

Lithuania

1) Judgements and, where applicable, probation decisions entering into the scope of this Framework Decision (Article 2)

a) Member States are asked to describe the judgments and, where applicable, probation decisions, as defined in Article 2, which have to be recognised by a Member State.

In this regard, Member States are asked to make a separated table for **each** judgement and **each** probation decision, entering into the scope of the Framework Decision and indicate for each one the following information.

JUDGEMENT IN WHICH SENTENCE TO IMPRISONMENT IS SUSPENDED	
Name of the judgement or the probation decision	<p>1) Judgement in which sentence to imprisonment is suspended (Nuosprendis, kuriuo atidedamas laisves atemimo bausmes vykdymas)</p> <p>2) Decision to release a person serving a custodial sentence on parole (Nutartis del lygtinio atleidimo nuolaisves atemimo bausmes pries termina ar neatliktos laisves atemimo bausmes dalies pakeitimo svelnesnebausme)</p> <p>3) Decision to release conditionally from a correction institution (Nutartis del lygtinio paleidimo is pataisos istaigos)</p>
Classification of this judgement or the probation decision	<p>1) Suspended sentence</p> <p>2) Conditional release</p>
Legal basis of this judgement or the probation decision	<p>Criminal Code of the Republic of Lithuania</p> <p>Code of Punishment Enforcement of the Republic of Lithuania</p>
Definition of this judgement or the probation decision	<p>Judgement in which sentence to imprisonment is suspended is a court's decision which suspends the sentence where the court rules that there is a sufficient basis for believing that the purpose of penalty will be achieved without the sentence actually being served.</p> <p>Decision to release a person serving a custodial sentence on parole is a court's decision to release a person serving a custodial sentence on parole if that person satisfies conditions, defined by the Criminal Code of the Republic of Lithuania (see bellow).</p> <p>Decision to release conditionally from a correction institution is a court's decision to release a person conditionally from a correction institution if the convicted person pledges himself to prove his correction by honest behaviour and diligent work and he satisfies conditions, defined by the Code of Punishment Enforcement of the Republic of Lithuania (see bellow).</p>

<p>Legal Conditions of this judgement or the probation decision</p>	<p>A court may suspend the imposed sentence for a period ranging from one to three years if a person is sentenced to imprisonment for a term not exceeding three years for the commission of one or several minor or less serious premeditated crimes or not exceeding six years for the crimes committed through negligence.</p> <p>A court may release a person serving a custodial sentence on parole or substitute the undischarged term of the custodial sentence with a more lenient penalty (with the exception of a fine), where this person:</p> <ol style="list-style-type: none"> 1) has served: <ol style="list-style-type: none"> a) at least one half of the imposed sentence for a negligent or minor or less serious premeditated crime; or b) at least two thirds of the imposed for a serious crime ; or c) at least three fourths of the imposed sentence for a serious crime, or where the person is a recidivist; or d) at least one third of the imposed sentence for a negligent or minor or less serious premeditated crime committed by a pregnant woman, also a single father (mother) raising a child under the age of seven years or two or more minor children, where his (her) parental powers have not been restricted by a court in respect of these children; 2) has fully compensated for the property damage incurred by a crime or has compensated for or eliminated a part thereof and has undertaken to fully compensate for or eliminate it over the undischarged term of the sentence; 3) proved by his conduct and work during the period of serving the custodial sentence that he may be released on parole or his custodial sentence may be replaced with a more lenient penalty. <p>From correction institutions may be conditionally released (by the court):</p> <ol style="list-style-type: none"> 1) persons sentenced to the custodial sentence to six years including for the crimes committed from carelessness, juveniles, pregnant women as well as persons who have children under seven years or two and more minors (if they are not restricted the powers of parents), - when they have practically served not less than one third of the custodial sentence imposed; 2) persons kept in the house of correction in the conditions of the privileged group,- when they have practically served not less than half of the custodial sentence imposed; 3) persons kept in the house of correction in the conditions of the ordinary group,- when they have practically served not less than three fourths of the custodial sentence imposed.
<p>Type of probation measures</p>	<p>When suspending a sentence or release a person serving a custodial sentence on parole a court shall impose on the convict one or more of the following mandatory injunctions:</p> <ol style="list-style-type: none"> 1) to compensate for or eliminate the property damage incurred by a crime; 2) to offer an apology to the victim; 3) to provide assistance to the victim during the latter's medical treatment; 4) to take up employment or register at a labour exchange, not to change employment without the consent of the court; 5) to undertake studies, resume studies or acquire a specialty; 6) to undergo a treatment against alcohol addiction, drug addiction, addiction to toxic substances or a sexually transmitted disease, where the convict agrees there for; 7) not to leave his place of residence for a period exceeding seven days without the consent of the institution supervising suspension of the sentence. <p>A minor who has committed a misdemeanour or crime and has been</p>

