

Lithuania

EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS' JUDGMENTS

MAIN ACHIEVEMENTS IN MEMBER STATES

The present survey presents short summaries¹ of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms referring, however, also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation or government regulations or the adoption of new policies or general guidelines from superior courts. As a rule, the survey does not cover information on measures aiming at providing individual redress to applicants.

The presentation is organised country-by-country and reforms are, in principle, presented in the order corresponding to the thematic domains used in the Council of Europe's specialised database HUDOC EXEC and the Committee of Ministers' Annual Reports on the Supervision of the Execution of the European Court of Human Rights' judgments.

Many reforms address issues which appear to be on-going challenges in the member State. The effects of reforms adopted at one point in time may thus need to be monitored and possibly re-evaluated as conditions change.²

¹ The summaries are the sole responsibility of the Department for the execution of the judgments of the European Court of Human Rights.

² The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued [Recommendation \(2004\)5](#) on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

► **Actions of security forces and effective investigations**

In 2017, the Law on Police was revised in order to better define physical and mental restraint and set the conditions for the use of restraint or special measures, firearms and explosives. Operational guidelines issued by the Government on the necessity of prior approval of special coercive measures were adopted. Excessive use of force may now be subject to disciplinary proceedings and victims of ill-treatment have access to compensatory remedies.

Gedrimas group (21048/12)
 Final Resolution
 CM/ResDH(2018)291

► **Protection against domestic violence**

The law on Protection against Domestic Violence of 2011 provided for measures of protection for the victims of domestic violence. In 2015, the Prosecutor General's Office confirmed, in a statement, that protection measures for victims available during pre-trial investigations were underused. Recent recommendations issued by the General Prosecutor's Office aimed at ensuring speediness and efficiency of criminal investigations in cases of domestic violence. Training activities to improve prosecutors' investigative skills were organised. In 2017, the Police General Commissioner adopted guidelines to improve police diligence and the gathering of evidence in domestic violence cases.

Valiulienė (33234/07)
 Final Resolution
 CM/ResDH(2018)313

► **Conditions of detention**

According to the Code on the Execution of Criminal Sentences of 2003, it is no longer possible to monitor the correspondence of prisoners without authorisation. In 2009, a multiannual programme was adopted to improve the conditions of detention in police detention facilities, notably regarding overcrowding and lack of access to hygienic facilities. The Law on Execution of Detention and the Code on the Execution of Sentences were both amended with effect from 2017, so as to provide equal treatment between remand detainees and convicted prisoners as regards family visits.

Valasinas (44558/98)
 Final Resolution
 CM/ResDH(2004)44

Kasperovičius (54872/08)
 Final Resolution
 CM/ResDH(2017)34

Varnas (42615/06)
 Final Resolution
 CM/ResDH(2017)140

► **Review of life sentences**

A mechanism for the effective review of a life imprisonment sentence was introduced in April 2019 enabling such prisoners to request conversion of their sentence into a fixed-term custodial sentence after having served a minimum of twenty years. This mechanism is supplemented by individual social rehabilitation plans that are drawn up taking into consideration the degree of risk of a convict's criminal behaviour, criminological factors, his occupation, the maintenance of social relations as well as factors contributing to the convict's social rehabilitation.

Matiošaitis and Others
 (22662/13+)
 Final Resolution
 CM/ResDH(2019)142

► **Right to liberty and security**

An exhaustive list of the grounds on which detention on remand may be imposed was set out in a new Code of Criminal Procedure, which entered into force in May 2003.

Jecius (34578/97)
 Final Resolution
 CM/ResDH(2004)56

► **Functioning of justice**

➤ **Fairness of proceedings**

Legal safeguards with regard to the procedure for taking evidence from an anonymous witness were strengthened: an anonymous witness may thus be

Birutis and Others
 (47698/99+)
 Final Resolution
 CM/ResDH(2004)45

questioned at a non-public hearing once appropriate acoustic and visual devices have been set up to ensure that identification is impossible.

