



Case study regarding the setting up of a victim support service

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Experiences from Lithuania

2013



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Selected Case Studies: EU best practices - victims support mechanisms.

Lithuania

1. State compensation mechanism for victims of violent crime

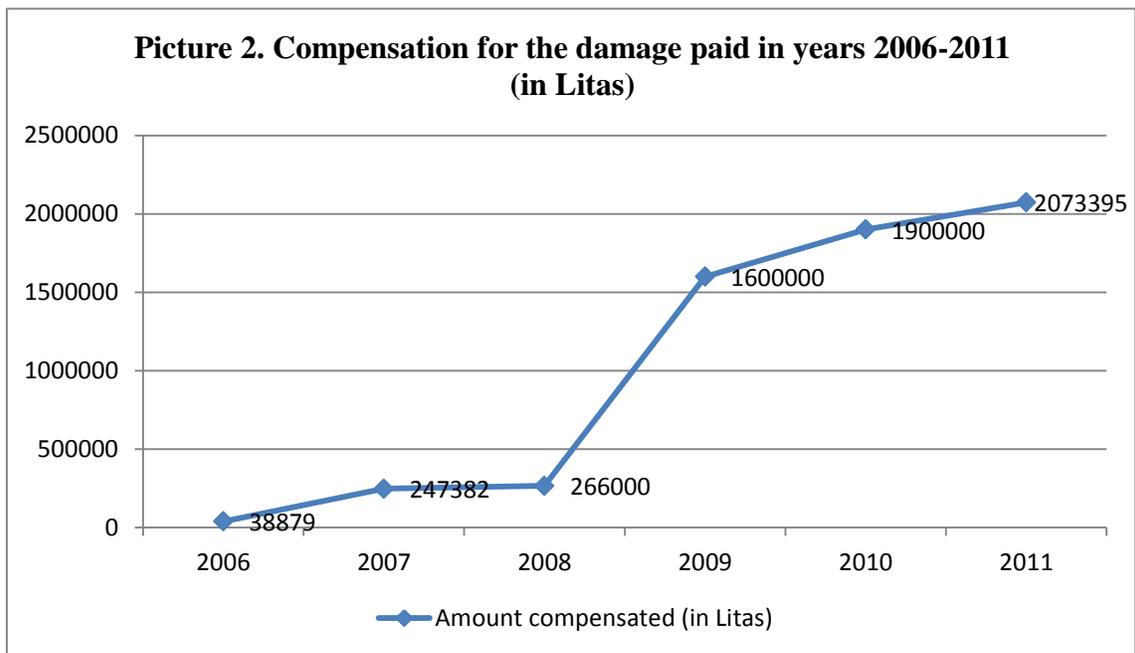
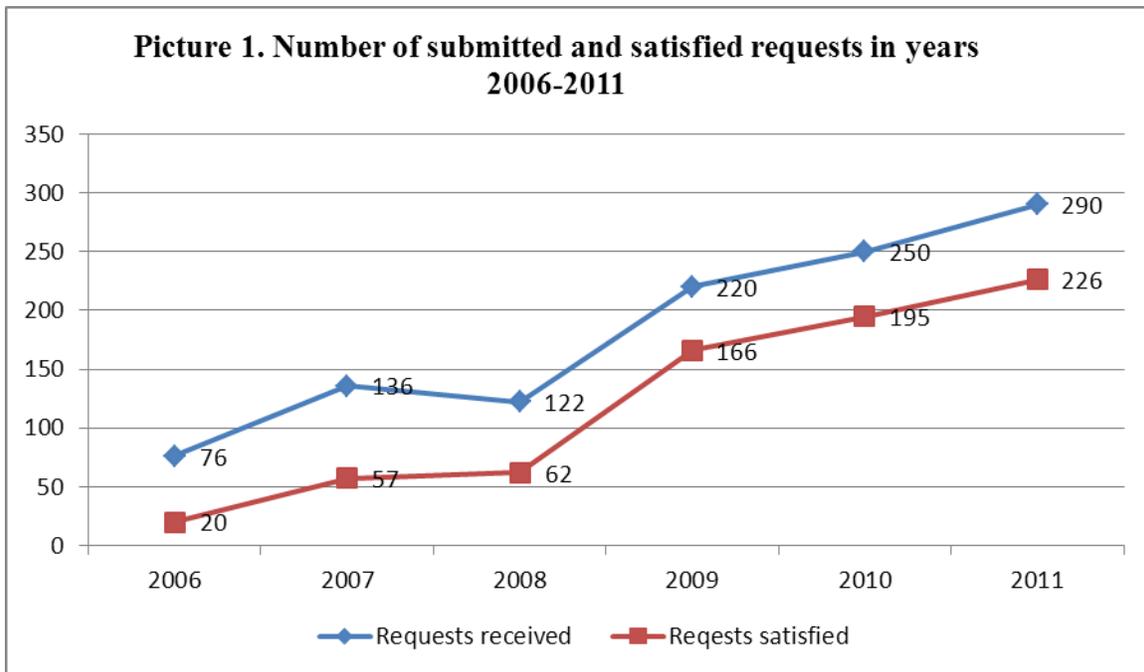
Fund for Crime Victims that is administrated by the Ministry of Justice of the Republic of Lithuania was established by The Law of the Republic of Lithuania on Compensation of Damage Caused by Violent Crimes, the new wording of which came into force on 1 March 2009 (Official Gazette, 2005, No. 85-3140, Official Gazette, 2008, No. 137-5387). This legal act was enacted in order to implement Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.

