



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Lithuania**National correspondent**

First Name - Last Name: **GRISKEVIC Lina**

Job title: **Deputy Head of Analysis of Judicial Activity Division**

Organisation: **National Courts Administration**

E-mail: **lina.griskevic@teismai.lt**

Phone Number : **+370 5 2514129**

First Name - Last Name: **KIAUZARIS Donatas**

Job title: **Senior Specialist of the Division of Informatics and Statistics**

Organisation: **National Courts Administration**

E-mail: **donatask@teismai.lt**

Phone Number : **+37052 514125**

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2011)

3 244 600

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	7 588 030 873
Regional / federal entity level (total for all regions / federal entities)	1 746 534 406

3) Per capita GDP (in €)

8 378

4) Average gross annual salary (in €)

6 910

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

3.4528

A.1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Ministry of Finance
Statistics Lithuania

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	50 567 945
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	34 853 452
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	779 367
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	211 886
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	1 387 656
5. Annual public budget allocated to investments in new (court) buildings		NAP
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	234 882
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	13 100 702

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

It should be indicated, that:

3. Only expertise (examinations).

4. Public utilities and repairs.

5. and 6. are located within the Ministry of Justice and are not included in the budget of the courts, as approved by the parliament:

5. 721 154 Euros,

6. 234 882 Euros.

7. Includes all other justice expenses (paper, communication, etc.) and taxes related to the salaries (not included in the gross salaries).

For the Supreme Court of Lithuania - 3032901 Euro

For the Supreme Administrative Court - 1540489 Euro

For the Court of Appeal of Lithuania - 2337233 Euro

For district and regional courts – 43422440 Euro

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

☐ for criminal cases?

☒ for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

If yes, are there exceptions? Please specify:

According to the Article 83 of the Code of Civil Procedure the following shall be released from the payment of the official fee in cases which are heard by a court: 1) plaintiffs (employees) in cases concerning all claims arising from the legal relationships of employment; 2) plaintiffs in cases concerning the judgment of family support; 3) plaintiffs in cases concerning compensation of damages connected with harm to a person's health or the loss of his life including cases concerning damages connected with an incidence of harm to a person's health, the loss of his life in an accident at work, or a professional illness; 4) plaintiffs in cases concerning compensation of property or non-property damages created by criminal activity; 5) a prosecutor, state and municipal institutions, and other parties when filing a statement of claim or application in order to defend public, state, and/or municipal interests in that part of a case, in which it is sought to defend a public, state, and/or municipal interest; 6) parties in cases concerning damages, which have arisen due to false conviction, false arrest through the use of custodial measures, wrongful detention, wrongful use of judicial coercion, or wrongful imposition of an administrative penalty and/or arrest as well as due to damages, which have arisen due to the wrongful actions of a judge or court in hearing a civil case; 7) parties in cases concerning property lost in connection with political repression; 8) an enterprise (institution), against which a bankruptcy or restructuring case has been filed or in which an extrajudicial bankruptcy procedure is being executed, and any other party to the proceeding when filing appeals of judgments and cassation appeals in these cases; 9) plaintiffs and parties filing property claims in bankruptcy or restructuring cases; 10) state and municipal institutions (establishments) when filing statements of claim concerning the collection of funds; 11) the Bank of Lithuania, the joint stock company Turto Bankas, and the State Property Fund; 12) spouses when filing petitions to dissolve a marriage by mutual consent (article 3.51 of the Civil Code) and at the request of one spouse (article 3.55 of the Civil Code); 13) applicants when filing applications by the procedure established in Part V, Chapter XXXIX of this Code; 14) parties – in the other cases provided in this Code or other laws.

According to the part 3 of the article the court, while taking into consideration the person's material situation, shall be entitled by means of summary proceedings to release him in part from the payment of the official fee at the request of the person. A petition to release a person in part from the payment of the official fee must be reasoned. Proof confirming the grounds of the request must be annexed to the petition. The court ruling concerning this petition must be reasoned.

According to the Article 84 of the Code of Civil Procedure the court, by means of summary proceedings, while taking into consideration the person's material situation, prior to making a judgment (ruling) shall be entitled to defer payment of the official fee. A petition to defer payment of the official fee must be reasoned. Proof proving the necessity of deferring the official fee must be annexed to the petition.

9) Annual income of court taxes or fees received by the State (in €)

6 950 880

10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not

include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

☐ NA

155 377 083

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	No
Council of the judiciary	No
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

For the Supreme Court of Lithuania - 3032901 Euro
 For the Supreme Administrative Court - 1540489 Euro
 For the Court of Appeal of Lithuania - 2337233 Euro
 For district and regional courts – 43422440 Euro
 For Ministry of Justice - 18515118 Euro
 For Prison department - 54980305 Euro
 For the Prosecutor General's Office - 29555722 Euro
 For the National Courts Administration - 1992875 Euro

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	3906105	NA	NA

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

☒ Amount

29 555 000

Comment :

cf. 26/06 (Q13) : I would like to explain for Lithuania Figure 2.14 in Chapter 2 on the decrease of the budget of the prosecution services – the explanation may be the impact of the financial crisis and budgetary cuts.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	Yes	No	No	Yes
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	Yes	Yes	No
Courts	Yes	No	No	No
Inspection body	No	No	No	Yes

Other	Yes	No	No	No
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15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Other ministry – the Ministry of Finance;

Inspection body – National Audit Office of Lithuania; Office of Internal Audit of National Courts Administration.

Other – National Courts Administration.

The courts are the budget appropriation managers. Management and allocation of the budget among the individual courts cannot be interpreted as one under the laws of Lithuania. Allocation of the budget among the individual courts belongs to the initial stage of the budget preparation process and the management of budgets is the responsibility of each court individually.

A.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years

- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Q6#2#5 : It was decided by the law on budget of the Republic of Lithuania and therefore because of the state's financial abilities.

Q6#2#8 : In 2010 all the taxes, related to the salaries, but not included into such line, were indicated as other matters. These taxes comprise a huge percentage from the salaries.

Q10 : The budget of Ministry of Justice was not included.

Q12: Figure 2.17 – decrease of financing for legal aid – Lithuania situation is similar as to the Latvian - decrease in a budget allocated to the legal aid is due to the general budgetary cuts. (cf CN 05/07)

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

Ministry of Finance (6,10,11, 12),

General Prosecutors Office (13),

National Courts Administration (6,9).

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

☒ Yes

☐ No

If yes, please specify:

In hearing civil and administrative matters as well as when hearing the civil actions brought in criminal matters, the persons eligible for secondary legal aid shall, according to paragraph 4 of the Article 14 of the Law on State-guaranteed Legal Aid, be exempt from the stamp duty and other litigation costs, the costs of the proceedings and procedural costs in the criminal matters.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

☒ Yes

☐ No

If yes, please specify:

The costs of secondary legal aid shall comprise of the execution process. The costs of state-guaranteed legal aid shall not cover the costs incurred by the debtor in the execution process.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

The costs of secondary legal aid shall comprise the costs from which the applicant shall be exempted, that is: the litigation costs incurred in civil proceedings, the costs incurred in administrative proceedings, the costs related to the hearing of a civil action brought in a criminal matter, the costs related to defence and representation in court (including the appeal and cassation proceedings, irrespective of the initiator) as well as the costs of the execution process, the costs related to the drafting of procedural documents and collection of evidence, interpretation, representation in the event of preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision. The costs of State-guaranteed legal aid shall also cover the costs of interpretation of communication between the lawyer and the applicant where, in the cases provided for in treaties of the Republic of Lithuania, it is impossible to ensure that a person providing State-guaranteed legal aid communicates with the applicant in the language which the latter understands. Where the physical presence of an applicant is required by the law or by the court, the travel costs to be borne by an applicant shall be borne by the State-guarantee legal aid services from the state budget funds allocated for that purpose.

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	47142
in criminal cases	34302
other than criminal cases	12840

Comment :

Number of cases when legal aid was granted by decision of the State-guaranteed legal aid service (civil, criminal and administrative cases) – 14589 cases:

- civil cases – 12183;
- administrative cases – 655;
- criminal cases – 1749;
- International disputes – 2.

Number of cases when legal aid was granted by decision of a pre-trial investigation officer, prosecutor or the court (only criminal cases in which the presence of the defence lawyer is mandatory) – 32553 cases.

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

In criminal cases person who do not have sufficient financial means can be assisted by a free of charge lawyer if his/her property and annual income do not exceed the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid under the Law on State-guaranteed Legal Aid.

The following persons shall be eligible for secondary legal aid regardless of the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid:

- the persons eligible for legal aid in criminal proceedings according to Article 51 of the Republic of Lithuania Code of Criminal Procedure and in other cases specified by laws when the physical presence of a defence lawyer is mandatory;
- the aggrieved parties in the cases concerning compensation for the damage incurred through criminal actions, including the cases when the issue of compensation for damage is heard as part of a criminal matter.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

☐ Yes

☒ No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	less than 1855 € or less than 2782,6 €	NA
for other than criminal cases?	less than 1855 € or less than 2782,6 €	NA

Comment :

The first level – person's annual income must be less than 1855 € (695,6 € is added to the sum mentioned above for each dependant) and the value of person's property must not exceed property normative determined in legal acts.

The second level – annual income must be less than 2782,6 € (1043,5 € is added to the sum mentioned above for each dependant) and the value of person's property must not exceed property normative determined in legal acts.

A person's assets should not exceed the value of assets ratio which is stated for the family (single persons) in 14 article of Law of monetary social support for low-income families and single persons of the Republic of Lithuania.