	<p>released from criminal liability or a penalty may be subject to the following reformatory sanctions:</p> <ol style="list-style-type: none"> 1) a warning; 2) compensation for or elimination of property damage; 3) unpaid reformatory work; 4) placement for upbringing and supervision with parents or other natural or legal persons caring for children; 5) restriction on conduct; 6) placement in a special reformatory facility. <p>A court may also impose the following mandatory injunctions upon a minor:</p> <ol style="list-style-type: none"> 1) to be at home at a certain time; 2) to study, resume studies or take up employment; 3) to acquire certain knowledge or learn prohibitions (traffic safety regulations, school student's regulations,...); 4) to undergo a complete course of treatment against alcohol addiction, drug addiction, addiction to toxic substances or a sexually transmitted disease. This mandatory injunction shall be imposed at the request of parents or guardians subject to the consent of the minor; 5) to participate in the social education or rehabilitation measures organised by state or non-state bodies and organisations. <p>The court while conditionally releasing a convicted person from the correction institution establishes one or some of the following duties:</p> <ul style="list-style-type: none"> - prohibition to leave home in a certain time if it is not related to work; - prohibition to visit certain places if it not related to work; - prohibition to move away outside the district of the living place for more than seven days without permission; - duty to register himself in the correction inspection from one to four times a month; - duty to undergo treatment from alcohol, drug or toxic addiction or venereal diseases, if the person conditionally released agrees to.
Combination of sanctions or measures	Impossible.
Authority responsible for taking such a decision	-
Authority responsible for supervising	<p><i>Correction Inspections</i> (subordinated to the prison Department under the Ministry of Justice)</p> <p>The Correction Inspections execute the following functions:</p> <ol style="list-style-type: none"> 1) Organize the enforcement of court judgements and rulings regarding the punishments other than custodial sentence (except restriction of property rights), suspended sentences, release on parole and conditional release from correction facilities, penal impact tools, i.e. works free of charge; 2) Execute the supervision of compliance with duties and prohibitions established to convicts. Consider a convict's behaviour within a sentence serving period when establishing the supervision; 3) Control whether convicts on suspended sentences, released on parole and conditionally released from correction facilities restrain from legal offences and inform them about the legal outcome of the offences committed; 4) Meet and communicate with convicts, update the information on their place of residence, inform registered persons on their legal status;

- 5) Draft and submit to court applications and material provided for by the laws;
- 6) Cooperate with state and municipal institutions and establishments, public organizations in dealing with the problems on prevention of legal offences by registered convicts, organize and implement joint prevention tools;
- 7) Assist persons with imposed custodial sentences to deal with personal and social problems (arrangement of (personal or other) documents, employment, accommodation, substance abuse diseases,...), provide convicts individual and psychological support, within the scope of competence provide non-material social assistance: counselling, information, forwarding to institutions, establishments, organizations providing social assistance, healthcare institutions, social rehabilitation institutions providing services for persons with psychoactive substance abuse, assist in communication with institutions, establishments, organizations, provide other necessary assistance on personal and social support issues.
- 8) Assist with employment to employable persons conditionally released from correction facilities or released on parole, inform on services provided by labor markets, social advantages for persons released from penal institutions, initiate interviews with potential employers, assist with arrangement of necessary documents, cooperate with territorial labor markets, encourage convicts to vocational training and re qualification, higher education, provide other necessary information on employment, personal and social support issues;
- 9) Implement programs on social integration and social rehabilitation where convicts would be involved on voluntary basis;
- 10) Cooperate with state and municipal institutions, public and religious organizations, other legal and natural persons in implementation of convicts social integration, organize and implement joint tools to ensure convicts integration into social life;
- 11) Provide personal and social support to registered persons addressing their needs.