Crime victims in the European Union should be entitled to fair and appropriate compensation for the injuries they have suffered, regardless of where in the European Community the crime was committed. This Directive sets up a system of cooperation to facilitate access to compensation to victims of crimes in cross-border situations, which should operate on the basis of Member States' schemes on compensation to victims of violent intentional crime, committed in their respective territories. Therefore, a compensation mechanism should be in place in all Member States.

Fund for Crime Victims is state funded and from court-appointed punitive measures like payments to the Fund of Crime victims¹.

Picture 1 represents a rapid growth of the number of submitted and satisfied requests to compensate the damage caused by violent crimes in Lithuania since year 2006. An average rate of the satisfied requests in years 2009 – 2011 is 77 percent. In 2011 there were 290 requests to compensate pecuniary and non-pecuniary damage as a result of a violent crime committed. 226 requests were satisfied which means that only 22 percent of all requests were not satisfied.

¹ Article 71. **Payment of a Contribution to the Fund of Crime Victims.** A court may order payment of a contribution in the amount from 5 up to 25 MLLs (Minimal life level (MLL 1 = 130 Litas (37 euros))) to the fund of crime victims. The contribution must be paid within a time limit laid down by the court. / Criminal Code of the Republic of Lithuania. Law on the Approval and Entry into Force of the Criminal Code. Criminal Code. 26 September 2000, No VIII-1968, (as last amended on 11 February 2010 – No XI-677).



Statistical data on the Picture 2 present that compensation payments for the damage are increasing. It is necessary to mention that tendencies of the growth are being noticed since the law on Compensation of damage caused by violent crimes has come into force. Since year 2006 the amount of the payments has risen 53 times. Even more significant growth is being noticed after 2008 when the adoption of amendments to the Law came into force. Under these amendments there was an obligation

to inform victims about their right to obtain compensation for damages, and also the list of crimes that the victims can apply for compensation for, has increased.

According to the Law there are two ways to receive compensation in Lithuania. Pecuniary and/or non-pecuniary damage can be compensated in advance during criminal proceedings or after a final decision of the court (proceedings) which has found a violent offense as actual.

