

RE-SOCIALISATION OF OFFENDERS IN THE EU: ENHANCING THE ROLE OF THE CIVIL SOCIETY (RE-SOC)

Workstream 4: Civic monitoring of prisons
Analysis of availability and accessibility of data in Lithuania

COUNTRY REPORT – LITHUANIA

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I. Introduction

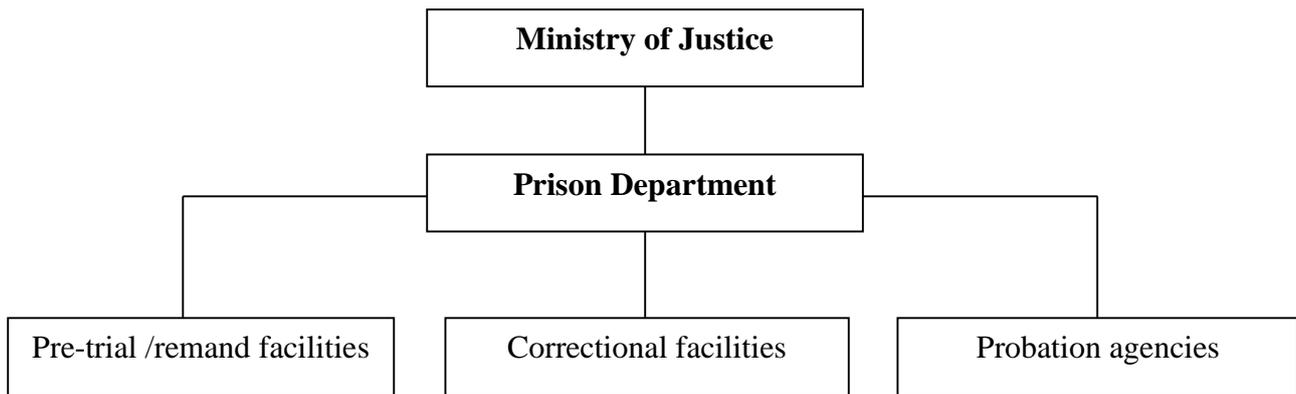
Collecting statistical data in the criminal justice system is one of the most important tasks. Statistical information can be used not only for the operational planning but also for the monitoring the impact of made decisions. Statistical data can be used in order to assess how changes in the legislation could affect certain segments of social life. It can show trends in social life changing. However, only comprehensive and constantly updated data can be valuable for the operational planning and monitoring the impact of made decisions and can be useful for various types of scientific analyses.

This paper aims at providing an overview of the collection of data for the penitentiary system in Lithuania in order to assist the development and implementation of the Prison Conditions Monitoring Index (PCMI) – a tool designed to measure in a comparative way the conditions in prisons.

1. Publicly available information on penitentiary system

The penitentiary system in Lithuania consists of 11 penal institutions (without short-term detention facilities)¹ enforcing pre-trial detention sanctions and custodial sentences imposed by the court and 53 territorial probation agencies which are responsible for the execution of sentences alternatives to imprisonment and supervision of conditional release. All these institutions are subordinate to the Prison Department. The supervision over the Prison Department is entrusted to the Minister of Justice.

¹ In Lithuania there are four different facilities (pre-trial/remand, open prison, correction houses and prison) which enforce pre-trial detention sanctions and custodial sentences imposed by the court. Persons are held in pre-trial/remand facilities while a final court decision concerning their case has not been reached yet. Convicts may be left to serve their sentence in pre-trial/remand facility if they work there. Persons sentenced for negligent crime and minor intentional crime serve their punishment in open prison. Adult persons (excluding diminished capacity persons, pregnant women and mothers who raise children under the age of three years) sentenced for grave crimes also convicts who were moved from correction houses and persons sentenced to life imprisonment serve their punishment in prison. In Lithuania there is one specialized penal institution for juveniles – Juvenile Remand Prison and Correction House. Minors who have reached eighteen years considering the opinion of the director of penal institution may be left in Juvenile Remand Prison and Correction House until the end of the sentence but no longer when they reach twenty one (Code of Execution of Penalties of the Republic of Lithuania, Art. 62, 77, 81, 83, 90).



Prison Department is the main institution which monitors and controls the whole penitentiary system. It coordinates the implementation of probation measures, penal sanctions, reformative sanctions, pre-trial detention measures, medical care of prisoners, prisoner's education and other measures related to execution of penalties and probation. The function of the Prison Department is also to assess effectiveness of the implementation of such measures.² Prison Department collects statistical data of all penal and probation institutions.

Prison Department provides statistical information regularly on its' website (<http://www.kaldep.lt/lt/kalejimu-departamentas/pradzia.html>):

- every month (but only statistics on the illicit communications, taken prohibited objects and criminogenic situation in penal institutions),
- every four month,
- every six months and
- annually.

