



## LITHUANIAN CONTRIBUTION TO THE 2023 RULE OF LAW REPORT

**JANUARY 23**

Lithuanian contribution to the Rule of Law Mechanism is compiled by the Ministry of Foreign affairs of Lithuania from the inputs made by:

- Ministry of Justice of the Republic of Lithuania;
- Ministry of Culture of the Republic of Lithuania;
- Ministry of Social Security and Labour of the Republic of Lithuania;
- Prosecutor General's Office of the Republic of Lithuania;
- Office of the Seimas;
- Special Investigation Service of the Republic of Lithuania;
- National Courts Administration;
- Chief Official Ethics Commission;
- Public Procurement Office;
- Office of the Equal Opportunities Ombudsperson;
- Ombudsmen's Office of the Seimas;
- Office of the Ombudsman for Children of the Republic of Lithuania;
- Inspector of Journalistic Ethics;



## CONTENTS

I. JUSTICE SYSTEM .....	3
II. ANTI-CORRUPTION FRAMEWORK .....	20
III. MEDIA FREEDOM AND PLURALISM.....	45
IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES.....	49



## I. JUSTICE SYSTEM

### 1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

Regarding the recommendation to continue the reform of the legal aid system, including by ensuring adequate conditions for the participation of legal aid providers, taking into account European standards on legal aid.

As it was stated in the previous Lithuanian input, a project aiming at ensuring good quality of state – guaranteed legal aid is indicated as a priority in the Programme of the 18th Government of the Republic of Lithuania, approved by the Parliament on 11 December 2020 (§198-199). According to the plan for implementing the provisions of the Programme, a feasibility study assessing the efficiency and quality of the state-guaranteed legal aid system in Lithuania was carried out by the Government Strategic Analysis Center (STRATA). The study indicated that in general the current state-guaranteed legal aid system is a well-functioning one (evaluation was based on different aspects of the system, such as, potential of the system and its efficiency, accessibility of legal aid, quality of legal aid, legal protection of the recipients of legal aid, legal protection for the vulnerable groups). The areas that were named as needing improvement are related to the quality of the legal aid provided, including the need for specialization of lawyers, balancing their workload, setting quality standards and establishing additional measures for the protection of certain vulnerable groups. Taking into account the findings of the study and other state-guaranteed legal aid monitoring data, the means for the improvement of the state-guaranteed legal aid quality have been identified. The first step included the amendments of the Law on State-Guaranteed Legal Aid, which were submitted to the Parliament in December 2022 for consideration. Further steps regarding the changes in remuneration for the providers of the state-guaranteed legal aid are planned for 2023 and 2024.

Regarding the recommendation to proceed with the appointments to ensure the full composition of the Supreme Court and with the appointment of the President of the Supreme Court. The resolution of the Seimas of the Republic of Lithuania appointing the last judge of the Supreme Court of Lithuania entered into force on 28 December 2022. With the full composition of the Supreme Court, the procedure for selecting the President of the Supreme Court has been initiated at the end of 2022. The list of candidates was compiled on 6 January 2023. There are two candidates for this position and the Selection Commission's of Candidates to Judicial Office meeting is planned on 30 January 2023.

Regarding the implementation of the recommendation to initiate a process given adapting the system of appointments to judicial positions, notably to the Supreme Court, including improving transparency and taking into account European standards on judicial appointments. Public trust in courts is determined by various factors. They include the qualification of judges, their professionalism, ability to solve cases in accordance not only with the letter of the laws but also with the law in general, proper legal proceedings assurance, respect for the persons participating in the legal proceedings, rational-legal reasoning of court decisions and their clarity for the persons involved in the case, etc. Among other things, extremely high ethical and moral requirements are imposed on judges. Their reputation must be impeccable, the conduct of a judge – both related to the direct performance of duties and his activities that are not related to his duties – must not raise doubts about his/her impartiality and independence. Judges must perform his/her duties and act in such a way that his/her act does not demean the judicial office.

Although the efficiency of the courts is determined by many factors, the element of the direct impact of the selection and appointment procedures of judges on the efficiency of the courts is also



of utter importance. For example, the Law on Courts of the Republic of Lithuania establishes an excessively bureaucratic and time-consuming procedure for the formation and management of the corps of judges.

On 24 November 2022, the amendments to the Law on Courts have been adopted, and among other things, the selection procedures for candidates for judicial office have been changed. After optimizing the model of selection of candidates for judicial office the selection of candidates for judges and candidates seeking appointment to the office of Chairperson of the court, Deputy Chairperson or Chairperson of the division shall be faster. The excessively bureaucratic procedure of transferring judges or appointing them to the positions of judges of lower-level courts shall be simplified, the prompt filling of vacancies and thereby creating conditions for the efficiency of court activities shall be ensured.

The main principles of the optimized model include the following:

1. Selections of candidates seeking appointment to judicial office in the district, regional and regional administrative courts are carried out continuously, which means the selection procedures are carried out not to a specific court (or court chamber), but by creating constantly updated reserve lists of evaluated candidates to a judicial office of the relevant level and/or specialization of courts;
2. Selections are carried out *ad hoc* when there is a vacancy or vacating seat of a judge of the Supreme Court of Lithuania, the Supreme Administrative Court of Lithuania, and the Court of Appeal of Lithuania, also in all cases where it is intended to hold vacant or vacating leadership positions in the courts;
3. Selections are not carried out in cases where the judge claims to move from one court of the same level to another court or other chambers of the same court.

The amendments to the Law on Courts concerning the selection procedures for candidates to judicial office shall come into force on 1 January 2023.

## **A. Independence**

### **2. Appointment and selection of judges, prosecutors, and court presidents (incl. judicial review)**

In 2022, the Selection Commission of Candidates to Judicial Office carried out 48 selections (31 selection sessions): 29 selections were made to judicial office in district courts, 8 selections were made to judicial office in higher courts, and 11 selections were made to leadership positions of courts. In comparison, in 2021, the Selection Commission of Candidates to Judicial Office carried out 28 selections (35 selection sessions): 9 selections were made to judicial office in district courts, 12 selections were made to judicial office in higher courts, 7 selections were made to leadership positions of courts.

The Judicial Council approved the Model for Selection and Evaluation of Judges prepared within the framework of the project “Improvement of Quality, Services, and Infrastructure in Lithuanian Courts” and on 28 January 2022 passed two resolutions implementing the Model. The following legal acts regarding the application of the Model for the Selection and Evaluation of Judges have been developed and approved:

1. By Resolution No. 13P-33-(7.1.2.)<sup>1</sup> of the Judicial Council of the 28th of January 2022, the description of the procedure for the use of experts for vacant or available positions of

---

<sup>1</sup> The Resolution is available on the link: <https://www.e-tar.lt/portal/lt/legalAct/5f7f06d0828e11ecbd43a994b3e2e1cb>



judges of the district court as well as for assessing the personal manner and cognitive qualities and personal competences of persons seeking a career as a judge was approved;

2. By Resolution No. 13P-32-(7.1.2.)<sup>2</sup> of the Judicial Council of the 28th of January 2022, the description of the criteria for the selection of candidates for judges, the criteria for the evaluation of persons seeking a career as a judge and the procedure for the evaluation of personal competences was approved.

Starting from 1 January 2022, in all newly launched selection procedures, the evaluation of the candidates to judicial office personal character and cognitive abilities as well as personal competencies revealing the candidate's preparation to become a judge is being performed by the independent external experts having appropriate qualifications and experience.

The Model of Judge's Competencies consists of:

1. Thinking and decision-making skills (objectivity and decision-making);
2. Personal effectiveness skills (organization and responsibility, self-improvement, resilience, resistance to corruption);
3. Social skills (conflict management, communication, cooperation, leadership).

Moreover, managerial skills (strategic thinking and performance management) are being assessed during the selection procedures of the candidates' seeking appointment to the office of the Chairperson of the court, Deputy Chairperson, or Chairperson of the division. The evaluation of personal competencies is based on the methodology approved by the Judicial Council and consists of a competency-based structured interview and a personality questionnaire. After the evaluation of the candidate's competencies, the experts provide their conclusions to the Selection Commission of Candidates to the Judicial Office. The conclusions are valid for 5 years. The external experts are selected through public procurement procedures. In 2022, the experts evaluated 63 judges and candidates for the judicial office (Assessment of Personal Competencies) as well as 21 candidates for managerial positions (Assessment of Personal and Leadership Competencies)<sup>3</sup>.

The Office of the President of the Republic of Lithuania has prepared draft Law on Courts and related laws aimed at:

1. Optimizing and speeding up the procedure for the selection of judges;
2. Balancing the workload and unifying the working conditions of judges and court employees in the regional administrative courts and therefore establishing one Lithuanian Regional Administrative Court instead of the two regional administrative courts;
3. Creating conditions for a wider range of persons to hold the office of judge of the regional administrative court.

On 28 June 2022 the Seimas of the Republic of Lithuania adopted the resolution initiating reorganization of the regional administrative courts. The abovementioned amendments to the Law on Courts and related laws were adopted in November 2022 and came into force on 1 January 2023. The laws and amendments related to the establishment of the Lithuanian Regional Administrative Court will come into force on 1 January 2024<sup>4</sup>.

---

<sup>2</sup> The Resolution is available on the link: <https://www.e-tar.lt/portal/lt/legalAct/10920c10834d11ecbd43a994b3e2e1cb/asr>

<sup>3</sup> You can get acquainted with the prepared Model for the Selection and Evaluation of Judges by following the link: [https://grants.teismas.lt/wp-content/uploads/2022/03/TAVM-santrauka\\_EN.pdf](https://grants.teismas.lt/wp-content/uploads/2022/03/TAVM-santrauka_EN.pdf).

<sup>4</sup> Relevant information:

[XIV-1570 Lietuvos Respublikos teismų įstatymo Nr. I-480 12, 14, 28, 31, 34, 36, 39, 41, 74, 76, 78, 79-1, ... \(e-tar.lt\)](#)  
[XIV-1182 Dėl apygardos administracinių teismų reorganizavimo \(e-tar.lt\)](#)



### **3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents, and prosecutors (incl. judicial review)**

On 20 January 2022, the Seimas of the Republic of Lithuania adopted amendments to the Law on Courts. The amendments aim to expand the institute of the temporary transfer of judges and to instigate that, in the event of increased court workload, judges with their consent may be transferred to the Supreme Administrative Court of Lithuania not only from the Court of Appeal of Lithuania, but also from the Supreme Court of Lithuania. The regulatory changes have been made in response to the migration crisis at the border between the Republic of Lithuania and the Republic of Belarus<sup>5</sup>.

The representatives of the Judicial Council are delegated to the working group established by the Decree No. 25 of the Prime Minister on February 3, 2022. The working group is tasked with making proposals and assessing possible measures that could improve the efficiency of court activities and regulate the workload of courts. In the opinion of the working group, to achieve evenness of judges' workload, greater specialization of judges, a balanced system of district courts/court chambers and more efficient management of court infrastructure the optimization of court activities should be implemented.

However, it should take place gradually, in several ways and stages, and the complete abandonment of court chambers could only take place gradually after solving the financing and organizational problems of the courts. A hasty review of the court (court chambers) network may create an atmosphere of legal uncertainty in the courts (change of personnel, etc.), cause public doubts about the availability of the constitutional right to judicial defense, which would have a negative impact on both the duration of the process and the quality of the administration of justice.

An analysis of the data on the geographical location of courts, the distribution of cases between courts (and their chambers), the workload of judges and their changes according to the predicted areas of operation (judiciary) of district courts/court chambers as well as methods and criteria for the optimization of district courts was carried out.

If the discussed district courts, chambers, and their areas of activity are combined, the areas of district courts' activities and their chambers would be larger, thus the workload of the district courts and their chambers would be balanced. Cases in specific courts or chambers would be distributed to a larger number of judges, the absolute majority of judges would have opportunities to specialize, and this would ensure a higher qualification of judges as well as faster and more efficient handling of cases.

The proposed changes should increase the efficiency of the use of funds allocated for the maintenance of the courts. Moreover, the planned reorganization, taking into account the workload of the courts and their chambers, should allow for a reduction in the number of judges in district courts. It should be mentioned that by combining the district courts and their chambers and increasing the efficiency of the court hearings, individuals would not only be able to get court decisions faster but also access to the court would be ensured. The infrastructure and workplaces for judges should be maintained in part of the existing courthouses, so the court hearings should be able to take place close to a person's place of residence or the registered office of the legal entity. In cases where, according to the new territories of the courts and their chambers and the rules of the judiciary, the

---

[XIV-1574 Lietuvos Respublikos administracinių teismų reorganizavimo įstatymas \(e-tar.lt\)](#)

[XIV-1573 Lietuvos Respublikos administracinių teismų įsteigimo įstatymo Nr. VIII-1030 2 straipsnio pakeiti... \(e-tar.lt\)](#)

<sup>5</sup> Relevant information:

[XIV-919 Lietuvos Respublikos teismų įstatymo Nr. I-480 63 straipsnio pakeitimo įstatymas \(e-tar.lt\)](#)



case will be assigned to a judge whose work is more distant from the person's place of residence or registered office of the legal entity, the judge is expected to go to hear the case in the court chamber or court infrastructure that is closer to the person's place of residence or the registered office of the legal entity. Although moving the judge to another place to hear the case shall require additional funds from the state budget, nevertheless, it is expected that the overall result of the judicial reform shall help to save financial resources.

On 24 November 2022, the amendments to the Law on Courts regarding the implementation of the reorganization of specialized regional administrative courts have been adopted. The reform of the regional administrative courts should be implemented from 1 January 2024. The Regional Administrative Court, operating in the entire territory of the Republic of Lithuania, instead of two regional administrative courts has been established. According to the provisions of the Law on the Reorganization of Administrative Courts, which regulates the reorganization of courts, the judges, appointed to all chambers of the Vilnius Regional Administrative Court and the Regional Administrative Court until 31 December 2023, that are being reorganized and participating in the reorganization, are considered to be appointed to the Regional Administrative Court. Judges who worked in the Vilnius Regional Administrative Court after the reorganization are considered to be appointed to the Vilnius Chamber of the Regional Administrative Court. After the reorganization, the judges of the Regional Administrative Court are considered to be appointed to the same chamber of the Regional Administrative Court to which they were appointed in the Regional Administrative Court. Thus, due to the reorganization, the workplace of the judges would not change.

In 2022, the Judicial Council resolved the issues of redistribution of judges' positions in the district courts, also, having determined the need initiated the temporary (for three months) transfer of judges to the Supreme Administrative Court of Lithuania. The need to transfer judges arose due to the large flow of cases that reached the administrative courts of Lithuania in 2021-2022 due to the actions of the authoritarian Belarusian regime, which deprived foreigners of favorable opportunities to enter the territory of the Republic of Belarus and enter the European Union after illegally crossing the Belarusian-Lithuanian border.