Table 1. Compensation costs for the damage made by violent crimes and its recipients in year 2011²

A. Compensation for damage after examination of the crime in court	Payments in LTL	Number of recipients
A1. Compensated pecuniary damage		
in case of homicide	261247	98
in case of health impairment	45800	43
in other cases	37372	32
A2. Compensated non-pecuniary damage		
in case of homicide	803860	98
in case of health impairment	328031	43
in other cases	270244	32
B. Compensation for damage during criminal investigation		
B1. Compensated in advance pecuniary damage		
in case of homicide	11051	37
in case of health impairment	11430	9
in other cases	2940	7
B2. Compensated in advance non-pecuniary damage		
in case of homicide	209320	37
in case of health impairment	45830	9
in other cases	46270	7

It should be noticed that according the 27/01/2011 Order No. 1R-280 by the Minister of Justice "The authorization to perform the Fund for Crime Victims administrator functions" State-Guaranteed Legal Aid Services are entitled to provide information to the public about procedures and conditions of

²Data provided by the Ministry of Justice of the Republic of Lithuania

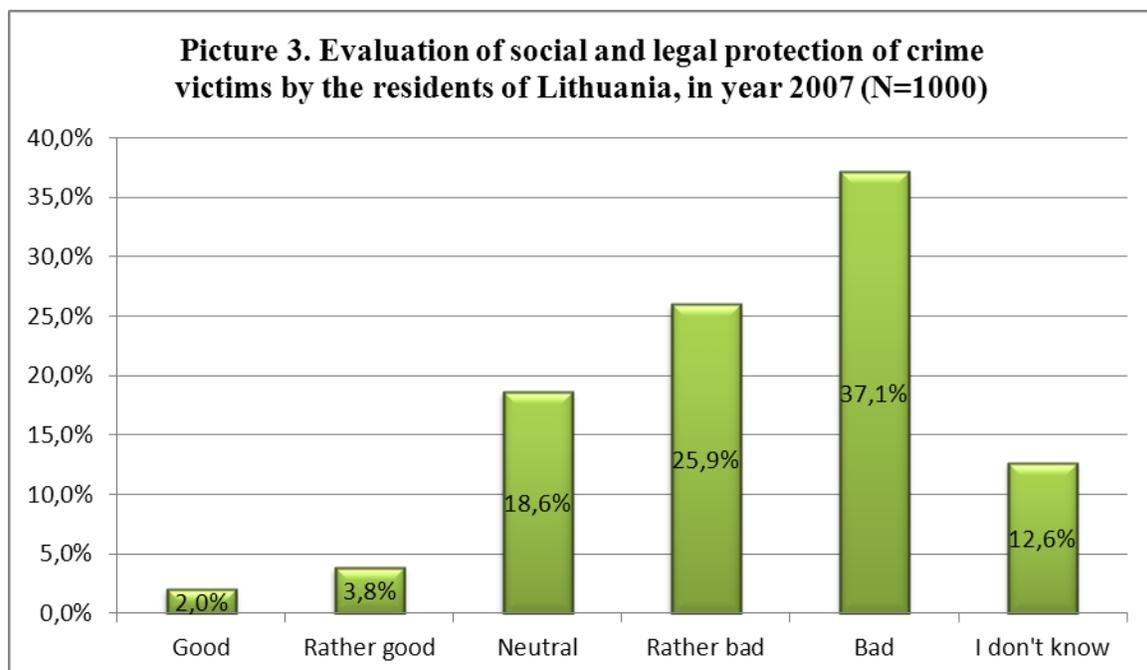
compensation for violent crimes. These institutions are also obliged to accept requests, to collect information necessary for examination of the request and no later than three days submit the following documents to the Ministry of Justice. In 2011 State-Guaranteed Legal Aid Services sent about 30 percent of all requests handled.

In June 28th, 2007 Lithuanian Parliament adopted the norm of the Article 46, Paragraph 2 of the Criminal Procedure Code that implies an obligation to inform the crime victims about their right to receive a compensation for the violent crime damage. Since then number of the justified requests for the compensation has risen and this tendency remains.