Authority responsible in case of infringement

Correction Inspections:

Able-bodied persons conditionally released from the correction institutions that breach labour discipline, as well as conditionally released persons that breach the peace or duties prescribed to them by the chief of correction inspection may be imposed the means of influence - a warning or a reprimand.

Court:

1) Where, during the period of suspension of sentence, the convicted person fails, without valid reasons, to comply with the penal sanction and/or mandatory injunctions imposed by the court or violates public order, abuses alcohol or commits other offences for which administrative penalties or disciplinary sanctions have been imposed upon him at least twice, the court shall, on the recommendation of the institution supervising the conduct of the convicted person, warn the convicted person that suspension of the sentence may be revoked.

Where the convicted person further fails to comply with the penal sanction and/or mandatory injunctions imposed by the court or commits offences, the court shall, on the recommendation of the institution supervising the conduct of the convicted person, rule on the revocation of suspension of the sentence and execution of the sentence;

2) Where a person released on parole from a custodial sentence fails, without valid reasons, to comply with the mandatory injunctions imposed by a court or violates public order, abuses alcohol or commits other offences for which administrative penalties or disciplinary sanctions have been imposed

upon him at least twice, the court shall, on the recommendation of the institution supervising the conduct of the convicted person, warn the convicted person that release on parole from the custodial sentence may be revoked. Where, having been warned, the convicted person further fails to comply with the mandatory injunctions imposed by the court or commits offences, the court shall, on the recommendation of the institution supervising the conduct of the convicted person, rule on the revocation of release on parole from the custodial sentence and serving of the undischarged term of the sentence;

3) In case an able-bodied person conditionally released from the correction institution avoids to work or systematically breaks or especially maliciously violates labour discipline as well as breaks public order or the duties prescribed to him, by the decision of the court is sent to the house of correction to serve the remainder of the custodial sentence.

2) Probation measures and alternative sanctions (Article 4)

In Article 4 of the Framework Decision types of probation measures and alternative sanctions are stated. Member States are asked to describe the probation measures and alternative sanctions attached to those judgements and probation decisions:

a) In the table below please describe how probation measures and alternative sanctions set out in Article 4.1 are reflected in your domestic law and please give a description of each of them.

Probation measures / alternative sanctions	Explanation
Obligation for the sentenced person to inform a specific authority of any change of residence or working place	When suspending a sentence, a court shall impose on the convict the following mandatory conditions: 1) not to leave his place of residence for a period exceeding seven days without the consent of the institution supervising suspension of the sentence. 2) not to change employment without the consent of the court.
Obligation not to enter certain localities, places or defined areas in the issuing or executing State	The court while conditionally releasing a convicted person from the correction institution may establish prohibition to visit certain places if it is not related to work. A court may also impose a minor not to visit the places that have negative effect on the behaviour of the minor (current places notes the court)
Obligation containing limitations on leaving the territory of the executing State	There are no direct restrictions for the convicts to leave the territory of Lithuania, but: 1) a court may impose the sentenced person not to leave his place of residence for a period exceeding seven days without the consent of the institution supervising suspension of the sentence. 2) a court may impose the minor not to change his place of residence without giving a notice to the institution supervising execution of this sanction (Correction Inspection could prohibit to sentenced persons to change his place of residence, including in abroad).
Instructions relating to behaviour, residence,	A court may impose the convicted person to take up employment or register at a labour exchange, undertake