Following Paragraph 7 of Article 63 of the Law on Courts, the Judicial Council concluded that the situation in the Supreme Administrative Court of Lithuania due to the aforementioned reasons of a temporary nature hinders the proper functioning of the court. Therefore, the Judicial Council initiated the temporary transfer of judges from the Supreme Court of Lithuania and the Court of Appeal of Lithuania to the Supreme Administrative Court of Lithuania.

#### **4. Promotion of judges and prosecutors (incl. judicial review)**

No significant changes.

#### **5. Allocation of cases in courts**

In 2022, intensive modernization works of the Case Allocation Module (hereinafter – the Module) of the Lithuanian Court Information System (hereinafter – LITEKO) were continued. Also, a draft amendment to the Description of the rules for the allocation of cases to judges and the formation of a judicial panel, approved by Resolution No. 13P-123-(7.1.2) of the Judicial Council of 25 September 2015, is being prepared.

When developing the functionalities of the Module, great attention is paid to ensuring an even distribution of cases, providing that the cases assigned to the judge, as well as the cases handled by



the judge and their complexity, must be evaluated. In addition, while evaluating the workload of judges, the judge's participation in the judicial panels and other factors should be taken into account.

In addition, the draft Resolution of the Judicial Council on the division of cases into appropriate groups, which would be used for the automated allocation of cases, has been prepared and discussed with the representatives of the courts and the committees of the Judicial Council. The groups of cases are separated by case type (civil, criminal, administrative, administrative misdemeanours, pre-trial investigation documents), subtypes, number templates, and other parameters giving each group of cases a corresponding score ("case weight coefficient"). It is planned to submit the draft Resolution to the Judicial Council for consideration at the beginning of 2023.

On 1 May 2022, the Order No. 1R-171<sup>6</sup> of the Minister of Justice entered into force. It was established that 11 out of 12 district courts hear cases based on applications for the issuance of a court order. The District Court of Vilnius City no longer examines this type of case initiated after submitting a statement electronically due to an extremely large number of pending cases. In this way, it is aimed to ensure the operational efficiency of the process of these cases, as well as to create conditions for a faster examination of other cases and to solve the problems of the uneven workload of the courts. Implementing the aforementioned Order of the Minister of Justice, the procedure for the allocation of such applications to the courts which ensures a random and even allocation of cases among the district courts, has been approved by the Judicial Council (Resolution<sup>7</sup> No. 13P-80-(7.1.2.) of 29 April 2022).

In letter No. 36P-114-(7.1.10.) of 13 September 2021, the Judicial Council submitted to the legislator proposals to supplement the Code of Criminal Procedure and the Code of Administrative Offences with provisions allowing the entity exercising administrative supervision of a court (presidents of regional courts or the president of the Lithuanian Court of Appeal) the right to allocate cases not yet assigned to a particular judge (judicial panel) by a ruling, selected randomly, for hearing to judges of another court. Such a right could be used by such entities when discerning the possibility of speeding up proceedings in cases where due to the different flow of cases in individual courts, the workloads of judges and courts differ significantly. Because of the objectives pursued (to address the unequal workload and the related length of court proceedings and the lack of human resources in the courts), the legal framework proposes certain safeguards to ensure the rights of persons involved in court proceedings and the status and independence of judges, i.e. to envisage that upon finding by a president of a higher court, based on objective data, a significant difference in workload, the judges of the other court could be allocated a group of randomly selected cases (not individual cases) not yet assigned to individual judges and, in the first instance, cases regarding criminal and administrative offenses dealt with by written procedure could be assigned to another court. It should be noted that in principle the analogous provisions are set out in the current Code of Civil Procedure, in practice, they are applied and assessed as an effective means of regulating workloads. The aforementioned proposals are still being considered by the legislator.

On 27 April 2022, the Minister of Justice of the Republic of Lithuania and on 29 April 2022 the Judicial Council adopted regulatory changes, allowing to redistribute the court cases on the basis of applications for a court order submitted by electronic means of communication. The regulatory changes were made to effectively regulate the workload of district courts and their chambers by distributing among them the cases received for the issuance of a court order<sup>8</sup>.

<sup>6</sup> The Order is available on the link: <https://www.e-tar.lt/portal/lt/legalAct/2dbd9bd0c63511ec8d9390588bf2de65>

<sup>7</sup> The Resolution is available on the link: <https://www.e-tar.lt/portal/lt/legalAct/aac7fb50c79511ec8d9390588bf2de65>

<sup>8</sup> Relevant information:

[1R-171 Dėl bylų pagal pareiškimus dėl teismo įsakymo išdavimo, kurie paduodami elektroninių ryšių priemo... \(e-tar.lt\)](#)  
[1R-168 Dėl teisingumo ministro 2002 m. gruodžio 19 d. įsakymo Nr. 362 „Dėl civilinės ir administracinės... \(e-tar.lt\)](#)





## **6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e. g. Council for the Judiciary)**

Values, faith and mission determine the authority and reputation of the courts. Therefore, one of the most important strategic directions of the Judicial Council is to create a vision for the improvement of the judicial system. In 2022, intense work to create such vision took place. It started with an assessment of the real situation inside the judicial system, identification of the most important issues and continued discussions and work on setting priority directions, measures and planning results. Useful information was obtained from the survey of courts and court partners. The results of the survey confirmed that the high workload and insufficient funding remain the most prominent issues for the judicial community. On 19 December 2022, the work on the creation of the vision was completed and the Judicial Council has approved the Vision of the development of Lithuanian courts for the years 2023-2033. This document defines that the mission of the Lithuanian courts is to protect human rights and administer justice openly, responsibly, professionally and honestly. The vision of the Lithuanian courts is a reliable, wise, efficient, and authoritative court – the guarantor of a strong rule of law.

The most important directions of activity that have been identified in the long-term development vision of the Lithuanian judicial system include the following:

1. To strengthen the authority and independence of the judicial system;
2. To improve services and processes, ensuring quality, openness to innovation, and human-oriented services;
3. To strengthen human resources;
4. To strengthen internal and external communication.

On 8 March 2022, on the initiative of the Judicial Council, a meeting with the head of the Special Investigation Service and representatives of this institution and the head of the Lithuanian branch of Transparency International was organized. “Lithuanian corruption map 2021” was presented to the participants of the event and the creation of an unfavorable environment for corruption in the courts was discussed.

On March 14, 2022, the Lithuanian judicial community met remotely with the Deputy Minister of the Ministry of National Defense of the Republic of Lithuania. During the meeting, the situation regarding ensuring national defense, identification of threats, and reliability of information sources were discussed.

On June 1, 2022, Assoc. Prof. Ms. Dalia Vasarienė, a judge of the Supreme Court of Lithuania, and a judicial member of the Judicial Council was elected President of the European Network of Councils for the Judiciary (ENCJ) during a General Assembly of the ENCJ meeting in Athens. This is the first time that a member of Lithuania’s judiciary has been elected to head the ENCJ since its establishment of the ENCJ.

On 16 September 2022, a discussion “Courts in 10 years: where we aim to be?” took place during the General Meeting of Judges.

On 11 November 2022, elections for the leadership of the Judicial Council took place. The same members were re-elected:

1. Chairperson of the Judicial Council: judge of the Civil Cases Division of the Supreme Court of Lithuania Ms. Sigita Rudėnaitė,
2. Vice-Chairperson of the Judicial Council: judge of the Civil Cases Division of the Supreme Court of Lithuania Ms. Egidija Tamošiūnienė,
3. Secretary of the Judicial Council: judge of the Supreme Administrative Court of Lithuania Mr. Ramūnas Gadliauskas.

In 2019, the Special Investigation Service of the Republic of Lithuania conducted a corruption risk analysis in the areas of allocation of cases to judges, formation of judicial panels and selection panels in the Supreme Court of Lithuania. The Conclusion on Corruption Risk Analysis in the Areas of Judicial Activities (hereinafter – the Conclusion) with the recommendations to the National Courts Administration, Lithuanian courts and the Judicial Council were presented on 31 July 2019 presented. The Judicial Council and the National Courts Administration actively implemented the recommendations and twice informed the Special Investigation Service about the progress of their implementation – on January 6, 2022 and on August 26, 2022. It should be noted that the recommendations provided in the Conclusion are related to the improvement of the legal regulation and technical measures for the allocation of cases to judges and their implementation takes time. Therefore, the implementation of the recommendations will be continued in 2023.

On February 25, 2022, the branch action plan for the prevention of corruption in the Lithuanian judicial system for 2022–2025 and a plan for measures for its implementation for 2022–2023 have been approved by the Judicial Council resolution No. 13P-46-(7.1.2.). The central entity responsible for the creation of an environment resistant to corruption in the entire judicial system has been established by the above-mentioned resolution of the Judicial Council. The central entity operates in the National Courts Administration from March 1, 2022.

## **7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity, and criminal/civil (where applicable) liability of judges (incl. judicial review).**

### **1. Activities of the Judicial Court of Honour**

In 2022, the Judicial Court of Honour examined 4 disciplinary actions instituted against judges and made the following decisions:

1. In two disciplinary actions a part of the disciplinary action was dismissed, in another part of the disciplinary action a censure was imposed;
2. In one disciplinary action a part of the disciplinary action was dismissed, in another part of the disciplinary action a reprimand was imposed;
3. In one disciplinary action a part of the disciplinary action was dismissed, in another part of the disciplinary action, a severe reprimand was imposed.

One disciplinary action was instituted against a judge because of violating the Code of Ethics of the Judges of the Republic of Lithuania by improperly communicating with the applicants, judicial assistants, and court hearing clerks. In addition, negligent performance of the judge's procedural duties and unethical behaviour of the judge outside of work was encountered.



The second disciplinary action was instituted against the judge because the judge constantly committed gross and obvious procedural violations while hearing civil cases. It was stated that the judge did not follow the principle of promptness of the process, did not ensure the proper organization of his work, and did not follow the procedures and time limits for court hearings established in the procedural laws (violation of the requirements of the dutifulness principle established in the Code of Ethics of the Judges).

The third disciplinary action was instituted against the judge because the judge left spelling and arithmetic errors in the court decision and did not follow the procedures established in the procedural laws (violation of the requirements of the dutifulness principle established in the Code of Ethics of the Judges). In this case, the Judicial Court of Honour emphasized the value of a high-quality court decision for the outcome of the case and justice, its importance for the participants in the proceeding. Court of Honour noted that, among other imperative requirements for the content of the court decision, the court decision must have a clear structure and form, must be linguistically and legally correct and must be written without grammatical or spelling errors, consistently, in a single style.

The fourth disciplinary action was instituted against the judge because of disrespectful and incorrect communication with judges and court staff and refusal to work in the judicial panel (violation of the requirements of respect for humans, decency, exemplarity, and dutifulness principles established in the Code of Ethics of the Judges).

#### 4. Activities of the Judicial Ethics and Discipline Commission

In 2022, the second electronic commentary/handbook of the Code of Ethics of the Judges has been adopted. The codification of a judge's ethical behavior not only helps to solve professional ethics issues but also informs the public about the standards of judicial behavior that can be expected from judges. In the commentary on the Code of Ethics of the Judges each principle of judicial conduct enshrined in the Code is discussed with specific practical examples following the provisions of the Code, the decisions of the Judicial Court of Honor, the rulings of the Supreme Administrative Court of Lithuania and the Supreme Court of Lithuania and Bangalore principles of judicial conduct<sup>9</sup>.

#### **8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system, and access to the information**

##### *Judiciary*

In response to the courts' observations, practical suggestions, and other questions raised, the Description of the procedure for the payment for work and on-call time on rest periods and public holidays and substitution, granting and payment of bonuses for the increased workload to judges of ordinary and specialized courts has been clarified by the of Resolution No. 13P-116-(7.1.2) of the Judicial Council of 12 May 2022.

On 16 September 2022, the General Meeting of Judges, which is the highest institution of the self-governance of courts, took place and the Resolution on the situation in the courts of the Republic of Lithuania was adopted. With this Resolution, the judges aim to draw the attention of the

---

<sup>9</sup> You can be acquainted with the prepared commentary on the Code of Ethics of the Judges by following the link: [https://www.teismai.lt/data/public/uploads/2022/12/d1\\_praktikos-vadovas.pdf](https://www.teismai.lt/data/public/uploads/2022/12/d1_praktikos-vadovas.pdf).



representatives of the political authorities to the remuneration issues of the judicial system and call for their solution. By this Resolution, the Seimas of the Republic of Lithuania, the President of the Republic of Lithuania, and the Government of the Republic of Lithuania are encouraged:

1. To focus and in the near future solve the issue of insufficient and inadequate funding of the judicial system with joint efforts to ensure the proper performance of judicial functions and the salaries of judges and persons working in courts that would be appropriate for their current positions,
2. To sign a national agreement of authorities aimed at solving the problems of funding and development of the Lithuanian justice system;
3. To establish a financing model of the court system that meets European standards and is based on objective principles in the laws regulating the organization of the courts' works and the formation of the state budget.

On 28 October 2022, the members of the Judicial Council met with the representatives of the Lithuanian Business Confederation, the President of the Republic of Lithuania and the Government of the Republic of Lithuania. The members of the largest organization uniting businesses expressed concern about the existing problems in the courts and fears about the inadequate funding of the courts, which poses a threat to business. Long legal disputes reduce the growth of the Lithuanian economy and investments in the country. Businesspersons are worried that judges are leaving the courts because of the low salaries. During the meeting, insights on possible legislative initiatives aimed at simplifying and speeding up judicial processes, which would be beneficial to both businesses and residents were shared, with the expectation of positive changes as early as next year, when changes to the law should come into force, which will give up functions that are not typical for courts.

On 8 November 2022, the Judicial Council in its letter No. 36P-129-(7.1.10.Mr) provided information to the European Commission on the situation in the Republic of Lithuania concerning the remuneration of judges and other members of the judiciary. In the letter, the Judicial Council asked the European Commission to take this situation seriously, to monitor it closely and to take measures to help resolve it. It was emphasized, that the Judicial Council has repeatedly addressed the legislative and executive authorities of the Republic of Lithuania on the remuneration of judges, stressing the need for the State to have a systematic approach to the remuneration of state authorities, officials, and law enforcement bodies. However, it is regrettable to note that, unfortunately, the principles of systematicity, proportionality, adequacy, transparency and other principles of remuneration continue to be ignored. The adoption of the draft amendment to the Law on Remuneration of Judges of the Republic of Lithuania No. X-1771 attempting to address the issue of the salaries of judges of the courts of general jurisdiction and specialized courts in Lithuania has been continuously delayed and has not been addressed for years for unclear reasons. Such situation may have a negative impact on the independence of the Lithuanian judiciary. It is commonly accepted that appropriate remuneration guarantees are a constituent part of judicial guarantees, which have an impact on the overall judicial independence and fair trial guarantees enshrined in Article 47 of the Charter of Fundamental Rights of the European Union and Article 6 of the European Convention of Human Rights. The jurisprudence of the Constitutional Court of Lithuania also clearly states that the material and social guarantees of a judge must correspond to the judge's constitutional status and ensure the dignity of the judge. The duty to provide these guarantees rests on the State.