2. Satisfaction of the crime victims with the service by law enforcement agencies

It should be stated that there is no crime victims' satisfaction survey methodologies developed in Lithuania. Basically there are surveys monitoring level of victimization carried out in Lithuania. It is not being questioned in what extent crime victims are satisfied with the services provided, in what extent the victim is aware of the particular services and their accessibility, extent to which crime victims use the services provided, how they evaluate the "system" of the victim support, etc.

The data from crime victim survey that was carried out by the Centre for Crime Prevention in Lithuania in 2007 showed that only 6 percent of all the respondents were talking about the protection of crime victims in Lithuania positively. Meanwhile, there were 63 percent, i.e. 10 times more, of those whose attitude towards this issue was negative.



Retirees evaluate protection of crime victims most critically: 66 percent of the retired people gave a negative assessment for that. Young people, students especially are prone to see protection of crime victims system in Lithuania more positively: 11 percent of them believe that the system functions well, 31 percent thinks of it neutrally and negative evaluation was received from 45 percent of respondents. Several aspects must be noticed here. First of all, the effect of criminal offence on the person, its nature, intensity and severity. According to the researches and the practice of the law enforcement agencies, young people, especially facing minor offences (e.g. theft from the vehicle, mobile phone theft, theft from a dorm room and other rented premises), do not attach too much importance to the experienced victimization. Secondly, elder people (retirees especially) usually do not have means to cover services provided by private organizations, therefore, they are frequently using free services provided by government, local authorities or non-governmental organizations. It means that their experience in delivered or undelivered services is wider.

It is worth mentioning that residents of Vilnius (compared to other district centres) evaluate support and protection for crime victims better. Naturally, Vilnius has the largest concentration of non-governmental organizations, public institutions, providing assistance to crimes victims, as well as specialized government agencies, which is not available in other cities, smaller towns (up to 50.000 inhabitants) and villages in Lithuania.

Thus, the legal and social protection of crime victims in Lithuania is not effective sufficiently, does not fully guarantee the legitimate interests of victims. It is also confirmed by surveys, that claim that 68.2 percent of law enforcement officials negatively evaluate crime victims' rights protection in Lithuania³.

Besides, almost 64 percent of respondents would like to get more information about the rights of crime victims and possibilities to protect them. This shows that there exists a shortage of information on this matter. For example, only 1/3 of all respondents were aware of the state guaranteed free legal aid for crime victims, 42 percent were unaware of that, and 27 percent were wrong about such service being unpaid. Besides, only 14 percent of respondents rightly indicated, that the state should compensate damage for violent crime victims. Importantly, that only 1/3 of respondents was able to indicate at least one non-governmental or public organization providing services or support for persons that suffered from the criminal acts.

³ Uscila R. Evaluation of Crime Victims' rights in Lithuania // Legal Issues. – Vilnius, 2004/4 (46) (in Lithuanian)

Another survey that lets us evaluate services provided for the crime victims is the assessment by the professionals and experts of non-governmental organizations or public bodies.

Table 2. Evaluation by non-governmental organizations and public institutions about the provision of services to victims (percent)

	Child victims	Women victims	Elderly persons victims	All crime victims
Good	15	25	10	10
Rather good	33	33	12	15
Neutral	15	13	11	7
Rather bad	28	26	37	44
Bad	9	3	32	24

Research data has shown that the sector of elderly victims and other crime victims has been evaluated most critically. 2/3 of all organizations have noted that provision of services for that segment is more bad than good. Non-governmental organizations have been evaluated as most positively while providing support for women and children.

Furthermore, the aim of the survey was to find out how organizations generally evaluate social and legal protection of crime victims in Lithuania. Data analysis noted that 77 percent of respondent organizations evaluate this system negatively, while only 19 percent positively.⁴

It is worth mentioning that there are carried sporadic assessments by human rights protection organizations. Those surveys are not very numerous and broad, but they often find that is some form of a problem in this area. Neither in 2010 report on legal aid⁵, nor in 2009 report on the audit of legal representation in court⁶, the issue of representation of crime victims is addressed; the needs of the victims as well as the extent of the aid required are not analysed⁷.

