithuania. Retrieved from: https://www.oijj.org/sites/default/files/baaf_lithuania1.pdf

265 Kavoliūnaitė-Ragauskienė E. (2016), Protection of child interests in criminal proceedings: representation, defence and interviewing (Vaiko teisių apsaugos baudžiamajame procese: atstovavimas, gynyba ir apklausų atlikimas), p. 46. Vilnius. Retrieved from: <http://teise.org/wp-content/uploads/2017/01/Kavoliunaite-VT-BP-studija.pdf>

266 See e.g., decision of the Panevėžys regional court in the criminal case No 1S-377-491/2016

Interviewing child victims

The rules for the audio-visual recording of the child victim’s interviews were introduced in the CCP in 2014, during the transposition of Directive 2011/93/EU. They were subsequently amended when transposing Directive 2011/36/EU and the Victims’ Rights Directive.

According to Article 186 of the CCP, “During the pre-trial investigation stage, a minor witness or a minor victim is interviewed in the interview rooms designed for child interviews²⁶⁷, usually no more than once²⁶⁸. If there is a need to interview a child victim repeatedly, an interview should normally be carried out by the same person. All interviews of child victims must be video, and audio recorded. A minor witness or a minor victim is called to [participate in] the trial hearing only in exceptional cases.”²⁶⁹

84% of the surveyed police officers confirmed that interviews with child victims are “always” recorded audio-visually, 16% stated that they are recorded “often”.

In certain cases, child victims are interviewed by the pre-trial judge (for example, when it is likely that the victim may change his/her testimony, or is unable to take part at the court hearing, or where such interview is requested by the child’s representative, lawyer or a prosecutor)²⁷⁰. According to the established case-law, only testimony given in front of the pre-trial judge can be used as evidence in the criminal case. In practice, only around 50% of child victims are interviewed by the pre-trial judge, while the rest are interviewed by the pre-trial officers or prosecutors only. This means that they can be called to testify at the trial, even though their interviews were audio-visually recorded and could be played at the hearing²⁷¹.

According to the Child Support Center, a non-profit organization providing psychological and emotional support to child victims, on average a child is interviewed during pre-trial investigation 3,5 times. This practice seems to contradict the spirit, if not the letter, of Article 24(1)(a) of the Victims’ Rights Directive²⁷².

In some cases, it is mandatory for the psychologist, and a representative of child services is mandatory to participate at the child victims interviews.²⁷³

267 The rooms are designed to feel game-like and cosy, with colourful furniture, toys, books, games and a place for children to draw. The technical equipment is not immediately noticeable, and the room is separated from the observation premises, where the judge, the lawyer and others can directly observe the child’s interview. See, for example: The first child interview room in Utena district, is open in Anykščiai (Anykščiūose atidarytas pirmasis Utenos apskrityje vaiko apklausos kambarys) (24 January 2013). Retrieved from: <https://www.15min.lt/naujiena/aktualu/lietuva/anyksciuose-atidarytas-pirmasis-utenos-apskrityje-vaiko-apklausos-kambarys-56-300053>

268 CCP, Article 186, also see Prosecutor General’s Recommendations on carrying out the interview of a minor victim and witness (Rekomendacijos dėl nepilnamečio liudytojo ar nukentėjusiojo apklausos), 18 February 2015, No I-52, para. 3. Retrieved from: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/bf7ef9c0b7b911e4a939cd67303e5a1f>

269 It stems from Article 186 that only video and audio recording of child victim interviews is mandatory, whereas other safeguards provided for in Article 186 are of recommendatory nature.

270 CCP, Article 186(1).

271 CCP, Article 276(2)

272 Ibid., p. 41

273 Also see section “Article 3 – Right to understand and be understood”.

The special representative of the child

In Lithuania, minors (both suspects and victims) enjoy dual representation. Their interests can be represented by personal representatives (*atstovas pagal įstatymą*), such as a parent or a guardian supporting the minor throughout the proceedings and by an authorized legal representative (*įgaliotasis atstovas*) providing qualified legal advice.

Appointing a personal representative to a child victim is a mandatory requirement under the CCP²⁷⁴. If a pre-trial officer, prosecutor or a court deems that the child's representation by a parent, a guardian or a care institution (e.g., an orphanage) is contrary to the interests of the child, they should appoint another person capable of effectively representing the minor²⁷⁵. 72% of surveyed police officers confirmed that a child is "always" or "often" appointed a representative in case of a conflict of interest and/or the holders of parental responsibility are precluded from representing a child victim.

In many cases, officers in charge appoint an agent of a local child rights services as a child's personal representative. This is a controversial practice, contested by the services themselves, as providing representation services is not one of the service's functions, and they do not have the necessary knowledge and qualifications to carry it out²⁷⁶.