The Judicial Council has repeatedly stressed the importance of systematic, proportionate, adequate and transparent remuneration and of ensuring the independence of the judiciary. Because of the economic growth trends in the country in recent years and the political initiatives implemented to selectively and substantially increase the remuneration of prosecutors and various law enforcement officials and civil servants, the Judicial Council has noted a clear political reluctance to address the



issue of judges' remuneration. Based on a variety of arguments, from declared intentions to substantially change the system of remuneration of public-sector employees to what are, as to be expected, individual public political statements concerning the already allegedly high salaries of judges.

The high qualifications required of judges, the heavy burden of responsibility, and the inadequate remuneration make the judicial profession less prestigious and unattractive. This is confirmed by the fact that, unlike in most EU countries, the best Lithuanian lawyers do not pursue a career as a judge. This tendency is visible in the selection procedures for the judicial office, which do not take place due to the lack of suitable candidates. Moreover, a new and worrying trend is emerging – judges with many years of experience are voluntarily leaving the judiciary. Over the last two years, the Judicial Council has witnessed 16 judicial resignations and several judges as one of the motives to step down from the judicial office before the term have listed remuneration. According to the data of 7 November 2022, there were 74 vacant judicial positions in Lithuania, out of 786, which results in a higher workload for judges on the bench, but also means longer adjudication periods for the parties. The seriousness of this issue is also reflected in the answers of Lithuanian judges to the recent ENCJ survey on the independence of judges, where 61 percent of the responding judges indicated remuneration as a factor affecting their independence.

These worrying signs indicate that in the long term, the courts and the political authorities will have to deal not only with the workload of judges or with adequate pay but also with the quality of the administration of justice, which cannot be measured in financial terms alone. It is also a question of trust in one of the public authorities. Adequate remuneration for the judicial profession is one of the effective means of ensuring the efficiency of the administration of justice in all its aspects.

Another pressing issue that the Judicial Council is trying to overcome is the need to ensure that the judiciary is financed sufficiently, based on objective criteria, as a prerequisite for the independence of the judiciary and the effective functioning of the judicial system.

Although on 25 November 2021 the amendments to the Law on Judges' Remuneration have been adopted, the issues raised by the judicial system regarding the remuneration of judges have not been solved yet.

### *Prosecutors*

In 2022, the Government has initiated the reform of the Civil service. The amendments to the Law on Civil Service and other relevant laws were drafted including the changes of remuneration system for politicians, judges, prosecutors, public and law enforcement officers and civil servants. This reform of remuneration system was divided into phases. The increase of remuneration for the judges is foreseen in the first phase, from July 1, 2023. However, prosecutors are separated from judges and the changes of remuneration of prosecutors are assigned to the second phase and foreseen only from January 1, 2024. Moreover, only the date of the second phase is proposed. Up until now this phase does not have a concrete scheme how exactly the remuneration should be changed, i.e. it is not clear, whether and to what extent the remuneration of prosecutors will increase. The Prosecutor General's Office considers that this separation of judges and prosecutors on the basis of their guarantees contradicts the recommendations of the consultative institutions of the Council of Europe, specifically paragraph 37 of the Bordeaux Declaration of the Consultative Council of European Judges (CCJE) and the Consultative Council of European Prosecutors (CCPE) on "Judges and Prosecutors in a Democratic Society", poses a risk of breaching principle of independence of prosecutors and principle of rule of law. Therefore, the Prosecutor General's Office addressed the Government and the Seimas to put the change of remuneration system of the prosecutors to the same



phase of reform as for judges. The reform of remuneration for judges and prosecutors should be implemented simultaneously, increasing the salaries of prosecutors proportionally to salaries of judges.

The Ministry of the Interior of Republic of Lithuania has prepared draft legislation to improve the civil service system. The envisaged reform also encompasses the remuneration system (salary increase) for judges of the Constitutional Court, of the courts of general competence, as well as specialised (administrative) courts of the Republic of Lithuania. Draft laws are under discussions in the Seimas of the Republic of Lithuania<sup>10</sup>.

On 1 August 2022 the amendment to the Law on Courts of the Republic of Lithuania, aiming to implement the Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, came into force. The amendments were prepared by the Ministry of Social Security and Labour of the Republic of Lithuania (in cooperation with the judiciary). The Judicial Council also adopted relevant regulatory changes<sup>11</sup>.

## **9. Independence/autonomy of the prosecution service**

No significant changes.

## **10. Independence of the Bar (chamber/association of lawyers) and of lawyers**

Lawyers form an independent part of the legal system (Article 3(1) of the Law on the Bar of the Republic of Lithuania). Lithuanian Bar is a self-governing body and is financed from contributions paid by lawyers and from other sources (Article 56(1)(5) of the Law on the Bar of the Republic of Lithuania)<sup>12</sup>.

## **11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary**

In 2022, Lithuanian courts continued the activities laid down in the Communication Strategy of Lithuanian Courts for 2021-2024 aimed at increasing the public's trust in the Lithuanian courts as an institution that administers justice, developed consistent coordinated external communication in the court system and carried out joint communication measures that strengthen internal communication and organizational culture in the courts.

## **B. Quality of justice**

---

<sup>10</sup> Relevant information:

[Teisėju darbo apmokėjimo įstatymo Nr. X-1771 pakeitimo įstatymo projektas \(nauja redakcija\) \(lrs.lt\)](#)

<sup>11</sup> Relevant information:

[XIV-1195 Lietuvos Respublikos teismų įstatymo Nr. I-480 papildymo 44-2 straipsniu įstatymas \(e-tar.lt\)](#)  
[13P-156-\(7.1.2.\) Dėl Teisėjo informavimo apie esmines darbo sąlygas tvarkos aprašo patvirtinimo \(e-tar.lt\)](#)

<sup>12</sup> Relevant information:

[IX-2066 Lietuvos Respublikos advokatūros įstatymas \(lrs.lt\)](#)



## 12. Accessibility of courts (e.g. court/legal fees, legal aid, language)

On 23 February 2022, the Minister of Justice of the Republic of Lithuania adopted the amendments to the orders of the Minister of Justice of the Republic of Lithuania aiming at ensuring the publicity of distant court hearings in civil, administrative and criminal proceedings. The new regulation allows to ensure effective public scrutiny of the proceedings as well as to protect private life and personal data of the participants to the proceedings. Numbers show that the use of video and tele conferences for organising distant court hearings is constantly growing<sup>13</sup>.

On 30 June 2022, the Seimas of the Republic of Lithuania adopted amendments to the Code of Civil Procedure of the Republic of Lithuania and to the Law on the Legal Proceedings of Administrative Cases of the Republic of Lithuania. The regulatory changes also include the amendments aiming to encourage participants to use electronic means of communication throughout the proceedings, thus creating preconditions for a more efficient reduction in costs of litigation. According to the adopted amendments, reduced court fee may only be applicable if electronic means of communication are used throughout entire proceedings<sup>14</sup>.

## 13. Resources of the judiciary (human/financial/material (court buildings and other facilities))

Judges' salaries are not the only problem facing the judiciary in the Republic of Lithuania. The salaries of civil servants working in the courts, such as judicial assistants and court hearing clerks, are also of particular importance. The Constitutional Court, when examining the relationship between the unity of the civil service system and its differentiated regulation, has stated that the establishment of a hierarchy of civil servants' posts or any other classification, categorisation, or the like must be uniform and based on the same criteria. It is not permissible for individual State institutions or individual branches of State power to establish for themselves a separate system of categories (classification) of civil servants' posts, which would not be based on the criteria established by law and common for the entire civil service. The establishment of such a unified system must respect the principle of the separation of powers, which implies, *inter alia*, that all the powers of the State – legislative, executive, and judicial – are equal in status.

The salaries of experienced and competent civil servants and contract staff working in the judiciary are well below the national average, as the judiciary is not provided with the necessary funding. Even the salary coefficients of long-serving civil servants, most of whom are judicial assistants and court hearing clerks, are in most cases below the average of the minimum and maximum coefficients for that post as laid down in the Law on the Civil Service.

Furthermore, selection procedures for such positions do not take place, because there usually are no candidates or the candidates do not collect the minimum required number of points to be offered a position. Therefore, courts cannot find competent, and sometimes any staff, while offering the current salary and such a situation has a direct negative impact on the quality and duration of the proceedings and the service of individuals in the courts. Courts are currently looking for up to 100

---

<sup>13</sup> Relevant information:

[1R-59 Dėl teisingumo ministro 2012 m. gruodžio 7 d. įsakymo Nr. 1R-309 „Dėl Vaizdo konferencijų ir tele... \(e-tar.lt\)](#)  
[1R-58 Dėl teisingumo ministro 2021 m. gegužės 31 d. įsakymo Nr. 1R-183 „Dėl Vaizdo konferencijų technol... \(e-tar.lt\)](#)

<sup>14</sup> Relevant information:

[XIV-1349 Lietuvos Respublikos civilinio proceso kodekso 27, 35, 80, 82, 86, 115, 162-2, 284, 350, 515, 577... \(e-tar.lt\)](#)  
[XIV-1350 Lietuvos Respublikos administracinių bylų teisenos įstatymo Nr. VIII-1029 35, 38 ir 105 straipsni... \(e-tar.lt\)](#)



judicial assistants and more than 70 court hearing clerks, mostly in big cities. Moreover, the positions of up to 50 judicial assistants and more than 20 court hearing clerks in the courts have been unfunded for several years.

For the sixth year, volunteering in Lithuanian courts, which is implemented with the funds of the project “Improving Quality, Services, and Infrastructure in Lithuanian Courts”, takes place. In 2022, the aim was to ensure greater dissemination of information about the activities and functions of the Volunteer Service to the public and to increase the number of participants volunteering in the Volunteer Service. During the communication campaign, 18 messages were created on social media, 2 articles were released on major national portals and in the press, 2 video clips were broadcast on public transport and outdoor advertising in public transport pavilions in major Lithuanian cities was created. In addition, an orientation game was created involving Vilnius and Kaunas city courts. During the entire campaign, 23 new volunteers were recruited. In 2022, volunteers and their mentors raised their qualifications in Volunteer Competence Improvement training. Introductory Volunteer Training was held for the new volunteers. Furthermore, in 2022, the Court Volunteer’s Guide has been published. This publication is intended for court volunteers as well as for Lithuanian residents interested in volunteering in courts. The Court Volunteer’s guide contains information about the functions of a court volunteer, their selection, the most relevant information about the court system, and how the court proceedings are being conducted. It provides information about the participants in criminal and civil proceedings, their status and differences, practical advice for court volunteers on how they could help every court visitor and the most common situations and recommendations for court volunteers.<sup>15</sup>

Currently, the Volunteer Service operates in the following courts of the country, where about 50 volunteers assist (over the past year, volunteers assisted more than 400 court visitors): District Court of Vilnius City, Vilnius Regional Administrative Court (if needed), the Supreme Court of Lithuania (if needed), Vilnius Regional Court (if needed), Šiauliai Regional Court, District Court of Šiauliai, District Court of Klaipėda, Panevėžys Regional Court, District Court of Panevėžys, District Court of Kaunas, Kaunas Regional Court, District Court of Marijampolė, Chamber of Marijampolė, District Court of Telšiai, Chamber of Mažeikiai.

On June 29, 2022, Recommendations<sup>16</sup> regarding the organization of judicial psychologists’ activities have been approved by the Judicial Council. The purpose of this position, its goals, tasks, and functions as well as its use during interrogations, etc. have been defined. The Good Practice Guide for Judicial Psychologists has been prepared and published in 2022. It is expected that this publication will help to conduct interviews of minors more smoothly, will help to form a unified interviewing practice, and will be useful for judicial psychologists to improve their competencies. It will be useful for judges as well as for the participants in the legal proceedings who wish to have a better understanding of the principles of the judicial psychologists’ work during juvenile interviews or to improve the quality of their work. In the Good Practice Guide for Judicial Psychologists, the main aspects of interviewing a child are discussed, the sample written conclusion form of a judicial psychologist is provided and the peculiarities of interviewing juveniles with special needs as well as suspects / accused persons are described<sup>17</sup>.

---

<sup>15</sup> You can get acquainted with the prepared Court Volunteer’s Guide by following the link:  
<https://www.teismai.lt/data/public/uploads/2022/11/savanoriai-2022-m..pdf>.

<sup>16</sup> Recommendations regarding the organization of judicial psychologists’ activities are available on the link:  
<https://www.teismai.lt/data/public/uploads/2022/06/rekomendacijos.pdf>

<sup>17</sup> You can get acquainted with the prepared Good Practice Guide for Judicial Psychologists by following the link:  
<https://www.teismai.lt/data/public/uploads/2022/03/teismu-psichologo-gerosios-praktikos-vadovas.pdf>.





In 2022, the building of the District Court of Tauragė, Chamber of Šilutė was reconstructed and adapted for the court activities. The building of the District Court of Vilnius Region, Chamber of Ukmergė was completed. In these court chambers, adequate conditions for the high-quality performance of court functions have been created and sufficient area of the workplace, high-quality working environment, sufficient area of public and auxiliary premises as well as a sufficient number of courtrooms have been ensured. These buildings have been adapted for persons with mobility disabilities and special rooms have been equipped for witnesses and victims, and the interrogation of minors. Adequate conditions have been created for the detained and convoyed persons. To improve the accessibility of courts for persons with disabilities adapted sanitary units have been installed in the District Court of Klaipėda, Chamber of Klaipėda Region, and in the District Court of Vilnius Region, Chamber of Švenčionys. Entrances to the District Court of Panevėžys, Chamber of Kupiškis, and the District Court of Kaunas, Chamber of Jonava have been adapted for persons with mobility disabilities and the stairs of the Supreme Court of Lithuania have been renovated and adapted for persons with seeing disabilities.

Due to the COVID-19 pandemic, in 2022, more than 11 thousand euros were allocated to acquire and transfer to the courts 301,000 units of disposable face masks and almost 3500 units of SARS-COV-2 antigen determination tests.

By the end of 2022 the number of the prosecutors was 602.

#### **14. Training of justice professionals (including judges, prosecutors, lawyers, and court staff)**

##### *Judiciary*

Throughout 2022, the National Courts Administration has provided 74 seminars for judges and 67 seminars for court staff. During this year, 60 training events were implemented face-to-face, 69 online, and 2 hybrids. All together 7341 representatives of courts were trained: 2195 judges, and 5146 court staff including representatives of the National Courts Administration.

