

1. Evaluation of the judicial systems (2016-2018 cycle)



Lithuania

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Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[2847904]

Comments

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

| | Amount |
|--|---|
| State or federal level | 8686661000 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Regional / federal entity level (total for all regions / federal entities) | 2363752000 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments The budget increased due to the growth of the economy.

003. Per capita GDP (in €) in current prices for the reference year

[13468]

Comments

004. Average gross annual salary (in €) for the reference year

[9408]

NA

Comments The state budget and salary increased due to the growth of the economy (after recovering from crisis before).

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[]

Allow decimals : 5

NAP

Comments Lithuania is in an Euro zone.

A1. Please indicate the sources for answering questions 1 to 5

Sources: <https://osp.stat.gov.lt/web/guest/statistiniu-rodikliu-analize?portletFormName=visualization&hash=96dcad8d-50ae-4150-b72f-bc644a038cde#/>

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.

| | Approved budget (in €) | Implemented budget (in €) |
|---|-------------------------------|-------------------------------|
| TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7) | 74237182 [] NA [] NAP | 71082338 [] NA [] NAP |
| 1. Annual public budget allocated to (gross) salaries | 59529302 [] NA [] NAP | 59562282 [] NA [] NAP |
| 2. Annual public budget allocated to computerisation (equipment, investments, maintenance) | 5729000 [] NA [] NAP | 4101829 [] NA [] NAP |
| 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. | 539495 [] NA [] NAP | 497150 [] NA [] NAP |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | 1801881 [] NA [] NAP | 1817881 [] NA [] NAP |
| 5. Annual public budget allocated to investments in new (court) buildings | 1217000 [] NA [] NAP | 826170 [] NA [] NAP |
| 6. Annual public budget allocated to training | 755369 [] NA [] NAP | 617964 [] NA [] NAP |
| 7. Other (please specify) | 4665135 [] NA [] NAP | 3659062 [] NA [] NAP |

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: Taxes related to the salaries (social insurance) paid by employer are included in 1. Finances for 2 (computerisation), for 5 (investment in new buildings), also partly for 3 (expertise), 4 (building repair), 6 (training) are allocated to the budget of the National Courts Administration. "Other" includes other finances for expenses of the courts (telecommunications, post, transport, paper, etc.). The National Courts Administration is implementing programme dedicated to the courts, financed by Norway funds. That hugely influences budgets for 2 (computerisation), 6 (training) and 7 (security devices) in 2016. The approved and implemented budget may differ because of the public procurement procedures.

007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

| | Approved budget (in €) | Implemented budget (in €) |
|---|------------------------|---------------------------|
| Total annual public budget allocated to all courts and the public prosecution services together | [] NA [X] NAP | [] NA [X] NAP |
| Total annual public budget allocated to all courts and legal aid together | [] NA [X] NAP | [] NA [X] NAP |
| Total annual public budget allocated to all courts, public prosecution services and legal aid together | [] NA [X] NAP | [] NA [X] NAP |

Comments:

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

| | Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ? |
|--------------------------------------|--|
| for criminal cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| for other than criminal cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

According to Article 83(1) of the Code of Civil Procedure of the Republic of Lithuania there are 14 subjects to be released from the payment of the stamp duty (court fee) in cases which are heard by a court. For instance:

- 1) employees in cases concerning all claims arising from the legal relationships of employment and consumers in cases concerning unfair terms of consumer contracts;
- 2) plaintiffs in cases concerning compensation of material and non-material damages, connected with an incident of harm to a person's health, the loss of his life in an accident at work, or a professional illness; 3) a prosecutor, State and municipal institutions, other persons when a claim or petition is lodged 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;
- 4) spouses when lodging petitions to dissolve a marriage by mutual consent and on petition of one of the spouses;
- 5) applicants when lodging applications by the procedure established in Part V, Chapters XXIX (adoption cases) and XXXIX (cases on courts permissions or confirmation of facts, administration of property, the application of procedures of inheritance and other cases, which are heard by a simplified procedure established by the Civil Code and other law) of the Code of Civil Procedure; 6) persons in other circumstances, referred to in the Code of Civil Procedure and other law. Article 83(3) of the Code of Civil Procedure establishes that by means of summary proceedings, taking into consideration the person's material situation, the court can partly release from payment of stamp duty. An application for partial release of the stamp duty shall be reasoned. Proof providing the necessity of release of the stamp duty shall be annexed to the application. The court decision on the application has to be motivated.

008-1. Please briefly present the methodology of calculation of court taxes or fees:

- Article 80 of the Code of Civil Procedure establishes the amounts of stamp duty (court fee). According to the system, established in this article, the stamp duty in non-property cases is an exact amount of money, though in property (pecuniary) cases the calculation of stamp duty is combined with proportional and ordinary value. Article 80(1) of the Code of Civil Procedure establishes court fees: 1) in pecuniary disputes – depending on the claimed amount: - for claims up to 30 000 EUR – 3 % of claimed amount, but not less than 20 EUR;

- for claims from 30 000 EUR up to 100 000 EUR – 900 EUR plus 2 % of claimed amount of the amount, exceeding 30 000 EUR;

- for claims over 100 000 EUR – 2300 EUR plus 1 % of claimed amount, exceeding 100 000 EUR.

The maximum stamp duty payable for one claim in pecuniary cases shall not be more than 15 000 EUR;

2) in other disputes – different court fees depending on the substance of the case.

A request to impose provisional measures shall require the payment of the stamp duty of 50 EUR.

For a petition of an arbitration decision, an official fee of 500 EUR shall be payable.

It shall be noted that according to the Code of Civil Procedure the courts index the stamp duty, except calculated in percents, by taking into consideration the quarter's consumer price index, if it is greater than 110. The applied index is calculated in the period of the law, where the stamp duty is defined, till every quarter.

008-2. The amount of court fees to commence an action for 3000€ debt recovery:

[90]

[] NA

[] NAP

Comments

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

[10119000]

[] NA

[] NAP

Comments The increase of annual income of court taxes or fees received by the state might be because of the increased number of litigious cases and the sums of disputes.

012. Annual approved public budget allocated to legal aid, in €.

| | TOTAL | Criminal cases | Other than criminal cases |
|---|------------------------------|---------------------|---------------------------|
| TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2) | 5500227 [] NA [] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 12.1 for cases brought to court | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments

012-1. Annual implemented public budget allocated to legal aid, in €.

| | TOTAL | Criminal cases | Other than criminal cases |
|---|------------------------------|---------------------|---------------------------|
| TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2) | 5494755 [] NA [] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 12-1.1 for cases brought to court | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: Approved public budget for legal aid was € 5500227 (€ 563000 for primary legal aid and € 4937227 for secondary legal aid). Implemented public budget in 2016 was € 5494755 as €5472 of funds allocated to primary legal aid were unused and given back to the state budget.

013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

| | Approved budget (in €) | Implemented budget (in €) |
|--|-------------------------------|-------------------------------|
| Total annual public budget allocated to the public prosecution services, in € | 34962778 [] NA [] NAP | 34948538 [] NA [] NAP |

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: In 2016, Prosecutor's Office was allocated the amount of 5 965 820.82 EUR from the State Budget for settling the payment with the State Enterprise „Turto bankas“ („Property bank“) for the renovation of the office building at Rinktins street 5A in Vilnius, and this amount of money has been transferred to the State Enterprise „Turto bankas“.

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

| | Preparation of the total court budget | Adoption/approval of the total court budget | Management and allocation of the budget among the courts | Evaluation of the use of the budget at a national level |
|------------------------------|---|---|---|---|
| Ministry of Justice | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Other ministry | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP |
| Parliament | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Supreme Court | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| High Judicial Council | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Courts | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Inspection body | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP |
| Other | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |

Comments - If any other Ministry and/or inspection body and/or other, please specify: Other Ministry is the Ministry of Finance; Inspection body is the State Control; Other is the National Court Administration, because the NCA prepares drafts of documents and all calculations for the Judicial Council

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Ministry of Finance, Ministry of Justice, National Courts Administration, Prosecutor Office.

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

| | Approved budget (in €) | Implemented budget (in €) |
|--|--------------------------------|--------------------------------|
| Total annual public budget allocated to the whole justice system in € | 214590000 [] NA [] NAP | 205678600 [] NA [] NAP |

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences: The data is presented according to the Law on the approval of State and municipal budget financial rates for 2016 (Law of 10th December, 2015 No. XII-2161):

- Courts (excluding the budget of National Courts Administration for computerization, investment in new buildings, expertise, building repair, trainings, which is included in the budget item of National Courts Administration) - budget approved 63 983 000 (budget specified - 64 215 400, implemented 64 181 700).
- Public prosecution services - budget approved 34 944 000 (budget specified - 34 962 800, implemented 34 948 500).
- Ministry of Justice – budget approved 30 510 000 (budget specified - 30 722 700, implemented 27 530 700). The budget for secondary legal aid is included in the budget of the Ministry of Justice. The budget for whole justice system as presented does not include budget for primary legal aid.

The Ministry of Justice implemented less budget because of the economy of the salaries in the subordinate institutions (change of the staff, free vacancies, illness), economy of the budget for the goods and services, for the acquisition of long-term assets, for the repair of premises, decreased workload of the advocates providing secondary legal aid.