➤ Impartiality of courts

The legal provision entitling certain judges, including the Presidents of Divisions of the Supreme Court, to submit a cassation petition instructing the Court of Cassation to reinstate first-instance judgments, thus raising impartiality issues, was repealed in 2003.

Changes in the internal regulations and organisation of the Supreme Court's work also took place, aimed at ensuring the respect of the impartiality principle in case assignment and panel composition. The assignment of cases to appellate judges and the composition of panels are now automatically generated by a computer programme, on the basis of a series of criteria set out in the Rules of the Judicial Council of 2015. The assignment of Supreme Court judges is decided by the Chair of the Supreme Court Division or the President. The panels' composition is announced/made public on the Supreme Court's website and the Rules governing them were published in the Register of Legal Acts in 2019.

➤ Remedies against excessive length of proceedings

In order to accelerate judicial proceedings, stricter time-limits for the completion of criminal cases were established in 2003 and new domestic remedies were introduced, notably the possibility for the investigating judge to order the speeding-up of investigations or their closure. Several amendments of the Criminal Procedure Code were adopted between 2010 and 2014 aimed at accelerating pre-trial investigations: introducing a maximum length of adjournment of trial proceedings and the right to lodge complaints to be examined within seven days. The Civil Code provides for liability for damage caused by unlawful actions of preliminary investigation officials, prosecutors, judges and the court and thus constitutes a legal basis for compensation requests in the context of excessively lengthy proceedings.

➤ Legal aid in civil proceedings

The Law on State Legal Aid was amended in 2018, granting the right to have one's individual situation assessed by taking into consideration one's standard of living and financial status, one's capacity to represent oneself effectively, the cost of legal assistance, the complexity and scope of pecuniary requests (interests), and the procedural status of the applicant.

Daktaras (42095/98)
Final Resolution
CM/ResDH(2004)43

Daineliene (23532/14)
Final Resolution
CM/ResDH(2019)132

Girdauskas (70661/01+)
Final Resolution
CM/ResDH(2007)127

Sulcas (35624/04+)
Final Resolution
CM/ResDH(2014)291

Urbsiene and Urbsys
(16580/09)
Final Resolution
CM/ResDH(2019)4

► Protection of private life

➤ Defamation

The ceiling on compensation for non-pecuniary damages caused by flagrant abuse of press freedom (resulting in too low awards) was removed from the Civil Code of 2001.

Armoniene and Biriuk
(36919/02+)

[Final Resolution
CM/ResDH\(2010\)174](#)

➤ Secret surveillance

The 2013 Law on Criminal Intelligence provides safeguards and remedies to ensure the legality of secret surveillance measures. It provides for effective domestic remedies for the protection of human rights, enabling *inter alia* judicial examination of the legality and the implementation of surveillance measures. In 2015, the Supreme Court published a survey of relevant domestic case-law concerning the monitoring, recording and storage of information transmitted through electronic communications networks, explaining the criteria for secret surveillance measures.

Drakšas (36662/04)

[Final Resolution
CM/ResDH\(2016\)124](#)

➤ Incapacitation proceedings

Proceedings to deprive a person with mental disabilities of their legal capacity were reformed in 2016 allowing courts to declare a person legally incapacitated only in a certain area of their life and obliging the courts to restore legal capacity should the person's health improve.

A.N. (17280/08)

[Final Resolution
CM/ResDH\(2017\)268](#)

➤ Spousal privilege in criminal proceedings

In 2020, the Code of Criminal Procedure was amended to grant all persons the possibility to refuse to testify against spouses or family members, irrespective of their status in the criminal proceedings concerned.

Kryževičius (67816/14)

[Final Resolution
CM/ResDH\(2021\)12](#)

► Electoral rights

In 2022, a new Electoral Code came into force, according to which any person removed from office or whose mandate as a member of the Parliament has been revoked by the Parliament through impeachment proceedings will not be subjected to a "permanent and irreversible" ban from standing for parliamentary elections but will be able to stand for elections to the Parliament after a period of "at least ten years".

Paksas (34932/04)

[Final Resolution
CM/ResDH\(2022\)253](#)