To improve the management of human resources, training on certain topics like strengthening leadership competencies, promoting teamwork, good microclimate, and organizational culture in the team was organized. In 2022, training “Leader communication and crisis management”, “The practice of the modern leader”, “The importance and meaning of teamwork in courts: how to create and maintain team efficiency”, and “How to educate court staff giving them feedback”, “Management of conflicts and other difficult situations when serving persons in courts”, were organized for court chairpersons and chancellors. Taking into account the current situation in the world, the training “Organization of Lithuania’s preparedness for an emergency. Safe behavior and actions in the event of an emergency” was organized.

##### *Prosecutors*

The budget for the trainings in 2022 was 40 000 Eur. The prosecutors and personnel of the Prosecutor’s Office participated in 209 training events. The trainings were organized in two ways – either remotely or face-to-face.

##### *Lawyers*

Lawyers must continuously participate in professional training. Professional training of lawyers is organised by the Lithuanian Bar Association in accordance with the procedure established by the latter (Article 39(1) point 5 of the Law on the Bar of the Republic of Lithuania).



Training for state-guaranteed legal aid providers is also organised yearly by the State-guaranteed legal aid service (Article 9(3) point 10 of the Law on the State-Guaranteed Legal Aid).

**15. Digitalization (e. g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in the COVID-19 pandemic)**

*Judiciary*

In cooperation with the Ministry of Justice of the Republic of Lithuania, the Judicial Council, the Lithuanian Bar Association, and other related institutions, the amendments to the Description of the Procedure for the Use of Video Conferencing Technology in Criminal Cases and the Description of the Procedure for the Use of Video Conferencing and Teleconferencing in Civil and Administrative Cases have been approved by Order of the Minister of Justice of 23 February 2022. These amendments set out how the publicity of the court hearing is ensured when the court hearing takes place using video conferencing and/or teleconferencing technologies.

According to the amended legal regulation, when a public court hearing takes place using video conferencing technologies and it is not possible to allow individuals to watch this court hearing directly in the courtroom or other place of hearing, it can be observed and/or listened to by one of the following remote methods available to the court: by rebroadcasting the sound of the court hearing and, if possible, video into a separate, public courtroom or other room in the court building; by joining a video conference.

The court hearing the case decides on the use of specific tools during the court hearing, after assessing the circumstances, which are significant for ensuring a safe environment of the court, the protection of personal data, and the requirements for the implementation of the provisions of the relevant legal acts.

A person wishing to observe a public court hearing and/or listen to it shall inform the court hearing the case about this usually at least 3 working days before the day of the court hearing, except in cases where the date of the court hearing is publicly announced with a shorter deadline.

By Resolution No. 13P-162-(7.1.2.) of the Judicial Council of 20 December 2021 the Resolution No. 13P-46-(7.1.2) of the Judicial Council of 25 May 2018 “On Approval of the Description of the Procedure for the Use of Technical Means during the Announcement of a Judgment” was amended by supplementing it with the provisions detailing the rules on publicity in court proceedings. Regulations related to ensuring the publicity of court proceedings were established: the procedure for submitting and examining a request to a court by a person willing to observe a public remote court hearing was established, the essential aspects of practical implementation was defined (by supplementing them, inter alia, with more modern solutions), which may be relevant for the uniform organization of the court activities, enabling individuals to observe public hearings at a distance, and for informing the public.

Implementing these legal requirements, on 28 February 2022 certain updates have been implemented in LITEKO: when a court staff enters data about newly scheduled hearings into LITEKO, the attribute “Remote” can be selected. On the website <https://www.teismai.lt/lt>, in the “Public schedule search” section, information about the court hearing has been added with a new “Remote” section, and next to a publicly announced court hearing with the corresponding attribute, it is possible to select the “Register” function.



After the interested person selects this function, LITEKO provides a data entry form, in which, after specifying the data provided for in the aforementioned legal acts, the system automatically forms a request in the approved form, which is submitted to the court where the case is being heard via court's general e-mail address.

In addition, interested persons who have completed the request form published on the website can submit it to the court in other ways: by using LITEKO Public Electronic Services subsystem as well as by delivering it to the court physically. In addition, a request might be filed in court. The request is registered according to the procedure established by the court and transferred to the judge (judicial panel) hearing the case. The person who has submitted the request is informed about the decisions made as well as about technological possibilities created (at the same time the person is informed about the prohibition of disclosing personal data that becomes public through the court hearing and other duties established in the legal acts and responsibilities for not complying with them). This information is explained before the start of the court hearing when the court staff responsible for organizing the court hearing check whether the person who has submitted the request has arrived or joined to observe the public court hearing and whether there are no legal obstacles to allowing the person to observe the public court hearing.

Difficulties in using remote means are partly related to the insufficient amount of computer equipment and licenses available to the courts, as well as to the inability of those involved in the proceedings to attend court hearings remotely (e.g. due to the lack of skills). In 2022, an additional number of computers were purchased for courts; juvenile interview equipment was updated / new purchases were made. Due to the adoption of the amendments to the law on limiting business relations and cooperation with relevant states and territories, by the end of 2024, it is mandatory to abandon a large part of video conferencing equipment and replace it with the decision of another manufacturer.

In 2019, the IT state investment project "Ensuring the speed and security of the court information system and modernization and development of electronic court services" was prepared and coordinated with the Information Society Development Committee and from 2020 onward was included in the Public Investment Program. This project aims to complete the last stages of the LITEKO modernization and to fully complete the modernization of the LITEKO in 2022, as well as to improve the functionalities of the LITEKO public electronic services subsystem.

In 2022, the implementation of the project "Increasing the Efficiency of Judicial Activities", financed by the investment funds of the European Union, was continued. The project aims to increase the efficiency of court activities, develop models for advanced management of court resources and case allocation, update case data management processes and transfer them into the electronic space. The activities of the aforementioned projects are late and it is planned to complete the development of LITEKOII by 31 December 2023.

### *Prosecutors*

On March 2022, the Electronic Services Portal (EPP) of criminal cases was launched. The EPP is part of the Integrated Information System of Criminal Procedure (electronic case management system – IBPS) and dedicated for participants of the criminal procedure – individuals and legal entities, defense lawyers. The EPP allows them during pre-trial investigation securely to submit procedural documents and information, to sign the documents, to access the material of the criminal case and to make payments.

It should be noted that all prosecutors, assistants of the prosecutors and administrative personnel of the Prosecution Service since 2020 are fully equipped to access information systems remotely. Moreover, the Prosecution Service is using teleconference communication technologies.



Therefore the Figure 43 of the 2022 EU Justice Scoreboard „Staff can work securely remotely“ and „Use of distance communication technology, particularly for the videoconference“ should be clarified.

**16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics, and their transparency, monitoring, evaluation, and surveys among court users or legal professionals).**

No significant changes

**17. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular, specific courts or chambers within courts to deal with fraud and corruption cases.**

In order to facilitate a more efficient functioning of the judiciary and courts, the Prime Minister of the Republic of Lithuania adopted an ordinance setting up a working group, tasked with drawing up proposals to improve individuals’ access to the court and increase public trust in the judiciary, to ensure more equal and effective use of the resources allocated to the courts, distribution of the workload of judges, to create a better preconditions to the specialisation of judges and to facilitate cooperation between courts and other institutions. Ministry of Justice of the Republic of Lithuania together with the Judicial Council and other stakeholders is preparing the amendments to the judicial map of district courts, to the procedural laws and other related amendments, which will be submitted to the competent institutions and other stakeholders for consideration promptly.

**C. Efficiency of the justice system**

**18. Length of proceedings**

The National Courts Administration together with a service provider completed one of the project’s “Improvement of Quality, Services and Infrastructure in Lithuanian courts” activities – A study on the conduct of judicial proceedings. This Study aims to enhance the quality of the conduct of judicial proceedings and ensure a more effective implementation of justice. Study on the conduct of judicial proceedings implemented these activities: analysis of the current situation of the conduct of judicial proceedings; monitoring of the conduct of judicial proceedings; analysis of good practices of foreign countries and jurisprudence of international courts; methodological recommendations on the conduct of judicial proceedings; development of amendments to legal acts<sup>18</sup>.

**Other – please specify**

On 30 June 2022, the amendments<sup>19</sup> to the Civil Code of the Republic of Lithuania and the amendments<sup>20</sup> to the Code of Civil Procedure of the Republic of Lithuania have been adopted, and

<sup>18</sup> You can be acquainted with the prepared Study on the conduct of judicial proceedings by following the link: [https://grants.teismas.lt/wp-content/uploads/2022/11/Teismo-proceso-vedimo-studija\\_SUMMARY\\_ENG\\_final.pdf](https://grants.teismas.lt/wp-content/uploads/2022/11/Teismo-proceso-vedimo-studija_SUMMARY_ENG_final.pdf)

<sup>19</sup> The amendments are available on the link: <https://www.e-tar.lt/portal/lt/legalAct/e9fdd7a0034411edb32c9f9d8ba206f8>

<sup>20</sup> The amendments are available on the link: <https://www.e-tar.lt/portal/lt/legalAct/bf5d9910035111edb32c9f9d8ba206f8>



these amendments shall come into force on 1 January 2023. The amendments aim to relinquish certain functions that are not typical for courts such as the approval of divorce and separation by mutual consent of the spouses when the spouses do not have minor children, validation of the issuance of a marriage contract, issuance of permits for real estate transactions that are family property, issuance of permits to parents to conclude transactions related to the property of a minor child, recognition of paternity where there is no dispute between the parties concerned. These functions shall be transferred to notaries while ensuring their proper performance of them. The issue of renewing the execution document of the missed deadline shall be transferred from courts to bailiffs. In addition, the court's permissions have been relinquished in some cases related to capital repairs of the rental property. The Ministry of Justice of the Republic of Lithuania has also prepared the necessary amendments to the orders of the Minister of Justice of the Republic of Lithuania and to the resolutions of the Government of the Republic of Lithuania for the implementation of the adopted laws<sup>21</sup>.

The project "Improvement of Quality, Services, and Infrastructure in Lithuanian Courts" is ongoing. One of the tasks of it is to prepare a Study on Strengthening the Competency of Court Managers for Effective Management of Judicial Resources. The Law on Courts states that the chairperson of the court, the deputy chairperson of the court, and the chairperson of the court division lead the organisational work of the court, the chancellor of the court leads the court administration, and in his absence, the chairperson the court assigns one of the heads of the court administration divisions/departments to perform all or part of the functions of the court registrar. In line with this, the top- and middle-level court managers must have managerial skills. Since no criteria or methods for the evaluation of the managerial competencies were defined in the legal acts up to 2022, the following was within the scope of the Project<sup>22</sup>:

1. To perform an analysis of the Court Managers' (chairpersons of courts, deputy chairpersons of courts, chairpersons of court divisions, chancellors of courts, heads of divisions/departments (the "Court Managers")) competencies, foreign good practice analysis, and the surveys of target groups and stakeholders;
2. To develop the Court Managers' competency model, including the evaluation criteria and methodology, based on the results of the analysis;
3. To develop the plan for strengthening the Court Managers' competencies in the field of corruption prevention control and development of an environment with zero tolerance for corruption.

On 3 November 2022, the Law No. XIV-1481<sup>23</sup>, amending Article No. 3 of the Law on State Pensions of Judges of the Republic of Lithuania No. IX-1011, has been adopted (will come into force on 1 January 2023) and established that the right to receive a judge's state pension is granted to persons who are dismissed from the duties of a judge due to health conditions when they get an incurable or other long-term disease that prevents them from performing the duties of a judge. Before

---

<sup>21</sup> Relevant information:

[XIV-1349 Lietuvos Respublikos civilinio proceso kodekso 27, 35, 80, 82, 86, 115, 162-2, 284, 350, 515, 577... \(e-tar.lt\)](#)

[XIV-1346 Lietuvos Respublikos civilinio kodekso 1.65, 1.117, 3.51, 3.52, 3.53, 3.61, 3.66, 3.67, 3.73, 3.7... \(e-tar.lt\)](#)

[XIV-1348 Lietuvos Respublikos civilinį procesą reglamentuojančių Europos Sąjungos ir tarptautinės teisės a... \(e-tar.lt\)](#)

[XIV-1350 Lietuvos Respublikos administracinių bylų teisenos įstatymo Nr. VIII-1029 35, 38 ir 105 straipsni... \(e-tar.lt\)](#)

[XIV-1352 Lietuvos Respublikos civilinės būklės aktų registravimo įstatymo Nr. XII-2111 4, 13, 22 straipsni... \(e-tar.lt\)](#)

[XIV-1347 Lietuvos Respublikos notariato įstatymo Nr. I-2882 46 straipsnio pakeitimo įstatymas \(e-tar.lt\)](#)

<sup>22</sup> You can be acquainted with the prepared Study on Strengthening the Competency of Court Managers for Effective Management of Judicial Resources by following the link: <https://grants.teismas.lt/wp-content/uploads/2022/11/Summary.pdf>.

<sup>23</sup> The Law is available on the link: <https://www.e-tar.lt/portal/lt/legalAct/1e02e33064b411edbc04912defe897d1>



the amendment to the aforementioned law, such persons could not receive the state pension of judges until they reached the social insurance retirement age.

As there still is a flow of irregular migrants, instrumentalized by the Lukashenko regime, the Judicial Council and the National Courts Administration continue to cooperate with the Migration Department under the Ministry of the Interior of the Republic of Lithuania and the State Border Guard Service. During the meetings of these institutions, the issues concerning work organisation and judicial practice are discussed.

On 20 December 2021, Rules on stamp duty accounting in courts have been approved by Resolution No. 13P-163-(7.1.2)<sup>24</sup> of the Judicial Council, and stamp duty accounting has been started. The data required for accounting of stamp duty income are obtained based on LITEKO data related to stamp duty and stamp duty refund tasks.

In 2022, after a two-year break, Lithuanian courts participated in the discussion festival “Būtent!”. The discussion on the presumption of innocence proposed by the Lithuanian courts was recognized as one of the most relevant discussions in the program of the event.

On 25 October 2022, on the occasion of the 30th anniversary of the Constitution of the Republic of Lithuania and the European Day of Law, Lithuanian courts held a free legal advice day “You ask – we answer!” for the seventh time. Everyone had the opportunity to consult with professional lawyers – judicial assistants, lawyers, etc. During this event, Lithuanian courts provided consultations to more than 300 persons. The issues concerning inheritance, divorce, consumer rights, and labour law were the most popular.