⁴ Uscila R. Assessment of the System of Organizations that Provide Services and Support to Women Suffered from Criminal Offenses // Pedagogika. 2007. 88. (in Lithuanian)

⁵ Ministry of Justice of the Republic of Lithuania. "Report on the Organisation and Delivery of Legal Aid in 2009", 2010, http://www.teisinepagalba.lt/dok/2009_ataskaita_pirmine.pdf

⁶ National Audit Office of the Republic of Lithuania. "Report on the National Audit. State Guaranteed Secondary Legal Aid", 2009-08-07, (in Lithuanian) http://www.vkontrole.lt/auditas_ataskaita.php?3554

⁷ Human Rights in Lithuania 2009-2010, OVERVIEW. Human Rights Monitoring Institute, Eugrimas, Vilnius 2011.

3. Surveys that target victims who do not report about the crimes

In 2012 Lithuanian Crime Victim Survey⁸ showed that 28.5 percent of the respondents (15-74 years old) of Lithuanian population in 2011 suffered from a criminal offense.

Table 3. Victimization level in Lithuania, year 2011

Such criminal offenses were used in the victimological survey (according Criminal Code of the Republic of Lithuania)	Personal victimization level (percent):
Theft (Criminal Code, 178 art.)	10.2
Claim a bribe (CC, 225 art.)	7.6
Destruction of or damage to property (CC 187 and 188 art.)	5.7
Violation of public order (CC 284 art. 1 p.) only crimes))	4.1
Causing physical pain or health impairment (CC 135, 138 and 140 art.)	3.9
Offering, giving or selling drugs (CC 260 art.)	3.1
Swindling (CC 182 art.)	2
Sexual harassment (CC 152 art.)	1.9
Robbery (CC 180 art.)	1.7
Threatening to murder or terrorization (CC 145 art.)	1.7
Unlawful influence on electronic data (CC 196 and 197 art.)	1.1
Extortion of property (CC 181 art.)	0.4
Sexual assault (CC 149, 150 and 151 str.)	0.1

⁸ Methodology for the victimological survey, 2012. The research was conducted throughout the entire territory of the Republic of Lithuania, 2,006 residents aged between 15 and 74 were interviewed. The age limits of the respondents were determined in accordance with the market research and public opinion practice of the European Union countries (ESOMAR).

The aim of the research was to interview more than 2000 Lithuanian residents (aged between 15 and 74) in order to find out: whether in 2011 the respondents were affected by different criminal offences (individual victimization); how many times they experienced such type of victimisation in 2011 in Lithuania; the number of other people who experienced victimisation with them (suffered from the same criminal offence as the respondent (co-victimization)); the number of those criminal offences reported by them to the law enforcement authorities and the property damage they suffered.

The scope of 2000 respondents allowed obtaining the results that biased no more than +/- 2.2% with a reliability of 0.95. The respondents for this survey were selected with the help of multilevel stratified random selection.

Total (victimization level (percent))	28.5
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During the year 2011 most crime victims were: men (54.3 percent), persons 30 – 49 years old (33.6 percent); population of the big cities (46.2 percent) that mostly consists of Vilnius (19.1 percent.), Kaunas (12.8 percent.) and Klaipėda (7 percent) residents; working population (52.6 percent); respondents with high education (18.6 percent); graduated from a vocational school or with secondary education (23.6 percent); respondents whose financial situation is characterized as good (22.2 percent) and whose monthly income per family is highest (over 2,500 thousand) (30.8 percent) or whose income per family member is the largest (over 900 dollars a month) (31.2 percent).

18.4 percent of the population has suffered at least from one type of criminal offences, 6.6 percent of the respondents over the years have suffered from at least two of the following types of criminal offenses that year and another 3.5 percent experienced three or more types of offenses.