- Prison system - budget approved 69 302 000 (budget specified - 69 526 600, implemented 66 477 500). The discrepancies arise because of the public procurement procedures.
- The Constitutional Court – budget approved 2 019 000 (budget specified - 2 022 600, implemented 2 018 300). The Constitutional Court implemented less budget than approved because the budget for investment was not implemented at the whole scale.
- The National Courts Administration – budget approved 13 832 000 (budget specified - 34 962 800, implemented 10 521 900). The difference arises because not all the LITEKO services were acquired, the public procurement procedures prolonged, not all the budget for investments was implemented.

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

| | Included |
|------------------------------------|--------------------------------|
| Court (see question 6) | (X) Yes () No [] NAP |
| Legal aid (see question 12) | (X) Yes () No [] NAP |

| | |
|--|--|
| Public prosecution services (see question 13) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
|--|--|

Comments: The category "legal aid" encompasses only secondary legal aid that falls within the budget of the Ministry of Justice.

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

| | Included |
|---|--|
| Prison system | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Probation services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Council of the judiciary | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Constitutional court | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Judicial management body | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| State advocacy | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Enforcement services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Notariat | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Forensic services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Judicial protection of juveniles | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Functioning of the Ministry of Justice | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Refugees and asylum seekers services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Immigration Service | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

| | |
|--|--------------------------------|
| Some police services (e.g. : transfer, investigation, prisoners' security) | () Yes (X) No [] NAP |
| Other | (X) Yes () No [] NAP |

Comments - If "other", please specify: National Courts Administration

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

| |
|-------------------------------|
| Sources: Ministry of Finance. |
|-------------------------------|

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

| | Criminal cases | Other than criminal cases |
|--------------------------------|--|--|
| Representation in court | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |
| Legal advice | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |

Comments

017. Does legal aid include the coverage of or the exemption from court fees?

(X) Yes

() No

Comments - If yes, please specify:

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

(X) Yes

() No

Comments - If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18,

e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

| | Criminal cases | Other than criminal cases |
|-----------------------------------|---|---|
| Legal aid granted for other costs | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If yes, please specify:

2.1.2. Quantitative information on legal aid



020. (Modified question) Please indicate the number of cases for which legal aid has been granted:

| | Cases brought to court | Cases not brought to court / non-litigious cases |
|-------------------------------------|----------------------------|--|
| TOTAL | 41063 [] NA [] NAP | 44445 [] NA [] NAP |
| In criminal cases | 24609 [] NA [] NAP | 2789 [] NA [] NAP |
| In other than criminal cases | 16454 [] NA [] NAP | 41656 [] NA [] NAP |

Comments - Please specify when appropriate: It is not possible to calculate and separate the cases where persons who were granted secondary legal aid have eventually brought their cases to courts. Only the total number of secondary legal aid provided is available. In total secondary legal aid was granted in 41063 cases: 24609 criminal cases (22777 cases by decisions of a pre-trial investigation officer, prosecutor or the court when the presence of a defence lawyer is mandatory and 1832 cases by decisions of State-guaranteed legal aid service where defence is not mandatory or the person is an aggrieved party).

Secondary legal aid was granted for 16454 civil and administrative matters by decisions of State-guaranteed legal aid service.

021. 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?

| | Assisted by a free of charge lawyer |
|---------------------|--|
| Accused individuals | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Victims | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments - If yes, please specify:

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

Yes

No

Comments

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

| | Annual income value (for one person), (in €) | Annual assets value (for one person), (in €) |
|--|---|--|
| Full legal aid for criminal cases | 3800 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Full legal aid for other than criminal cases | 3800 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Partial legal aid for criminal cases | 5700 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Partial legal aid for other than criminal cases | 5700 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: In criminal cases income and assets are only evaluated if the presence of a defence lawyer is not mandatory. The first level of income (for full legal aid) is established when annual income of an applicant does not exceed €3800 (€1425 is added to the sum for each dependant) and the value of his property does not exceed property normative determined in legal acts. The second level of income (for partial legal aid) is established when annual income of an applicant does not exceed €5700 (€2090 is added to the sum for each dependant) and the value of his property does not exceed property normative determined in legal acts. Applicant's assets should not exceed the value of assets ratio which is stated for the family (single person) in 14 article of the Law on Cash Social Assistance for Residents with Low-Income of the Republic of Lithuania. The amount of assets differs accordingly to the applicant's personal estate, place of residence, number of dependants, etc. If a person receives secondary legal aid in 2 cases, for any further cases the state will cover 50 per cent of the costs when the first level of assets and income is established and 25 per cent of the costs when the second level of assets and income is established (not applicable in criminal cases except cases of private prosecution).

024. 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

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

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

026. 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

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon? The possibility of legal expense insurance is established in legislation; however, it is not used in practice.

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

| | Judicial decisions direct how legal costs will be shared |
|------------------------------|--|
| in criminal cases | (X) Yes () No |
| in other than criminal cases | (X) Yes () No |

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: The Ministry of Justice.

2.2.Users of the courts and victims

2.2.1.Rights of the users and victims

028. 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:

| | Yes, please indicate the internet adresse(es) | No |
|--|--|-----|
| legal texts (e.g. codes, laws, regulations, etc.) | (X) https://www.e-tar.lt ; http://www.lrs.lt | () |
| case-law of the higher court/s | (X) http://liteko.teismai.lt | () |
| other documents (e.g. downloadable forms, online registration) | (X) http://www.teismai.lt ; http://www.teisinepagalba.lt | () |

Comments - Please specify what documents and information the addresses for "other documents" include:

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

() Yes, always

() No

(X) Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: For example, if a person is invited to the questioning by the police or to any other act of criminal investigation, to the court hearing etc. he/she is always informed about the date when the current act will be held.

According to the Regulation on coordination of court proceedings on speedy cases (lt. Teismo posdži koordinavimo dl greiau nagrintin byl tvarkos aprašas), if a case by the decision of the Chairperson, deputy Chairperson or the Chairperson of the division is acknowledged to be a case, where speedy process should apply, the schedule of court hearings is drafted or the duration of court hearings (sessions) is stated. During these processes the availability of parties is acknowledged.

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

Yes

No

Comments - If yes, please specify: NGOs started providing mapping exercises to collect information on available services in all municipalities of Lithuania.

Victims and witnesses receive a letter of rights upon questioning during pre-trial investigation.

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

| | Information mechanism | Special arrangements in hearings | Other specific arrangements |
|--|--|--|--|
| Victims of sexual violence/rape | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Victims of terrorism | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Minors (witnesses or victims) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Victims of domestic violence | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Ethnic minorities | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Disabled persons | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Juvenile offenders | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other (e.g. victims of human trafficking, forced marriage, sexual mutilation) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: It should be noted that according to Article 194 of the Code of Civil Procedure (Interview (interrogation) of a juvenile witness) the representatives by law are called in, also pedagogue or a representative of the state child rights protection institution can be called in to participate in the interview of a witness juvenile younger than 16 years old and by a decision of a court – younger than 18 years old. The chairman of the hearing explains duty of a witness younger than 16 years old to tell everything he/she knows in a case, but such a witness does not swear according to the procedure laid down in the Code of Civil Procedure. In exceptional cases, in order to identify the truth or not to harm the interests of a witness, by the court decision some participant in a case can be eliminated from a court-room during the interrogation of a juvenile witness. After the participant returns to a court-room, the content of indications of a juvenile witness has to be reported and the possibility of questioning the witness has to be provided. A witness, younger than 16 years old, has to leave a court-room after the interrogation, except the cases, when the court acknowledges that it is necessary that the witness should stay in a court-room.

New Articles 36-2 and 186-1 were introduced with a number of other amendments to the Code of Criminal Procedure by Law No. XII-2194 (in force as of 1 March 2016). Article 36-2 defines that special protection needs are needs of a victim, which are stemming from his individual characteristics, from the nature of a crime or from its circumstances and which require that he or she would be granted specific

guarantees under this code to protect from psychic trauma, criminal impact or other negative effects. Since this definition is wide enough, various types of victims may fall under this category, however, a individual decision of a pre-trial investigation officer or a prosecutor is necessary in each case. Under Article 186-1, a pre-trial investigation officer or a prosecutor shall, not later than during the first interview of a victim, perform an assessment of the victim's special protection needs. If necessary, a psychologist or other persons possessing special knowledge or skills may be involved for this purpose. The data collected during the assessment of the victim's special protection needs shall be taken into account in organising the criminal proceedings and, in the cases specified in this code, in deciding whether the victim, due to his special protection needs, must be applied one or more of the guarantees specified in this code (such as having a closed court hearing, having a questioning without eye contact of an offender, having a psychologist to assist the questioning, not needing to participate in trial, etc.). If necessary, an additional or repeated assessment of a victim's special protection needs shall be organised or performed by a prosecutor: during a pre-trial investigation of his own motion or on the assignment of a pre-trial investigation judge and in the course of court proceedings – by a court order. The Recommendations for assessing the special protection needs of victims are established by the Order of Prosecutor General of the Republic of Lithuania 29 February 2016 No. I-63.

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.):

032. Does your country allocate compensation for victims of crime?

Yes, please specify for which kind of offences: For violent intentional criminal offences

No

Comments

032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

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

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

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

Yes

No

Comments - If yes, please specify:

036. 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 decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify:

2.2.2. Confidence of citizens in their justice system

037. (Modified question) Is there a system for compensating users in the following circumstances:

| | Number of requests for compensation | Number of condemnations | Total amount (in €) |
|---|--|--|--|
| Total | 29 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2050 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Excessive length of proceedings | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Non-execution of court decisions | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Wrongful arrest | 6 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 600 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Wrongful conviction | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1450 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Other | 17 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of 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 can not exceed 1500 EUR, the moral damage can not exceed 2900 EUR).