On 24 October 2022, the project “Day with a Judge” was launched. During this project, 47 students and schoolchildren from various Lithuanian schools visited the district, regional and administrative courts, as well as the Lithuanian Court of Appeal and the Supreme Court of Lithuania, and met with the judges working there. The project aims to acquaint both students and schoolchildren with the profession of a judge and the specifics of working in court. 8 Lithuanian higher education schools (Vilnius University, Mykolas Romeris University, Kaunas University of Applied Sciences, Vytautas Magnus University, Lithuania Business University of Applied Sciences, SMK University of Applied Social Sciences, Panevėžys University of Applied Sciences, Kazimieras Simonavičius University) became project partners. Students and schoolchildren who visited the courts were invited to prepare a short video clip, presenting what impression such meetings left on them, what surprised them the most, and how to behave correctly in one or another situation, etc. 13 such video clips have been created, and the authors of the most interesting video clips were awarded on 15 December 2022, during the commemoration of the Lithuanian Court Day.

On 24 November 2022, a discussion “War Crimes: Between Morality and Law” took place in the Supreme Court of Lithuania. During this event, issues concerning war crimes, the peculiarities of their investigation as well as the investigation and limits of the responsibility for war crimes committed in Ukraine were discussed by the representatives of the Supreme Court of Lithuania, the Lithuanian Bar Council, the Prosecutor General’s Office, historians and lawyers.

In 2022, topics relevant to the judicial system were proposed for the radio program “Radio Case”. In 2022, Lithuanian courts participated in the Open House and Culture Night events.

In 2022, the first study of the psychological well-being of Lithuanian judges and court staff has been carried out on the Judicial Council’s initiative. During the study, the state of psychological

---

<sup>24</sup> The Resolution is available on the link: <https://www.e-tar.lt/portal/lt/legalAct/50962940630411eca9ac839120d251c4>

well-being of judges and court staff has been assessed and recommendations for improving the psychological state in courts were made<sup>25</sup>.

## II. ANTI-CORRUPTION FRAMEWORK

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

### **19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)**

Regarding the recommendation to start implementing the anti-corruption agenda 2022-2033. The National Anti-Corruption agenda for 2022-2033 (hereinafter – Agenda) was approved on 28 June 2022 by the Resolution No. XIV-1178 of the Seimas of the Republic of Lithuania. The Agenda's strategic objective is to create a corruption-resilient environment in the public and private sectors. This strategic objective is being pursued through three strands and its progress targets. The Agenda will be implemented in three phases. Minister of Justice of the Republic of Lithuania in 2022 March 7 by order no. 1R-68 "On the creation of a working group" established a working group to prepare the draft plan of implementation of the National Anti-Corruption Agenda for the year 2022-2025 (hereinafter – Draft Plan) to be approved by the Government of the Republic of Lithuania (hereinafter – the working group). The working group is led by the Ministry of Justice. The Special Investigations Service of the Republic of Lithuania (hereinafter - STT), according to the article 20 part 3 paragraph 2 of the Law on Prevention of Corruption of the Republic of Lithuania, also participates in the preparation of the Draft Plan and in the activities of the aforementioned working group. During the implementation of the working group's activities, meetings of the members of the working groups were held, during which corruption risks were discussed, measures proposed and other information relevant for the preparation of the Draft Plan was considered.

In order to prepare the Draft Plan, STT provided the necessary information to the working group:

1. information about the corruption risks that remained after the implementation of the previous plan and which measures would be appropriate to continue;
2. information about the identified new relevant corruption risks and, accordingly, what measures could be envisaged in the draft plan;
3. proposals for measures to be implemented by the STT;
4. In addition, during implementation of the technical support project "21LT14 - Effective development and implementation of the National Anti-Corruption Strategy", OECD experts provided certain recommendations and proposals on the Plan and its measures as well.

The Draft Plan stipulates that the monitoring of the implementation of the plan and the assessment of progress will be carried out by the STT. On 12/30/2022, the Ministry of Justice submitted the Draft Plan to the Government of the Republic of Lithuania for approval<sup>26</sup>.

---

<sup>25</sup> More information about the study can be found on the link: <https://www.teismai.lt/lt/pristatyti-pirma-karta-atlikto-lietuvos-teiseju-ir-teismu-darbuotoju-psichologines-geroves-tyrimo-rezultatai/10677>

<sup>26</sup> Relevant information:

[2022-2033 metų nacionalinė darbotvarkė korupcijos prevencijos klausimais](#)



**A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)**

**20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.**

**Resources**

According to the STT statistical data of 31<sup>st</sup> of December 2021, 277 officers and employees work in the STT. New positions are financed by STT, for which 10,476 million Euro are planned for 2023 from state budget funds. According to Article 14 part 1 of the Law on STT, the STT is financed from the state budget of Lithuania. For the year of 2023, it was allocated 14.709 million Euros of state budget funding of which 10,476 million Euros for the wages of the STT officers. The STT may have other funds to ensure criminal intelligence activities.

**Main structural changes**

STT underwent some minor structural changes. From the 1<sup>st</sup> of October, 2022, the Division of Strategic Analysis became an independent unit under the Director, before that it was part of Analytical Anti-Corruption Intelligence Department. Moreover, from the 15<sup>th</sup> of November, 2022, the Technical Support Division from Central Investigations Department was integrated into the Criminal Intelligence Division of the Central Investigations Department.

**National cooperation**

During the year of 2022, STT further strengthened cooperation with these national authorities by signing cooperation agreements:

- On the 19<sup>th</sup> of April, 2022, STT and Vytautas Magnus University signed cooperation agreement No. 8-56. Object of the agreement – cooperation between STT and Vytautas Magnus University and social partnership in order achieve mutually beneficial goals;
- On the 31<sup>st</sup> of May 2022, STT together with State Security Department, Lithuania, Second Investigation Department under the Ministry of National Defense, and Lithuanian Criminal Police Bureau signed a cooperation agreement No. 8-90. Object of the agreement – to cooperate in the field of technical operations development of competences, based on the principles of mutual benefit, equality and mutual assistance, and to exchange related information;
- On the 14<sup>th</sup> of July 2022, the STT and municipally owned company “Vilniaus šilumos tinklai” (hereinafter – VŠT) signed cooperation agreement No. 8-114. Object of the agreement – to cooperate in organizing an international anti-corruption hackathon initiated by VŠT,





promoting innovative solutions that increase resistance to corruption, international cooperation and visibility in Lithuania and Europe;

### Participation in the EU-funded activities

The STT continues to be an actively participant in the EU-funded projects both in terms of improving its own capacities and in terms of sharing its best practices with other counterparts within and outside the EU.

Several projects are currently underway:

- Project 21LT14 to support the review of Lithuanian National Anti-Corruption Strategy is implemented by the OECD in the framework of the Technical Support Instrument by the European Commission. STT is its main counterpart and beneficiary in Lithuania. In the framework of the project, the OECD experts provided recommendations on the effective implementation of the National Anti-Corruption Agenda and the Action Plan at the strategic level. To this end, they also engaged experts from Argentina, Croatia and Greece, who assessed the draft report and shared their practical insights and suggestions;
- Project “Strengthening multidisciplinary and regional approach in fighting corruption and fraud affecting EU financial interests in the Baltic region” (No. 101014631).<sup>27</sup> The project started on 1 January 2021 and will last until 1 March 2023. On 14-15 September 2022 more than 60 participants from Lithuanian, Latvian, Estonian, and Polish institutions took part in the first international workshop “Multidisciplinary approach and regional cooperation in tackling corruption and fraud risks affecting EU financial interests” organised in the framework of this project. Another similar workshop will take place in early 2023;
- EU Twinning Project “Support to the reform of the criminal asset recovery and management system in Azerbaijan” (No. AZ 20 ENI JH 01 21). The implementation of the project started on February 1 2022. The project seeks to strengthen the institutional and operational capacity of the Department for the Coordination of Special Confiscation Issues of the Prosecutor General’s Office of Azerbaijan (DCSCI) to ensure that it fully fulfils its mandate in the area of criminal property detection, tracking and recovery as well as asset manage. STT is the main implementing partner of the Project, therefore, is responsible for the implementation of these objectives;
- Project “Facility supporting the strengthening of Rule of Law in the Republic of Serbia“, where Lithuania is one of the implementing partners. On the 22nd of April, 2022, STT and Central Project Management Agency (CPMA) signed cooperation agreement No. 8-62. Object of the agreement – using the work, competences, knowledge and experience of their employees, agree to cooperate in the implementation of the 2021 December 23 Contribution Agreement No. 2021/429-881 between the European Union delegation in Serbia, CPMA, GIZ (german – Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH), ADA (Austrian Development Agency) and OSCE (Organisation for Security and Cooperation in Europe).

Several projects were completed in 2022:

- Project “Enhancing the analytical capacity of law enforcement authorities to detect and prevent fraud and corruption affecting the financial interests of the EU” under the OLAF-

---

<sup>27</sup> [https://www.stt.lt/en/news/7481/\\_2021-2/cooperation-of-the-baltic-countries-in-the-fight-against-corruption-and-fraud-is-being-strengthened:3055](https://www.stt.lt/en/news/7481/_2021-2/cooperation-of-the-baltic-countries-in-the-fight-against-corruption-and-fraud-is-being-strengthened:3055)



Hercule III program (No. 878557).<sup>28</sup> The project started on 1<sup>st</sup> of January 2020 and lasted until 1<sup>st</sup> of September 2022. In the framework of this project, two international trainings on identifying the risks of corruption and fraud using Big Data analysis tools were held in Vilnius. More than 40 data analysts from 18 European countries were trained during this project. The trainings were conducted by experts from the USA, Switzerland, and Hungary, and aimed at strengthening the competencies of the STT and other law enforcement professionals in preventing corruption risks affecting the financial interests of the EU, as well as developing international cooperation exchanging information in the field.

- EU Twinning Project “Support the Jordanian Integrity and Anti-Corruption Commission in the Fields of Integrity and Corruption Prevention” was successfully completed in November 2022<sup>29</sup>. This Twinning Project was implemented over the period of 21 months, with a budget of 1.5 million Euros. It contributed to building the capacity of the Jordanian Anti-Corruption Commission through the application of best practices within the standards adopted by the EU and relevant international organizations, and in accordance with Jordanian context. All activities were carried out by experts from the Lithuanian STT, Police Department under the Ministry of the Interior, Chief Official Ethics Commission, as well as experts from Austria and Germany.
- In June 2022, the STT submitted an application for the project “EPAC/EACN best anti-corruption practice exchange” to be funded by the Union Anti-Fraud Programme (EUAF). In December 2022, the positive answer was received and currently the preparation work before signing of the Grant agreement is undergoing. The aim of this project is to assist EPAC/EACN members – European national anti-corruption authorities in sharing their best practices and expertise in the field of fighting corruption and related phenomena, including fraud affecting EU financial interests. This will create a chain of best practice dissemination and each participant will not only share, but also extend and improve their own knowledge in combating corruption and fraud. The proposed project comprises two components: Series of thematic study visits between national anti-corruption authorities; two conferences for EPAC/EACN members and other willing participants.

### **Other international cooperation**

As of December 2021, Mr. Žydrūnas Bartkus, Director of STT, is elected President of EPAC/EACN for two-year term together with other Board members from France, Austria, Ireland and Romania. EPAC/EACN are two independent networks of European anti-corruption authorities and police oversight bodies that unite more than 100 authorities from 38 European countries, as well as several EU agencies – OLAF, Europol and, recently, EPPO. STT together with Austrian Federal Anti-Corruption Bureau is also implementing jointly the role of the Secretariat of EPAC/EACN. In 2022, the EPAC/EACN Board adopted its working program for 2022-2023, created several task forces and working groups for analysis and policy advice, project activities and transfer of knowledge. EPAC/EACN Annual Conference and General Assembly took place on 23-24 November 2022 in Chisinau, Moldova, that was organized jointly by the Lithuanian STT and hosts – Moldova’s National Anticorruption Centre. STT will continue being a driving force for activities of EPAC/EACN in fulfilling its mandate of Presidency for the network.

The STT continues to be an active partner in international cooperation. STT strengthened cooperation with French anti-corruption authorities with an extensive study visit to France, including

<sup>28</sup> <https://www.stt.lt/en/news/7481/stt-starts-a-new-project-funded-by-olaf:2830>

<sup>29</sup> <https://stt.lt/en/news/7481/jordanian-integrity-and-anti-corruption-commission-and-eu-member-states-of-lithuania-and-austria-marked-the-completion-of-the-twinning-project:3475>

signature of Agreement of Cooperation with French Anti-Corruption Agency (AFA)<sup>30</sup> on April 12, 2022.

The STT also strengthened its cooperation with Jordanian Integrity and Anti-Corruption Commission by signing the Memorandum of Understanding on 30<sup>th</sup> of June 2021.<sup>31</sup>

In partnership with the European Partners against Corruption and the European contact-point network against corruption (EPAC/EACN), the "Integrity Hackathon" was organized by STT and municipally owned joint stock company „Vilniaus šilumos tinklai“. The two-part event brought together more than 100 experts and enthusiasts for creating a transparent, corruption-resistant environment. 13 teams from Lithuania, Ukraine, Azerbaijan, Moldova, Romania, and Brazil generated ideas in the virtual semi-final, and three teams were selected for the final by members of the international panel<sup>32</sup>. The team from Ukraine, with its innovative idea for anti-corruption public awareness training, won the competition during the final where they competed with two other finalist teams from Lithuania.

At the International Anti-Corruption Conference (IACC) on the 9<sup>th</sup> of December, the STT initiated a discussion "Rethinking the Global Law Enforcement Response to Corruption". It involved representatives from STT, EPAC/EACN, FBI, National Anti-corruption Bureau of Ukraine (NABU), European Cybercrime Centre (EC3, EUROPOL), French Anti-Corruption Agency, and European Public Prosecutor's Office (EPPO).

In 2024, the International Anti-Corruption Conference (IACC) will be held in Vilnius, Lithuania<sup>33</sup>.

### **National bodies in charge of corruption prevention**

The new Law on the Prevention of Corruption<sup>34</sup> came into force on 1 January 2022. The new Law provides definitions, aims, task and principles; system of measures to create an anti-corruption environment; entities that shall be responsible for creating an anti-corruption environment, their functions, duties and operational guarantees. Among other important aspects, the Law is based on the principle of subsidiarity. It means that the public or private sector entities are primarily responsible for managing corruption risks. A ministry or another independent institution to which the public sector entity is subordinate, accountable or assigned and (or) the STT interfere and propose measures to create an environment resistant to corruption or implement them in so far to the extent necessary to manage effectively corruption risks in this entity (article 4 part 6).

