

More information

Lithuania ensures child friendly criminal proceedings. If a child is victimized by a criminal act, the following special protection measures are mandatorily applied during the pre-trial investigation: closed hearing of the case in court, <...> video and audio recording is made during the interrogation. Article 186 of the CPC establishes a special procedure for questioning child witnesses or victims. Part 1 of this article provides that a child witness or victim is interrogated by a judge of a pre-trial investigation. A child witness or victim is interviewed during the pre-trial investigation in premises adapted for the interrogation of children and usually no more than once. In cases where repeated questioning is necessary, they are usually interviewed by the same person. Their interrogation must be recorded by both video and audio means. Also, they are summoned to a court hearing only in exceptional cases. In the questioning of a child witness or victim regarding: crimes against human life, health, freedom, freedom of sexual decision and inviolability, profiting from child prostitution or involvement of a child in prostitution or in other cases, when requested by the participants of the process or at the initiative of the pre-trial investigation officer, prosecutor or pre-trial investigation judge, a psychologist must be invited to help interview the child, taking into account his/her social and psychological maturity. A representative of the State Child Rights Protection and Adoption Service in these instances observes the interview from another room and evaluates whether the rights of a child are not violated. Child witness and victim's representative has the right to participate in the interrogation only if it is established that they will not affect the minor. The suspect and other participants in the process, except for the psychologist and the representative of the child, are not allowed to be in the room where the interrogation is conducted.

As part of the first interview with the victim, the pre-trial investigation officer or prosecutor carries out an assessment of the victim's special protection needs. Special protection needs are the victim's needs, determined by personal characteristics, the nature of the offence or the circumstances in which it was committed, to benefit from the guarantees laid down in the CPC in order to protect the victim from psychological trauma, criminal influence or other adverse effects (Article 362 of the CPC). The data gathered during the assessment of the victim's special protection needs shall be taken into account in the organisation of the criminal proceedings and, in the cases provided for in the CPC, in deciding whether the victim's special protection needs make it necessary for him or her to be subject to one or more of the safeguards laid down in the CPC (Article 186(1) of the CPC). Moreover, every victim has the right to receive protection, to participate in the assessment of special protection needs and to receive special protection measures (paragraphs 2, 13 of the Annex to the Order of the Prosecutor General of the Republic of Lithuania of 27 August 2020 No. I-271 "On the Approval of the Form of the Annex to the Protocol of Clarification of the Rights of the Victim" (Annex to the Protocol of Clarification of the Rights of the Victim)). After compulsory assessment of the victim's special needs, pre-trial investigation officers may apply one or more of the provisions of the Order of the Prosecutor General of the Republic of Lithuania of 29 February 2016 No I-63 "On Approval of the Guidelines on the Assessment of the Special Protection Needs of Victims" (hereinafter - Order No. I-63), e.g. closed hearings in court, the presence of an accompanying person, interrogation by means of audio-visual remote transmission, interrogation of children in rooms adapted for interrogation of children, interrogation no more than once, interrogation in the absence of the suspect etc. The aim of these measures is to reduce the negative impact of the criminal proceedings or other traumatic events on the victim. The list of special protection measures is not exhaustive and officials of the competent authority may apply special protection measures for the victim other than those provided for in Order No I-63, as appropriate in a particular case.

At the same time, it should be noted that an authorized representative is mandatorily appointed for the child victim in cases when a minor has suffered from of criminal acts against human health, freedom, freedom of

sexual decision and inviolability and other cases when without the help of an authorized representative the rights and legitimate interests of the minor would not be adequately protected (Article 55, paragraph 4 of the CPC).

Also, the national laws of the Republic of Lithuania fully ensure that every victim who has suffered damages from a criminal offence can effectively exercise their right to compensation. Ensures that every victim (including minors), regardless of the crime committed, is awarded both pecuniary and non-pecuniary damages. Article 117 of the CPC envisages that the prosecutor, supporting the prosecution, must file a civil lawsuit in court, if this has not been filed yet, in cases where the criminal act has caused damage to the state or to a person who, due to minor age, illness, dependence on the defendant, or for other reasons, cannot defend his/her legitimate interests in court. Furthermore, Article 118 of the CPC states that if the accused or persons materially responsible for his/her actions do not have the funds to compensate for the damage, in the cases and procedures provided for by law, the damage may be compensated from funds allocated by the state.

The list of violent crimes for which the caused damages are compensated is approved by order of the Minister of Justice of the Republic of Lithuania and is published in the public register of legal acts. The Ministry of Justice of the Republic of Lithuania is responsible for compensation of damages caused by violent crimes, as well as for compensation in advance including compensation for damages caused to children (minors) by violent crimes when crimes are of a sexual nature (exploitation of a child for pornography, rape, coercion in sexual relations, sexual assault, molestation of a person under the age of sixteen).

After examining the applications received from minors or their representatives, the Ministry of Justice makes decisions on the compensation or compensation in advance for damages caused by violent crimes and monetary compensation is paid in accordance with the procedure established by the Republic of Lithuania Law on Compensation for Damage Caused by Violent Crimes (hereinafter – Law on Compensation). It should be noted that the Law on Compensation provides higher monetary compensations for children who have suffered from violent crimes (including crimes of a sexual nature) than it is foreseen for adults.