Right to legal advice and representation

The right to a lawyer under the Victims' Directive is linked to the existence of the real or potential conflict between the child victim and the holders of parental responsibility. In contrast, under the CCP, *any* victim can exercise this right. In some cases, the legal representation of the child is deemed mandatory, and he/she is provided with legal advice and representation free of charge (a right to legal aid).

As explained in section "Article 13 – Right to legal aid", child victims of crimes against their health, as well as crimes against liberty (e.g. trafficking in human beings) or sexual self-determination (e.g. sexual abuse) or dignity and honour (e.g. libel) or child and a family (e.g. exploitation of a child for pornography) are entitled to legal aid throughout the criminal proceedings²⁷⁷. The pre-trial officer, the prosecutor of the court may assign a lawyer to a minor in other cases if this is deemed necessary²⁷⁸, for example, where the case involves many suspects or where a child's personal representative is unable to fulfill his/her duties.²⁷⁹ In other cases, child victim's access to legal aid

274 Ibid., p. 16

275 CCP, Articles 53(2) and 53(3)

276 Kavoliūnaitė-Ragauskienė E. (2016), Protection of child interests in criminal proceedings: representation, defence and interviewing (referenced above), p. 15

277 As of 1 January 2018, legal aid will be also provided to all victims of terrorism, organised crime, human trafficking, domestic violence, sexual violence, exploitation or hate crime.

278 Law on State Guaranteed Legal Aid (referenced above), Article 12(2)

279 Prosecutor General's Recommendations on carrying out the interview of a minor victim and witness (referenced above), para. 11.4

will depend on his/her and his/her family's income and other financial considerations.²⁸⁰

Victims may choose to have an attorney-at-law (or an assistant attorney-at-law) as their legal representative. They are also allowed to appoint a person with a law degree (who is not qualified to practice as an attorney-at-law) as their legal representative if the law enforcement officer in charge or a judge authorizes such appointment²⁸¹. The representative participates in the criminal proceedings together with the victim, or, if the victim chooses so, may participate in the proceedings *instead* of the victim²⁸².

280 For more information see section "Article 13 – Right to legal aid".

281 CCP, Article 55(2)

282 CCP, Article 55(3)

ARTICLE 25 - TRAINING OF PRACTITIONERS

Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to enable them to deal with victims in an impartial, respectful and professional manner.

Member States shall request that those responsible for the training of lawyers, judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase awareness of the needs of victims.

Member States shall encourage initiatives enabling those providing victim support and restorative justice to receive adequate training and observe quality standards to ensure such services are provided in an impartial, respectful, and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

This provision of the Directive was not directly transposed into the national legislation. Specialist training and qualification requirements in Lithuania are regulated by various legal acts defining the activity of judges, lawyers, police officers, and other professionals. They usually contain a general qualification requirement without specifying certain topics and/or areas.

The training of judges is regulated by the “Rules on the organization of judges training” (*Teisėjų mokymo organizavimo taisyklės*)²⁸³, by which training programmes for judges are approved. According to the Activity report of Lithuanian Courts Administration, 85 % of all judges in Lithuania improved their qualifications at national trainings in 2017²⁸⁴.

283 Decision of the Court’s Council on the approval of rules on the organization of judges training (Teisėjų tarybos nutarimu patvirtintos teisėjų mokymo organizavimo taisyklės). 28 October 2014, No 13P-155-(7.1.2). Retrieved from: www.teismai.lt/data/public/uploads/2015/10/d1_teiseju-mokymo-organizavimo-taisykliu-aktuali-redakcija-nuo-2015-09-29_13p-125-1.docx

284 National Courts’ Administration (2018), Overview of the courts’ activity 2017 (Teismų veiklos apžvalga 2017 m.). Retrieved from: http://www.teismai.lt/data/public/uploads/2018/04/d1_galutine-ataskaita-10.pdf

Trainings for prosecutors are organized on the basis of “Rules on the Prosecutors and Prosecutors Office staff training and qualification” (*Prokurorų ir prokuratūros personalo mokymo ir kvalifikacijos kėlimo tvarkos aprašas*)²⁸⁵ while police officers are trained on the basis of “Rules on the Staff of the Police System Qualification Improvement” (*Policijos sistemos personalo kvalifikacijos tobulinimo taisyklės*)²⁸⁶.

The training of judges is ensured by the National Courts Administration Training Center (*Nacionalinės teismų administracijos mokymo centras*)²⁸⁷. Police officers and prosecutors receive training from their own training centers, while lawyers receive training from the Lithuanian Bar Association (*Lietuvos Advokatūra*)²⁸⁸.

Training requirements for other professionals are foreseen in sectoral legislation. For example, Article 4 of the Law on domestic violence provides for trainings on domestic violence for a variety of specialists working in the field of domestic violence²⁸⁹.