Also every penal institution gives their annual reports on their websites. Hence, general information about prison facilities, prisoners, criminogenic situation, illicit communications in penal institutions, etc. is accessible.

The main official institution of external monitoring is the Parliamentary Ombudsmen's Office of the Republic of Lithuania. The Law of Parliamentary Ombudsmen³ establishes that the purpose of the activity of Parliamentary Ombudsmen is to protect a person's right to good

² The Statute of Prison Department under Ministry of Justice. Valstybės žinios (Official gazette), 2012, No. 27-1246.

³ Valstybės žinios (Official Gazette), 1998, No. 110-3024.

public administration which secures human rights and freedoms, to supervise if state authorities fulfill properly their duty to serve the people. Parliamentary Ombudsmen's activity includes investigation of complaints related to public administration subjects' activities. Parliamentary Ombudsmen also has a right by its initiative to monitor the activity of an institution. One of the main activities of Parliamentary Ombudsmen is the monitoring the human rights situation in institutions of liberty restriction (including prisons, short-term detention facilities and psychiatric institutions). The activities of this institution have been extended since the beginning of 2014 when Parliamentary Ombudsmen started to execute a national prevention of torture in institutions of liberty restriction under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment⁴. However, Parliamentary Ombudsmen does not provide statistical and research data regularly because this institution does not cover all penitentiary institutions every year and secondly, the main activity of this institution is to investigate the complaints related to specific aspects and issues related to the respect for human rights in penitentiary institutions which sometimes cannot be measured by quantitative data.

2. Data available on penitentiary institutions

All statistical data collected by Prison Department could be divided into separate themes:

- General information on the prison facilities;
- General information about prisoners;
- General information about minors in penal institutions and those who are under probation;
- Social rehabilitation services;
- Criminogenic situation, illicit communications, taken prohibited objects in penal institutions;
- Financing of penal institutions;
- General information about persons under probation.

⁴ Adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199 entered into force on 22 June 2006.

The *reports on the general information on the prison facilities* include information about the capacity of different penal institutions, number of workers in penal institutions, their age, education, etc.

The *statistical data on the number of prisoners* includes information about the total number of prisoners in penal institutions, number of persons in pre-trial/ remand facilities, prison population by length of sentence, number of prisoners infected by ZIV/AIDS, etc. Some of the data is broken down into categories such as age and gender.

The reports on *minors* deal with information about number of minors who are under separate probation measures, education of minors, minors who work and are under probation, etc.

The reports on the *social rehabilitation services* mostly provide information about the education of prisoners and their activities in prisons, e.g., these reports include information about the number of prisoners who are working, studying or number of graduated prisoners, number of cultural and sport events in prisons. Also these reports provide information about the number of social rehabilitation programs and the number of social rehabilitation workers in prisons. Also these reports cover the information about the damage made by convicts which is required to be compensated.

The report on the *criminogenic situation, illicit communications, taken prohibited objects in penal institutions* covers detailed information about the illegal things happened in separate penal institutions. These data also include illegal accidents in which the prison staff was involved. What is more, these reports deal with information about escapes from prisons, deaths (natural deaths, suicides, accidents, homicides) in prisons and injuries (assaults, accidents, self-harm) made in prisons.

The report on *financing of penal institutions* deals with the information on average amount of money spent per day for one prisoner.

General information about persons under probation covers data about number of persons who are under separate probation measures, number of written social reports, etc. This information is also categorized by region and gender.

Annual statistical data is also introduced through results of implementation of strategic plans. All these mentioned data is available publicly on the website of Prison Department. What is

more, state institutions could directly apply to administration of Prison Department in order to get more detailed information which is not available publicly.

Unfortunately, as in most other countries, all statistical data is available only for internal use because reports are available in national language. However, the data produced and exchanged with other countries made it accessible for external comparisons (e.g., through collecting data for European Sourcebook of Crime and Criminal Justice Statistics).

It should be mentioned that all reports cover data which is relevant to the situation in Lithuania, e.g., there is lack statistical data on foreigners, ethical/ cultural/ religious groups in Lithuanian penal institutions, etc. which is more relevant in other project partner countries.

3. Conclusion

All in all, it is evident that statistical data on penitentiary system in Lithuania is available not only for the management purposes within the criminal justice system but it is accessible publicly. Prison Department under the Ministry of Justice provides quite detailed reports on different themes (e.g., general information about prison facilities and prison population, number of persons under probation, social rehabilitation data, information about minors in penal institutions, etc.). However, there is some data which could be provided only by formal state institutions request. The data collected constantly is very valuable for various types of analyses including socio-demographic portrait of prisoners, prison population growth or decline, etc.