Comparing different counties in victimization of Lithuanian population, one can identify that a higher level of Vilnius (25.4 percent.), Kaunas (22.1 percent.), Klaipėda (10.2 percent.) and Alytus (9.6 percent). Counties with relatively minimal level of victimization are: Telšiai (2.3 percent .) and Tauragė (2.6 percent) districts.

Table 4. Level of the unreported crime to the police (Crime Victims Survey, 2011)

Such criminal offenses were used in the victimological survey (according Criminal Code of the Republic of Lithuania)	The victim did not report (unreported level, percent):
Theft (CC 178 art.)	42,9
Claim a bribe (225 art.)	88,8
Destruction of or damage to property (CC 187 and 188 art.)	45,6
Violation of public order (CC 284 art. 1 p.) only crimes))	79,5
Causing physical pain or health impairment (CC 135, 138 and 140 art.)	43,6
Offering, giving or selling drugs (CC 260 art.)	81
Swindling (CC 182 art.)	48,8

Sexual harassment (CC 152 art.)	84,2
Robbery (CC 180 art.)	26,5
Threatening to murder or terrorisation (CC 145 art.)	55,9
Unlawful influence on electronic data (CC 196 and 197 art.)	82,6
Extortion of property (CC 181 art.)	75
Sexual assault (CC 149, 150 and 151 art.)	-

As the Crime Victims study shows, the victims suffered not reporting the offense varies between 26.5 per cent. (robbery cases) to 88.8 per cent. (bribery cases).

Causes of non-reporting about suffered victimization are:

- subjective are depending on the victim himself (e.g. distrust in law enforcement institutions; believing that the police is not going to help, will not identify the offender; when the victim sees a crime as an insignificant/minor event; the victim does not want to have additional costs; the victim is afraid to experience secondary victimization, etc.);

- objective are related to law enforcement agencies (e.g. prolonged crime registration procedure; in some cases critical approach to victim at the law enforcement institutions; incapability to ensure anonymity of the rapporteur, etc.).

Table 5. Reasons for non-reporting to the police (Data from the research of the Police Department, 2010)

Reason for non-reporting to the police:	Percent
One does not believe in police's capability to find an offender	60
Harm was minor (there was no reason to report)	23
Did not report as one was drunk	7
Common distrust in the police	3
The police does not respond to people's complaints, refuses to help	3
One is afraid of the revenge of the offenders	3
One does not want to be a whistle-blower/snitch	3
Bad laws, punishment is too soft, therefore the police cannot help	3

Did not answer	7
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Data from the table 5 suggest that even 60 percent of the respondents (crime victims) did not report to the police because they did not feel the offender will be found⁹.

Table 6. Circumstances in which victim was not satisfied, 2009.

No.	Circumstances in which the crime victim was not satisfied	Percent
1.	“I just have wasted my time”	44
2.	Police officers did not take any actions	35
3.	Police officers acted unprofessionally	28
4.	I was not informed about further actions	23
5.	I was found guilty	5
6.	The report was not submitted	5
7.	Other	9

Data of the table 6¹⁰ suggest that a big part of the people reporting to the police is not satisfied because the police officers act unprofessionally. There were cases when the reporting person was accused of that offense or the report was not submitted at all.

It is worth mentioning that there are some positive changes in the police structure – there are attempts to improve the procedures for applying to the police.

ePolicija.lt portal – it is a website where every inhabitant easily can find the services of ePolicija.lt he/she is interested in and get to know all information concerned with ePolicija.lt. By using ePolicija.lt service portal it is possible to announce about the incident, to give a report by signing documents needed with an electronic signature, to observe the state of service administration and provide feedback about the quality of services.