There are also other instruments which provide trainings on specific topics for certain categories of professionals. For example, Qualification Improvement Programme “Officers’ Action in the Case of Hate Crime” was approved in 2017. However, this and other legislative provisions do not provide for a mandatory requirement for professionals to participate in victims’ related training and to regularly raise qualifications in this area.

Until 2017, the role of the psychologist in the criminal proceeding was limited, whereas now it is gaining more prominence. It is estimated that 140 psychologists are needed to meet the demand of the Lithuanian criminal justice system²⁹⁰. As of July 2018, there were only 78 psychologists qualified to carry out the interviews²⁹¹. According to the authorities in charge, a number of persons holding a degree in psychology are currently undertaking specialized training to ensure that they are qualified to work in the criminal justice system²⁹².

285 Prosecutor General’s order approving the rules on the prosecutor and prosecutor office’s staff training and qualification improvement (Generalinio prokuroro įsakymas dėl prokurorų ir prokuratūros personalo mokymo ir kvalifikacijos kėlimo tvarkos aprašo patvirtinimo). 30 November 2012, No I-339. Retrieved from: <https://www.prokuraturos.lt/data/public/uploads/2015/12/mokymo-gaires-2012-11-30.pdf>

286 Chief Police Commissioner’s order approving the rules on the staff of the police system qualification improvement (Lietuvos policijos generalinio komisaro įsakymas dėl policijos sistemos personalo kvalifikacijos tobulinimo taisyklių patvirtinimo). 6 November 2009, No 5-V-812. Retrieved from: <http://lpm.policija.lrv.lt/uploads/lpm.policija/documents/files/veiklos-sritys/kvalifikacijos-tobulinimas/policijos-sistemos-personalo-kvalifikacijos-tobulinimo-taisykles.doc>

287 National Courts’ Administration. Competence areas. Retrieved from: <http://www.teismai.lt/en/national-courts-administration/activities/competence-areas/685>

288 APAV. Lithuania. Developments on the implementation of victim assistance mechanisms. Retrieved from: https://www.apav.pt/ivor/images/ivor/PDFs/Fact_sheet_lithuania.pdf

289 “In order to prevent domestic violence, state and municipal institutions, agencies, and non-governmental organizations take the following preventive measures according to their competence: organize trainings and refresher courses for judges, prosecutors, police officers, specialists and other persons working in the field of domestic violence prevention and assistance [...]”. See Law on the protection against domestic violence (referenced above), Article 4

290 Psychologists also participate during the interviews of child witnesses, suspects and accused.

291 Minor’s interview at the court: the psychologist is not always necessary (Nepilnamečių apklausa teisme: psichologo dalyvavimas būtinas ne visada) (13 July 2018). Retrieved from: <https://www.15min.lt/naujiena/aktualu/nusikaltimaiirnelaimes/nepilnameciu-apklausa-teisme-psichologo-dalyvavimas-butinas-ne-visada-59-1000868>

292 Ibid.

Other specialists working in the area of assistance to victims (i. e., social workers, Child Rights Protection Unit specialists) receive trainings from the Ministry of Social Security and Labour and/or municipalities. Helplines' workers receive individual trainings from the helpline organisation²⁹³. State and non-governmental organizations organise trainings for specialists working with victims of crime. For example:

- In 2013, National Courts Administration (*Nacionalinė teismų administracija*) started a project "Witnesses and crime victims' support and security in courts"²⁹⁴. The project was aimed at strengthening assistance to witnesses and crime victims during court proceedings, including the increase of security in court buildings.
- In 2016, the national lesbian, gay bisexual and transgender (LGBT*) rights association LGL (*Nacionalinė lesbiečių, gėjų, biseksualių ir translyčių (LGBT*) asmenų teisių gynimo asociacija LGL*) launched a series of trainings on homophobic hate crimes for the Lithuanian law enforcement authorities. Over 150 Police School students and officers participated in the trainings²⁹⁵.
- Since 2016, Human Rights Monitoring Institute (HRMI) is running an online learning platform Be-ribu.lt, which offers online human rights courses for law enforcement, social workers, lawyers, and victim support professionals. The course on meeting the needs of domestic violence victims, which was attended by over 500 practitioners, and more courses on victims' rights are expected to be launched in autumn 2018.
- In 2017 The Association of Judicial Assistants (*Teisėjų padėjėjų asociacija*) organized trainings on Victim Rights' Directive and its implementation in Lithuania²⁹⁶.
- A joint HRMI's and Lithuanian Police School (*Lietuvos policijos mokykla*) project "Improved Response to Victims of Crime" also started in 2017. This Project aimed to equip law enforcement officers with the knowledge and tools necessary to effectively respond to victims of crime. More than 300 officers and lecturers were trained in 10 regions of the country²⁹⁷.
- A joint HRMI's and Office of the Equal Opportunities Ombudsperson (*Lygių galimybių kontrolieriaus tarnyba*) project "Stop Violence Against Women: From Awareness-Raising