The costs of secondary legal aid provided to the persons, by taking account of a person's property and income, shall be

guaranteed and covered by the State as follows:

- 1) 100 per cent – where the first level is established to the person's property and income;
- 2) 50 per cent – where the second level is established to the persons property and income.

The following persons shall be eligible for secondary legal aid regardless of the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid under the Law on State-guaranteed legal aid:

- 1) the persons eligible for legal aid in criminal proceedings according to Article 51 of the Republic of Lithuania Code of Criminal Procedure (mandatory defence) and in other cases specified by laws when the physical presence of a defence lawyer is mandatory;
- 2) the aggrieved parties in the cases concerning compensation for the damage incurred through criminal actions, including the cases when the issue of compensation for damage is heard as part of a criminal matter;
- 3) the persons receiving a social allowance under the Republic of Lithuania Law on Cash Social Assistance for Low-Income Families (Single Residents);
- 4) the persons maintained in stationary care institutions;
- 5) the persons who have been established a severe disability or for whom incapacity for work has been recognised or who have reached the pensionable age and for whom the level of considerable special needs has been established, also guardians (custodians) of these persons, where State-guaranteed legal aid is required for the representation and defence of rights and interests of a ward (foster-child);
- 6) the persons who have presented a proof that they cannot dispose of their property and funds for objective reasons and that for these reasons, their property and annual income which they can freely dispose of do not exceed the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid under the Law on State-guaranteed legal aid;
- 7) the persons suffering from serious mental disorders, when issues of their forced hospitalisation and treatment are being considered according to the Republic of Lithuania Law on Mental Health Care, and their guardians (custodians), where State-guaranteed legal aid is required for the representation of rights and interests of a foster-child (ward);
- 8) debtors in execution proceedings, when a recovery is levied against the last housing wherein they reside;
- 9) parents or other legal representatives of minor children, when the issue of their eviction is being considered;
- 10) minor children, when they independently apply to a court for the defence of their rights or interests protected under law in the cases specified by laws, with the exception of those who have entered into a marriage in accordance with the procedure laid down by laws or have been recognised by the court as legal capable (emancipated);
- 11) the persons who it is requested to recognise as legally incapable in the matters concerning recognition of a natural person as legal incapable;
- 12) persons in the matters concerning registration of birth;
- 13) other persons in the matters provided for in treaties of the Republic of Lithuania.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- ☒ Yes
☐ No

If yes, please explain the exact criteria for denying legal aid:

Secondary legal aid shall not be provided where:

- 1) claims of an applicant are manifestly unfounded;
- 2) representation in a matter has no reasonable prospects of success;
- 3) an applicant is claiming non-pecuniary damage related to the protection of his honour and dignity, but has suffered no property damage;
- 4) the application concerns a claim arising directly out of an applicant's trade or self-employed profession;
- 5) an applicant can receive required legal services without resorting to State-guaranteed legal aid;
- 6) an applicant applies with respect to the violation of the rights other than his own, with the exception of the cases of representation under the law;
- 7) the claim for which an application for secondary legal aid is filed has been passed to the applicant for the purpose of receiving State-guaranteed legal aid.
- 8) an applicant abuses State-guaranteed legal aid and his substantive or procedural rights;
- 9) an applicant to whose property and income the second level is established does not agree to pay 50 per cent of the costs of secondary legal aid.

A service shall have the right to refuse to provide secondary legal aid where:

- 1) upon examination of the merits of a request, it establishes that the possible costs of secondary legal aid would significantly exceed the amount of property claims (property interests) of the applicant;
- 2) upon examination of the merits of a request, it establishes that the non-pecuniary claim of the applicant lacks merit;
- 3) it establishes that the applicant is able to independently, without a lawyer's assistance exercise or defend his rights or interests protected under law;
- 4) the applicant is provided secondary legal aid in more than 3 matters.

25) Is the decision to grant or refuse legal aid taken by :

- ☐ the court?
- ☒ an authority external to the court?
- ☐ a mixed decision-making authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- ☒ Yes
- ☐ No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering the questions 20 and 23

Law on state-guaranteed legal aid of the Republic of Lithuania.

Ruling of the Government of the Republic of Lithuania "On the property and income levels for determination of secondary legal aid provision"

Statistical data about provision of state guaranteed legal aid which is being gathered annually by the Ministry of Justice of the Republic of Lithuania.

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- ☐ legal texts (e.g. codes, laws, regulations, etc.)? ☒ Yes http://www3.lrs.lt/dokpaieska/forma_l.htm
Internet address (es):
- ☐ case-law of the higher court/s? ☒ Yes <http://liteko.teismai.lt/viesasprendimupaieska/detalipaieska.aspx?detali=2>
Internet address (es):
- ☐ other documents (e.g. downloadable forms, online registration)? ☒ Yes <http://www.teismai.lt/lt/gyventojams/>; www.teisinepagalba.lt

Comment :

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- ☐ Yes
☒ No

If yes, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- ☒ Yes
☐ No

If yes, please specify:

Prosecutors are obliged to inform victims of crimes about a possibility to receive a compensation from a public fund for victims of crimes. An electronic application form can be found on the official site of the Ministry of Justice:
<http://www.tm.lt/paslaugos/prasymai>.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	No	Yes	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	No	Yes	No
Victims of domestic violence	No	Yes	No
Ethnic minorities	No	Yes	No
Disabled persons	No	Yes	No
Juvenile offenders	No	Yes	No
Other (e.g. victims of human trafficking)	No	No	No

Comment :

According to the Code of Criminal Procedure, Art. 9, the closed hearing may be arranged in cases of criminal acts, where defendants are under the age of 18, also the cases for crimes and misdemeanours against freedom of a person's sexual self-determination and inviolability, other cases where it is necessary to prevent publication the information about the private life of the participants of the process or where the witness or victim to whom anonymity is applied are interrogated.

There is special protection guaranties for children in Code of Criminal Procedure during pretrial investigation as well as during the court hearings (special procedures for interrogation, protection from possible criminal influence, participation of psychologist or other persons in order to protect the child from emotional shock, participation of the legal representatives during the process, etc.).

Additional procedural guaranties for protection in criminal procedure are stipulated for victims/witnesses, to whom the anonimity of partial anonimity is applied.

according to the Code of Criminal Procedure, Art. 8, par. 2, participants of criminal procedure, who do not know lithuanian, have right to give evidence, explanations, applications and complaints, to speak in their native language or other language they know. In all these cases, also when knowledging with the case, participants of the process have a right for translator/interpreter under the regulation of the Code of Criminal Procedure. Documents of the case, which are presented to the suspect, defendant or convicted person, other participants of the process, shall be translated into their native language or other laguage they know (the Code of Criminal Procedure, Art. 8, par.3)

32) Does your country allocate compensation for victims of crime?

☒ Yes

☐ No

If yes, for which kind of offences

The Law on compensation of damages caused by violent crimes determines the compensation of the adjudged property and (or) moral damages caused by violent crimes and compensation of the adjudged property and (or) moral damages caused by violent crimes in advance.

'Violent crime' means an act of the nature of crime within the meaning of the Criminal Code resulting in an intentional killing or serious or moderate human health impairment, or an act of the nature of minor crime, serious crime or very serious crime against human liberty, the right to sexual self-determination or inviolability. An act of the nature of crime within the meaning of the Criminal Code resulting in physical pain to a person, minor injury or temporary health impairment of a person shall not be considered a violent crime. The list of violent crimes causing damage subject to compensation shall be drawn up by a body authorised by the Government of the Republic of Lithuania.

33) If yes, does this compensation consist in:

☒ a public fund?

☐ damages to be paid by the responsible person (decided by a court decision)?

☐ a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

☐ Yes

☒ No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

☒ Yes

☐ No

If yes, please specify:

Under Article 19 of the Law on the Prosecutor's Office upon establishing a violation of the rights and lawful interests of a person, society or the State, the prosecutors shall protect the public interest in the cases and according to the procedure provided for by laws upon the notification, proposal, application or complaint filed by the person, state or municipal institution or agency, or on their own initiative as well as in cases when the officers, employees of other institutions or persons having equivalent status, who are under the obligation to protect the said interest, failed to take any measures to rectify the violation.

Having grounds to believe that the requirements of legal acts have been violated, the prosecutors, when protecting the public interests, have the following powers:

- 1) to lay an action, file a statement or an application;
- 2) to request from persons production of documents and information;
- 3) to task the heads and officials of state institutions, agencies to carry out inspections and audits;
- 4) to summon persons and receive their explanations;
- 5) to take part in the court hearing of civil cases, civil actions entered by the prosecutor in criminal proceedings, administrative proceedings and appeal against the court judgements, rulings and decisions handed down in the proceedings;
- 6) to pass resolutions regarding the eviction of natural persons;
- 7) to issue a warning to a state official, a public servant or a person equal in status to them not to commit violations of law;
- 8) to pass a decision requesting an official inspection of activities of a state official, public servant or a person equal in status to them be conducted and submit a proposal to take a disciplinary or an administrative action against the said persons;
- 9) to render a decision to refer the investigation materials for examination according to the administrative procedure, where pre-trial investigation has been terminated but there is evidence of an administrative offence committed by the person.

In the cases specified in the Code of Criminal Procedure, the prosecutors may request by a decision to initiate criminal proceedings.