Currently two kinds of services from the whole service group "render of reports for police" are being implemented:

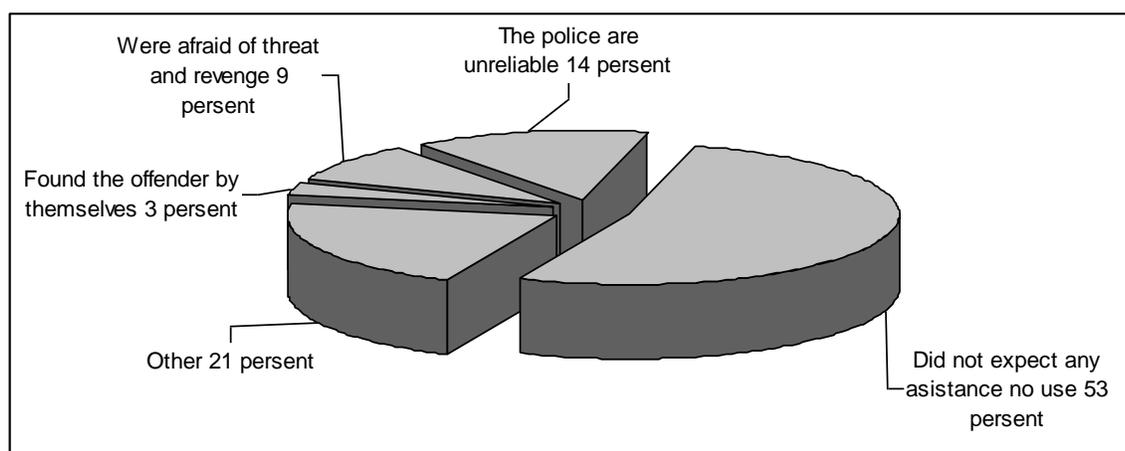
⁹ Lithuanian population survey in 2010. Initiated by Police department under the Ministry of Interior, performed by General Lithuania - Great Britain market and public opinion research company Baltic Surveys /The Gallup Organization.

¹⁰ Data of the Lithuanian Police department under the Ministry of Interior initiated survey: POLICE WORK IN VILNIUS COUNTY -2009. Vilnius county population survey, 23rd-28th of January, 2009, N = 500.

- Receiving information about criminal acts, traffic incidents or other law violation.
- Admission of complaint, application, report about criminal act¹¹.

There can be presented data from other crime victim studies in Lithuania. In 2004 there was carried out a study “Is the Lithuanian Society Safe?”.

Picture 4. Why did not you report the crime to the police (answers of the respondents who did not report the crime to the police)



As the diagram above shows, 53 percent of crime victims did not expect any assistance from the police, 14 percent thought the police was unreliable, 9 percent were afraid of threat and revenge, 3 percent found the offender by themselves, and 21 percent indicated other reasons¹².

4. Practical aspects from the victims support services

Lithuania does not have a general (for all categories of victims) crime victims assistance centre (service, etc.). The victim may seek for help referring to different non-governmental organizations whose activities are very limited, project-based services, mainly located in big cities. Thus, there is no set up permanent general support centre for victims in Lithuania. To evaluate more complex crime victims support system in Lithuania, it can be distinguished *system of the compensation for damage* and *State-guaranteed legal aid*. NGOs are providing legal-psychological help, services of victims

¹¹ Further information: <www.epolicija.lt>

¹² Dobryninas A., Gaidys v. IS THE LITHUANIAN SOCIETY SAFE? LITHUANIAN POPULATION'S VICTIMIZATION EXPERIENCE AND ATTITUDES TOWARDS CRIMINAL JUSTICE AND PUBLIC SAFETY, Vilnius, 2004.

support and escorting. Such kind of support, however, is episodic and quite narrowly accessible because of the concentration of those institutions mostly in the cities.

Basically the victim's right to the assistance in Lithuania is realized solely through the state guaranteed legal aid and compensation for damages in individual cases of violent crimes. All other services, namely support, accompaniment, information about other services, availability of opportunities, psychological counselling, post-traumatic effects of bridging, self-care and others are available only via individual NGOs, public institutions, which operate in a very episodic way and their location is concentrated in large cities.