038. (Modified question) Did your country implement surveys aimed at legal professionals and

court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

| | National level | Court level |
|---|--|---|
| 1. (Satisfaction) surveys aimed at judges | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 2. (Satisfaction) surveys aimed at court staff | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 3. (Satisfaction) surveys aimed at public prosecutors | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 4. (Satisfaction) surveys aimed at lawyers | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 5. (Satisfaction) surveys aimed at the parties | <input checked="" type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies) | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 7. (Satisfaction) surveys aimed at victims | <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 8. Other not mentioned | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: 1.

<http://vrm.lrv.lt/uploads/vrm/documents/files/Gyventoju%20poziuris%20i%20viesaji%20sauguma2016.pdf>

http://www.teismai.lt/data/public/uploads/2016/11/gyventoju_apklausa_2015_pristatymas.pdf

Satisfaction survey aimed at work performed by judges, public prosecutors, police officers, other statutory officers;

Other trust surveys aimed at prosecution service, trust in the judiciary.

2. the information on surveys of the court system may be found through the link below:

<http://www.teismai.lt/lt/nacionaline-teismu-administracija/administracine-informacija/sociologiniai-tyrimai-ir-apklauso/2382>

Th main include the trust in the judiciary and the court activity (national wide) and the customer service surveys (which include 10 courts).

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

Yes

No

Comments

041. (Modified question) If yes, please specify certain aspects of this procedure:

| | Authority responsible for dealing with the complaint | Time limit for dealing with the complaint |
|--|--|---|
| Court concerned | (X) Yes () No | (X) Yes () No |
| Higher court | (X) Yes () No | (X) Yes () No |
| Ministry of Justice | () Yes (X) No | () Yes (X) No |
| Council of the Judiciary | (X) Yes () No | (X) Yes () No |
| Other external bodies (e.g. Ombudsman) | (X) Yes () No | (X) Yes () No |

041-1. (Modified question) Please specify further certain aspects of this procedure:

| | Number of complaints | Compensations amount granted to users |
|--|----------------------|---------------------------------------|
| Court concerned | [X] NA [] NAP | [X] NA [] NAP |
| Higher court | [X] NA [] NAP | [X] NA [] NAP |
| Ministry of Justice | [X] NA [] NAP | [X] NA [] NAP |
| Council of the Judiciary | [X] NA [] NAP | [X] NA [] NAP |
| Other external bodies (e.g. Ombudsman) | [X] NA [] NAP | [X] NA [] NAP |

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations

| | Number of courts |
|---|-------------------------|
| 42.1 First instance courts of general jurisdiction (legal entities) | 54 [] NA [] NAP |

| | |
|---|-------------------------|
| 42.2 First instance specialised courts (legal entities) | 5 [] NA [] NAP |
| 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) | 62 [] NA [] NAP |

Comments

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

| | Number of courts |
|--|------------------------|
| Total (must be the same as the data given under question 42.2) | 5 [] NA [] NAP |
| Commercial courts (excluded insolvency courts) | [] NA [X] NAP |
| Insolvency courts | [] NA [X] NAP |
| Labour courts | [] NA [X] NAP |
| Family courts | [] NA [X] NAP |
| Rent and tenancies courts | [] NA [X] NAP |
| Enforcement of criminal sanctions courts | [] NA [X] NAP |
| Fight against terrorism, organised crime and corruption | [] NA [X] NAP |
| Internet related disputes | [] NA [X] NAP |
| Administrative courts | 5 [] NA [] NAP |
| Insurance and / or social welfare courts | [] NA [X] NAP |
| Military courts | [] NA [X] NAP |
| Other specialised 1st instance courts | [] NA [X] NAP |

Comments - If "other specialised 1st instance courts", please specify:

044. 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

Comments - If yes, please specify: From January 1, 2018, there shall be 12 district courts (instead of 49) and 2 regional administrative courts (instead of 5).

045. Number of first instance courts (geographic locations) competent for a case concerning:

| | Number of courts |
|------------------------------------|-------------------------|
| a debt collection for small claims | 49 [] NA [] NAP |
| a dismissal | 54 [] NA [] NAP |
| a robbery | 49 [] NA [] NAP |

Comments

045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?

Yes

No, please give your definition for small claims:

Comments

045-2. (New question) Please indicate the value in € of a small claim:

[1500]

Comments

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

Sources: The Constitution of the Republic of Lithuania, Law on Courts of the Republic of Lithuania, Codes of Civil and Criminal Procedure.

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled

for all types of courts - general jurisdiction and specialised courts

| | Total | Males | Females |
|---|--------------------------|--------------------------|--------------------------|
| Total number of professional judges (1 + 2 + 3) | 778 [] NA [] NAP | 298 [] NA [] NAP | 480 [] NA [] NAP |
| 1. Number of first instance professional judges | 692 [] NA [] NAP | 245 [] NA [] NAP | 447 [] NA [] NAP |
| 2. Number of second instance (court of appeal) professional judges | 51 [] NA [] NAP | 29 [] NA [] NAP | 22 [] NA [] NAP |
| 3. Number of supreme court professional judges | 35 [] NA [] NAP | 24 [] NA [] NAP | 11 [] NA [] NAP |

Comment - Please provide any useful comment for interpreting the data above:

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

| | Total | Males | Females |
|--|-------------------------|-------------------------|-------------------------|
| Total number of court presidents (1 + 2 + 3) | 24 [] NA [] NAP | 14 [] NA [] NAP | 10 [] NA [] NAP |
| 1. Number of first instance court presidents | 22 [] NA [] NAP | 12 [] NA [] NAP | 10 [] NA [] NAP |
| 2. Number of second instance (court of appeal) court presidents | 1 [] NA [] NAP | 1 [] NA [] NAP | 0 [] NA [] NAP |
| 3. Number of supreme court presidents | 1 [] NA [] NAP | 1 [] NA [] NAP | 0 [] NA [] NAP |

Comments Only the number of permanent chairmen at the end of 2016 is indicated above. Due to the reorganization procedure of courts, after the term of office of court presidents elapsed, in most of the district and regional administrative courts the presidents were appointed for temporal period of time (from January 1, 2018, 37 district courts shall be joined to 11 district courts (1 district court shall not be involved in the reorganization procedure) and 3 regional administrative courts shall be joined to another regional administrative court (1 regional administrative court shall not be involved in the reorganization procedure): overall 12 district (instead of 49) and 2 regional administrative (instead of 5) courts shall operate since January 1, 2018). Besides, at the end of 2016, there was also a chairman for temporal time in the Supreme administrative court (2nd instance) (until the selection procedure was carried on). The overall number of court presidents (including temporal) on December 8, 2016: first instance: 59 presidents (27 males, 32 females); second instance: 2 presidents (2 males); Supreme Court: 1 president (1 male).

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

Figure

| | |
|--------------------------------|-------------------|
| Gross figure | [] NA [X] NAP |
| In full-time equivalent | [] NA [X] NAP |

Comments - If necessary, please provide comments to explain the answer provided:

048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

() Yes, please give specifications on the types of cases and an estimate in percentage.

(X) No

Comments

049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):

| | Figure |
|--------------------------------|-------------------|
| Gross figure | [] NA [X] NAP |
| In full time equivalent | [] NA [X] NAP |

Comments

049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:

| | Yes | No | Echevinage |
|---|-----|-----|------------|
| in criminal law cases | () | (X) | () |
| - severe criminal cases | () | (X) | () |
| - misdemeanour and/or minor criminal cases | () | (X) | () |
| in family law cases | () | (X) | () |
| in civil cases | () | (X) | () |
| in labour law cases | () | (X) | () |
| in social law cases | () | (X) | () |
| in commercial law cases | () | (X) | () |

| | | | |
|---------------------|-----|-------|-----|
| in insolvency cases | () | (X) | () |
| other | () | (X) | () |

Comments - If "other", please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

[] Severe criminal cases

[] Misdemeanour cases

[] Other cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

[] NA

[X] NAP

Comments

052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (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)

| | Total | Males | Females |
|---|---------------------------|---------------------|---------------------|
| Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) | 2740 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) | 1526 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

| | | | |
|--|--|--|--|
| 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) | 855 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Technical staff | 272 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Other non-judge staff | 87 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other non-judge staff", please specify: In 2015 the number of technical staff has decreased while at the same time the number of staff assisting judges has increased.

053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

- Yes
- No

Comments Though some exceptions may accure.

054-1. (New question) If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: National Courts Administration.

3.3. Public prosecution

3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

| | Total | Males | Females |
|---|--------------------------|--------------------------|--------------------------|
| Total number of prosecutors (1 + 2 + 3) | 696 [] NA [] NAP | 344 [] NA [] NAP | 352 [] NA [] NAP |
| 1. Number of prosecutors at first instance level | 623 [] NA [] NAP | 314 [] NA [] NAP | 309 [] NA [] NAP |
| 2. Number of prosecutors at second instance (court of appeal) level | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 3. Number of prosecutors at supreme court level | 73 [] NA [] NAP | 30 [] NA [] NAP | 43 [] NA [] NAP |

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

| | Total | Males | Females |
|--|-------------------------|-------------------------|-------------------------|
| Total number of heads of prosecution offices (1 + 2 + 3) | 81 [] NA [] NAP | 56 [] NA [] NAP | 25 [] NA [] NAP |
| 1. Number of heads of prosecution offices at first instance level | 70 [] NA [] NAP | 47 [] NA [] NAP | 23 [] NA [] NAP |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 3. Number of heads of prosecution offices at supreme court level | 11 [] NA [] NAP | 9 [] NA [] NAP | 2 [] NA [] NAP |

Please provide any useful comment for interpreting the data above:

057. Do other persons have similar duties to public prosecutors?

() Yes, please specify their number (in full-time equivalent):

(X) No

Comments - If yes, please specify their title and functions:

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

() Yes

(X) No

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

(X) Yes

() No

Comments

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

| | Total | Males | Females |
|---|---------------|---------------|---------------|
| Number of staff (non-public prosecutors) attached to the public prosecution service | 556 [] NA | 117 [] NA | 439 [] NA |

Comments The provided data on the number of prosecution staff includes assistants and lawyers who work directly with prosecutors (total 363: 81 males and 282 females).