According to the new Law on Corruption Prevention, STT:

1. Shall participate in drafting the National Agenda for the Prevention of Corruption by the Government and shall submit proposals for its supplementation or amendment;
2. Shall participate in drafting the Plan of the National Agenda for the Prevention of Corruption;
3. Shall supervise the implementation of the National Agenda for the Prevention of Corruption and its plan;

---

<sup>30</sup> <https://stt.lt/data/public/uploads/2022/04/bendradarbiavimo-memorandumas-tarp-stt-ir-afa.pdf>

<sup>31</sup> <https://stt.lt/data/public/uploads/2022/08/susitarimo-memorandumas-su-jordanijos-jiacc.pdf>

<sup>32</sup> <https://stt.lt/en/news/7481/winner-of-the-international-anti-corruption-hackathon-team-from-ukraine:3472>

<sup>33</sup> <https://stt.lt/en/news/7481/one-of-the-most-important-global-anti-corruption-forums-will-be-held-in-lithuania:3503>

<sup>34</sup> [https://www.stt.lt/data/public/uploads/2021/09/law-on-corruption-prevention-new\\_2021.pdf](https://www.stt.lt/data/public/uploads/2021/09/law-on-corruption-prevention-new_2021.pdf)



4. Shall supervise, assess and analyze activities of public sector entities in creating an anticorruption environment and trends in creating an anti-corruption environment in the private sector;
5. Shall methodically guide and provide assistance to other public and private sector entities in creating an anti-corruption environment or in applying specific measures to prevent corruption;
6. Shall coordinate the activities in creation of an anti-corruption environment in the public and private sectors;
7. Shall submit proposals to the President of the Republic, the Seimas, the Government regarding the adoption, amendment or supplementation of laws and other legal acts necessary for the implementation of corruption prevention;
8. Shall implement measures to prevent corruption assigned to it together with other state or municipal institutions or bodies;
9. Shall perform other functions assigned to it by this Law or other laws.

Other corruption prevention entities, according to the Law, are<sup>35</sup>:

- 1) the Seimas Ombudsmen;
- 2) the Prosecutor's Office of the Republic of Lithuania;
- 3) commissions of the municipal council and anti-corruption commissions;
- 4) the Chief Official Ethics Commission;
- 5) the Central Electoral Commission of the Republic of Lithuania;
- 6) the Public Procurement Office;
- 7) police offices and other pre-trial investigation bodies;
- 8) the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania;
- 9) representatives of the Government;
- 10) natural or legal persons who voluntarily or in accordance with this Law and (or) other legal acts carries out activities or implements measures for creating an anti-corruption environment or improves one or more corruption prevention measures.

## **21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.**

No significant changes.

## **22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.**

The Interinstitutional Action Plan for 2020-2022<sup>36</sup> (hereinafter – Action Plan) is the current valid plan that provides measures to ensure a long-term, effective corruption prevention and control system in the Republic of Lithuania. At the beginning of the 2022, the monitoring of the implementation of the Action Plan in 2021 was carried out<sup>37</sup>. The monitoring report shows that 16 measures foreseen in the Action Plan require continuity, 25 – are being implemented, 4 – are implemented, 1 – is partially implemented. The next monitoring of the implementation of the Action Plan in 2022 will be conducted in the beginning of the 2023.

---

<sup>35</sup> English version of the new Law on Corruption Prevention may be found here:

[https://www.stt.lt/data/public/uploads/2021/09/law-on-corruption-prevention-new\\_2021.pdf](https://www.stt.lt/data/public/uploads/2021/09/law-on-corruption-prevention-new_2021.pdf)

<sup>36</sup> [https://www.stt.lt/data/public/uploads/2021/04/tvp-2020-2022\\_eng.pdf](https://www.stt.lt/data/public/uploads/2021/04/tvp-2020-2022_eng.pdf)

<sup>37</sup> <https://www.stt.lt/data/public/uploads/2022/05/tvp-stebesenos-ataskaita.pdf>



On 28 June 2022, the Seimas of the Republic of Lithuania approved the National Anti-corruption Agenda for the period of 2022-2033 (hereinafter – the Agenda)<sup>38</sup>. The Agenda includes the goals and objectives of the national anti-corruption progress for twelve-year period. The strategic objective of the Agenda is to create an anti-corruption environment in the public and private sectors. One of the most important indicators for evaluating the strategic goal is to achieve a Corruption Perception Index of 74 in 2033 (initial value in 2020 – 60).

The strategic objective is planned to be achieved in three stages by implementing four-year Action plans. On 22 November 2022 the prepared draft Plan of the Agenda for the period of 2022-2025 (hereinafter – Plan) was submitted to the stakeholders to provide remarks. The next stage is the adoption of the Plan at the Government.

As mentioned in the information provided in the previous Rule of Law Reports in development of the Plan of the Agenda for the period of 2022-2025 Lithuania is receiving technical support from the European Commission and OECD under the project “Effective design and implementation of the national anticorruption strategy”.

## B. Prevention

### **23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application.**

The Chief Official Ethics Commission (COEC) is currently completing the testing on the Official Ethics Standards Framework (TESS), which is module of the Register of Private Interests (PINREG). It is an interactive platform for the official ethics advisers. The aim is to build and strengthen the network of the official ethics advisers responsible for monitoring compliance with the Law on Adjustment of Public and Private Interests (LAPPI) in public sector institutions. TESS consists of three main components: the Official Ethics Adviser Knowledge Centre, the 24/7 Official Ethics Training and the Official Ethics Level. TESS will provide access to training materials prepared by the COEC. The official ethics advisers will be able to improve their knowledge in the field of implementing the LAPPI, as well as be able to train other employees, adapting the training material according to the relevant needs of their institution, activity or specific needs of employees.

The COEC created the website [www.prevencijavtek.lt](http://www.prevencijavtek.lt) aimed at expanding the knowledge of persons working in the civil service in the areas of declaration, management of conflicts of interest, restrictions after the end of the service and other areas of implementation of the provisions of the LAPPI. After depersonalizing the persons applying to the COEC, this page presents opinions of the COEC on the implementation of the provisions of the LAPPI. For the convenience of users, the presented material is divided according to topics or keywords, according to which it is easy to find relevant, constantly updated information.

At the end of 2021, STT launched an e-learning platform<sup>39</sup>, which is continuously being appended with further topics. In this publicly available platform, participants will find professional anti-corruption education training material for civil servants and anyone interested in creating an anti-corruption environment. Currently, there are 12 topics: The concept of corruption; corruption-related crimes; conflicts of interest; gift policy; whistle-blowers protection; healthcare sector; local government; public procurement; the importance of Organisation for Economic Co-operation and

<sup>38</sup> <https://www.e-tar.lt/portal/lt/legalAct/2b958160fdb11ec8fa7d02a65c371ad>

<sup>39</sup> <https://emokymai.stt.lt/>



Development (OECD) in relation to foreign bribery; private sector; foreign bribery (in English), integrity of human resources. After finishing each training's tasks and final test, participants personally receive a certificate of completion.

Statistics in the recent year:

- "Managing conflicts of interests"(a concept of conflicts of interests, how to recognize it, practical examples and advices) – 4319 certificates were issued to users.
- "Gift policy within institution"(a concept of conflicts of interests, how to react to gifts, how to identify a gift, practical examples and advices) – 5093 certificates were issued to users.

#### **24. General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)**

No significant changes.

#### **25. Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)**

No significant changes.

#### **26. Measures in place to ensure whistleblower protection and encourage reporting of corruption.**

In December 16, 2021, an amendment to the Law on the protection of whistleblowers was adopted and came into force on February 15, 2022. The new version of Law provides for the right to receive comprehensive, impartial information and free advice on whistleblowing procedures and remedies. The Prosecutor's Office provides consultations to individuals on whistleblower protection issues both by phone (Hotline for Whistleblowers) and upon arrival at the Prosecutor's Office. For example, competent employees can advise persons on how to fill up report form and what documents and information needs to be provided. Consultations are also provided to the persons who already have the status of whistleblower and have experienced adverse actions against them or they wish to receive secondary legal assistance guaranteed by the state. 265 consultations have been provided to persons in 2022.

In 2022, the representatives of Prosecutor General's Office organized training on whistleblowing and the protection of whistleblowers for all levels of hierarchy and chains of command in the Police and State Border Guard Service. Training on whistleblowing and the protection of whistleblowers was organized for all prosecutors and other employees of the Prosecutor's Office, judges and other employees of the judicial system and attorneys.

In 2022, the representatives of Prosecutor General's Office participated in various television and radio shows where basic information was provided related to whistleblower protection.

The protection of whistle-blowers, their rights and possible legal remedies are laid down in the Law on the Protection of Whistle-blowers of the Republic of Lithuania<sup>40</sup>. The Prosecutor's Office

---

<sup>40</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/267de1c2a9b911eb98ccba226c8a14d7?jfwid=-mmidcquki>



of the Republic of Lithuania implements the functions of the competent authority conferred by the Law on the Protection of Whistle-blowers.

The STT ensures the protection of whistle-blowers in accordance with this law. According to the STT statistical data of 2022, the Prosecutor General Office granted a status of whistle-blowers to 9 persons, who provided information to the STT about alleged acts of corruption (in comparison to 4 persons in 2021).

During the year 2022, STT continued to carry out a communication campaign „Corruption is a vanishing species“, with the goal not only to inform society how to report corruption crimes, but also to encourage to do so. Various campaign elements ([video](#) on the national TV and social media, public transport, outdoor stand, “YouTube” bumper ads, banners in local news portals, visuals in social media) were shown about 3 million times. After this campaign, the number of received reports increased. The first week of the campaign was very active – the number of reports received increased by 81% (comparing to the week before the campaign start). During the first month of the campaign STT received 40% more reports (comparing to the same month of the previous year), during the second month 19%. Proportion of anonymous reports decreased 3.5 times.

In addition, this [STT communication campaign won 2 awards](#) at the most effective campaigns competition: the most effective public sector campaign, and participants of the conference voted for it to be the favorite campaign of the event.

On 14 February 2022 the Government of the Republic of Lithuania approved an amendment to the Resolution No. 1133 of the Government of the Republic of Lithuania of 14 November 2018 “On the Implementation of the Law on the Protection of Whistleblowers of the Republic of Lithuania”. Furthermore, on 7 February 2022 the Prosecutor’s Office of the Republic of Lithuania amended the order of the Prosecutor General No. I-207 of 25 June 2018 on the Description of the procedure for submitting reports on irregularities in institutions to the Prosecutor’s Office of the Republic of Lithuania. It is also important to note that the Resolution No. 480 of 18 April 2003 of the Government of the Republic of Lithuania approved the Description of general requirements for websites and mobile applications of state and municipal institutions and bodies. Paragraph 20<sup>1</sup> of this resolution details the content of the information to be published in the section “Whistleblower Protection” of the websites of the institutions and the manner in which the institution should provide information on the infringements that meet the characteristics set out in the Law on the Protection of Whistleblowers<sup>41</sup>.

**27. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where**

---

<sup>41</sup> Relevant information:

[Lietuvos Respublikos Vyriausybės nutarimas dėl Lietuvos Respublikos pranešėjų apsaugos įstatymo įgyvendinimo \(suvestinė redakcija\)](#)

[Lietuvos Respublikos generalinio prokuroro įsakymas dėl pranešimų apie pažeidimus įstaigose pateikimo Lietuvos Respublikos prokuratūrai tvarkos aprašo patvirtinimo \(suvestinė redakcija\)](#)

[Lietuvos Respublikos Vyriausybės nutarimo dėl bendrųjų reikalavimų interneto svetainėms ir mobiliosioms programoms aprašo patvirtinimo \(suvestinė redakcija\)](#)

**applicable, list measures to prevent and address corruption, committed by organized crime groups (e.g. to infiltrate the public sector).**

Public Procurement Office is currently in progress of creating a new e-procurement system SAULE. The creation process started in 2021 and its launch is foreseen in second half of 2023. SAULE IS will provide technical features allowing for easier accumulation, handling and analysis of public procurement data throughout the procurement process (“once-only” principle, automated solutions for data gathering, publication of the data according to the obligations set in Public Procurement Law, integrations with state registers (including integration with PINREG), open data format for user friendliness and easier data analysis, etc.).

Information on progress of the project is available on the [website of Public Procurement Office](#) (in Lithuanian).

Draft laws, simplifying the conduct of public procurement, are currently in the Parliament (adoption planned for December 13, 2022).

### **Healthcare**

Examples of risks identified in the field of health protection in 2022:

- the Accreditation Service is given a wide discretionary right to decide on the application/non-application of restrictions on licensed activities of doctors;
- Insufficiently clear legal regulation and inconsistent practice in revoking licenses of health care professionals, who have committed corruption-related violations;
- Disproportionate assessment of the significance of violations provided for in the legal regulation provides an opportunity to obtain a new license after three months for doctors, who have committed crimes of a corrupt nature;
- The existing mechanism for dealing with patient complaints creates conditions for delaying the adoption of a final decision;
- When violations are detected, the criteria for making the decision to transfer/not to transfer information to the professional competence assessment committee of specialists are unclear;
- Most of the members of the commissions for the preparation of specifications for joint endoprostheses purchased centrally by National Health Insurance Fund under the Ministry of Health (VLK) are non-experts. While the rest of the experts are appointed on a professional basis by managers and board members of associations uniting doctors that receive financial support from suppliers of endoprostheses, as well as doctors affiliated with them who participate in the adoption decisions on technical specifications;
- Some members of commissions for the preparation of technical specifications of joint endoprostheses, medical experts, do not declare their private interests and/or refrain from participating in decisions related to their private interests, and VLK does not ensure the impartiality of commission members;
- In Personal Health Care Institution (PHCI) that prescribe the most reimbursed endoprostheses, patients are assigned models of certain centrally purchased primary (standard) endoprostheses manufacturers, which are supplied by a supplier with direct or indirect financial ties to heads of PHCI departments and working doctors.

The draft Plan for implementation of National Anti-Corruption Agenda in the period of 2022-2025 foresees 9 measures for the Ministry of Health of the Republic of Lithuania (hereinafter – MoH):

- 1) To organize a social campaign aimed at strengthening public anti-corruption awareness;
- 2) To update the descriptions of the study areas of the group of health sciences (medicine, dentistry, oral care, public health, pharmacy, rehabilitation, nutrition, nursing and midwifery,





- medical technology, cosmetology) by including the provision on anti-corruption topics in the relevant study programs;
- 3) To carry out an analysis of the funding mechanism for raising the professional qualification of health care professionals in foreign countries, based on the conclusions of which decisions will be made regarding the improvement of the funding mechanism for professional qualification;
  - 4) To standardize the technical specifications of medical equipment purchased through public procurement, reducing the risks of corruption in public procurement;
  - 5) To centralize the public procurement of the institutions under the MoH;
  - 6) To create and implement patient feedback, i. e. assessment tool for information about provided health care services, including patient satisfaction, using information technologies;
  - 7) To improve the efficiency of electronic pre-registration of patients in order to create more convenient conditions for patients to apply for personal health or treatment services. The monitoring and analysis of waiting lines for these services would provide an opportunity to make decisions that allow to increase the availability of services;
  - 8) To improve the legal regulation of paid personal health care services, by providing clear scope and procedure for the provision of paid personal health care services compensated by the Mandatory Health Insurance Fund and to ensure the availability of this information in ways acceptable to patients;
  - 9) To prepare a project package of legislative amendments that would ensure uniform, clear and unambiguous legal bases, conditions and procedures for the suspension and cancellation of licenses of personal health care specialists.

