



Juvenile Justice in Lithuania

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01.05.2003 new Penal Code of Lithuania come in to force

The Penal Code provides for two age limits – 14 and 16 years of age.

Although Art. 13, para. 1 of the Code embeds a general rule persons are liable under the Code only after they have reached **16 years of age, actually the Code establishes penal liability **of 14 year old juveniles** for all the most serious crimes as well as for all the property offences that juveniles are traditionally most often charged with.**



The latter offences are enumerated in Art.13, paragraph 2 and are the following:

- murder (Article 129);**
- severe impairment to health (Article 135);**
- rape (Article 149);**
- sexual harassment (Article 150);**
- theft (Article 178);**
- robbery (Article 180);**
- extortion of property (Article 181);**
- destruction of or damage to property (paragraph 2 of Article 187);**
- seizure of a firearm, ammunition, explosives or explosive materials (Article 254);**
- theft, racketeering or other illicit seizure of narcotic or psychotropic substances (Article 263);**
- damage to vehicles or roads and facilities thereof (Article 280).**



There is a **separate chapter** (Chapter XI) of the Penal Code devoted to the peculiarities of penal liability of minors.

Article 80 establishes that **these peculiarities are being established in order to**

- 1) ensure correspondence of liability to the age and social maturity of these persons;
- 2) restrict the possibilities of imposition of a custodial sentence and broaden the possibilities of imposition of reformative sanctions against these persons;



- 3) help a minor to alter his manner of living and conduct by coordinating a penalty for the committed criminal act with the development and education of his personality and elimination of reasons for the unlawful conduct;**
- 4) prevent a minor from committing new criminal acts.**



Art.18, para.2 of the Code provides for possibility to apply the aforementioned peculiarities of the penal liability **against a person who was of the age of 18 years at the time of commission of a criminal act, however was below the age of 21 years where a court, having taken into consideration the nature of and reasons for the committed criminal act as well as other circumstances of the case, and, where necessary, clarifications or conclusion of a specialist, decides that such a person is equal to a minor according to his social maturity and application of peculiarities of criminal liability against him would correspond to the purpose provided for in Article 80 of this Code.**



The Penal Code sets **some peculiarities in respect of application of criminal penalties to juveniles**. In imposing a penalty upon a minor, a court shall take into consideration the following circumstances:

- the living and upbringing conditions of the minor;
- the state of health and social maturity of the minor;
- previously imposed sanctions and effectiveness thereof;
- the minor's conduct following the commission of a criminal act (Article 91).



Out of all the criminal penalties foreseen in the Penal Code only the following can be imposed upon juveniles:

- **community service** for a period from one month up to one year (from 10 up to 240 hours of unremunerated work, not more than 40 hours per month) (Article 46, 90);
- **a fine** from 1 up to 50 minimum standards of living (MSL) (one minimum standard of living is currently approximately 38 Euros) – only against a minor already employed or possessing his own property (Article 47, 90);



- **restriction of liberty** for a period from three months up to two years, serving certain obligations and injunctions imposed by the court (Article 48, 90);
- **arrest** for a period from 5 up to 45 days (Article 49, 90);
- **fixed-term imprisonment** from 3 months up to 10 years (Article 50, 90).



A court may impose a fixed-term imprisonment upon a minor where there is a basis for believing that another type of penalties is not sufficient to alter the minor's criminal dispositions, or where the minor has committed a serious or grave crime. In the event of imposition of a custodial sentence against a minor, the minimum penalty shall be equal to one half of the minimum penalty provided for by the sanction of an article of the Code according to which the minor is prosecuted. (Article 91).



Where a minor is sentenced to imprisonment for one or several crimes committed through negligence or to imprisonment for a term not exceeding four years for the commission of one or several premeditated crimes, a court may **suspend the imposed sentence for a period ranging from one to three years. The sentence may be suspended where the court rules that there is a sufficient basis for believing that the purpose of the penalty will be achieved **without the sentence** actually being served (Article 92).**



The Penal Code sets rather strict criteria to be met for a possibility of **release from penal liability (such a release is a necessary precondition for reformative sanctions to be imposed) to arise. A minor who commits a misdemeanor, or a negligent crime, or a minor or less serious premeditated crime for the first time may be released by a court from criminal liability where he:**

- 1) has offered his apology to the victim and has compensated for or eliminated, fully or in part, the property damage incurred by his work or in monetary terms; or**
- 2) is found to be of diminished capacity; or**
- 3) pleads guilty and regrets having committed a criminal act or there are other grounds to believe that in the future the minor will abide by the law and will not commit new criminal acts.**



Art. 82, paragraph 1 of the Penal Code establishes that a minor who has committed a misdemeanor or crime and **has been released from criminal liability or a penalty may be subject to the following **educational sanctions**:**

- **a warning** (a court shall state to him in writing the possible legal consequences ensuing from the commission of new criminal acts) (Article 83);
- **compensation for or elimination of property damage** (shall be ordered only when a minor has resources which he can independently dispose of or when he is capable of eliminating the damage by his own work) (Article 84);



- **unpaid educational work** (shall be imposed for a period of 20 up to 100 hours to be performed at health care, custody and guardianship or other state or non-state bodies and organizations, work at which may be of a reformatory character) (Article 85);



- **placement for upbringing and supervision with parents or other natural or legal persons caring for children** (shall be ordered for a period from six months up to three years, but not after a minor reaches the age of 18 years and: 1) the parents or other persons agree to bring up and supervise the minor, have no negative influence on the minor themselves, have a possibility to provide favorable conditions for the development of his personality and agree to provide the necessary information to the institutions supervising the execution of the above sanction, 2) the minor agrees that the indicated persons bring him up and supervise him and promises to obey them and behave properly) (Article 86);



- **restriction on conduct** (may be imposed for a term from thirty days up to twelve months; a court may impose the mandatory obligations and injunctions upon a minor) (Article 87);
- **placement in a special reformatory facility** (may be fixed for a period of six months up to three years, but not for longer than until a minor reaches the age of 18 years) (Article 88).