Acting in the protection of the public interest, the prosecutors who prosecute on behalf of the State file a civil action, provided it has not been filed, if damage has been caused by a criminal act to the State or a person who, because of his minority, illness, dependence on the accused or due to other reasons is unable to defend his rights or legitimate interests in court.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- ☒ Yes
- ☐ No
- ☐ NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

Under the Code of Criminal Procedure, Art. 168, the appeal for the the decision of inspector of pretrial investigation to refuse to begin the pretrial investigation can be provided to the prosecutor, and the decision of the prosecutor - to the judge of pretrial investigation. If the prosecutor does not abrogate the decision to refuse to begin the pretrial investigation, his decision can be appelaed to the judge of pretrial investigation. The decision of the judge of pretrial investigation can be appealed to the regional court under the regulation set out in the Code of Criminal Procedure.

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- ☒ excessive length of proceedings?
- ☐ non execution of court decisions?
- ☒ wrongful arrest?
- ☒ wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

Under the Civil Code and the Law on the Compensation of the Harm Caused by Illegal Actions of Public Authorities and Representation of the State the damage resulting from the unlawful condemnation, unlawful arrest, unlawful detention, unlawful application of procedural coercive measures, illegal application of administrative penalty – arrest has to be reimbursed by the state in full, regardless of pre-trial investigation officers, prosecutors and court officials' fault.

Compensations for unlawful arrest and unlawful condemnation are paid from separate budgetary program on compensation of damages operated by the Ministry of Justice. These compensations may be paid according to court decisions on damages as well as through out-of-court procedure.

Damages can be compensated after court trial and without court trial (the property damage may be no exceed 5 000 litas (1448,1 euros), the moral damage may be no exceed 10 000 litas (2896,2 Euros)).

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- ☒ (Satisfaction) surveys aimed at judges
- ☐ (Satisfaction) surveys aimed at court staff
- ☒ (Satisfaction) surveys aimed at public prosecutors
- ☐ (Satisfaction) surveys aimed at lawyers
- ☐ (Satisfaction) surveys aimed at the parties
- ☐ (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- ☐ (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Survey agency "Vilmorus" every month are calculating ratings of various public institutions, e. g. Parliament, Government, political parties, Church, courts, prosecutor office, police.

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	Yes	No
Surveys at court level	No	No

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the treatment of a case by a judge or the duration of a proceeding)?

- ☒ Yes
- ☐ No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	Yes	Yes	No
Ministry of Justice	No	No	No
High Council of the Judiciary	Yes	Yes	No
Other external bodies (e.g. Ombudsman)	Yes	Yes	No

Comment :

Other external bodies – National Courts Administration.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	59
42.2 First instance specialised Courts (legal entities)	5
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	67

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	5
Commercial courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Administrative courts	5
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

☐ Yes

☒ No

If yes, please specify:

On December 31, 2010, there was a project of Seimas decision on the restructurization of several courts (joining) in Seimas of the Republic of Lithuania pending.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	54
a dismissal	59
a robbery	54

Please give the definition for small claims and indicate the monetary value of a small claim:

Under the Code of Civil Procedure, Art. 308, small claims where considered as claims, where the sum di not exceed 250 litas (72,41 Euros).

Please indicate the sources for answering questions 42, 43 and 45:

The Constitution, the Law on Courts, the Code of Civil Procedure.

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010)

(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	767	324	443
1. Number of first instance professional judges	636	221	415
2. Number of second instance (court of appeal) professional judges	94	74	20
3. Number of supreme court professional judges	37	29	8

Comment :

The regional courts of Lithuania have both the functions of first instance courts as well as of court of appeal. Therefore the number of judges in these courts (158) were put in 1 section.

In should be pointed out, that the Supreme Administrative Court has not only the function of appeal, but also forms the practice of administrative courts. Nevertheless, the number of its judges (16) is included in the number of the judges of the court of appeals.

Figure 7.3. The increase of the number of judges from 2008 may be explained by the filling existing free places for judges, i.e. there was some increase in number of working judges, not in the number of judges set for the courts of Lithuania.(cf CN 12/07)

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	67	39	28
1. Number of first instance court presidents	64	36	28
2. Number of second instance (court of appeal) court presidents	2	2	0
3. Number of supreme court presidents	1	1	0

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure

NAP

50) Does your judicial system include trial by jury with the participation of citizens?

☐ Yes

☒ No

If yes, for which type of case(s)?

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	<input type="checkbox"/> Yes	2489
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal		NAP
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	1211
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> Yes	704
4. Technical staff	<input checked="" type="checkbox"/> Yes	426
5. Other non-judge staff	<input checked="" type="checkbox"/> Yes	148

Comment :

Staff in charge of different administrative tasks – chancellors and their support, advisors of the chairman of the court, financiers, secretaries of administration of the courts, IT specialists, accountants, etc.

Technical staff - employees working under labour agreements, i.e. cleaners, drivers, etc..

Other – other helping staff (civil servants and working under the labour agreement).

Q52#2#4 : The number of non-judicial staff was taken from the line of "Staff in charge of different administrative tasks and of the management of the courts", since 2010 there already were 6 chancellors in Lithuania, who under the legislation, are responsible for the administrative tasks.

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

☒ Yes

☐ No

If yes, please specify:

Several courts have delegated cleaning and security services to private providers, but this is rather an exception.

C.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

National Courts Administration.

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	834	475	359
1. Number of prosecutors at first instance level	560	310	250
2. Number of prosecutors at second instance (court of appeal) level	182	112	70
3. Number of prosecutors at supreme court level	92	53	39

Comment :

Information of this table is given regarding 2010 database. Number of prosecutors at supreme court level is equal to number of prosecutors at the Prosecutor General's Office.

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	61	NA	NA
1. Number of heads of prosecution offices at first instance level	51	NA	NA
2. Number of heads of prosecution offices at second instance (court of appeal) level	5	5	0
3. Number of heads of prosecution offices at supreme court level	5	3	2

Comment :

57) Do other persons have similar duties to public prosecutors?

☐ Yes

☒ No

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

☐ Yes

☐ No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

☒ Yes

775

C.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Q60 : As specified in the Annual Activity Reports of the Prosecutor's Office of the Republic of Lithuania, the number of public servants and other employees within Lithuanian Prosecution Service was as follows:

In 2008 public servants were not included into the number (in 2008 there were 300 public servants and 557 other employees and in 2010 there were 229 public servants and 546,5 other employees within the Lithuanian Prosecution Service).

Please indicate the sources for answering questions 55, 56 and 60

General Prosecutors Office.

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	No	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	Yes	Yes

Comment :

Court president may delegate some of his functions to other employees. Nevertheless, he is responsible for all the matters, related to the court budget within the court.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts

Court management information system	+50% of courts
Financial information system	100% of courts
Videoconferencing	+50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	+50% of courts
Electronic registers	100% of courts
Electronic processing of small claims	100% of courts
Electronic processing of undisputed debt recovery	-10% of courts
Electronic submission of claims	+50% of courts
Videoconferencing	+50% of courts
Other electronic communication facilities	+50% of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	No	No	Yes

Comment :

C.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

3. 2. Performance and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

☒ Yes

☐ No

If yes, please indicate the name and the address of this institution:

National Courts Administration, L. Sapiegos st. 15, Vilnius.

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

☒ Yes

☐ No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- ☒ number of incoming cases?
- ☒ number of decisions delivered?
- ☒ number of postponed cases?
- ☒ length of proceedings (timeframes)?
- ☒ other?

If other, please specify:

Courts Information System (LITEKO).

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- ☒ Yes
- ☐ No

Please specify:

For example, National Courts Administration (NCA) performs the analysis of the work load in courts, as well as the overviews of cases the hearings of which were prolonged longer than a year.

According to Article 104 of the Law on Courts the supervision of administrative activities of courts is performed: 1) of district courts - by the Chairman of the relevant regional court; 2) of regional administrative courts - by the Chairman of the Supreme Administrative Court; 3) of regional courts - by the Chairman of the Court of Appeals. The supervision of the administrative activity covers: 1) measures ensuring the transparency and reasonable time of the hearing: inspection of unjustifiably lengthy instances of the proceedings, supervision of the compliance with the procedure for the preparation of cases for judicial proceedings, for accepting and sending claims, appeals and applications, investigation of grievances the object whereof does not relate to the administration of justice, supervision of the procedure for distribution of cases; 2) measures guaranteeing high professional ethics of the officials and ensuring the effectiveness of the activities of judges and the staff of courts: supervision of the compliance with the professional ethics of judges and the staff of courts, effective use of the work hours of judges and judicial staff, administrative activities of the mortgage units; 3) work of the records office of the court: inspection of the organisational work of the records office of the court, proper compliance with the instructions and legal acts regulating the work of the records office of the court, procedure of compiling registration books and other documents, administration of the archives, maintenance of work conditions, the level of the vocational training of the clerical staff, proper storing and management of material evidence.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- ☒ Yes
- ☐ No

71) Please select the 4 main performance and quality indicators that have been defined:

- ☒ incoming cases
- ☒ length of proceedings (timeframes)
- ☐ closed cases
- ☒ pending cases and backlogs
- ☒ productivity of judges and court staff
- ☐ percentage of cases that are processed by a single sitting judge
- ☐ enforcement of penal decisions
- ☐ satisfaction of court staff

- ☐ satisfaction of users (regarding the services delivered by the courts)
- ☐ judicial quality and organisational quality of the courts
- ☐ costs of the judicial procedures
- ☐ other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- ☒ Yes
- ☐ No

73) Who is responsible for setting the targets for each judge?