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Prosecutor General Office.

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

| | Preparation of the budget | Arbitration and allocation of the budget | Day to day management of the budget | Evaluation and control of the use of the budget |
|------------------|---------------------------|--|-------------------------------------|---|
| Management Board | () Yes (X) No | () Yes (X) No | () Yes (X) No | () Yes (X) No |

| | | | | |
|---------------------------------------|--|--|--|--|
| Court President | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Court administrative director | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Head of the court clerk office | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments - If "other", please specify:

3.6.Performance and evaluation

3.6.1.National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

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

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

Comments - If yes, please give further details:

3.6.2. Performance and evaluation of courts



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

- number of incoming cases
- number of decisions delivered
- number of postponed cases
- length of proceedings (timeframes)
- age of cases
- other (please specify):

Comments

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

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you have an evaluation process to monitor waiting time during court procedures?

- Yes
- No

Comments - If yes, please specify:

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

- Yes
- No

Comments

073-0. (New question) If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-1. Is this evaluation of the court activity used for the later allocation of means to this court?

- Yes
- No

Comments

074. Are there performance targets defined at the level of the court?

- Yes

No

Comments

075. (Modified question) Please specify the main targets applied to the courts:

- to increase efficiency / to shorten the length of proceedings
- to improve quality
- to improve cost efficiency / productivity
- Other (please specify):

Comments

076. Who is responsible for setting the targets for the courts?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example High Judicial Council, Higher Court)
- President of the court
- Other (please specify):

Comments

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

- Yes
- No

Comments

078. If yes, please select the 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
- number of appeals
- other (please specify):

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments

3.6.3. Court activity and administration

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

Yes (please indicate the name and the address of this institution): National Courts Administration, L. Sapiegos st. 15, Vilnius, Lithuania

No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

081. Are individual courts required to prepare an 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

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): It is the annual report of the court activity that is intended not only to the courts, but also to all the publicity.

081-1. If yes, please specify in which form this report is released:

- Internet
- Intranet (internal) website
- Paper distribution

Comments

081-2. (New question) If yes, please, indicate the periodicity at which the report is released:

- Annual
- Less frequent
- More frequent

082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify:

082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify: From 2012 the lawyers' time management module is applied. This module is connected with the courts' information system LITEKO, administered by the National Courts Administration. Lawyer's time management module allows the judge to see when a certain lawyer has scheduled court hearings, is on vacation, etc. Information in this module is entered by the lawyer him/herself.

3.6.4. Performance and evaluation of judges

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

Yes

No

Comments

083-1. Who is responsible for setting the targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

Comments

New node

4. Fair trial

4.1. Principles

4.1.1. Principles of fair trial

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

[]

NA

NAP

Comments

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

Yes, number of successful challenges in a year NA

No

Comments - Please could you briefly specify:

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

| | Monitoring system |
|--|--|
| For civil procedures (non-enforcement) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| For civil procedures (timeframe) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| For criminal procedures (timeframe) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations: Only the annual reports are presented.

D1. Please indicate the sources for answering questions in this chapter.

Sources: National Courts Administration

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

civil cases

criminal cases

administrative cases

There is no specific procedure

Comments - If yes, please specify:

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: The answer is no. Previously, the Code of Criminal Procedure had provisions allowing a judge to deliver an oral judgement with a shortened written version and allowing a full version to be presented at the later time. However, by a ruling of the Constitutional Court of 21 September 2006, these provisions, prescribing the court which is considering a case can, before it adopts a judgment or a ruling, draw up only its operative part, by setting forth verbally the arguments of its adoption in the courtroom, while the recital and even the introductory parts can be drawn up and the entire ruling may be signed by the judges who have considered the case later—within seven days of the adoption of the judgment or ruling within fourteen days of the adoption of the ruling, are in conflict with Article 109 of the Constitution and the constitutional principles of a state under the rule of law and justice. Subsequently they have been removed from the Code of Criminal Procedure.

089. 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

Comments - If yes, please specify:

4.2.2. Case flow management – first instance



091. (Modified question) First instance courts: number of other than criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2) |
|---|--|---|---|--|--|
| Total of other than criminal law cases (1+2+3+4) | 44147 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 333886 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 339558 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 38475 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2152 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | | |
|--|----------------------------|-----------------------------|-----------------------------|----------------------------|---------------------------|
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 27595 [] NA [] NAP | 124885 [] NA [] NAP | 122937 [] NA [] NAP | 29543 [] NA [] NAP | 1882 [] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 870 [] NA [] NAP | 108033 [] NA [] NAP | 107041 [] NA [] NAP | 1862 [] NA [] NAP | [X] NA [] NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | 410 [] NA [] NAP | 81613 [] NA [] NAP | 81156 [] NA [] NAP | 867 [] NA [] NAP | [X] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.2.1. Non litigious land registry cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.2.2 Non-litigious business registry cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.2.3. Other registry cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.3. Other non-litigious cases | 460 [] NA [] NAP | 26420 [] NA [] NAP | 25885 [] NA [] NAP | 995 [] NA [] NAP | 0 [] NA [] NAP |
| 3. Administrative law cases | 10893 [] NA [] NAP | 14917 [] NA [] NAP | 21540 [] NA [] NAP | 4270 [] NA [] NAP | 270 [] NA [] NAP |
| 4. Other cases | 4789 [] NA [] NAP | 86051 [] NA [] NAP | 88040 [] NA [] NAP | 2800 [] NA [] NAP | 0 [] NA [] NAP |

Comments Administrative law cases - courts are fighting backlogs. This led to the growth in the number of resolved cases and consequently to the decrease in the number of pending cases 31 December 2016.

Other non-litigious cases: civil cases in process of enforcement (execution). The increased number of these incoming cases also results in the increase of number of incoming non-litigious cases. The number of increased incoming other non-litigious cases (enforcement) may be due to the number of the resolved civil cases in 2015 (the number of pending cases on 1 January 2016 decreased). As regards registry cases: the answer should be NA, the NAP was chosen for the calculation purposes: it is not possible to identify those cases among all other general civil cases.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. Court orders, which shall be resolved within 3 working days.

093. Please indicate the case categories included in the category "other cases":

. Cases of administrative offences and cases of administrative offences in process of enforcement (execution).

094. (Modified question) First instance courts: number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|--|-----------------------------------|----------------------------|----------------------------|------------------------------------|--|
| Total of criminal law cases (1+2) | 3368 [] NA [] NAP | 16774 [] NA [] NAP | 17115 [] NA [] NAP | 3027 [] NA [] NAP | 278 [] NA [] NAP |
| 1. Severe criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2. Misdemeanour and / or minor criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": The crime situation changed in Lithuania - the number of registered crimes by prosecution also decreased through these years, as a result less cases were received in courts. As regards 94.1 and 94.2: the answer should be NA, the NAP was chosen for the calculation purposes.

4.2.3. Case flow management – second instance

097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2) |
|---|-----------------------------------|----------------------------|----------------------------|------------------------------------|---|
| Total of other than criminal law cases (1+2+3+4) | 7782 [] NA [] NAP | 23053 [] NA [] NAP | 22994 [] NA [] NAP | 7841 [] NA [] NAP | 29 [] NA [] NAP |

| | | | | | |
|--|---------------------------|----------------------------|----------------------------|---------------------------|-------------------------|
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 4213 [] NA [] NAP | 14605 [] NA [] NAP | 14688 [] NA [] NAP | 4130 [] NA [] NAP | 18 [] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.2.1. Non litigious land registry cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.2.2 Non-litigious business registry cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.2.3. Other registry cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.3. Other non-litigious cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 3. Administrative law cases | 3119 [] NA [] NAP | 4457 [] NA [] NAP | 4191 [] NA [] NAP | 3385 [] NA [] NAP | 11 [] NA [] NAP |
| 4. Other cases | 450 [] NA [] NAP | 3991 [] NA [] NAP | 4115 [] NA [] NAP | 326 [] NA [] NAP | 0 [] NA [] NAP |

Comments The changes in number of cases are mainly related to the increased number of resolved administrative cases in the first instance administrative courts in 2015 and 2016 (the courts were fighting backlogs from previous years) and the renewed processes that were suspended in the second instance court due to the application to the Constitutional Court of the Republic of Lithuania (related to salaries of civil servants, decreased pensions, etc.).