It is important to establish an effective victim support system by expanding the network of crisis centres, and also to strengthen the NGOs that are providing legal, psychological, social and other services to the victims.

It must be stated that Lithuania still lacks individual services to crime victims, which would help to overcome the trauma caused by a crime, as well as make it possible to solve an evolving conflict. It is illustrated by the fact that Lithuania is among a few EU countries that do not have in place the victim and offender mediation services.

In Lithuania "reconciliation of the victim and the offender" is applied, but it is a legal institution which has no practical elements of the restorative justice. According to Lithuanian Criminal Law, reconciliation is a conditional exemption from the criminal responsibility, rather than conflict resolution procedure.

In those cases when people seek help for the trauma at the medical institution, medical personnel is obliged to inform the police when there is a reason to believe that this person may have been a victim of crime. The report is being made during the legally regulated time without any special agreement of the victim required.

5. Secondary victimization in Lithuania

Secondary victimization in Lithuanian doctrine of victimology is conceivable as negative consequences of victimization that are not direct effects of victimizing event (e.g. negative experiences, remoteness arising from the improper pre-trial or trial procedures or mass media involvement, due to inappropriate and person humiliating medical examination, or due to allegations) (Uscila, 2005). However, to this day there are no studies based on the actual data that would reveal situation of the secondary victimization in Lithuania. In order to determine the secondary victimization episodes it is necessary:

- To include separate positions of secondary victimization experience the national crime victims survey;
- To carry out a research about media created potential manifestations of secondary victimization and their prevalence;
- To carry out survey of victims experiencing secondary victimization in specific institutions (such as the Ombudsman, the Prosecutor's Office and other institutions dealing with victims' complaints), among professionals who are working with crime victims.

Sporadic cases of secondary victimization that are being presented via mass media or presented by separate NGOs do not provide reliable information about the generalized forms of secondary victimization and prevalence of Lithuania. According to the indirect results of the studies, observations of individual experts, general criminological knowledge etc., it can be stated that secondary victimization is mostly experienced by separate socially vulnerable groups of victims, which include women (especially in cases of domestic violence), children and elderly persons.

The issue of the secondary victimization in Lithuania is being discussed on the theoretical level, the knowledge of which is mostly based on the experience of the foreign countries. Rarely this question is being raised in the content of prevention programmes (such as National Violence against Women Reduction Strategy¹³). It should be noted that this term is not being used directly in those documents; rather there is raised question about the quality and accessibility of the legal services.

5. Strategic and political dimension of the crime victim support

Restorative justice values are correlating to with the ideas of crime victim support on a broad level. At the moment in Lithuania there is implemented the project *"Strengthening of Police Capabilities aimed at Prevention of Juvenile Delinquency through the Implementation of the Restorative Justice Model"*¹⁴ which is carried out by Lithuanian police. Main aim of this project is to present to the territorial police units and other social partners a new procedure of conflicts solution while dealing with juvenile delinquency problems. There are being trained and implemented penitential mediation practices.

It should be noted that crime victim support system is only being shaped in Lithuania nowadays. Victimological and criminological expertise has had much impact on that. Many crucial

¹³ Official Gazette, 2006-12-30, No. 144-5474

<http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=289640&p_query=&p_tr2=>

¹⁴ Further information: < <http://mediacija.policija.lt>>

ideas have been taken from the experience from the other states (especially Scandinavian countries); also EU international documents fostering to create separate mechanisms for crime victims support.

Speaking of the political priorities it is worth mentioning that crime victims support system is not stated as the priority goal. In individual cases there are being discussed only separate minor categories of the victims such as victims of human trafficking, victims of domestic violence. However, there is no functioning organization that would be responsible for the common crime victims' support and that would provide these services constantly. Lithuania has no [political] centre that would be responsible for the victims support strategy and supervision. There are separate elements in the scheme that are autonomous and oriented towards needs of the specific groups of victims.