- ☐ executive power (for example the ministry of Justice)?
- ☒ legislative power
- ☒ judicial power (for example a High Judicial Council or a Higher Court)
- ☐ other

If other, please specify:

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- ☒ Yes
- ☐ No

75) Who is responsible for setting the targets for the courts?:

- ☐ executive power (for example the ministry of Justice)?
- ☒ legislative power
- ☒ judicial power (for example a High Judicial Council, Higher Court)
- ☐ other

If other, please specify:

76) Please specify the main targets applied to the courts:

Functions of the court administration.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- ☐ High Council of judiciary
- ☐ Ministry of justice
- ☐ inspection authority
- ☐ Supreme Court
- ☐ external audit body
- ☒ other

If other, please specify:

The Judicial Council resolves issues concerning the performances of the courts according to Article 120, Part 20 of the Law on Courts.

78) Are quality standards determined for the whole judicial system (are there quality systems for the

judiciary and/or judicial quality policies)?

- ☐ Yes
☒ No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- ☐ Yes
☒ No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- ☒ in civil law cases
☒ in criminal law cases
☒ in administrative law cases

81) Do you monitor waiting time during court procedures?

- ☒ Yes
☐ No

If yes, please specify:

National Courts Administration analyses the reasons of the prolonged hearings of cases. According to Article 104 of the Law on Courts the supervision of administrative activities of courts is performed: 1) of district courts - by the Chairman of the relevant regional court; 2) of regional administrative courts - by the Chairman of the Supreme Administrative Court; 3) of regional courts - by the Chairman of the Court of Appeals; 4) of all courts - by the Judicial Council (from 31 December, 2010).

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- ☒ Yes
☐ No

Please specify the frequency of the evaluation:

In supervising the administrative activities of lower courts, every court of higher jurisdiction, (which is responsible for supervising administrative activities of courts within its jurisdiction) draws up an annual plan of supervision of administrative activities of courts. The Regulations on Administration in Courts (12.3 point) establish that the planned complex investigation of administrative activities of a court (judges) has to be done not less than once in 5 years.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- ☒ Yes
☐ No

If yes, please give further details:

The Prosecutor General shall be appointed for a term of seven years and dismissed from office by the President of the Republic with the approval of the Seimas. Deputies of the Prosecutor General shall be appointed for a term of seven years and dismissed from office by the President of the Republic upon the nomination of the Seimas. The Prosecutor General shall be accountable for his activities to the President of the Republic and the Seimas of the Republic of Lithuania. The Seimas of the Republic of Lithuania shall set the priorities for the activities of the prosecutor's office and exercise parliamentary control over the activities. The Prosecutor General shall submit information about the prosecutor's office to the Government of the Republic of Lithuania and the public. Procedural actions of prosecutors shall be controlled by the superior prosecutor and the court. The superior prosecutor shall establish violations of procedural laws and reverse unlawful decisions. The economic and financial activities of the Office of the Prosecutor General, territorial offices of prosecutors shall be controlled by the Prosecutor General (the prosecutors authorised by him), the State Control and other authorised state institutions. According to the articles 206, 209 and 213 of the Statute of the Seimas, the Prosecutor General must also account to the Seimas for his/her respective activities in general procedure.

C.4

You can indicate below:

- **any useful comments for interpreting the data mentioned in this chapter**
- **the characteristics of your court monitoring and evaluation systems**

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

☒ Yes

☐ No

If possible, number of successful challenges (in a year):

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	2	1
Civil proceedings - Article 6§1 (non-execution)	NA	NA	2	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	2	1

Please indicate the sources:

Ministry of Justice.

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

☒ civil cases?

☒ criminal cases?

☒ administrative cases?

☐ there is no specific procedure

If yes, please specify:

For instance, a court may impose in civil case provisional safeguards basing on a reasonable request of the interested person filed in writing even before the date of a claim lodging to the court. A person requesting for imposition of provisional safeguards must provide the court with proofs of certain danger to claimant's property interests. In criminal cases there are provisional measures and other procedural measures that can be applied quite rapidly. For this reason, pre-trial investigation judges have working hours even in weekends, thus allowing speedy decisions, e. g. on detention of suspects, on sanctioning of real-time monitoring of telecommunications or other electronic data, etc.

Shorter than common period of two months is set in administrative cases concerning breaches of laws regulating elective or referendum relations.

88) Are there simplified procedures for:

- ☒ civil cases (small disputes)?
- ☒ criminal cases (small offences)?
- ☐ administrative cases?
- ☐ there is no simplified procedure

If yes, please specify:

Civil cases concerning the adjudgment of amounts of money not exceeding 1000 litas (~ 290 euros) shall be heard pursuant to the general rules of contentious proceedings except the exceptions provided in the law, regulating civil procedure. The court hearing such a case shall be entitled to itself decide by what form and procedure to hear the case. The case shall be heard by oral proceedings if at least one of the parties requests it.

In criminal cases there are several possibilities for shortened procedure:

- Discontinuation of the case, if the person admits guilt and there are other grounds for release him from criminal liability (e.g. reconciliation with the victim of crime, under warrant, etc.).
- Procedure of penal order, if the sanction allows imposition of criminal fine.
- Expedited proceedings, if the circumstances of the case are clear and defendant does not request for more time to prepare for his defense

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- ☒ Yes
- ☐ No

If yes, please specify:

Civil cases concerning the adjudgment of amounts of money not exceeding 1000 Litass (~ 290 Euros) could be heard by courts in oral or written proceedings. Court and litigants should agree on this.

Documents in civil cases can be presented to court (and vice versus) in electronic form if the court has made an agreement with litigants (except the final decision).

4. 2. 2. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	40 239	297 765	317 205	37 645
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	34 894	201 585	205 423	31 056
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc.	NA	NA	51 406	NA

(if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*				
3. Enforcement cases	NA	NA	16 846	NA
4. Land registry cases**	NA	NA	NA	NA
5. Business register cases**	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	1 536	7 681	6 411	2 806
7. Other cases (e.g. insolvency registry cases)	3 809	88 499	88 525	3 783

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

93) If "other cases", please indicate the case categories included:

Cases of administrative offence.

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	4 670	18 014	17 669	5 015
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and / or minor offences cases	NA	NA	NA	NA

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

In Lithuania the statistical data on caseload and its classification is made according to the specific regulations and are mainly based on the institutes of Civil, Criminal Codes and the codes of Civil and Criminal procedures, as well as the Code of Administrative Offences and the law on Administrative procedure. Therefore some of the types of cases are unavailable because there is no such classification while making statistical reports.

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	6 024	20 039	17 061	9 002
1. Civil (and commercial) litigious cases (if feasible)	3 693	12 971	10 930	5 734

without administrative law cases, see category 6)*				
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NA	NA	NA	NA
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	1 658	2 673	1 706	2 625
7. Other cases (e.g. insolvency registry cases)	673	4 395	4 425	643

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	860	8 829	8 656	1 033
8. Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	124	662	564	222
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	124	662	564	222
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NA	NA	NA	NA
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
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Total criminal cases (8+9)	186	605	629	162
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	1 107	7 817	8 017	907
Employment dismissal cases	380	637	752	265
Robbery cases	454	1 003	1 066	391
Intentional homicide	129	245	239	135

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

Divorce on the basis of the fault of one or both of the spouses;
 Divorce on the application of one of the spouses;
 Divorce by the mutual consent of the spouses

104) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

The length of proceedings is calculated from the receiving the procedural documents in the court until the decision of the court.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- ☒ to conduct or supervise police investigation
- ☒ to conduct investigations
- ☒ when necessary, to demand investigation measures from the judge
- ☒ to charge
- ☒ to present the case in the court
- ☒ to propose a sentence to the judge
- ☒ to appeal
- ☒ to supervise enforcement procedure
- ☒ to discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- ☐ to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- ☐ other significant powers

If "other significant powers", please specify:

106) Does the public prosecutor also have a role in civil and/or administrative cases?

☒ Yes

☐ No

If yes, please specify:

Acting in the defence of the public interest, prosecutors who prosecute on behalf of the State shall file a civil action, provided it has not been filed, if damage has been caused by a criminal act to the State or a person who, because of his minority, illness, dependence on the accused or due to other reasons is unable to defend his rights or legitimate interests in the court.

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	16 481	67 797	NA	11 609

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	NA
1. Discontinued by the public prosecutor because the offender could not be identified	NA
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor for reasons of opportunity	NA

109) Do the figures include traffic offence cases?

☐ Yes

☒ No

D.2

You can indicate below:

☐ any useful comments for interpreting the data mentioned in this chapter

☐ the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Q91#1#1 : The increase of such cases was noticed due to the financial situation of 2009-2010, when a lot of litigants turned to courts in order to secure their financial interests. Such amount of new incoming cases also determined the bigger workload of the judges and all the judicial staff.

Comment to Q91 and Figure 9.14. Issues related to land registering are managed by The Real Property Register and Cadastre. (cf CN 12/07)

Q94#1#1 : More cases were brought to courts by prosecutors.

Q94#4#1 : More cases were brought to courts, i.e. the increase is because of increase of all upcoming cases.

Q97#1#1 : More cases were brought to courts, i.e. the increase is because of increase of all upcoming cases.

Q97#3#1 : More cases were brought to courts, i.e. the increase is because of increase of all upcoming cases.

Q98#2#1 : More cases were brought to courts, i.e. the increase is because of increase of all upcoming cases.

Q98#3#1 : More cases were brought to courts, i.e. the increase is because of increase of all upcoming cases.

Q100#1#1 : More cases were brought to courts, i.e. the increase is because of increase of all upcoming cases.

Q100#3#1 : More cases were brought to courts, i.e. the increase is because of increase of all upcoming cases.