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|--|-----------------------------------|---------------------------|---------------------------|------------------------------------|---|
| Total of criminal law cases (1+2) | 1137 [] NA [] NAP | 6533 [] NA [] NAP | 6810 [] NA [] NAP | 860 [] NA [] NAP | 14 [] NA [] NAP |
| 1. Severe criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2. Misdemeanour and / or minor criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |

Comments

4.2.4. Case flow management – Supreme Court



099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2)) |
|--|-----------------------------------|--------------------------|--------------------------|------------------------------------|--|
| Total of other than criminal law cases (1+2+3+4) | 281 [] NA [] NAP | 709 [] NA [] NAP | 692 [] NA [] NAP | 298 [] NA [] NAP | 0 [] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 252 [] NA [] NAP | 576 [] NA [] NAP | 550 [] NA [] NAP | 278 [] NA [] NAP | 0 [] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |

| | | | | | |
|--|--|--|--|--|--|
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.2.1. Non litigious land registry cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.2.2 Non-litigious business registry cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.2.3. Other registry cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.3. Other non-litigious cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3. Administrative law cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Other cases | 29 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 133 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 142 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 20 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments NA was changed to NAP only for calculation purpose -situation hasn't changed.

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

(X) Yes, please indicate the number of cases closed by this procedure:2610

() No

Comments

100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme court |
|--|--|--|--|--|---|
| Total of criminal law cases (1+2) | 105 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 440 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 454 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 91 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Severe criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Misdemeanour and / or minor criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments The number of admitted cassation claims decreased in 2015 and in 2016 was almost the same as in 2015. Besides, the number of resolved cases increased in 2015 due to the aim to comply with the timeliness.

4.2.5. Case flow management – specific cases

101. (Modified question) Number of litigious divorce cases, employment dismissal cases,



insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec ref. year |
|---|--|--|--|--|
| Litigious divorce cases | 784 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 7457 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 7657 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 584 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Employment dismissal cases | 84 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 264 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 264 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 84 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Insolvency | 4775 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 5058 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 4725 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 5108 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Robbery case | 175 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 539 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 555 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 159 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Intentional homicide | 83 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 184 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 169 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 98 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Cases relating to the right of entry and stay for aliens | 63 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 250 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 252 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 61 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments For the reference year 2016 cases relating to asylum seekers fall within the cases relating to the right of entry and stay for aliens or other administrative cases.

101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. As of 1 September 2000, pursuant to the Law of the Republic of Lithuania No. VIII-1784 amending the Law on the Status of Refugees in the Republic of Lithuania adopted on 29 June 2000, cases concerning the decisions on asylum matters reached by the Migration Department under the Ministry of Internal Affairs of the Republic of Lithuania were also assigned to the Vilnius Regional Administrative Court. The Supreme Administrative Court of Lithuania is the appellate instance for cases from decisions, rulings and orders of regional administrative courts as the courts of the first instance. Rulings of the Supreme Administrative Court of Lithuania are final and not subject to appeal.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). 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.

| | % of decisions subject to appeal | 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) | % of cases pending for more than 3 years for all instances |
|----------------------------------|--|--|--|--|--|---|
| Litigious divorce case | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 48 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 89 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 143 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Employment dismissal case | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 127 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 95 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 152 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Insolvency | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 443 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 231 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 226 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 14 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Robbery case | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 133 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 115 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 139 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Intentional homicide | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 221 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 239 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 153 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments With regard to "% of cases pending for more than 3 years for all instances": the steady decrease in the number of insolvency cases indicates the efforts of the judiciary to fight the long terms for this types of cases to be resolved; likewise the decrease in the number of intentional homicide and robbery cases stems from the efforts of the judiciary to reduce the number of such cases.

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

. There are three types of divorce procedures: 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.

Divorce cases are decided according to a special procedure, established in the Code of Civil Procedure (375-386). Disputes concerning issues arising from the family relations are dealt with in closed court sessions if at least one of the parties asks for. When any question related to child is dealt with, a child, who is capable to formulate his/her view, has to be heard directly, and if not possible – through the representative. In taking the decision, the court has to take into account the opinion of the child, unless this is not in his/her interests. In the process of hearing a divorce case, the court undertakes measures to reconcile the spouses and has the right to establish the term for reconciliation. This term has to be not longer than 6 months. Until the judicial decision the court, considering the interests of spouses, children, also one of the spouses may establish the interim measures of protection.

104. How is the length of proceedings calculated for the five case categories of question 102? Please give a description of the calculation method.

. The length of proceedings is calculated from the date of a case is received in a court until the court delivers a decision.

4.2.6. Case flow management – public prosecution



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 request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (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 (please specify):

Comments

106. (Modified question) Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify:

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

| | Received during the reference year | Discontinued during the reference year (see Q108 below) | Concluded by a penalty or a measure imposed or negotiated by the public prosecutor | Cases brought to court |
|--|--|--|--|--|
| Total number of first instance cases processed by the public prosecutor | 75475 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 28523 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 33062 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

| | Number of guilty plea procedures |
|------------------------------|--|
| Total | 15090 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Before the court case | 15090 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | |
|-----------------------|--|
| During the court case | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
|-----------------------|--|

Comments

108. Total cases which were discontinued by the public prosecutor:

| | Number of cases |
|--|--|
| Total cases which were discontinued by the public prosecutor (1+2+3) | 28523 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Discontinued by the public prosecutor because the offender could not be identified | 7548 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | 18205 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Discontinued by the public prosecutor for reasons of opportunity | 2770 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

109. Do the figures include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: The source for answers for questions 91-102 is Lithuanian courts informational system LITEKO, information provided by the National Courts Administration. As far as questions 107, 107-1 and 108 are concerned the sources are digital data systems of the prosecution service (Integrated Criminal Prosecution System and Informational Prosecution System).

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. (Modified question) How are judges recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)



other (please specify):

Comments

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

Yes

No

Comments - If yes, please specify:

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

an authority made up of judges only

an authority made up of non-judges only

an authority made up of judges and non-judges

Comments - 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:

112. Is the same authority (Q111) competent for the promotion of judges?

Yes

No

Comments

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes

No

Comments - If yes, please specify:

113. What is the procedure for judges to be promoted? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments

114. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

statutory independent

under the authority of the Minister of justice or another central authority

other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.

Yes

No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

Comments

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

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

Comments - 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:

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

Yes

No

Comments - If yes, please specify:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

Yes

No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

Yes

No

Comments - If yes, please specify:

119-2. Please indicate the criteria used for the promotion of a prosecutor:

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

Yes

No

Comments

5.1.3.Mandate and retirement of judges and prosecutors



121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:65

No

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

121-1. Can a judge be transferred (to another court) without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

NAP

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:65

No

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

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):2

No

Comments

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

Yes, what is the length of the mandate (in years)?

No

Comments

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

Yes, what is the length of the mandate (in years)?

(X) No, what is the length of the mandate (in years)?

Comments

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges

| | Compulsory | Optional | No training proposed |
|--|--|--|--|
| Initial training (e.g. attend a judicial school, traineeship in the court) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| General in-service training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for management functions of the court (e.g. court president) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| In-service training for the use of computer facilities in courts | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

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

| | Frequency of the judges training |
|--|--|
| General in-service training | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for management functions of the court (e.g. court president) | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for the use of computer facilities in courts | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

| | Compulsory | Optional | No training proposed |
|---|--|--|--|
| Initial training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| General in-service training | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for specialised functions (e.g. public prosecutors specialised on organised crime) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for management functions in the courts (e.g. Head of prosecution office, manager) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for the use of computer facilities in office | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments Since 2014 some changes occurred, and in 2016 a computer class was established in the premises of Vilnius District Prosecutor's Office, where practical training on the operations of IBPS system takes place. IBPS (Integrated informational system for pre-trial investigation) was launched and has been operating since 1 February 2016. In the course of pre-trial investigation all prosecutors, pre-trial judges and officers working in the pre-trial investigation institutions use this system, i.e. prepare procedural documents and communicate with each other regarding the issues related to the pre-trial investigation.

130. Frequency of the in-service training of public prosecutors :

| | Frequency of the in-service training |
|--|--|
| General in-service training | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for management functions in office (e.g. Head of prosecution office, manager) | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for the use of computer facilities in office | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: In September 2016, the Division of Training was established in the Prosecutor General's Office. Its main functions are to organize regular qualification improvement events/workshops, as well as training for all the employees of the Prosecution Service (prosecutors, civil servants and employees working under employment contracts).

131. Do you have public training institutions for judges and / or prosecutors?

| | Initial training only | Continuous training only | Initial and continuous training |
|--|--------------------------|--------------------------|-------------------------------------|
| One institution for judges | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| One institution for prosecutors | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| One single institution for both judges and prosecutors | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments

131-0. (Modified question) If yes, what is the budget of such institution(s)?

| | Budget of the institution for the reference year, in € |
|--|--|
| One institution for judges | 227000 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| One institution for prosecutors | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| One single institution for both judges and prosecutors | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments The budget includes both the maintenance of the institution and the training costs, financed from centralized programme of the National Courts Administration.

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. New prosecutors must carry out and complete the 2-year-long professional traineeship at the prosecution service.

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors



132. Salaries of judges and public prosecutors on 31 December of the reference year:

| | Gross annual salary, in € | Net annual salary, in € | Gross annual salary, in local currency | Net annual salary, in local currency |
|--|--|--|--|--|
| First instance professional judge at the beginning of his/her career | 23571 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 17914 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 23571 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 17914 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | |
|---|----------------------------|----------------------------|----------------------------|----------------------------|
| 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) | 36149 [] NA [] NAP | 27473 [] NA [] NAP | 36149 [] NA [] NAP | 27473 [] NA [] NAP |
| Public prosecutor at the beginning of his/her career | 20967 [] NA [] NAP | 15935 [] NA [] NAP | 20967 [] NA [] NAP | 15935 [] NA [] NAP |
| 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 Attorney General). | 30425 [] NA [] NAP | 23351 [] NA [] NAP | 30425 [] NA [] NAP | 23351 [] NA [] NAP |

Comments The salary of public prosecutors at the beginning of the carrier was increased.