293 For example, „Youth Line“ (Jaunimo linija) Activity report states that 164 qualification trainings for the organisation's volunteers took place during 2017. "Youth Line" (Jaunimo linija), Activity report, 2017. Retrieved from: https://www.jaunimolinija.lt/uploads/manager/file/metine_ataskaita_2017_2018-04-13.pdf

294 National Courts' Administration (2013). Victims and witnesses of crime will feel more secure in the courts (Nusikaltimų aukos ir liudytojai teismuose jausis saugiau). Retrieved from: <http://www2.lat.lt/portal/start.asp?act=news&Tema=1&str=54089>

295 Lithuanian gay league (2016). Training for police officers on hate crimes against LGBT* (Mokymai policijos pareigūnams apie neapykantos nusikaltimus prieš LGBT* asmenis). Retrieved from: <http://www.lgl.lt/naujienos/mokymai-policijos-pareigunams-apie-neapykantos-nusikaltimus-pries-lgbt-asmenis/>

296 Association of Judicial Assistants (2017). Seminar for AJC members in Vilnius (Seminaras TPA nariams Vilniuje). Retrieved from: <http://www.teisejupadejejai.lt/renginiai/seminaras-tpa-nariams-vilniuje-ir-visuotinis-nariu-susirinkimas/>

297 Human Rights Monitoring Institute (2017). Improved response to the victims of crime. Retrieved from: <https://hrmi.lt/en/pradejome-nauja-projekta-skirta-nukentejusiuj-teisems/>

to Zero Victim Blaming" implemented a series of trainings for health care, social work and children rights protection specialists with the aim to change attitudes, stereotypes and behaviour in their approach to the victims of domestic violence.²⁹⁸

Nevertheless, both international human rights bodies²⁹⁹ and national NGOs³⁰⁰ stress the lack of and the importance of specialist trainings in Lithuania.

In 2016–2018 NGOs' organized trainings for police officers and investigators on the Directive and communication with victims, which showed that a significant number of officials were not only not familiar with the Directive but lacked basic knowledge about vulnerable groups and their needs³⁰¹.

Majority of the surveyed police officers stated that the most relevant trainings for them would be related to the identification of victims' special needs, provision of specialized assistance to the victim, and application of victim protection measures. However, it is apparent that both specialized and general trainings, such as professional communication with victims of crime are needed³⁰².

Nevertheless, there is a lack of a systematic approach to the training of specialists and the allocation of appropriate resources for the implementation of these trainings³⁰³.

298 Human Rights Monitoring Institute (2017). Stop Violence Against Women: From Awareness-Raising to Zero Victim Blaming. Retrieved from: <https://hrmi.lt/en/stop-violence/>

299 See: European Commission against Racism and Intolerance (2016). Report on Lithuania (fifth monitoring cycle), p. 16. Retrieved from: <https://rm.coe.int/fifth-report-on-lithuania/16808b587b>

300 Interviews Nos 1, 3 and 4.

301 Interview No 1.

302 According to the interviewed victim support worker, "Informal police officer's communication with the perpetrator [in cases of domestic violence] is an important issue. Especially, in the smaller cities where people generally know each other. Trainings on professional communication are very much needed, otherwise, there is a strong disappointment in the law enforcement which lead to victims' decision not to report future cases to the police." The National Courts administration representative also highlighted the same topic: "training on professional communication with victims and witnesses are important for both judges and courts staff. These trainings significantly contribute to the change of general culture in courts. Interview No. 6.

303 As noted by the interviewed prosecutor, "it would be very good if the training took place in the regions and could be attended by prosecutors, judges and all pre-trial investigation institutions (police, Special Investigation Service (Specialiųjų tyrimų tarnyba), Financial Crime Investigation Service (Finansinių nusikaltimų tyrimo tarnyba), State Border Guard Service (Valstybės sienos apsaugos tarnyba), etc.). Such trainings would be far more beneficial than training at the training center with one or two officials being invited. There must be a uniform practice. When training is conducted individually for each institution, there is no uniform practice, and every institution works differently." Interview No 5.

ARTICLE 26 - COOPERATION AND COORDINATION OF SERVICES

Member States shall take appropriate action to facilitate cooperation between Member States to improve victims' access to the rights set in the Directive and such cooperation shall at least aim at: a) exchange of best practices; b) consultation in individual cases; c) assistance to European networks working on matters directly relevant to victims' rights.

Member States shall take appropriate action aimed at raising awareness of the rights set out in the directive, reducing the risk of victimisation, and minimizing the negative impact of crime and the risk of secondary and repeat victimisation, of intimidation and retaliation, in particular targeting groups at risk such as children, victims of gender-based violence and violence in close relationships.