Q100#4#1 : More cases were brought to courts, i.e. the increase is because of increase of all upcoming cases.

Q107#1#1 : Based on the data provided by the Management Division of the Prosecutor General's Office of the Republic of Lithuania it should be noted that the total number of cases submitted to the court increased between 2008 and 2010: 15089 cases in 2008, 16158 cases in 2009, 16481 cases in 2010. It should be noted that the number of pre-trial investigations conducted by the Prosecutor's Office decreased from 277 in 2008 to 229 in 2010, but the number of pre-trial investigations conducted by the pre-trial investigation agencies increased.

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Relevant information available at National Courts Administration and the Prosecution Service.

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- ☐ Mainly through a competitive exam (for instance, following a university degree in law)
- ☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☒ A combination of both (competitive exam and working experience)
- ☐ Other

If other, please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- ☐ An authority made up of judges only?
- ☐ An authority made up of non-judges only?
- ☒ An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Justices of the Supreme Court as well as its President chosen from among them shall be appointed and dismissed by the Seimas upon the submission of the President of the Republic of Lithuania.

Judges of the Court of Appeal as well as its President chosen from among them shall be appointed by the President of the Republic upon the assent of the Seimas.

Judges and presidents of district, regional, and specialised courts shall be appointed, and their places of work shall be changed by the President of the Republic.

A special institution of judges provided for by law - Judicial council - shall advise the President of the Republic on the appointment, promotion, transfer of judges, or their dismissal from office.

The President of the Republic composes the Selection Commission of Candidates to Judicial Office (Selection commission), settles the work order of this commission and criteria of the selection of the candidates to judicial office in order to solve question regarding selection of candidates to the vacant positions in district courts. Conclusions of the Selection commission are given over to the President of the Republic, but they do not oblige the President (they are recommendatory). The President of the Republic before the appointing the person as a judge or before the promotion of the judge according to the Constitution should appeal to the special judicial institution – Judicial Council – which is an executive body of the self-governance of courts ensuring the independence of courts and judges.

112) Is the same authority competent for the promotion of judges?

- ☒ Yes
- ☐ No

If no, which authority is competent for the promotion of judges ?

113) Which procedures and criteria are used for promoting judges? Please specify.

The career of the judges is regulated by the Law on Courts and the regulations of the Judicial Council on Entering the candidates in the register of persons seeking judicial promotion, Regulations of the Selection of Candidates for Judicial Appointments, the Assessment Criteria for Candidates for Judicial Office, the Regulations of Selection of the Persons Seeking Promotion in Judicial Office and the Assessment Criteria for Persons Seeking Promotion in Judicial Office.

Article 65 of the Law on Courts: Register of Persons Seeking Promotion in Judicial Office

1. A person seeking judicial office at a court of a higher level shall be included in the register of persons seeking judicial office. A judge who wishes to be moved to another court of the same level or another jurisdiction of the same level shall be included in the database of judges wishing to be moved to another court of the same level or another jurisdiction of the same level database. A judge who is seeking a career in the courts of the same level shall be included in the database of the judges seeking a career in the courts of the same level.
2. The register of persons seeking judicial office, the databases of personal files of persons seeking judicial office at a court of a higher level shall be administered by the National Courts Administration.
3. The procedure of including persons in the register of persons seeking judicial office and databases mentioned in the 1 section of this Article shall be approved by the Judicial Council.
4. The National Courts Administration shall communicate the information about the persons who have been included in the register of persons seeking judicial office and databases mentioned in the 1 section of this Article to the President of the Republic of Lithuania and the Judicial Council.

Article 66 of the Law on Courts: Requirements for a Person Seeking Judicial Office at the Regional Administrative Court or the Regional Court

A judge entered in the register of persons seeking promotion in judicial office, of at least five years standing as a judge of a district court as well as a person having Doctor's or Habil. Doctor's of Social Sciences (Law) degree and of at least five years' standing as a university lecturer in law who has submitted a health certificate may be appointed a judge of a regional administrative court or a regional court.

Article 67 of the Law on Courts: Requirements for a Person Seeking Judicial Office at the Supreme Administrative Court or the Court of Appeals

1. A judge entered in the register of persons seeking promotion in judicial office, of at least four years' standing as a judge of a regional administrative court or a regional court as well as a person having a Doctor's or Habil. Doctor's of Social Sciences (Law) degree and of at least eight years' standing as a legal academic, who has submitted a health certificate, may be appointed a judge of the Supreme Administrative Court or the Court of Appeals.
2. A judge of the Court of Appeals may be appointed a judge of the Supreme Administrative Court, and a judge of the Supreme Administrative Court may be appointed a judge of the Court of Appeals irrespective of the length of service at the Court of Appeals or at the Supreme Administrative Court.

Article 68 of the Law on Courts: Requirements for a Person Seeking Judicial Office at the Supreme Court

A judicial office of the Supreme Court may be filled by:

- 1) a judge of a regional administrative court, a judge of a regional court of at least eight years' standing as a judge at any of these courts;
- 2) a judge of the Supreme Administrative Court and a judge of the Court of Appeals of at least five years' standing as a judge at any of these courts;
- 3) a person having a Doctor's or Habil. Doctor's of Social Sciences (Law) degree of at least 15 years' standing as a legal academic who has submitted a health certificate.

Article 69-1 of the Law on Courts: Selection of Persons Seeking Promotion in Judicial Office

1. Selection of persons seeking promotion in judicial office to be appointed to judicial vacancies shall be held in accordance with the Regulations of Selection of Persons Seeking Promotion in Judicial Office which shall be approved by the Judicial Council. When selecting persons seeking promotion in judicial office, the quality of work in judicial office, professional and personal qualities, organisational abilities and priority advantages of each applicant shall be assessed. The criteria for the assessment of persons seeking promotion in judicial office shall be determined by the Judicial Council.
2. When or Habil. Doctors of Social Sciences (Law) seek judicial office at a regional administrative court, a regional court, the Supreme Administrative Court and the Court of Appeals, only their personal qualities and general abilities shall be assessed.
3. The persons seeking promotion in judicial office shall be selected by the Selection Commission referred to in paragraph 1 of Article 55-1 of this Law. The requirements set out in paragraphs 3 and 4 of Article 55-1 of this Law shall be applied during the selection of persons seeking promotion in judicial office.

Article 55-1 of the Law on Courts: Selection of Candidates for Judicial Vacancies and the Selection Commission

Note. 1 section with effect from 2012 January 1

2. The meeting of the Selection Commission shall be valid if attended by at least five members of the Commission. The decisions shall be adopted by the majority vote of all the Commission members.
3. Selection of candidates to judicial vacancies at a district court shall be announced and organised according to the procedure established by the President of the Republic by the Office of the President of the Republic and the National Courts Administration. The selection and organization procedure, harmonized by the Judicial Council, is approved by the President of the Republic.
4. Selection of candidates to judicial vacancies at a district court may be started when judicial vacancy at a district court emerges unexpectedly or at least 6 months before the planned emergence of a judicial vacancy at a district court.
5. Preference to the judicial vacancy at a district court and emergence of vacancies at a district court have judges seeking to be appointed to another court according to the procedure established in Article 64 of this Law or the former judge seeking to be appointed according to the procedure established in Article 61 of this Law. If where are not such candidates, according to the procedure established in the 3 section of this Article, in the selection process, participate the judges seeking to be appointed to another court according to the procedure established by Article 63 and the candidates to judges.
6. During the selection the Selection Commission shall examine the documents of the candidates to judicial vacancies at a district court and afterwards the selection will be oral (the interview). During the interview with each candidate to judicial vacancies at a district court participating in the selection the Selection Commission shall establish which candidates to judicial vacancies at a district court are most suitable to be district court judges and shall submit to the President of the Republic their conclusion about the candidates to judicial vacancies at a district court.

7. When selecting the candidates to judicial vacancies at a district court the professional knowledge and skills, the capacity to apply in practice theoretical knowledge and skills, the length of service as a judge, other quantitative and qualitative indicators of legal activity, observance of ethical requirements in professional and other activities, scientific and pedagogical work of every candidate shall be evaluated, in addition the opinion of the court where the judge works and where he is a candidate may be taken into account.
8. In its conclusion about the judicial vacancies at district courts the Selection Commission shall indicate to the President of the Republic one or several persons who are most suitable to be district court judges.
9. If the candidates to the judicial vacancies at district courts disagree with the conclusions of the Selection Commission, within 10 days of the Selection Commission meeting they have a right to inform the President of the Republic with the motivated letter.
10. The conclusions of the Selection Commission concerning the candidates to judicial vacancies at the district court shall not be binding to the President of the Republic.

114) Is there a system of qualitative individual assessment of the judges' activity?

- ☒ Yes
- ☐ No

115) Is the status of prosecution services:

- ☒ Indépendant?
- ☐ Under the authority of the Minister of justice ?
- ☐ Other?

Please specify:

When performing his functions, a prosecutor shall be independent and obey only the Constitution and laws of the Republic of Lithuania

116) How are public prosecutors recruited?

- ☐ Mainly through a competitive exam (for instance, following a university degree in law)
- ☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☒ A combination of both (competitive exam and working experience)
- ☐ Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- ☐ An authority composed of public prosecutors only?
- ☐ An authority composed of non-public prosecutors only?
- ☒ An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

1. The Candidates' Examination Commission – verifies whether Candidates examinations results reach the required level; 2. The Candidates' Selection Commission – gives provisions for Candidates.

118) Is the same authority formally responsible for the promotion of public prosecutors?