133. Do judges and public prosecutors have additional benefits?

| | Judges | Public prosecutors |
|-------------------------|---------------------|---------------------|
| Reduced taxation | () Yes (X) No | () Yes (X) No |
| Special pension | (X) Yes () No | (X) Yes () No |
| Housing | () Yes (X) No | () Yes (X) No |
| Other financial benefit | () Yes (X) No | () Yes (X) No |

Comments

134. If “other financial benefit”, please specify:

[X] NAP

135. Can judges combine their work with any of the following other functions/activities?

| | With remuneration | Without remuneration |
|--------------------------|---------------------|----------------------|
| Teaching | (X) Yes () No | (X) Yes () No |
| Research and publication | (X) Yes () No | (X) Yes () No |

| | | |
|---------------------------|--|--|
| Arbitrator | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Consultant | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Cultural function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Political function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments - 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/activities?

| | With remuneration | Without remuneration |
|---------------------------------|--|--|
| Teaching | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Research and publication | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Arbitrator | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Consultant | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Cultural function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Political function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other function | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

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

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) or cases examination?

Yes

No

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

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions



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

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

141. Who is 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 (please specify):
- Other (please specify):
- This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):The Court of Honour, the Judicial Ethics and Discipline Commission

Comments The Court of Honour, the Judicial Ethics and Discipline Commission

143. Which authority has disciplinary power over 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 (please specify):
- Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Judges | Prosecutors |
|---|---|---|
| Total number (1+2+3+4) | 18 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 50 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 9 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Professional inadequacy | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 40 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Criminal offence | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify:

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

| | Judges | Prosecutors |
|------------------------------------|--|---|
| Total number (total 1 to 9) | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 10 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | |
|---|--|--|
| 1. Reprimand | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Suspension | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3. Withdrawal from cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Fine | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 5. Temporary reduction of salary | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 6. Position downgrade | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 7. Transfer to another geographical (court) location | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 8. Resignation | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 9. Other | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 7 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Disciplinary sanctions that may be imposed on prosecutors (starting from least severe):

1. Admonition (6 sanctions pronounced in 2016);
2. Reprimand (2 sanctions pronounced in 2016);
3. Qualification rank downgrade (1 in 2016);
4. Position downgrade (1 in 2016);
5. Dismissal (0 in 2016).

E3. Please indicate the sources for answering questions 144 and 145:

Sources: National Courts Administration, Public Prosecutor Office (the Internal Investigations Division of the Prosecutor General's Office, which conducts disciplinary proceedings against prosecutors).

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[2213]

[] NA

[] NAP

Comments The number is provided by the Lithuanian Bar Association (the number of practising lawyers (advocats). Also there are 870 lawyers' assistants who provide legal service also.

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

Yes ()

No (X)

Comments

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

[]

[X] NA

[] NAP

Comments

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

| | First instance | Second instance | Highest instance court (Supreme Court) |
|-----------------------------------|--------------------------------|--------------------------------|--|
| Civil cases | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Dismissal cases | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Criminal cases - Defendant | (X) Yes () No [] NAP | (X) Yes () No [] NAP | (X) Yes () No [] NAP |
| Criminal cases - Victim | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Administrative cases | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| There is no monopoly | (X) Yes () No [] NAP | (X) Yes () No [] NAP | (X) Yes () No [] NAP |

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly: Lawyers do not have monopoly on legal representation in general (referring to the last line). They have a full monopoly only in criminal cases (representing defendant); exceptionally, according to article 47 of the Code of Criminal Procedure, the defendant can be an advocate or advocate's assistant having advocate's authorization. Under the Code of Administrative Offenses (came into force on 1st of January 2017), only advocates can represent their clients in appeal process and only advocates and advocates' assistants – in process where the case is recommended. However, exception for legal entities was made, establishing that these subjects can be represented by an employee with university degree

in law. Under the Code of Civil Procedure (came into force on 1st of July 2017), an appeal shall be filed only by an advocate, with few exceptions regarding the cohabitants of the parties, trade unions, public legal persons and bailiffs.

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

| | First instance | Second instance | Highest instance court (Supreme Court) |
|-----------------------------------|--|--|--|
| Civil society organisation | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Family member | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Self-representation | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Trade union | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Other | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): In civil cases judicial officer's agents can represent the judicial officer, but only with the authorization of the latter and in cases related to the functions of judicial officer (Code of Civil Procedure, Article 56, paragraph 1, subparagraph 7). Besides, in civil cases, one accessory can represent other accessories by their delegation (Code of Civil Procedure, Article 56, paragraph 1, subparagraph 3).

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):

Comments Article 4, paragraph 4 of the Law on the Bar of Republic of Lithuania provides for that an advocate shall also be entitled in accordance with the procedure prescribed by laws to provide services for remuneration as an administrator of bankruptcy, restructuring, property or inheritance, a lobbyist, a liquidator, a curator, an executor of a will, a trustee of property, a patent trustee, as well as to work in commissions of all levels, to be a member of the municipal council, to be appointed as a commission member by the resolution of the Parliament or Government, or by Presidential Decree and participate in working-groups drafting legal projects, act as an arbiter, a mediator, a conciliator or a legal expert in commercial disputes for remuneration. An advocate may be a member of the managing or supervisory body of a legal person, but he cannot receive any remuneration, with the exception of bonuses. The right to provide services listed in this paragraph shall be acquired by an advocate and the provision of these services shall be controlled in accordance with the procedure laid down in legal acts regulating the provision of these services.

In addition, article 43, paragraph 1 of the Law on the Bar of Republic of Lithuania provides for that an advocate entered in the List of Practising Advocates of Lithuania may not participate in operational activities, be employed or hold any other paid position, except for

work in the Lithuanian Bar Association and research, creative or teaching activities.

149-2. What are the statuses for exercising the legal profession in court?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments As there is no monopoly in representation in courts, not only advocates are allowed to represent and practice the legal profession in courts.

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments

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

- Yes
- No

Comments - 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

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
- No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: Lithuanian Bar Association
146: 201 Annual activity report of Lithuanian Bar Association

6.1.2. Practicing the profession



154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

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

Comments Although, in general, legal fees are negotiated between the attorney and the client, there are recommended fees adopted by the Minister of Justice order that serve as a guidance for courts while awarding legal costs and for clients when negotiating legal agreement with the lawyer. Article 50 para. 3 of the Law on the Bar provides for that "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 advocate, the financial status of the client and other relevant circumstances".

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

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

the bar association

the Parliament

other (please specify):the Code of Ethics

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

[] other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Number of disciplinary proceedings |
|---|------------------------------------|
| Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4) | 76 [] NA [] NAP |
| 1. Breach of professional ethics | [X] NA [] NAP |
| 2. Professional inadequacy | [X] NA [] NAP |
| 3. Criminal offence | [] NA [X] NAP |
| 4. Other | 39 [] NA [] NAP |

Comments - If "other", please specify: These disciplinary proceedings were initiated by the Court of Honour of Advocates itself, i.e. without the prior examination of Disciplinary Committee and these proceedings were initiated for the failures to perform duties to the Lithuanian Bar (non-payment of taxes; non cooperation).

The total number of disciplinary proceedings includes 1+2+4 (excluding 3).

Under the Law on Bar (art. 52, par. 1) a lawyer may be subject to disciplinary proceedings for violations of the requirements of this Law and the Code of Ethics for Lawyers of Lithuania and lawyer's activities, therefore we suggest that only 1,2 and 4 are related, excluding 3.

162. Sanctions pronounced against lawyers.

| | Number of sanctions |
|--|-------------------------|
| Total number of sanctions (1 + 2 + 3 + 4 + 5) | 18 [] NA [] NAP |
| 1. Reprimand | 5 [] NA [] NAP |
| 2. Suspension | 1 [] NA [] NAP |
| 3. Withdrawal from cases | [] NA [X] NAP |
| 4. Fine | [] NA [X] NAP |
| 5. Other | 12 [] NA [] NAP |

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. Article 53 of the Law on the Bar of Republic of Lithuania establishes that the Court of Honour of Advocates may impose the following disciplinary sanctions:

- 1) censure;
- 2) reprimand;
- 3) public reprimand;
- 4) invalidation of the decision of the Lithuanian Bar Association to recognise the person as an advocate.

In addition, Law on the Bar of Republic of Lithuania in Article 61 establishes that the Court of Honour of Advocates shall hear disciplinary actions against advocates in accordance with the procedure established by the Lithuanian Bar Association. According to the data of Lithuanian Bar Association, in 2016, apart from the sanction mentioned above, there were applied 31 sanction: 12 - censures; 13 – decisions not to appoint sanctions, instead – suffice with a hearing; 6 – decisions to terminate the disciplinary proceedings.

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR



163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation procedures?

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned:

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 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Family law cases (ex. divorce) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Administrative cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Employment dismissals | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Criminal cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

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

Yes

No

Comments - If yes, please specify:

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

[269]

NA

NAP

Comments Judicial mediation is becoming more popular, efforts made by the judiciary and the National Courts Administration, as well as the legislator, resulted in an increased number of mediators.

167. Number of judicial mediation procedures.

| | Number of judicial mediation procedures |
|--|--|
| Total number of mediation cases (total 1 + 2 + 3 + 4 + 5) | 313 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Civil and commercial cases | 139 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Family cases | 172 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Administrative cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Employment dismissal cases | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Criminal cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - Please indicate the source: The number of judicial mediation procedures concerning civil and commercial cases increased because the judicial mediation becomes more popular.