<p>education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity</p>	<p>studies, resume studies or acquire a speciality.</p> <p>A court may impose the following mandatory injunctions upon a minor:</p> <ol style="list-style-type: none"> 1) to be at home at a certain time 2) to study, resume studies or take up employment 3) to acquire certain knowledge or learn prohibition (traffic safety regulations, school student's regulations, etc) 4) to participate in the social education or rehabilitation measures organised by state or non-state bodies and organisations.
<p>Obligation to report at specified times to a specific authority</p>	<p>The court while conditionally releasing a convicted person from the correction institution may establish a duty to register himself in the correction inspection from one to four times a month.</p> <p>Able-bodied persons conditionally released from correction institutions must start to work or register themselves in the labour exchange in fifteen days from the day of release and inform about it the institution of sentence implementation.</p> <p>A minor must, in accordance with the established procedure, give an account of his compliance with mandatory and prohibitive injunctions.</p>
<p>Obligation to avoid contact with specific persons</p>	<p>For an adult person a court may impose a prohibition to approach the victim where this is necessary with a view to protecting the legitimate interests of the victim.</p> <p>For a minor may be prohibited to communicate with the people who exert a negative influence on him (current person notes the court).</p>
<p>Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</p>	<p>A court may prohibit a person from exercising special rights (the right to drive land vehicles, air-or water-borne vehicles, the right to hold and carry a weapon, the right to hunt, the right to fish, etc.) in the cases when a person committed a criminal act while exercising these rights.</p> <p>A court may impose upon a minor the following prohibitive injunctions: not to gamble or (and) not to drive a motor vehicle (motorcycle, self-propelled vehicle, etc.)</p>
<p>Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation</p>	<p>A court shall order to the adult person to compensate for or eliminate the property damage incurred by a crime. A court shall order compensation for or elimination of property damage when damage has been caused to a person, property or the natural environment as a result a crime or misdemeanour.</p> <p>The amounts received by the victim from insurance or other institutions to cover the damage incurred shall not be included in the amount of the damage to be compensated for. Damage must be compensated for or eliminated within a time limit laid down by a court.</p> <p>The court may establish a duty to make a payment of a contribution to the fund of crime victims or (and) to provide assistance to the victim during the latter's medical treatment.</p>
<p>Obligation to carry out</p>	<p>A court shall order to the adult person to perform of 20 up to</p>

community service	100 hours of un paid work at health care, social care and guardianship or other state or non-state bodies and organisations. When imposing unpaid work, a court shall lay down a time limit for performance thereof. This term may not be longer than one year. Unpaid work shall be performed only subject to the consent of a person.
Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons	There are no direct obligations for the sentenced persons to cooperate with a probation officer with exception of these mentioned occasions when persons must register themselves at the Correction inspections or inform it about fulfilment of current duties.
Obligation to undergo therapeutic treatment or treatment for addiction	<p>A court shall place under the obligation to participate in violence correction programmes the persons who have committed criminal acts in respect of a close relative or family member. This injunction must be complied with within a time limit laid down by the court.</p> <p>A court shall impose the sentenced person to undergo a treatment against alcohol addiction, drug addiction, addiction to toxic substances or a sexually transmitted disease, where the convict agrees therefore.</p> <p>A duty to undergo treatment from alcohol, drug or toxic addiction or venereal disease, if the person conditionally released agrees to may be established to the convicted person conditionally releasing from the correction institution.</p> <p>A minor to may be imposed to undergo a complete course of treatment against alcohol addiction, drug addiction, addiction to toxic substances or a sexually transmitted disease.</p> <p>This mandatory injunction shall be imposed at the request of parents or guardians subject to the consent of the minor.</p>

b) In your domestic law are there any probation measures and alternative sanctions which are not covered by Article 4.1?

Other probation measures/alternative sanctions existing in your domestic law	Explanation
Offer an apology to the victim	When suspending a sentence, a court shall impose on the convict a penal sanction - offer an apology to the victim.

c) Does your domestic law provide for a specific treatment regarding any category of offences (e.g. sexual offences, domestic violence)?

A court place under the obligation to participate in violence correction programmes the persons who have committed criminal acts in respect of a close relative or family member.

3) Electronic monitoring

Does your national law provide for the possibility to use Electronic Monitoring?

Currently, there are not provided a possibility to use Electronic Monitoring in legal acts of the Republic of Lithuania.

4) Formalities

Member States are invited to sum up the documents that the national competent authorities need in order to take at national level a judgement and, where applicable, a probation decision (e.g. criminal record, social inquiries, medical expertise).

For convicted person who may be conditionally released from correction institution the institution implementing the punishment addresses the court with the proposal to release conditionally the convicted person from correction institution. The proposal must obtain the data describing the convicted person's standpoint to working and studying through all the time of serving the sentence. Together with the proposal the convicted person's personal record and conclusions of psychological service are sent.

A court shall generally impose a custodial sentence upon a repeat offender for the commission of a premeditated crime but in other occasions, there are no considered to the criminal record of the offender. There are no any social inquiries before releasing convicted person from correction institution yet.