- ☐ Yes
- ☒ No

If no, please specify which authority is competent for promoting public prosecutors:

President of the Republic of Lithuania, Prosecutor General

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Prosecutors' Promotion

1. The prosecutor seeking promotion shall be, with his consent and based on the conclusion of the Performance Evaluation Commission, entered in the list of the prosecutors seeking promotion. A prosecutor who is on the list shall have priority in being appointed to a senior position.
2. The list of the prosecutors seeking promotion shall be handled at the Office of the Prosecutor General following the procedure prescribed by the Prosecutor General.
3. The person appointed to the position of the chief prosecutor for a five year term of office shall have a required record of service as the prosecutor and shall have his Professional knowledge and administrative capacities approved by the Performance Evaluation Commission.
4. Upon the termination of the five year term of office in the appointive position, the chief prosecutor may be re-appointed based on the conclusion of the Performance Evaluation Commission.
5. A person appointed to the positions of the chief prosecutor (deputy chief prosecutor) of the department (division) of the Office of the Prosecutor General and of the chief regional prosecutor (deputy chief regional prosecutor) shall have an at least 7-year record of service as the prosecutor or judge, provided that he has an at least 2-year record of service as the prosecutor at the Office of the Prosecutor General, regional prosecutor's office, as chief prosecutor of the district prosecutor's office (deputy chief prosecutor of the district prosecutor's office), or a record of service in the judicial office at the regional court, regional administrative court, the Constitutional Court of the Republic of Lithuania, the Supreme Court of Lithuania, the Court of Appeals of Lithuania or the Supreme Administrative Court of Lithuania or, for persons having academic degrees of Doctor of Doctor Habil. in Social Sciences (Law), the academic record of service of at least 7 years.
6. The person appointed to the position of the prosecutor of the Office of the Prosecutor General, chief prosecutor of a structural unit of the regional prosecutor's office (his deputy), district chief prosecutor (his deputy) shall have an at least 5-year record of service as the prosecutor or judge or, for persons having academic degrees of Doctor or Doctor Habil. In Social Sciences (Law), the academic record of service of at least seven years.
7. The person appointed to the position of the prosecutor of the regional prosecutor's office, chief prosecutor of a structural unit of the district prosecutor's office (his deputy) shall have an at least 3-year record of service as the prosecutor or of service in judicial office, or he shall be a person having academic degrees of Doctor or Doctor Habil. in Social Sciences (Law) with the academic record of service of at least three years.
8. The prosecutors who have effective service-related penalties shall not be eligible for promotion.

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?☒ Yes☐ No**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**☒ Yes☐ No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

The judge shall be dismissed in the following cases:

- 1) upon his resignation;
- 2) when his term of office expires or when he reaches the retirement age under law;
- 3) by reason of health;
- 4) when the judge has been elected to another post or when he has been transferred to another job subject to his consent;
- 5) when he engages in conduct discrediting the office of judge;
- 6) when a judgement of his conviction becomes effective.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?☒ Yes☐ No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

1. A prosecutor shall be dismissed from service in the following cases:
 - 1) upon resignation;
 - 2) he has been imposed a service-related penalty – dismissal;
 - 3) a court judgement of conviction becomes effective;
 - 4) he loses citizenship of the Republic of Lithuania;
 - 5) he fails to withdraw from the activities of political parties or political organisations, or otherwise violates the requirements of paragraph 2 of Article 21 of this Law;
 - 6) he objects to being transferred to a lower position due to the imposition of a service-related penalty;
 - 7) his position is abolished due to changes in the organisation of work of the public prosecutor's office and he objects to another position offered to him or there is no position that could be offered to him;
 - 8) he is not suitable to serve as a prosecutor (based on the conclusion of the medical commission);
 - 9) he is not suitable for the office on the basis of the conclusion of the Performance Evaluation Commission;
 - 10) if any circumstance becomes known why the person could not have been admitted to service at the public prosecutor's office and appointed to a prosecutor's post;
 - 11) he resigns after becoming entitled to a state pension of officers and servicemen;
 - 12) he reaches 65 years of age;
 - 13) he objects to being transferred to another position at the expiry of the appointment.
2. A prosecutor may be dismissed from service if:
 - 1) he breaks the oath by his conduct;
 - 2) he is found guilty of misconduct in office, although the imposed service-related penalty has not yet expired.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	2

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

- ☐ Yes
☒ No

Please indicate the length of the mandate in years:

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

NAP

E.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge	Optional

for economic or administrative issues)	
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Annual
In-service training for the use of computer facilities in courts	Regular (e.g. every 3 months)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).

If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	Yes
One institution for prosecutors	No	No	Yes
One single institution for both judges and prosecutors	No	No	No

Comment :

For judges - 234 882 EUR.

For prosecutors - 3302 EUR.

Q127: judges are to increase their qualification every 5 years. There are provided trainings for specializations and for management functions. Latter trainings are compulsory to the judges who become chairmen for the first time.
(cf CN 05/07)

E.2

You can indicate below:

- **any useful comments for interpreting the data mentioned in this chapter**
- **comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court**
- **the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years**

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	18 072	13 728
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	24 444	18 576
Public prosecutor at the beginning of his/her career	12 529	9 522
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	22 333	16 975

Comment :

The average salary of prosecutors at the beginning of his/her career and prosecutors of the Highest Appellate Instance calculated on the basis of the selection method of accounting data.

Q132#2#3 : Based on the data provided by the Financial and Accounting Division of the Prosecutor General's Office of the Republic of Lithuania under No. B-1 (annual), the average annual salary of Prosecutors varied in between 2008 and 2010 depending on the economic situation of the state. After the adoption of the Law on Wages for State Politicians, Judges and State Officials, the salaries of Prosecutors were decreased in 2009.

133) Do judges and public prosecutors have the following additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	No	No
Other financial benefit	No	No

134) If other financial benefit, please specify:

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching		

	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	Yes	Yes

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

It is allowed for the prosecutor to execute other functions with or without remuneration if he or she according to law is delegated to the institution of the European Union or international organization.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

☐ Yes

☒ No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- ☒ Citizens
- ☒ Relevant Court or hierarchical superior
- ☒ High Court / Supreme Court
- ☒ High Judicial Council
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Parliament
- ☐ Executive power
- ☐ Other?
- ☐ This is not possible

If "executive power" and/or "other", please specify:

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- ☐ Citizens
☒ Head of the organisational unit or hierarchical superior public prosecutor
☒ Prosecutor General /State public prosecutor
☐ Public prosecutorial Council (and Judicial Council)
☐ Disciplinary court or body
☐ Ombudsman
☐ Professional body
☐ Executive power
☐ Other?
☐ This is not possible

If "executive power" and/or "other", please specify:

142) Which authority has disciplinary power on judges? (multiple options possible):

- ☐ Court
☐ Higher Court / Supreme Court
☐ Judicial Council
☐ Disciplinary court or body
☐ Ombudsman
☐ Parliament
☐ Executive power
☒ Other?

If "executive power" and/or "other", please specify:

The Judicial Court of Honour.

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- ☐ Supreme Court
☐ Head of the organisational unit or hierarchical superior public prosecutor
☒ Prosecutor General /State public prosecutor
☐ Public prosecutorial Council (and Judicial Council)
☐ Disciplinary court or body
☐ Ombudsman
☐ Professional body
☐ Executive power
☐ Other?

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	41	33
1. Breach of	9	NA

professional ethics		
2. Professional inadequacy	16	NA
3. Criminal offence	NA	NA
4. Other	16	NA

Comment :

In case of prosecutors 2 other cases were initiated because of the breach of other law.

Q144#1#1 : More proceedings were initiated because more claims were received. Probably, the courts became more open, litigants know more about possibility to make claims on the basis of ethical issues and judges themselves become more strictly interpret the requirements of ethics.

Question 144#1#5 : "Other" = 15 administrative offences (since July 17, 2008 these offences are revised by courts, not prosecutors) and 1 other breaches of law.

Q144#2#1 : 33 disciplinary proceedings were initiated and conducted against prosecutors in 2010 and 20 prosecutors were punished (as indicated in the evaluation scheme for 2008-2010). But nevertheless the data for kinds of initiations is not available (only for the punishments).

The changes in numbers show that heads of the departments of prosecutors offices more objectively and with higher competence evaluate the activities of the prosecutors. Concluding, all the information relating prosecutors in 2010 on this question is NA (if indicating initiations of procedure)

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	11	20
1. Reprimand	6	4
2. Suspension	NAP	0
3. Removal of cases	NAP	0
4. Fine	NAP	0
5. Temporary reduction of salary	NAP	0
6. Position downgrade	NAP	3
7. Transfer to another geographical (court) location	NAP	1
8. Resignation	1	1
9. Other	4	11

Comment :

Q145 : As specified in the Annual Activity Reports of the Prosecutor's Office of the Republic of Lithuania the following should be noted:

41 disciplinary proceedings initiated and conducted against Prosecutors in 2008 resulted in 11 disciplinary sanctions, including:

6 reprimands

1 resignation

4 other (admonitions).

33 disciplinary proceedings initiated and conducted against Prosecutors in 2010 resulted in 20 disciplinary sanctions, including:

4 reprimands;

3 position downgrades;

1 transfer to another location;

1 resignation;

11 other (admonitions).

E.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

National Courts Administration.