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

mediation other than judicial mediation

arbitration

conciliation

other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: National Courts Administration, Ministry of Justice (Q168)

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

Comments

170. Number of enforcement agents

118]

NA

NAP

Comments

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

judges

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

bailiffs working in a public institution

other

Comments - Please specify their status and powers: Professional rights and duties of bailiffs are regulated by the Law on Bailiffs (No. IX-876). Bailiffs are appointed and dismissed by the Minister of Justice. In carrying out their function, bailiffs are independent. Bailiffs are empowered to perform the functions of enforcement of writs of execution, to make statement of facts, to serve proceedings and carry out any other functions provided by law. A bailiff may also provide the services set forth in the Law on Bailiffs unless this interferes with the performance of the bailiff's functions. Article 21 of the Law on Bailiffs stipulates that a bailiff must enforce the instruments permitting enforcement prescribed by laws, state the factual background, transmit and serve, by court order, documents on natural and legal persons in the Republic of Lithuania and perform any other duty prescribed by law.

As it was mentioned before, the Law on Bailiffs allows bailiffs to provide services set forth in the law. These services are:

- 1) to make statements of facts;
- 2) to serve written proceeding;
- 3) to keep/administer property during the process of execution;
- 4) to provide legal assistance;
- 5) to sell pledged movable property as collateral in auction;
- 6) to act as an agent in the performance of property obligations;
- 7) to provide bankruptcy administration services.

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: Enforcement agents (bailiffs) have the monopoly in enforcement under court decisions. However, in the field of enforcement the decisions of the State Tax Inspectorate, State Social Insurance Fund Board and Customs the activities are divided between those institutions and enforcement agents (bailiffs).

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

| | Option |
|---|---|
| Seizure of movable tangible properties | <input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of immovable properties | <input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure from a third party of the debtor claims regarding a sum of money | <input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of remunerations | <input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of motorised vehicles | <input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Eviction measures | <input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Enforced sale by public tender of seized properties | <input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Other | <input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP |

Comments For other please refer to general comments.

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice

- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments Enforcement agents can make statements of facts by a court order as well.

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body
- NAP

Comments

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

- Yes
- No

Comments

175. Are enforcement fees freely negotiated?

- Yes
- No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
- No

Comments

H0. Please indicate the sources for answering question 170

Source: The Chamber of Judicial Officers of Lithuania. The number of bailiffs is determined by Order No 202 of 8 July 2002 of the Minister of Justice of the Republic of Lithuania "Due to approval of legal acts that are mentioned in The Law on Bailiffs of the Republic of Lithuania and Law on coming into force The Law on Bailiffs and implementation of it" (Order No 1R-298 30 November 2017 of the Minister of Justice current edition).

8.1.2. Efficiency of enforcement services

177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used? A person may be appointed a bailiff if he is a citizen of the Republic of Lithuania and is a person of good repute, holds a university degree in law (one-cycle or a bachelor's degree), has served as an assistant judicial officer for at least two years and has won a public tender or has practised law or worked as a judicial officer for at least five years and has won a public tender. A person who holds a degree of doctor or doctor habilis in social sciences or a person who worked as a judicial officer for not less than five years if not less than three years have passed after his dismissal from the position of a judicial officer, where he has won a public tender, may be appointed judicial officer without an examination. A person may not be regarded to be of good repute where he:

- 1) has been convicted of a serious or grave crime, irrespective of whether or not the conviction has expired;
- 2) has been convicted of a misdemeanour, a minor or less serious premeditated or negligent crime and the conviction has not expired yet;
- 3) abuses alcohol, psychotropic, narcotic or other psychoactive substances;
- 4) engages in a conduct or activities not compatible with the requirements of the Code of Professional Ethics of Bailiffs.
- 5) he has been dismissed for professional misconduct or misconduct in office from the office of a judge, a prosecutor, an advocate, an advocate's assistant, a notary, an assessor, a notary's representative, a court judicial officer, a judicial officer, a judicial officer's representative or an assistant judicial officer or from the civil service and less than five years have passed since the dismissal.

180. If yes, who is responsible for establishing these quality standards?

a professional body

the judge

the Ministry of Justice

other (please specify):The Parliament of the Republic of Lithuania Bailiffs Meeting adopts the Bailiffs' Code of Professional Ethics

Comments "other" - the Parliament of the Republic of Lithuania Bailiffs Meeting adopts the Bailiffs' Code of Professional Ethics

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify: According to art. 27 of the Law on Bailiffs, art. 510 of the Code of Civil Procedure of the Republic of Lithuania the procedural actions of bailiffs, their legitimacy are verified by a court upon a claim of a party of the enforcement case.

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 (please specify):Seizure of funds in bank accounts and inability to use debit card freely

Comments "Other" - Seizure of funds in bank accounts and inability to use debit card freely

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

Yes

No

Comments - If yes, please specify:

185. Is there a system measuring the length of enforcement procedures:

| | Existence of the system |
|--------------------------|-------------------------|
| for civil cases | () Yes (X) No |
| for administrative cases | () Yes (X) No |

Comments

186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- (X) between 1 and 5 days
- () between 6 and 10 days
- () between 11 and 30 days
- () more (please specify):

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Number of disciplinary proceedings initiated |
|--|--|
| Total number of initiated disciplinary proceedings (1+2+3+4) | 5 [] NA [] NAP |
| 1. For breach of professional ethics | 5 [] NA [] NAP |
| 2. For professional inadequacy | 0 [] NA [] NAP |
| 3. For criminal offence | [] NA [X] NAP |
| 4. Other | [] NA [X] NAP |

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

| | Number of sanctions pronounced |
|---------------------------------------|--------------------------------|
| Total number of sanctions (1+2+3+4+5) | 2 [] NA [] NAP |

| | |
|---------------------------------|------------------------|
| 1. Reprimand | 2 [] NA [] NAP |
| 2. Suspension | 0 [] NA [] NAP |
| 3. Withdrawal from cases | [] NA [X] NAP |
| 4. Fine | [] NA [X] NAP |
| 5. Other | 0 [] NA [] NAP |

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: Under Art. 15, par.1 of Law on Bailiffs, the possible sanctions are: 1) caution; 2) reprimand; 3) the deprivation of the right to provide services referred to in Paragraph 2 of Article 21 of this Law up to six months; 4) the deprivation of the right to perform functions specified in Paragraph 1 of Article 21 of this Law for up to six months; 5) dismissal from bailiffs dismissal from office

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: the Chamber of Judicial Officers of Lithuania

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

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

- [] Judge
 [X] Public prosecutor
 [X] Prison and Probation Services
 [] Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

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

- () Yes
 (X) No

Comments

191. If yes, what is the recovery rate?

- () 80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

| | Number of notaries |
|--|--|
| TOTAL | 264 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Private professionals (without control from public authorities) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Private professionals under the authority (control) of public authorities | 264 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Public agents | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Other | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary:

diploma

payment of a fee (e.g. purchasing office)

co-opting of peers

other

Comments

192-2. (Modified question) What is the duration of appointment of a notary?

Limited duration, please indicate it in years:70

Unlimited duration

Comments

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
- in the field of mediation
- other (please specify):see the general comments

Comments From January 1, 2016, the amendments of Law on Notaries came into force and notaries were granted the right to act as mediators.

194-1. Do notaries have the monopoly when exercising their profession:

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with:

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

Comments "other" - see the general comments.

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries?

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- the Ministry of Interior
- other (please specify):

Comments

196-1. Is there a system of general continuous training mandatory for all notaries?

Yes

No

Comments

I1. Please indicate the sources for answering question 192:

Sources: Chamber of Notaries

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes

No

Comments

199. Number of accredited or registered court interpreters:

[]

NA

NAP

Comments

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

Yes

No

Comments - If yes, please specify:

201. Are the courts responsible for selecting 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, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: National Courts Administration.

11.Judicial experts

11.1.Profession of judicial expert

11.1.1.Status of 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,

"legal 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).

Other (please specify):

Comments

202-1. Are there lists or databases of technical experts registered?

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?)

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the expert have an obligation of training?

| | Obligation of training |
|----------------------------|--|
| Initial training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Continuous training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

203-2. If yes, does this training concern:

the proceeding

the profession of expert

other

Comments

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

Yes

No

Comments

204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial / technical experts:

[373]

[] NA

[] NAP

Comments There are 373 registered experts, 3 forensic institutions have accreditation in the sphere of forensic science - ISO17025.

205-1. Who sets the expert remuneration?

- The performance of forensic examination in state forensic institution in criminal cases is free of charge. But the court shall remunerate expenses of forensic expert due to appearing in court, travelling. Private forensic experts should be paid for the performance of their examination and shall be reimbursed for any expenses they incur due to appearing in court, travelling, and accommodation and be paid a daily allowance.

In civil cases, all expenses independently of the institution or persone performing forensic examination should be covered by the court. The expenses for forensic examination in state forensic institution are counted on the rulings approved by Ministry of Justice or Ministry of Health of the Republic of Lithuania. This amount cannot exceed the work and material costs necessary to make an forensic examination. The private forensic experts regulate the amount of expenses by their one.

The court shall cover the expenses for forensic experts (or institutions) when they have performed their duties in accordance with the invoice presented after the examination has been performed. Expenses experts incur due to appearing in court, travelling, and accommodation and a daily allowance are paid according to the legislation on official missions in the Republic of Lithuania.