A court may impose against a minor **not more than three** mutually compatible reformatory sanctions.



During the period from 2004 to 2009 two penalties compounded the major part of the whole **structure of penalties imposed upon the juveniles. These penalties were fixed-term imprisonment (actual imprisonment amounted to 30% of all the penalties imposed, while the percentage reaches up to 56% in case suspended sentences are included) and restriction of liberty (31%). Therefore the aforementioned penalties amounted to 90% of all the penalties imposed upon minors. It should also be noted that actually imprisonment and arrest amount to 36% of all the penalties imposed.**



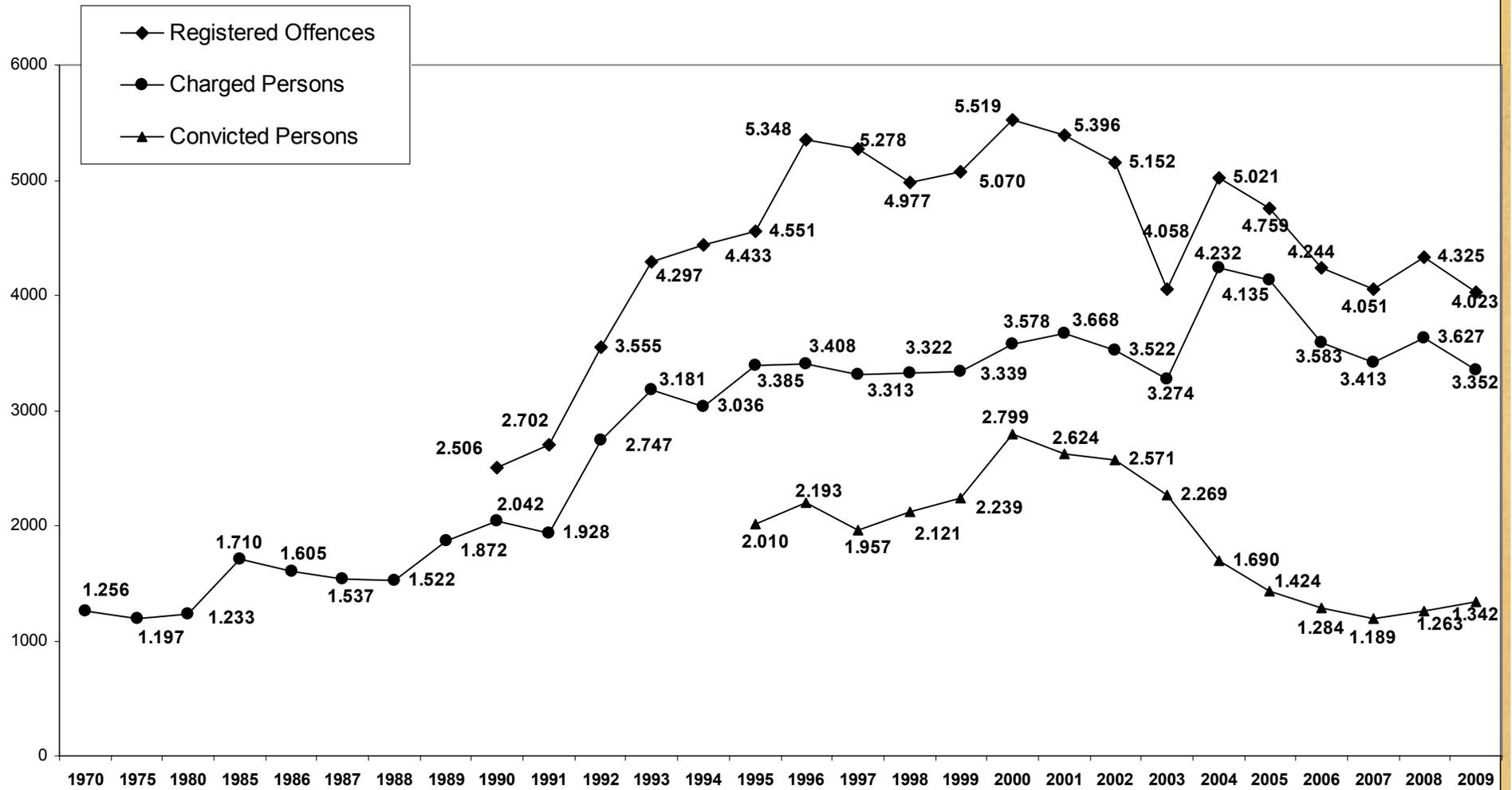
Analysis of the **practice of imposition of educational measures reveals that orders of conduct constitute the major part of actually applied educational measures (approximately 2/3 of all educational measures applied). Warnings also make up for a significant part of the practice (almost 20% of reformative measures applied in 2009). Other reformative measures are much rarer**



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Picture 1: Registered juveniles offences in Lithuania 1970-2009





Thank You for attention!

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