With regard to cooperation and coordination at a national level for the implementation of the directive, the Ministry of Justice (*Teisingumo ministerija*) is the lead institution³⁰⁴.

Article 66 of the CCP provides that communication (*susizinojimas*) of courts and prosecutor's offices of Lithuania with the foreign institutions and organizations is organized via the Ministry of Justice (*Teisingumo ministerija*) or Prosecutor General's Office of the Republic of Lithuania. Consequently, Prosecutor General's Office plays the role of the central institution in the general communication with foreign institutions and international organizations in accordance with the procedure established by laws and international treaties of the Republic of Lithuania³⁰⁵.

The interviewed prosecutor noted that *"there are fairly good conditions for international cooperation. Usually, consultations with partners take place, and best practices are shared during international trainings and/or seminars"*³⁰⁶. The same goes with the cooperation of courts. As noted by the interviewee, *"judges have great opportunities to travel abroad for trainings or exchange programmes,*

304 APAV. Lithuania. Developments on the implementation of victim assistance mechanisms. Retrieved from: https://www.apav.pt/ivor/images/ivor/PDFs/Fact_sheet_lithuania.pdf

305 Prosecutor General. Cooperation. Retrieved from: <https://www.prokuraturos.lt/en/activities-of-prosecution/cooperation/4419>

306 Interview No 5.

*and they are very active in using this opportunity"*³⁰⁷. Lithuanian judges actively participate and improve their qualifications at international institutions', such as The European Judicial Training Network (EJTN), Academy of European Law (ERA) and other trainings³⁰⁸.

There are also some initiatives of a bilateral co-operation between courts, as noted by the interviewee, *"some Lithuanian courts actively cooperate, for example, with Latvian courts. They share the best practices not only on ensuring rights of victims and witnesses in courts but also on the general organization of courts' work"*³⁰⁹.

Awareness raising

The majority (88%) of the surveyed law enforcement officers "did not know" whether the Lithuanian government *initiated, sponsored or otherwise ensured awareness-raising campaigns on the rights set out in the Directive.*

An interviewed prosecutor pointed out, *"there is enough information about the Victim's Directive and victim rights in the public sphere. However, prosecutors and investigators do not have enough time to get familiar with it due to the high workload"*³¹⁰. Interviewed National Courts administration representative agreed: *"there's enough information, but it takes some time to find it. Perhaps, the problem is that the information is not provided in one place. One can say that there are issues with convenient provision of information"*³¹¹.

Most of the awareness-raising activities (i.e., web-pages, leaflets) are implemented by the NGOs³¹².

307 Interview No 6.

308 National Courts' Administration (2018), Overview of the courts' activity 2017 (referenced above), p. 65

309 Interview No. 6.

310 Interview No 5.

311 Interview No. 6.

312 For example, an informational website for victim's of crime www.nukentejusiems.lt; an on-line crime reporting tool UNIFORM: <https://uni-form.eu/welcome?country=LT&locale=lt>; a series of public lectures on victim's rights organized by the Centre Against Human Trafficking and Exploitation: <http://anti-trafficking.lt/index.php>.

GOOD PRACTICES

Throughout the development of this report, the researchers have identified good practices regarding the practical implementation of the Victims' Directive in Lithuania, which could be transferred to the other Member States.

Victim's letter of rights

A good practice example of Directive's Article 4 implementation is a standardized "letter of rights" served to every person recognized as a victim in Lithuania. The "letter of rights", prepared and adopted by the Prosecutor General, is a six-page document organized into 18 sections, each covering a separate procedural right or several related rights. The "letter of rights" explains victims' rights listed under Article 4 of the Directive. Beyond that, it includes useful guidance on the right to be accompanied by a person of the victim's choice, the right to access the case-file, make requests, and say the closing speech. The "letter of rights" is available in Lithuanian, English, French, German, Polish and Russian languages.

Information for vulnerable victims

As a good practice to remedy the lack of clear and understandable information about the victims' rights is the project "Improved Response to Victims of Crime" led by the Human Rights Monitoring Institute (HRMI) and the Lithuanian Police School. In the framework of the project, the HRMI developed an informational website nukentejusiems.lt, which provides all the necessary information to victims of crime.³¹³ The content of the website is tailored to minors, persons with intellectual disabilities and persons with visual impairments. Also, multilingual leaflets for victims providing information about the procedural rights in a clear and accessible manner, including in Braille and the easy-read format, are being developed and will be distributed to the police stations across the country³¹⁴.

Emotional support in the courthouse

Another good-practice example of emotional support provided to the victims is the service "Volunteers in Courts" run by the National Courts Administration since 2016. The victims and witnesses can arrange a meeting with the volunteers in advance or find them upon arrival at the courthouse. Volunteers provide practical information about the trial arrangements and the rights of the trial participants, listen to victims and witnesses and emotionally support them³¹⁵.