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

(X) Yes

() No

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

207. Are the courts responsible for selecting judicial experts?

[] Yes, for recruitment and/or appointment for a specific term of office

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

[] No, please specify which authority selects judicial experts

Comments

207-1. Does the judge control the progress of investigations?

() Yes

(X) No

Comments

K1. Please indicate the sources for answering question 205

Sources: The Ministry of Justice.

12.Reforms in judiciary

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 at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans 1. On June 2016 the Law on the Reorganization of Courts and related legislation were adopted. From the January 1, 2018, the number of district courts shall be reduced from 49 to 12, the number of regional administrative courts will be reduced from 5 to 2 - instead the separate divisions of courts shall be established.

2. On 11 October 2016 the Parliament adopted the Concept Paper on Lay Judges. This Concept Paper proposes to introduce the institution of lay judges into the Lithuanian legal system in order to increase the trust of the society in the courts' system, to further promote the transparency of the courts' activities and to boost legal education. According to the Concept Paper, lay judges would hear the cases in the courts of first instance together with regular judges. Lay judges would participate only in oral hearing of a case. The Concept Paper proposes the concrete list of categories of civil, criminal and administrative cases where lay judges could be appointed to fulfil their public duty. It is foreseen that lay judges could be appointed either on voluntary basis or on the basis of random selection. The Concept Paper contains provisions on the main requirements for lay judges, their selection procedure, compilation of the lay judges' list, the role of lay judges, their procedural rights and obligations, guarantees, liability etc.

The Constitution and other laws will have to be amended in order to implement the provisions of the Concept Paper. According to the Government's planning, the foreseen deadline for the full introduction of the institution of lay judges into the Lithuanian legal system is the 3rd quarter of 2020.

3. According to the Government's planning, it is foreseen to introduce the right of individual application to the Constitutional Court into the Lithuanian legal system until the 3rd quarter of 2019. It is expected that by providing this additional legal tool persons will be able to better protect their rights and legitimate interests.

2. Budget The draft amendment of the Law on the Prosecution Service has been referred to the Seimas (Parliament) for consideration wherein certain amendments have been proposed to further improve social guarantees of the prosecutors and it has also been planned to determine the following average proportion between the salaries of prosecutors and judges.

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) Prosecutor office.

The draft Law on the Protection of Rapporteurs has been registered in the Seimas. This draft law provides that the Prosecutor General's Office of the Republic of Lithuania shall have the status of a competent authority.

3.1. Access to justice and legal aid Amendments to the Law on Legal Aid are prepared to increase accessibility of primary legal aid. Persons wishing to receive primary legal will no longer have to apply to the municipality according to their declared place of residence, they will be able to address the municipality where they are residents at that moment.

Chamber of Judicial Officers: access to the enforcement process is increasing because of new electronic tools. Enforcement agents draw up a part of execution writs electronically and digitally signed. The implementation of an electronic file was continuing in 2014. After the implementation of an electronic file, all documents are drawn up digitally and sent to parties or interested persons of a proceeding by electronic means. E-auction service (introduced since 2013) assures openness, transparency, efficiency, and maximum availability of auctions.

4. High Judicial Council -

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. 1. According to the Government's planning, it is foreseen to consider the draft laws increasing the salaries of the judges of the district courts in the Parliament's autumn session of the year 2017. In accordance with the draft laws, the salaries would be increased in two phases: the first phase would start from 1 January 2018, the second phase – from 1 January 2019. It is expected that by

increasing the income of the judges of the district courts the independence of the judiciary will be strengthened, adequate compensation for work will be ensured and the attractiveness of the work of a judge will be enhanced.

2. In April 2017 the prosecution service of the Republic of Lithuania acceded to the International Association of Prosecutors. The membership in this association is valuable to us because gives us access to the database of scientific articles and global register of contact data of prosecutors and it also provides possibility to be invited to various conferences. In June 2017 the prosecution service became a member of the European Judicial Training Network. As a EJTN member we may take part in various EJTN events held for the purposes of in-service training and next year it has been planned to host at least one of the conferences supported by EJTN in Lithuania. It has also been planned to conclude an agreement for co-operation with the Academy of European Law in the nearest future.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities The Ministry of Justice of the Republic of Lithuania prepared draft laws aiming at improving the legal framework of civil procedure. These draft laws contain the provisions improving the rules on defending public interest in civil proceedings; improving the rules on representation in civil proceedings; modifying the rules on court fees (in certain cases it is proposed to increase a court fee, in certain cases – to decrease it, aiming at proper balance); transferring the functions that are not intrinsic to the judiciary to other institutions; improving the rules on service of documents; improving the rules on arbitration; improving the rules on hearing public procurement cases; improving the rules on sanctions against the abuse of procedural rights; improving the rules on issuing court decisions in absence of claimant or defendant; etc. These draft laws were adopted by the Parliament on 16 November 2016 and came into force on 1 July 2017.

2. On 1 October 2017 relevant amendments of the Criminal Procedure Code shall come into force whereby the currently effective institute of private prosecution shall be removed. The proceedings of private prosecution are characterised by the fact that such type of proceedings are only possible with regard to offences attributable to the category of private prosecution cases (minor health impairment by way of negligence, causing physical pain or slight bodily injury; restriction of freedom of another person's actions; sexual harassment; defamation; unlawful infringement of the inviolability of another person's dwelling; unlawful disclosure or use of information about another person's private life; destruction or damage of property; destruction or damage of property by way of negligence; contempt for the memory of the deceased), these proceedings are instituted only in case where there is a complaint by the victim or an application lodged by his/her legal representative, pre-trial investigation is not carried out in these cases and the public charges in court are upheld by the victim or his legal representative. When these amendments shall come into force the increase of the workload of the prosecution service has been estimated since in cases regarding offences which used to be attributed to the category of private prosecution cases pre-trial investigation shall be carried out in accordance with general procedure whereas in trial stage public prosecution shall be upheld by the prosecutor.

7. Enforcement of court decisions The draft amendments to the Law on the Prosecution Service and Criminal Procedure Code have been referred to the Seimas for further consideration. These amendments propose to eliminate the function of controlling enforcement of judgments from the prosecutors.

8. Mediation and other ADR On 29 June 2017 the Parliament adopted the laws amending the Law on Conciliatory Mediation in Civil Disputes and the Code of Civil Procedure. The laws will enter into force on 1 January 2019. The main objectives of these laws are to

promote mediation in civil disputes, to improve the quality of mediation services, to promote amicable resolution of disputes, to decrease a workload of courts, to save state funds which are allocated for the courts.

Necessary amendments to the secondary law to implement the aforementioned amendments are to be made until 31 December 2018. In 2018 it is foreseen to consider the draft laws on mediation in the administrative proceedings.

9. Fight against crime A number of amendments to the Code of Criminal Procedure and the Criminal Code were made in 2015-2017. In particular, the Laws No. XII-2780 and XII-2781 now allow in certain instances investigating, prosecuting and convicting a legal person without a conviction of a natural person, they also allow holding a legal person criminally liable for criminal acts committed by their subsidiaries. The financial penalties for crimes, in particular, corruption crimes, have been recently raised by the Law No. XIII-653.

9.1. Prison system 1. Modernization of Lithuanian correctional institutions under the Governmental programme of 2014-2021 is under the process. After implementation of the programme 5 modern remand/correctional institutions will be constructed and all the rest institutions will be modernized under international standards. In 2016, a new Central Prison Hospital and 4 Half-way houses were opened and in May 2017 – renovated premises in Marijampol Correctional House has started functioning. Until the end of 2017, 3-rd sector of Pravieniškis Correctional House-Open Prison Colony will be fully renovated and reconstruction of Alytus Correctional House shall start. Since 2015 construction of a new place of deprivation of liberty in Šiauliai is under process and a new institution expected to be opened in 2021.

2. In 2012/2016 national law on pre-trial detention, enforcement of sentences and probation has been reformed. These changes caused development of alternative sanctions, start of application of intensive supervision (electronic monitoring), inmates` risk assessment, reducing of possibilities to apply pre-trial detention and increasing application of conditional release. All above mentioned measures have resulted in significant reduction of persons detained/imprisoned in remand/correctional institutions. Total number of inmates has decreased by 28,5 % and detainees – by 55 % since 2013.

9.2 Child friendly justice On 14 March 2017 the Law XIII-217 amending certain articles of the Code of Criminal Procedure was adopted. It enters into force as of 1 July 2018. The Law foresees that any questioning of a underage minor (up to 14 years of age) victim or witness, as well as a child victim or witness of violent, sexual or similar crimes, during criminal proceedings shall be performed with assistance of a psychologist and with participation of child welfare agency specialists.

9.3. Violence against partners -

10. New information and communication technologies 1. IBPS (Integrated informational system for criminal procedure) was launched and has been operating since 1 February 2016. In the course of pre-trial investigation all prosecutors, pre-trial judges and officers working in the pre-trial investigation institutions use this system.

2. For the purposes of improving the effectiveness and legitimacy of criminal intelligence activities in 2017 we plan to conclude a joint agreement between the major authorities of criminal intelligence, Prosecutor General's Office and regional courts with regard to various ways of collecting criminal intelligence information and authorisation of criminal intelligence measures in the criminal intelligence telecommunications network (hereinafter 'CITN'). Upon signing this agreement electronic classified documents marked for limited use only which are stored in CITN shall be handled and stored by using software of Criminal Intelligence Information System data storage facility.

11. Other -