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

1 660

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

☐ Yes

☒ No

148) Number of legal advisors who cannot represent their clients in court:

NAP

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- ☐ Civil cases?
- ☒ Criminal cases - Defendant?
- ☐ Criminal cases - Victim?
- ☐ Administrative cases?
- ☐ There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

In criminal cases advocate may act as counsel for the defence. An advocate's assistant may act as a counsel for the defence upon instructions of the lawyer provided there is no objection of the accused. An advocate's assistant may not take part in the trial involving a grave or very grave criminal offence.

The representative of a victim, the plaintiff or the defendant in a civil action shall be an advocate or an advocate's assistant under the advocate's instruction, and, subject to leave of the pre-trial investigation officer, the prosecutor or the judge, any other person with a university degree in law, having power of attorney of a party to a proceeding to represent his interests. The head of an institution, enterprise or an organisation or a person authorised by him may act as a representative of a legal entity.

In civil cases these organisations or persons may represent a client before a court:

- 1) advocates;
- 2) assistants of advocates holding a written consent of advocates supervising the assistants' internship to represent in a specific case;
- 3) one plaintiff after the authorisation of other plaintiffs;
- 4) persons with university degree in law if they represent their close relatives or a spouse (partner);
- 5) trade unions, if they represent members of trade unions in cases on legal relationships of labour.

Employees of respective legal entities (in the instance of appeal – persons with university degrees in law) or advocates or their assistants holding a written consent of advocates supervising the assistants' internship to represent in a specific case may act as representatives of legal entities in court.

Only advocates shall draw up a cassation appeal. Those employees of a legal person, who have a higher (university) legal education, may also draw up the cassation appeal of legal persons. If the cassator is a natural person who has a higher (university) legal education, he shall be entitled to draw up the cassation appeal himself.

Although lawyers do not have monopoly of representation in administrative cases, usually advocate or advocate's assistant shall act as attorneys in the court. The powers of an advocate or an advocate's assistant shall be confirmed by the warrant of advocate or advocate's assistant or the agreement concluded with the client. The powers of other representatives must be specified in the power of attorney issued and executed according to the procedure laid down in the Civil Code and the Code of Civil Procedure.

150) Is the lawyer profession organised through? (multiple options possible)

- ☒ a national bar?
- ☐ a regional bar?
- ☐ a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

- ☒ Yes
- ☐ No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

- ☒ Yes
- ☐ No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- ☐ Yes
- ☒ No

If yes, please specify:

The answer to question is "No", because a lawyer, after joining the Bar may practice in any legal field.

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

Lithuanian Bar Association.

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

- ☐ Yes
- ☒ No

155) Are lawyers' fees freely negotiated?

- ☒ Yes
- ☐ No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- ☒ Yes laws provide rules
- ☐ Yes standards of the bar association provide rules
- ☐ No, neither laws nor bar association standards provide rules

F.2**Useful comments for interpreting the data mentioned in this chapter:**

Law on the Bar article 50 part 3:

When determining the advocate's fee for legal services, account must be taken of the complexity of the case, the qualification and experience of the advocates, the financial status of the client and other relevant circumstances.

6. 3. Quality standards and disciplinary proceedings**6. 3. 1. Quality standards and disciplinary proceedings****157) Have quality standards been determined for lawyers?**

☒ Yes

☐ No

If yes, what are the quality criteria used?

According to the Law on Bar the practice of advocates shall be guided by the following basic principles:

- 1) freedom and independence of the advocate's activities;
- 2) democracy, collegiality of relations and fair competition between advocates;
- 3) lawfulness of the activities of advocates;
- 4) non-disclosure of the client's secret;
- 5) loyalty to the client and avoidance of any conflict of interests;
- 6) irreproachable behaviour.

158) If yes, who is responsible for formulating these quality standards:

☒ the bar association?

☒ the Parliament?

☒ other?

If "other", please specify:

For instance, main principles of professional activities of the advocates are defined in the Law on the Bar. They are detailed in the Code of Professional Ethics for Lawyers which is adopted at the Conference of the Bar Association.

159) Is it possible to file a complaint about :

☒ the performance of lawyers?

☒ the amount of fees?

Please specify:

Standard procedure of disciplinary proceedings is applied. According to the Law on the Bar in the event of a dispute between the client and the advocate over legal services, the client shall have the right to apply to the Lithuanian Bar Association or the court. Disputes between clients and advocates over legal services shall be settled at the Lithuanian Bar Association by the Council of the Lithuanian Bar Association or a body set up by it. These disputes shall be settled in accordance with the procedure established by the Council of the Lithuanian Bar Association and agreed with the Ministry of Justice. The Council of the Lithuanian Bar Association or a body set up by it shall have the right to adopt recommendatory decisions.

160) Which authority is responsible for disciplinary procedures?

☐ the judge

☐ the Ministry of justice

☒ a professional authority

☐ other

If other, please specify:

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the

"comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	70	70	NA	NA	NA

Comment :

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	29	29	NAP	NAP	NAP	NAP

Comment :

Reasons for significant difference between the number of disciplinary proceedings and the number of sanctions: some proceedings ended up with no sanctions for lawyers, but majority of the cases are still under consideration in the Court of Honour of Advocates.

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

☒ Yes

☐ No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	No	Yes	No
Family law cases (ex. Divorce)	Yes	Yes	Yes	Yes	No
Administrative cases	No	No	No	No	No
Employment dismissals	Yes	Yes	No	Yes	No
Criminal cases	No	No	No	No	No

165) Is there a possibility to receive legal aid for mediation procedures?

☒ Yes

☐ No

If yes, please specify:

If both sides of civil case do agree to try to solve a dispute by judicial mediation, they can absolutely feel free to ask for a judge to stop the case in order to try to solve a dispute later in a special session of mediation procedure (judicial mediation). It is free, unless the lawyers are involved. In this case it depends if there is a legal aid for legal service provided.

166) Number of accredited or registered mediators who practice judicial mediation:

43

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	NA
2. family cases	NA
3. administrative cases	NAP
4. employment dismissals cases	NA
5. criminal cases	NAP

Comment :

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

--	--

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

If a dispute didn't reach a court yet, both sides can try to solve their dispute by an advocate help or legal aid. It's called non judicial mediation. But actually a mechanism of this type of mediation is not fully implemented in Lithuania.
Arbitration is regulated by special law.

G.1

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Please indicate the source for answering question 166:

National Courts Administration.

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

☒ Yes

☐ No

170) Number of enforcement agents

118

171) Are enforcement agents (multiple options are possible):

☐ judges?

☒ bailiffs practising as private professionals under the authority (control) of public authorities?

☐ bailiff working in a public institution?

☐ other enforcement agents?

Please specify their status and powers:

Bailiffs are regulated by the Law on Bailiffs of the Republic of Lithuania.

Under this law, a bailiff is a person authorized by the State, empowered by it to perform the functions of enforcement of writs of execution, to make material ascertainties on the factual circumstances, to serve proceedings and carry out any other functions provided by law.

A bailiff must enforce judicial decisions prescribed by law that are executory, make material ascertainties issuing out of any court, serve, by court order, written proceedings issuing out of court on natural and legal persons in the Republic of Lithuania and perform any other duty prescribed by law.

Bailiffs may provide, under the procedure established by law, the following services: 1) to keep/administer property during the process of execution; 2) to make material ascertainties, serve written proceedings issuing out of court on natural and legal persons in the Republic of Lithuania without court order; 3) to provide legal assistance; 4) to sell pledged movable property as collateral in auction; 5) to act as an agent in the performance of property obligations

172) Is there a specific initial training or examination to become an enforcement agent?

☒ Yes

☐ No

173) Is the profession of enforcement agents organised by?

☒ a national body?

☐ a regional body?

☐ a local body?

☐ NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

☒ Yes

☐ No

175) Are enforcement fees freely negotiated?

☐ Yes

☒ No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?☒ Yes☐ No**Please indicate the source for answering question 170:**

Ministry of Justice.

8. 1. 2. Efficiency of enforcement services**177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**☒ Yes☐ No**178) Which authority is responsible for supervising and monitoring enforcement agents?**☐ a professional body?☐ the judge?☒ the Ministry of justice?☐ the public prosecutor?☐ other?

If other, please specify:

The judge is responsible for the supervision of all executive proceedings.

The Ministry of Justice is responsible for supervision of bailiffs' establishment, working conditions and financial discipline.

179) Have quality standards been determined for enforcement agents?☐ Yes☒ No

If yes, what are the quality criteria used?

180) If yes, who is responsible for establishing these quality standards?☐ a professional body☐ the judge☐ the Ministry of Justice☐ other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?☐ Yes☒ No

if yes, please specify

182) Is there a system for monitoring the execution?

- ☐ Yes
- ☒ No

If yes, please specify

183) What are the main complaints made by users concerning the enforcement procedure?

Please indicate a maximum of 3.

- ☐ no execution at all?
- ☐ non execution of court decisions against public authorities?
- ☒ lack of information?
- ☐ excessive length?
- ☒ unlawful practices?
- ☐ insufficient supervision?
- ☒ excessive cost?
- ☐ other?

If other, please specify:

184) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- ☐ Yes
- ☒ No

If yes, please specify:

185) Is there a system measuring the timeframes of the enforcement procedures:

- ☒ for civil cases?
- ☒ for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- ☐ between 1 and 5 days
- ☒ between 6 and 10 days
- ☐ between 11 and 30 days
- ☐ more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	6
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	3
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	3
3. for criminal offence	<input checked="" type="checkbox"/> number:	0
4. Other	<input checked="" type="checkbox"/> number:	0

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input type="checkbox"/> number:	4
1. Reprimand	<input checked="" type="checkbox"/> number:	3
2. Suspension	<input checked="" type="checkbox"/> number:	1
3. Dismissal	<input checked="" type="checkbox"/> number:	0
4. Fine		NAP
5. Other	<input checked="" type="checkbox"/> number:	0

Comment :

The difference between the number of disciplinary proceedings and the number of sanctions exists because in one case the Bailiffs' Court of Honour has discontinued disciplinary proceedings as the fact of the violation has not been established. In other case the Bailiffs' Court of Honour has adopted to exempt from the liability because of little significance.