313 Human Rights Monitoring Institute (2018). HRMI introduces informational website for victims of crime. Retrieved from: <https://hrmi.lt/en/ztsi-pristato-informacine-svetaine-nukentejusiems-nuo-nusikaltimu/>

314 Human Rights Monitoring Institute (2017). Improved response to the victims of crime. Retrieved from: <https://hrmi.lt/en/pradejome-nauja-projekta-skirta-nukentejusiems-teisems/>

315 Interview No 5.

The service, currently available in 10 courts across the country, received the "Award for Positive Change" from the European Networks of Councils for the Judiciary³¹⁶.

Child interviews

The Code of Criminal Procedure imposes strict obligations to audio-visually record all interviews with the child victims during the pre-trial stage, and to conduct the interviews in specially designed interview rooms. The rooms are currently being established in the police stations throughout the country. Besides, the role of the psychologist in the criminal proceeding is now gaining more prominence. Participation of the psychologist is mandatory when interviewing a child under 14 and, in some cases when a child aged between 14 and 18 years is interviewed. More and more psychologists are being trained to meet the demands of the national criminal justice system.

Accessibility of legal aid

The national rules on eligibility for legal aid were recently relaxed, resulting in more victims having access to free legal representation. As of 1 January 2019, victims of terrorism, organized crime, human trafficking, domestic violence, sexual violence, exploitation and hate crime will be eligible to free legal representation throughout the criminal proceedings regardless of their wealth and income.

On-line training of practitioners

A good practice of ensuring that victim rights training is available to all practitioners is an online learning platform [Be-ribu.lt](http://www.without-limits.eu) (www.without-limits.eu) developed by the Human Rights Monitoring Institute (HRMI). The platform features online human rights courses, video lessons, reading materials and self-assessment tests available to practitioners across Lithuania free of charge. HRMI has already produced an interactive course on meeting the needs of domestic violence victims, which was attended by over 500 practitioners. New courses on victims' right will be launched in autumn 2018³¹⁷.

316 Volunteers at the courts contributes to the speedier process (Savanorytė teismuose pasitarnauja greitesniam procesui) (14 July 2018). Retrieved from: <http://www.bernardinai.lt/straipsnis/2018-07-14-savanoryste-teismuose-pasitarnauja-greitesniam-procesui/170847>

317 More information: Tackling Domestic Violence in Lithuania with New E-Learning Platform (23 October 2015). Retrieved from: <https://www.liberties.eu/en/news/lithuania-domestic-violence-police-e-learning/5572>

GAPS, CHALLENGES, AND RECOMMENDATIONS

Throughout the development of this report, the researchers have identified gaps and challenges regarding the practical implementation of the Victims' Directive in Lithuania. This section discusses the identified gaps, challenges and proposes recommendations to facilitate more effective implementation of the Directive on the national level.

The right to understand and be understood

The law enforcement officers rarely take an active role in ensuring that the suspect understands the content of the provided letter of rights, such as offering additional oral explanations or making sure that the victim has understood the content of their rights. Vulnerable victims, including persons with visual impairments, children, persons with psychosocial disabilities, are not provided with the information in the form or language tailored to their needs. Pre-trial officers communicate with persons with disabilities in the formal, "cold" way, "without explaining the situation in plain, human language".

Recommendation: The Ministry of Justice should consider putting in place additional measures intended to achieve the Directive's objectives, for example, nation-wide codes of conduct/guidelines for professionals in regular contact with victims of crime. These guidelines should be made public, promoted and followed up by appropriate training of professionals³¹⁸.

The right to be accompanied

Law enforcement officers are reported to be either unfamiliar or poorly familiar with this right and have little practice enforcing it. The right is widely perceived as potential interference with the criminal investigation, and victims are deterred from exercising it. Accompanying persons reported being faced with obstacles joining victims in the interview rooms and during closed trials.

Recommendation: The Police Department should develop internal practices to comply with Article 3(3) of the Directive whereby a person of the victim's choice may be present during the first contact

318 DG Justice (2013). Guidance document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 9. Retrieved from: http://victimsupport.eu/activeapp/wp-content/uploads/2014/04/EC-Guidance-Document_Feb201411.pdf

with the police, irrespectively of the victim's formal status in the criminal proceedings³¹⁹. The National Court's Administration should ensure that the judges are informed about the victim's right to be accompanied by a person of his/her choice, and any limitations to this right are interpreted narrowly.

The right to receive information about the case

Although the Code of Criminal Procedure was amended to grant the victims an overarching right to receive information about the state of the criminal proceedings (in line with Article 6(2)(b) of the Directive)³²⁰, its practical implementation remains challenging. Victims can receive information about their case if they actively approach the pre-trial officer or the prosecutor in charge of the investigation. The level of detail provided depends on the victim's perseverance and officer's good-will as there are no protocols in place discussing when and what information should be supplied to the victim.