### **Territorial planning and construction supervision**

The construction process at various stages is complicated due to the numerous procedures established by legal regulation, the procedure for coordinating projects, deadlines (for example, the procedure for issuing a building permit is one of the essential stages of construction, taking up the largest part of the process in terms of deadlines), the number of persons involved – issuing permits, controlling construction works, officials issuing construction completion documents, controlling the elimination of identified deficiencies or the legalization of arbitrary constructions, construction experts, construction product certification entities, etc.

Examples of risks identified in the field of territorial planning and construction supervision in 2022:

- There are no impartiality requirements for the responsible municipal or State Territorial Planning and Construction Inspectorate under the Ministry of Environment (VTPSI) employees in legal acts and the obligation to withdraw themselves from decision-making in the event of or a potential conflict of interest. In practice, there have been cases where related persons participated in construction permit procedures;
- If the members of the construction completion commission do not sign the construction completion act within the set deadline, their approval for the completion of a certain building is automatically created even in case of deviations from the approved building design or non-compliance with the requirements of legal acts;
- Insufficiently regulated construction procedures provided for in legislation, which make it possible to build entire blocks of residential houses instead of a small private house, thus avoiding some control and responsibility procedures for construction and their subsequent use;
- The control of the use of buildings in accordance with the intended purpose established by the legislation is insufficiently carried out, therefore the buildings might be used for other



purposes than for which the permit was issued (for example, non-residential buildings, such as hotels, administrative premises, workshops, are used as residential apartments);

- Vagueness of definitions of new construction of a building and reconstruction of a building creates conditions for the risk of corruption in the construction sector. The current regulation creates conditions for illegal agreements, bribery, abuse of regulations, by choosing reconstruction of a structure instead of new construction. At the same time, the discretion of the municipal official is extended to require the builder, developer or planner to justify the type of construction or not to do so;
- In cases where the builder is the municipal administration, it issues the construction permit itself.

The draft Plan for implementation of National Anti-Corruption Agenda in the period of 2022-2025 foresees 7 measures to reduce risk of corruption in territorial planning and construction supervision:

- 1) To prepare draft legal acts with the provision that in cases where it is planned to build new buildings or reconstruct existing ones on a plot of state land leased without an auction, the plots of state land leased without an auction under the existing buildings and facilities will be reviewed, in order to make sure that they are leased in a size that necessary for the intended operation of those buildings.
- 2) To prepare draft legal acts with the provision that in cases where it is planned to build new buildings or reconstruct existing ones on a plot of state land leased without an auction, state land lease contracts will be reviewed, in order to make sure whether the buildings, for the purpose of which the plots of state land were leased, could be registered in the Real Estate Register as separate real estate objects and, if there is a basis, to solve the issue of deregistration of such buildings and rights to them from the Real Estate Register in order to reduce the risk of abuse of the right to state property.
- 3) To prepare draft legal acts that would specify the criteria for the non-use of buildings and facilities according to the purpose registered in the Real Estate Register and would specify the detailed procedure for determining such buildings and facilities, in order to ensure the supervision and control of the execution of state land lease contracts concluded without an auction and more efficient use of state land.
- 4) To improve the legal regulation of construction activities (by regulating more clearly the economic method of natural persons).
- 5) To implement the functionalities of the information system of the state supervision of territorial planning document preparation and territory planning process of the Republic of Lithuania, allowing to obtain additional data, in order to improve the functionality of the register of territorial planning documents of the Republic of Lithuania.
- 6) To perform an analysis of the application of the right to restore homesteads that were in state-protected territories in order to change legal regulation to ensures the transparency of this process.
- 7) To include clear criteria for defining new construction and reconstruction in the draft construction code of the Republic of Lithuania.

### **Local government**

Examples of risks identified in the area of local government in 2022:

- The functions of municipal employees are not properly separated (for example, public procurement procedures are performed by one and the same employee from start to finish);
- In individual cases, it was found that the same suppliers tend to be invited in public procurements organized by the municipality;



- Transparency of public procurement planning and resistance to biased decision-making is not ensured, as almost half of the procurements carried out in the Municipality are not included in the annual procurement plan of the Municipality;
- All decisions related to contract changes due to changed quantities (volumes) are concentrated "in the hands of one person";
- The objectivity and transparency of the determination of the planned purchase value specified in the procurement initiation letter is not ensured;
- Excessive discretion of the procurement initiator in determining (justifying) the planned purchase value of infrastructure objects for which a technical project is mandatory.

To address the risks the STT issued these recommendations:

- 1) Where possible, separating functions of municipal servants involved in public procurement procedures;
- 2) When procuring property valuation services, trying to ensure effective competition, avoiding going to the same supplier over and over again, and interviewing more suppliers;
- 3) Regulating the procedure for determining the value of purchases included in the Municipal Procurement Plan;
- 4) Providing additional control measures to ensure that all decisions related to contract changes due to changed quantities (volumes) are not concentrated "in the hands of one person";
- 5) Regulating in more detail the procedure for determining the planned purchase value specified in the procurement initiation letter;
- 6) Establishing a clear and detailed procedure for using the calculated construction price in determining the purchase price of municipal infrastructure objects for which a technical design is mandatory.

### **Environmental protection**

Examples of risks identified in the area of environmental protection in 2022:

- Some cases lack clear criteria for assessing the compliance of the planned economic activity with environmental protection requirements and the methodologies used for their evaluation when making decisions. The absence of a unified approved list of methodologies that are used to determine/evaluate the relevant criteria may enable subjective selection and evaluation of the applied criteria when providing conclusions important for making a decision or making a final decision.
- There are no clear, objectively measurable selection criteria for environmental impact assessment, which may influence the decisions taken by the Environmental Protection Agency regarding the obligation to assess the environmental impact of planned economic activities. This can enable the above-mentioned decisions to be made based on subjective assessment, therefore the unequal application of environmental impact assessment selection criteria to different entities is possible for possible abuse by creating unequal and/or exceptional conditions for individual business entities during selection procedures for environmental impact assessment.
- Legislation creates conditions for persons keeping wild animals in captivity to fence off unreasonably large forest territories, thus violating the right of natural persons to visit forests freely.

The draft Plan for implementation of National Anti-Corruption Agenda in the period of 2022-2025 foresees 4 measures to reduce risk of corruption in environmental protection:



- 1) To clarify the Law on the Special Program for the Support of Environmental Protection of Municipalities of the Republic of Lithuania, establishing the criteria for the selection of the measures to be financed, the legal regulation of the allocation of funds and supervision.
- 2) To create and implement the Pollution Prevention Information System by fully digitizing the processes of environmental impact assessment of planned economic activities, selection for this assessment, permits for integrated prevention and control of pollution, issuance of pollution permits and control of compliance with the conditions set forth in them.
- 3) To create a hunting registration module (hunting participants, catch accounting, planning and control of hunting limits) in order to ensure transparent use of wild animal resources and control of this process.
- 4) To prepare draft laws amending the Law on Protection of Immovable Cultural Heritage of the Republic of Lithuania and the Law on Construction of the Republic of Lithuania in order to make the protection of cultural heritage more effective, to clearly define and separate the functions and competences of the administrative heritage protection and administrative construction works, the functions and limits of competencies of the institutions coordinating, issuing and controlling them.

### **Public procurement**

Examples of risks identified in the area of public procurement in 2022:

- The procurement documents do not clearly state the basis for choosing the parameters of the purchased objects, which creates risks of corruption due to illegal agreements between the procuring organization and suppliers, when technical specifications may be prepared that would correspond exclusively to the goods or services offered by a single supplier;
- When carrying out purchases through unannounced negotiations, procuring organizations apply to one supplier;
- Superficial market research creates conditions for purchases with little competition;
- Exclusive conditions are created for suppliers – possible prohibited agreements between procurement participants are not identified; favourable conditions are created for existing suppliers with whom there is a desire to continue cooperation; technical specifications of procurement objects are prepared based on the data of specific procurement objects; separate property rental tenders and public procurements of services for which this property is required are carried out, therefore service procurements are usually won by the "sole supplier", who has leased real estate necessary for the provision of purchased services.

The draft Plan for implementation of National Anti-Corruption Agenda in the period of 2022-2025 foresees 2 measures to reduce the risk of corruption in public procurement:

- 1) To create and implement a digital tool that would ensure the integrity and openness of public procurement data and would enable to conduct analysis and make databased decisions.
- 2) To analyze the practice of application of the institute of unreliable suppliers and factors potentially reducing the effectiveness of the application of this institute. To prepare guidelines for procurers and proposals for other measures to promote proper and effective application of the unreliable suppliers institute.

### **28. Any other relevant measures to prevent corruption in public and private sector**

Please see answer to the question 25. Additionally, on 14 May 2021, STT, on behalf of the EPAC/EACN, which is a network of European anti-corruption and police oversight bodies, organized a webinar "COVID-19 vaccination and managing corruption risks". More than 70 experts from law enforcement, corruption prevention and healthcare sectors from various European countries (Spain, Portugal, Romania, Poland, Moldova, Finland, Czech, Cyprus, Bosnia and Hercegovina, Austria



etc.) attended the online event. The webinar was dedicated to discuss potential corruption risks in vaccination process, as well as other measures in response to COVID-19, and the tools to address these risks.

### **C. Repressive measures**

#### **29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.**

The Criminal Code of the Republic of Lithuania (hereinafter – CC) sets extremely strict criminal liability for criminal acts of a corrupt nature, which are enshrined in Chapter XXXIII (Crimes and misdemeanors against the civil service and public interests).

Article 225(1) of the CC (Bribery) establishes that a civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly promises or agrees to accept a bribe, demands or provokes giving it or accepts it for a lawful act or omission in exercising his powers shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years. Paragraph 2 of this article provides that a civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly promises or agrees to accept a bribe, demands or provokes giving it or accepts it for an unlawful act or omission in exercising his powers, shall be punished by a fine or a custodial sentence for a term of up to seven years. In the event that a civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly promises or agrees to accept a bribe, demands or provokes giving it or accepts a bribe of the value exceeding size of 250 Minimum Life Standard index (hereinafter – MSL) (currently the MSL is 50 Eur) for a lawful or unlawful act or omission in exercising his powers, shall be punished by a custodial sentence for a term of two up to eight years. Moreover, it is envisaged to criminalise petty corruption by establishing that a civil servant or a person equivalent thereto who, for own benefit or for the benefit of other persons, directly or indirectly promises or agrees to accept a bribe, demands or provokes giving it or accepts a bribe of the value lower than 1 MSL for a lawful or unlawful act or inaction in exercising his powers shall be considered to have committed a misdemeanour and shall be punished by a fine or by arrest. Furthermore, a civil servant or a person equivalent thereto is liable under the CC for a promise or agreement to accept a bribe or a demand or provocation to give a bribe, or for accepting a bribe both for a specific act or omission in the exercise of powers, and for an exceptional position or favor.

In addition, Article 226 of the CC also establishes criminal liability for trading in influence. Paragraph 1 of this article provides that a person who, by seeking that a person, in taking advantage of his social status, office, powers, family relationship, contacts or other likely influence on a state or municipal institution or agency, international public organisation, a civil servant thereof or a person equivalent thereto, would exert an influence on the respective institution, agency or organisation, civil servant or person equivalent thereto to ensure their lawful or unlawful act or inaction in exercising their powers, directly or indirectly offers, promises to him or to a third party or agrees to give or gives a bribe shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years. Paragraph 2 of this Article provides that a person who, by taking advantage of his social status, office, powers, family relationship, contacts or other likely or alleged influence on a state or municipal institution or agency, international public organisation, a civil servant thereof or a person equivalent thereto and for own or another person's benefit, directly or indirectly promises or agrees to accept a bribe or demands or provokes to give a bribe or accepts a bribe in exchange for a promise to exert an influence on the respective institution, agency or



organisation, civil servant or person equivalent thereto to ensure their lawful or unlawful act or inaction in exercising their powers shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years. Accordingly, a person who carries out the actions provided for in Paragraph 1 of this Article by offering, promising or agreeing to give or giving a bribe of the value exceeding 250 MSLs shall be punished by a custodial sentence for a term of up to seven years and a person who carries out the actions provided for in Paragraph 2 of this Article by promising or agreeing or demanding or provoking to give or accepting a bribe of the value exceeding 250 MSLs, shall be punished by a custodial sentence for a term of two up to eight years. Subsequently, Paragraph 5 of this Article also establishes liability for minor trade by effect, provided that a person who carries out the actions provided for in Paragraph 1 or 2 of this Article by offering, promising or agreeing to give or giving or by promising or agreeing to accept or demanding or provoking to give or by accepting a bribe of the value lower than 1 MSL (50 Eur) shall be considered to have committed a misdemeanour and shall be punished by a fine or by restriction of liberty or by arrest.

At the same time, Article 227 of the CC establishes criminal liability for graft. Paragraph 1 of this Article provides that a person, who directly or indirectly offers, promises or agrees to give or gives a bribe to a civil servant or a person equivalent thereto or a third party in exchange for a desired lawful act or inaction of the civil servant or person equivalent thereto in exercising his powers, shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to four years. Paragraph 2 of this Article provides that a person who carries out the actions provided for in Paragraph 1 of this Article in exchange for an unlawful act or inaction of a civil servant who is susceptible to bribery or a person equivalent thereto in exercising his powers, shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years. Accordingly, a person who carries out the actions provided for in Paragraph 1 or 2 of this Article by offering, promising or agreeing to give or giving a bribe of the value exceeding 250 MSLs shall be punished by a custodial sentence for a term of up to seven years. In addition, petty graft shall also be criminalised, provided that a person who carries out the actions provided for in Paragraph 1 or 2 of this Article by offering, promising or agreeing to give or giving a bribe of the value lower than 1 MSL (50 Eur) shall be considered to have committed a misdemeanour and shall be punished by a fine or by restriction of liberty or by arrest. A person, who has committed the acts provided for in Paragraphs 1, 2, 3 or 4 of this Article shall be liable under CC for seeking to graft both the specific act or omission of a civil servant or a person a person equivalent thereto in the exercise of his powers and the exceptional situation or the favour of this person, regardless of how his actions were understood by a public servant or a person treated as such.