H.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

Please indicate the source for answering the questions 186, 187 and 188:

The Chamber of Bailiffs.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- ☐ Judge
- ☒ Public prosecutor
- ☐ Prison and Probation Services
- ☐ Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The process of providing the decision for enforcement and enforcement process itself is controlled by the prosecutor. Prosecutor has the right to demand the criminal case where the court decision is enforced.

Under the article 342 of the Code of Criminal Procedure, the judge shall write the order to execute the decision in criminal matter and send it to the enforcement service together with the decision. If the court decision is amended by the appellate court, later decision is also added. The particular enforcement service is determined by the law and depends on the kind of crime performed.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- ☒ Yes
- ☐ No

191) If yes, what is the recovery rate?

- ☐ 80-100%
- ☐ 50-79%
- ☐ less than 50%
- ☒ it cannot be estimated

Please indicate the source for answering this question:

The Prosecutor's Office provides data only on the investigation carried out by the Prosecutor's Office.

H.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

☒ Yes

☐ No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?

☐ number

private professionals under the authority (control) of public authorities?

☒ number

264

public agents?

☐ number

other?

☐ number

Comment :

194) Do notaries have duties (multiple options possible):

☒ within the framework of civil procedure?

☒ in the field of legal advice?

☒ to certify the authenticity of legal deeds and certificates?

☐ other?

If "other", please specify:

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

☒ Yes

☐ No

196) Which authority is responsible for supervising and monitoring notaries:

☒ a professional body?

☐ the judge?

☒ the Ministry of justice?

☐ the public prosecutor?

☐ other?

If other, please specify:

I.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

Legislature initiatives.

Parliamentary approved:

The Lithuanian Parliament (Seimas) had adopted several law amendments paving the way for reducing the role of notaries in registering of legal persons and entities. The move was introduced by the Ministry of Economy as means to improve the business environment in Lithuania and streamline the companies' establishment process. During the hearings at the Parliamentary Committees on Legal Affairs and Economics the Lithuanian Chamber of Notaries drew

the attention to the threat of non-transparency and possibility of legal and financial violations as well as to long-term negative legal consequences that the new order would bring to the process of registering of legal persons. The adopted amendments will allow the Government to introduce the typical by-laws which could be registered online avoiding the notarial phase.

Pending parliamentary approval:

The Ministry of Justice has introduced to the Seimas the package of law amendments regarding the mortgage system reform. According to the draft law, as of January 1, 2010 the current practice of double legal inquiry, carried out both by hypothec judges and notaries, should be abolished. As part of implementation the "single counter" principle, the notaries would be enabled to register mortgages at the mortgage register by electronic means. As another part of the draft proposals, the notaries replace the function of judges issuing the executive clauses. Also it was proposed to abolish the notarization of movable property pawning.

The Ministry of Justice has introduced to the Seimas the package of Civil Code and other law amendments regarding civil status registration reform. According to the draft amendments, the notaries will be empowered to confirm the divorces without matters in dispute. The Lithuanian Catholic Church expressed its dissatisfaction upon the draft, asserting that the suggested order would compromise the family policy.

Pending Government's approval:

The Ministry of Foreign Affairs currently is the only authority certifying the documents with Apostille. Draft amendment proposes empowering the notaries to certify the documents with Apostille.

Pending Minister of Justice's approval:

The Ministry of Justice has prepared and introduced for deliberation the new, outlay-based system of notarial fees.

The draft was heavily criticized by the Lithuanian Chamber of Notaries as endangering the whole system of Civil Law Notary in Lithuania and wrongly applying the free market model to the country's legal system. The Chamber drew the draft to the attention of Seimas' Committee on Legal Affairs. The MPs have criticized the Minister of Justice and obliged him to co-ordinate the proposal on notarial fees with the Chamber of Notaries.

Already introduced:

As of July 1, 2009, the Centre of Registers has introduced the Public Electronic Service of the Real Estate Transactions (NETSVEP) at the most of notary offices.

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

☒ Yes

☐ No

198) Is the function of court interpreters regulated by legal norms?

☒ Yes

☐ No

199) Number of accredited or registered court interpreters:

107

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

☒ Yes

☐ No

If yes, please specify (e.g. having passed a specific exam):

It is regulated by Civil, Criminal and Administrative codes of proceedings and internal rules of courts (local acts).

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

Yes ☒ for recruitment and/or appointment for a specific term of office

Yes ☐ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

- ☐ No

Comment :

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

National Courts Administration.

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- ☒ "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- ☒ "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- ☐ "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- ☒ Yes
- ☐ No

204) Is the function of judicial experts regulated by legal norms?

- ☒ Yes
- ☐ No

205) Number of accredited or registered judicial experts (technical experts)

355

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- ☒ Yes
- ☐ No

If yes, please specify, in particular the given time to provide a technical report to the judge:

Under the articles 84-88 of the Code of Criminal Procedure the expert in criminal case may be only a person, who has special knowledge and is included in the list of the experts of the Republic of Lithuania. In case there is no particular expert needed in the list, the expert not included into the list may be appointed. If needed, a person who is as expert in European Union member state or in the state with which Lithuania has concluded the agreement on mutual legal assistance. Expert has a right: 1. To get acknowledged with the case material, related to the object of the examination; 2. To ask to provide additional information, necessary for the examination conclusion; 3. To take part in the actions during pre trial investigation or judicial procedure actions related to the object of the examination. The expert may refuse to give the conclusion, if the data is not enough or does not meet his special knowledge. If this is the case, expert draws up the statement that the examination conclusion is not possible to be made. The expert is obliged to show up in the court if summoned and to provide impartial conclusion on the questions given. If the expert does not show in the court without the serious reason or refuses to execute his duties without legal reason, the procedural coercive measures indicated in the article 163 of Code of Criminal Procedure may be applied. In case of perjury expert bears the liability under the article 235 of Criminal Code. When necessary research is made, the expert draws up the conclusion. The conclusion consists of introduction, analysis and inferences. In the introductory part the date and place, the decision to set the examination, data and questions provided for the examination, the personal data of the expert – name, surname, education, profession, qualification, length of service; dates of the beginning and the end of the examination, persons involved are provided. In the analytical part of the conclusion the state of the objects of the examination, the results of their review, analyses carried out, methods and means used, results and their evaluation are provided. The conclusions of the expert cannot exceed limits of his special knowledge.

There is also a possibility to use a specialist in criminal procedure – a person, who has special knowledge and who may work in the institution of pre trial investigation or not (articles 89-90 of the Code of Criminal Procedure), whose rights and duties are also regulated by law.

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

Yes ☐ for recruitment and/or appointment for a specific term of office

Yes ☒ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No ☐.

Comment :

Under the articles 285-286 of the Code of Criminal Procedure, if the examination was carried out during the pretrial investigation and the examination conclusion provided to the court is clear and comprehensive, the conclusion may be read in the court hearing without the presence of the expert. The expert is summoned to court in case the court decides that expert's testimony is necessary to explain or supplement the examination conclusions.

Also, the court has a right to appoint the examination upon the request of the participants of the court hearing or its own initiative.

The participants of the court hearing provide the questions to the expert in writing. The chairman of the hearing reads these questions loudly and listens to the opinion of the participants of the court hearing. The court decision regarding the question for the expert is taken in the deliberation room. The judge shall reject the questions that are not related to the case or does not fall within the competence of the expert, if needed the judge shall formulate new questions to the expert. The decision to set the examination shall be announced by the chairman of the hearing and shall be presented to the expert. In case the expert does not participate in the court hearing, the courts shall send the decision to the examination institution or to the person, who is entrusted with execution of the examination. The data necessary while carrying the examination shall be transferred or sent to the expert together with the court decision. If needed, the court shall entrust the prosecutor with the collection of the data necessary for the examination. When presented with the court decision and necessary data, the expert shall execute the examination and draw up the conclusion. In the event the expert thinks that the data he has is not enough to make the conclusion or that the questions given are not within his province, he shall state that the examination conclusion is not possible to be made. If the expert determines the circumstances important for the case which he was not questioned about, he shall have a right to indicate them in the examination conclusion. If the court finds the examination conclusion not comprehensive or reasonable enough, it shall have the right to set the new examination and entrust with it the same or other expert. If this is the case, the expert is provided with the court decision to set the examination and with the previous examination conclusion.

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

Ministry of Justice.

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

On 1 October, 2011, the Law amending the Code of Civil Procedure entered into force. The new legislation is a major modernization of the Code of Civil Procedure, replacing nearly 400 articles of the CCP.

On January 1, 2012 reform on public prosecution comes in to force. Territorial Prosecutor's Office will be organized for more efficient operation.

Moreover, recently Seimas of the Republic of Lithuania passed the decision of joining several courts. To be more precise, from September 1, 2012, four district courts of Vilnius city will be joined into one Vilnius city district court, two district courts of Kaunas city and Kaunas region will be joined into one Kaunas city district court and two district courts of Siauliai city and Siauliai region shall be joined into one Siauliai city district court. These developments will enable courts to function in more effective and transparent way, also ensuring the rights of people to be heard before the court.