Recommendation: The Prosecutor General should develop guidance on the facilitation of victim's right to receive information.

Quality of interpretation and translation

Although interpretation and translation services are provided in Lithuania free of charge, there is no mechanism in place to determine victims' interpretation/translation needs and this decision is in the discretion of the law enforcement officer or a court. Also, there are no qualification criteria for the foreign language translators/interpreters and no register of them. Police officers reported the lack of availability of qualified interpreters and translators and highlighted the fact that interpreters often do not account for victims' vulnerability.

Recommendation: The Ministry of Justice should establish a clear mechanism or a procedure allowing to determine when interpretation/translation services are required and a register of qualified interpreters/translators³²¹.

319 DG Justice (2013). Guidance document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 13. Retrieved from: http://victimsupport.eu/activeapp/wp-content/uploads/2014/04/EC-Guidance-Document_Feb201411.pdf

320 CCP, Article 28(2)

321 More information: Human Rights Monitoring Institute's (Žmogaus teisių stebėjimo institutas) letter to the Minister of Justice (Teisingumo ministrui). 11 February 2013, No IS-VIII-2. Retrieved from: [www.hrmi.lt/uploaded/Teisekura/2013-02-11%20\(IS-VIII-2\)%20Rastas%20TM%20del%20ES%20direktyvu%20igyvendinimo%20baudziamajame%20procese.pdf](http://www.hrmi.lt/uploaded/Teisekura/2013-02-11%20(IS-VIII-2)%20Rastas%20TM%20del%20ES%20direktyvu%20igyvendinimo%20baudziamajame%20procese.pdf)

Availability of victim support services

Currently, general and specialist support is provided only to victims of domestic violence, human trafficking and child victims of sexual abuse and domestic violence. Victims of other crimes do not have a recourse to support services.

Recommendation. Authorities should initiate the establishment of support services for all victims of crimes: (1) Victim support services that operate on a “one-stop-shop” basis and provide general support (emotional, psychological and legal help) in one place. Law enforcement officers should transfer victims to these services already during the first contact with the victims; (2) Coordination centers that refer victims to relevant institutions/organisations providing emotional, psychological, legal and other support sh. For example, Victim Support Services, State-Guaranteed Legal Aid Services or Legal Clinics of certain universities, etc. The partnership between all victim support services and the law enforcement to maximize the capacity of the police officers, prosecutors and judges to better meet victims’ needs should be ensured.

Availability of restorative justice services

Currently, there are no restorative justice services available in Lithuania. Mediation is only possible for civil cases, and there is no system in place for victim-offender mediation in criminal cases. Reconciliation, a practice closely related to restorative justice, is available for less serious criminal offenses. Victims of domestic violence reported being pressured by the law enforcement into reconciliation, and the United Nations Human Rights Committee criticized Lithuania for excessive use of reconciliation in domestic violence cases.

Recommendation: When developing the restorative justice system in Lithuania, authorities in charge should take full account of the safeguards listed under Article 12 of Victims’ Directive. The Police Department should consider launching an inquiry into the practice of excessive use of reconciliation in domestic violence cases and investigate any allegations of undue psychological pressure on victims by the law enforcement.

Quality of legal aid

Previous studies identified the quality of legal aid in the criminal proceedings as a medium. Legal aid lawyers are perceived to be more passive in the proceedings than their colleagues in the private practice. These findings, coupled with the fact that there is no mandatory victim rights training for legal aid lawyers, suggest that legal aid system may not be well equipped to meet the needs of victims, and, particularly, of very vulnerable victims.

Recommendation: The Ministry of Justice should consider putting in place that a quality assurance system of legal aid in Lithuania. The system should be developed in cooperation with the State

Guaranteed Legal Aid Service, Lithuanian Bas Association, and in close consultation with the legal aid lawyers³²².

The right to avoid contact with the offender

The design of the police stations and court buildings does not prevent contact between the victims and the offenders and their family members. There are no separate waiting areas or entrances for victims, and victims are forced to confront their abusers repeatedly, including in the bathrooms and smoking areas. This often becomes the reason why victims refuse to testify and to proceed with the case.

Recommendation: The police authorities should consider the practice of carefully scheduling appointments for victims to avoid contact with the offender. National courtroom specifications should be updated to ensure that there are designated separate waiting areas for victims (including bathrooms and smoking areas) in the new court buildings³²³.

The right to protection

Although a wide range of protection measures is available to victims under the national law, in practice victims and their families are poorly protected from secondary and repeat victimization, from intimidation and retaliation. An anonymity order or “measures of protection against criminal influence” (for example, physical protection of the person and his/her property, change of person’s place of residence, work and studies) are considered to be exceptional and rarely applied. Some measures, including an obligation for the abuser not to approach the victim, are available only to victims of domestic violence, and application of these measures is criticized as limited and inconsistent.

Recommendation: The Prosecutor General should undertake an in-depth assessment to determine the structural reasons behind a scarce application of protection measures. Victims support organizations and human rights advocates should be consulted in this process.

Individual assessment

Even though an entirely new system was introduced in Lithuania to meet the requirement for an individual assessment under Article 22 of the Victims’ Directive, it contributes little towards identifying victims with specific protection needs and ensuring their right to protection. The individual needs assessment form includes limited categories of vulnerability and is used in

322 More information: Bitiukova N. (2017). Accessible Justice. The Right to a Lawyer and a right to legal aid in Lithuania, p. 43. Retrieved from: <https://hrmi.lt/wp-content/uploads/2017/11/Accessible-justice.pdf>

323 DG Justice (2013). Guidance document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 41. Retrieved from: http://victimsupport.eu/activeapp/wp-content/uploads/2014/04/EC-Guidance-Document_Feb201411.pdf

an overly mechanical way. Often victims are not informed about the self-assessment and not consulted on its outcome. The guidance on protection measures to be put in place following the assessment is not being followed in practice, thus rendering the assessment process futile.

Recommendation: The Prosecutor General should revise the individual assessment form and the accompanying guidance and ensure that the police officers carrying out individual assessment are informed about its purpose and the requirement to engage the victim in the assessment process actively.

Training of practitioners

Specialist training and qualification requirements in Lithuania are regulated by various legal acts defining the activity of judges, lawyers, police officers, and other professionals. They usually contain a general qualification requirement without specifying certain topics and/or areas. Even though trainings for practitioners are available, a uniform system, and equal dissemination of information is still lacking.

Recommendation: The authorities responsible for continuous education of the law enforcement and judiciary, should embark on agency-wide personnel training on victims' rights with a particular focus on the skills and knowledge for communicating with victims. The efficiency of such programmes should be continually assessed, and the contents of the curricula should be adjusted where needed.

CONCLUSION

Traditionally, the criminal proceedings were focused on the suspect and accused, and the majority of the legal reforms to date were aimed at strengthening defense rights. The victim was seen, and in some instances, is continued to be seen, as one of many sources of evidence, as opposed to an independent participant in the criminal proceedings with his/her interests. The Victims' Directive served as an impetus for changing not only the legal situation of the victims in Lithuania but also the deeply ingrained attitudes towards the victim's role in the criminal proceedings.

However, the legislative reform of 2015 and subsequent amendments of the Code of Criminal Procedure has not resulted in fully aligning the Lithuanian legal system with the requirements of the Victims' Directive. In practice, and as discussed in this report, a considerable gap between the rights laid down in the national law and the ones guaranteed on the ground remains. For example, victims do not have access to restorative justice services, and only victims of specific crimes (domestic violence, human trafficking, child victims of sexual crimes) are provided with the necessary support, contrary to Articles 8 and 9 of the Directive.

The majority of the outlined deficiencies can be corrected without additional legislative changes. To build a victim-centered criminal justice system, responsible authorities should focus their efforts on putting existing laws into practice by:

- ensuring that law enforcement leaders convey the benefits of enhanced victim response to all staff, develop and sustain an agency infrastructure that reinforces enhanced victim response as a priority;
- recognizing that all law enforcement personnel play a role in enhancing victim response, and developing their victim response skills, knowledge, and tools must be required at all career stages and levels;
- setting goals, performance measures and indicators for the law enforcement agencies to enhance victim response, and continuously monitoring performance against these goals;
- creating general support services available to victims of all crimes and ensuring the ongoing partnership between all victim support services and the law enforcement to maximize the capacity of the police officers, prosecutors and judges to better meet victims' needs.

HRMI hopes that the present report, which provides an overview of the outstanding challenges in the area of victims' rights and a set of recommendations to address them, will be useful for the responsible authorities, and remains committed to cooperation in order to ensure the full implementation of the Victims' Directive in Lithuania.

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APPENDIX 1 – LIST OF INTERVIEWED PROFESSIONALS

Reference	Expert	Group	Date
Interview No 1	Human rights lawyer	Justice professional	23 August 2018
Interview No 2	A representative of the human rights advocacy non-governmental organization	Justice professional	23 August 2018
Interview No 3	Social worker specialized in trafficking in human beings, sexual violence and forced labor cases	Victim support	27 August 2018
Interview No 4	Social worker specialized in domestic violence cases	Victim support	5 September 2018
Interview No 5	Prosecutor	Law enforcement	6 September 2018
Interview No 6	A representative of the National Courts' Administration	Policy official	17 September 2018



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