Finally, Article 228 of the CC establishes criminal liability for abuse of office. Paragraph 1 of this article provides that a civil servant or a person equivalent thereto who abuses his official position or exceeds his powers, where this incurs major damage to the State, the European Union, an international public organisation, a legal or natural person, shall be punished by a fine or by arrest or by a custodial sentence for a term of up to five years. A person who commits the act provided for in Paragraph 1 of this Article seeking material or another personal gain, in the absence of characteristics of bribery, shall be punished by a fine or a custodial sentence for a term of up to seven years (Paragraph 2). It should be noted that a legal entity shall also be held liable for the acts provided for in this Article. Article 43 of the CC establishes specific sanctions for legal entities: 1) a fine (from 10000 EUR to 5 million EUR); 2) restriction of the activities of a legal entity; 3) liquidation of a legal entity (Paragraph 1). Paragraph 2 of this article provides that a verdict by which a court imposes a penalty on a legal person for the offences provided for in Chapter XXXIII (Crimes and misdemeanours against the civil service and public interests) of this Code must be pronounced through the media. In addition, Article 47(6) of the CC provides for a special rule for imposing a penalty of a fine, stipulating that the fine imposed for the offences provided for in Chapter XXXIII



of the Code may not be less than the amount of the established subject matter of the offence, the property damage caused by the offender or the property benefit received or sought by the offender for himself or for another person. Where there are several criteria for calculating the amount of the fine, the amount of the fine imposed is calculated on the basis of the one with the highest value, expressed in monetary terms. Where a fine is imposed in accordance with the rules laid down in this Paragraph, the final fine imposed by the court for the offences provided for in Chapter XXXIII of this Code may exceed the maximum amounts of the fine specified in Paragraphs 3 and 4 of this Article (5 million Eur), but may not be less than the minimum amounts of the fine provided for in Paragraphs 3 and 4 of this Article (10000 Eur in respect of legal entities).

### **30. Data on investigation and application of sanctions for corruption offences , including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.**

376 corruption-related criminal offences (bribery, trading in influence, graft, abuse of office) were registered between 1 January and 30 November 2022. It needs to be noted that the said number does not include the data about the corruption-related criminal offences registered in December 2022 since at the time of submission of answers to the questionnaire such data were not yet available. Having compared the abovementioned statistical data covering the period of time between 1 January and 30 November 2022 with the data of the period of time between 1 January and 30 November 2021 (502 criminal offences), it can be seen that the number of corruption-related criminal offences registered in 2022 has decreased by 25 per cent.

At the time of submission of answers to the questionnaire, the data on the number of persons convicted for the commission of corruption-related criminal offences are also not yet available. Data on the judgments of conviction rendered in 2022 in corruption-related criminal proceedings have not yet been definitely summarised. Such data will be available only at the end of January or at the beginning of February 2023.

The criminal case mentioned in the answer of the previous year and relating to the Member of the Seimas of the Republic of Lithuania charged with the commission of corruption-related criminal offences, has been heard in court and the Member of the Seimas of the Republic of Lithuania has been found guilty. The Court of Appeal of Lithuania has also dismissed the appeal lodged by the Member of the Seimas.

In 2022, the courts heard two criminal cases wherein the Mayor of the City of Panevėžys had been charged with the commission of corruption-related criminal offences. In one case, the Mayor was acquitted (the prosecutor's appeal was also dismissed), whereas in the other case the Mayor was convicted (the hearing of the appeal has not been completed yet).

Statistics in the criminal cases of corruption-related offences, which are investigated by the STT:

- **434** persons (**428** – natural persons, **6** – legal persons) were investigated as suspects for corruption offences in 2022;
- **36** persons (**35** – natural persons, **1** – legal persons) were convicted for corruption offences by a final court decision in 2022;
- **1** person (**1** - natural persons, **0** – legal persons) was acquitted for corruption offences by a final court decision in 2022;
- **7** high level and complex corruption cases were investigated in 2022;
- **5** cases related with EU fundings were investigated in 2022, one of them is controlled by the European delegated prosecutor (EPPO);

- Court decisions (sanctions) in 2022 expressed in percentage:
  - a) Fine – **83 %**
  - b) Imprisonment - **14 %**
  - c) Fine and Imprisonment - **3 %**
  - d) Other type of sanction - **0 %**

The most common sanction for corruption related crimes is a fine (**83 %** of total sanctions imposed by courts in 2022).

**31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)**

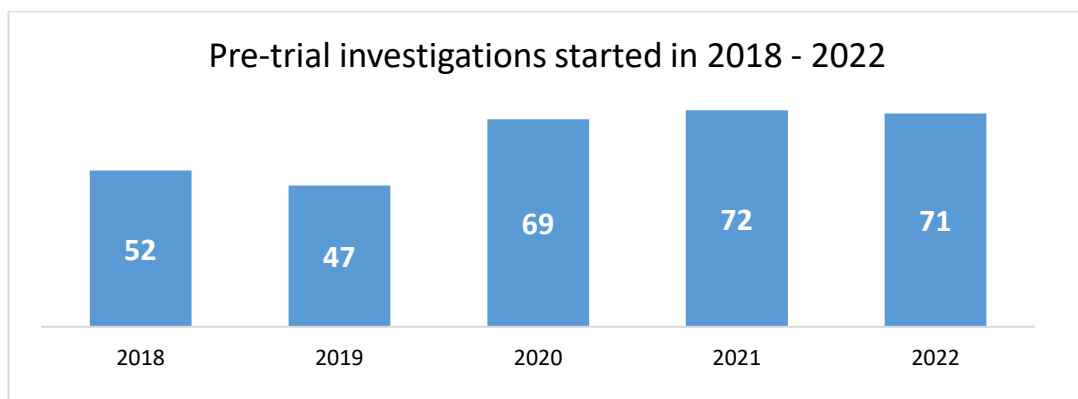
No significant changes.

**32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.**

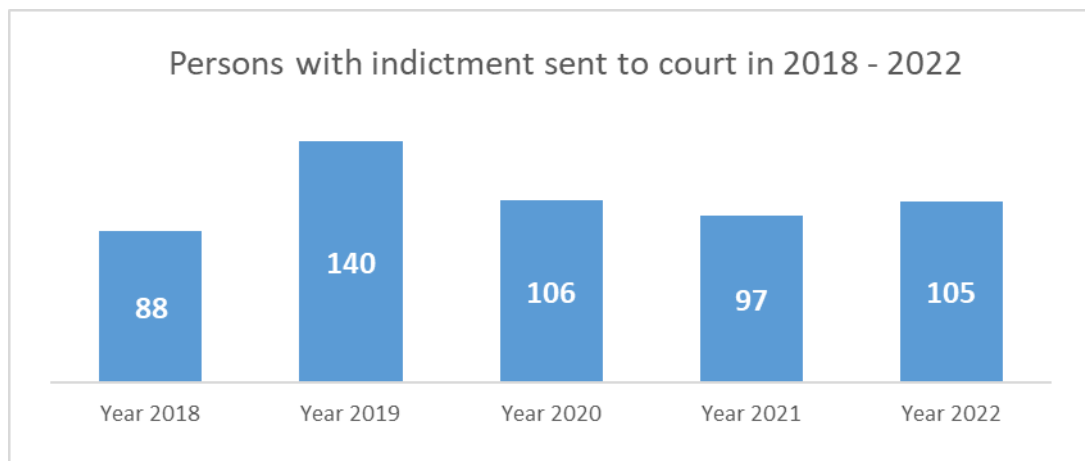
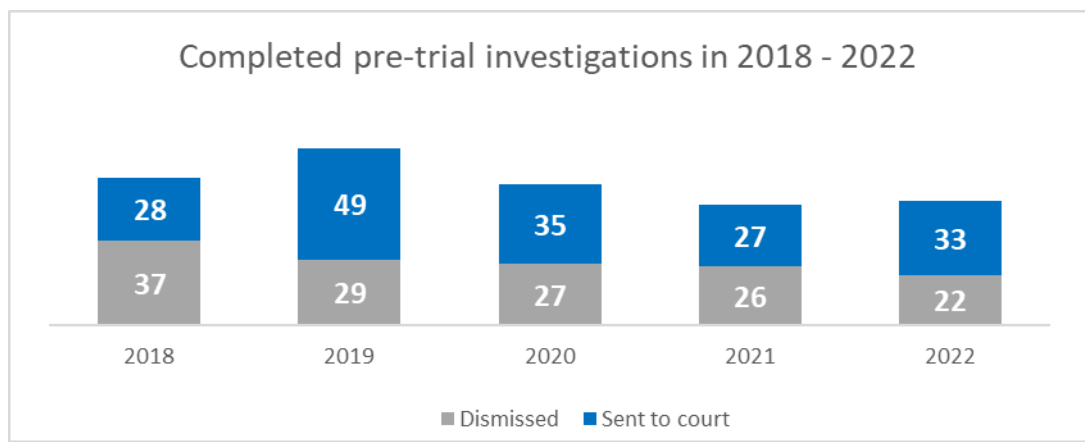
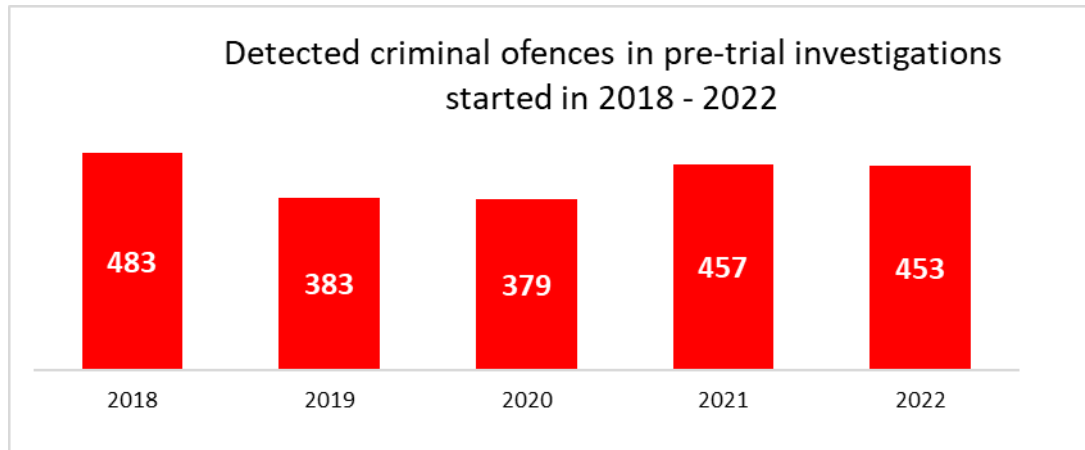
Not available.

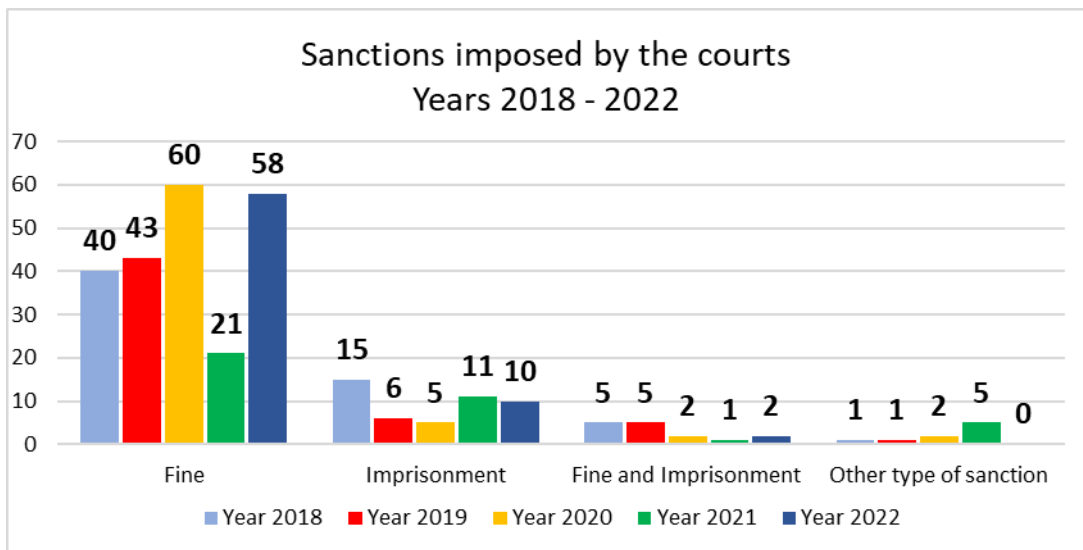
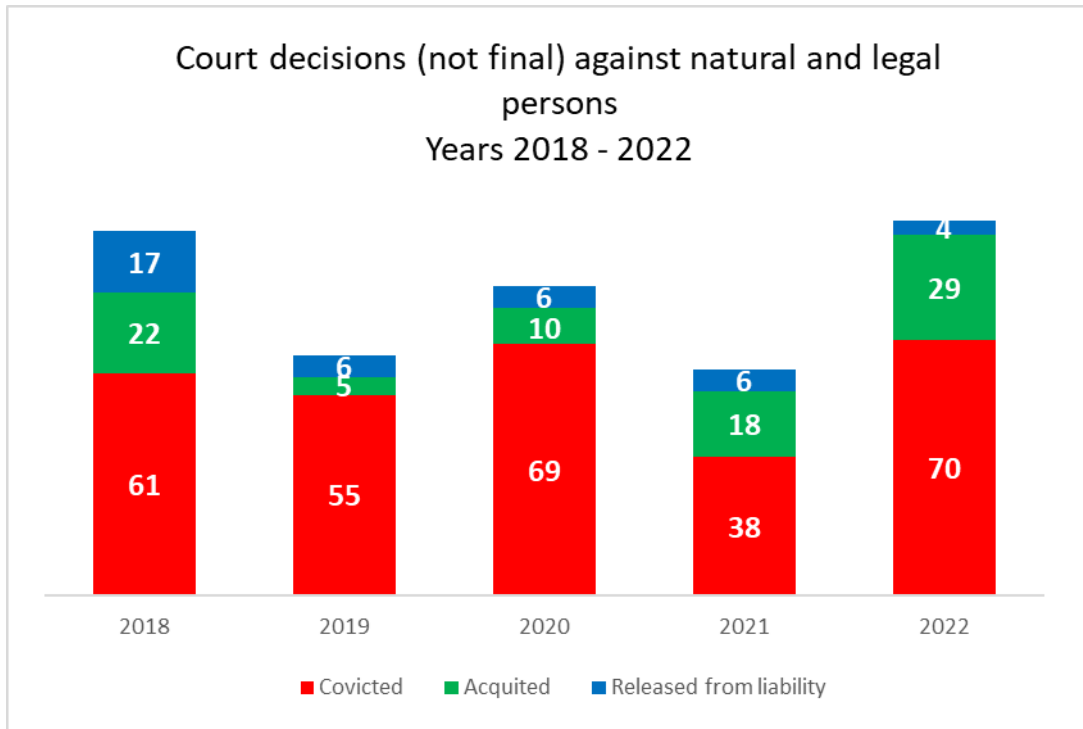
**Other – please specify**

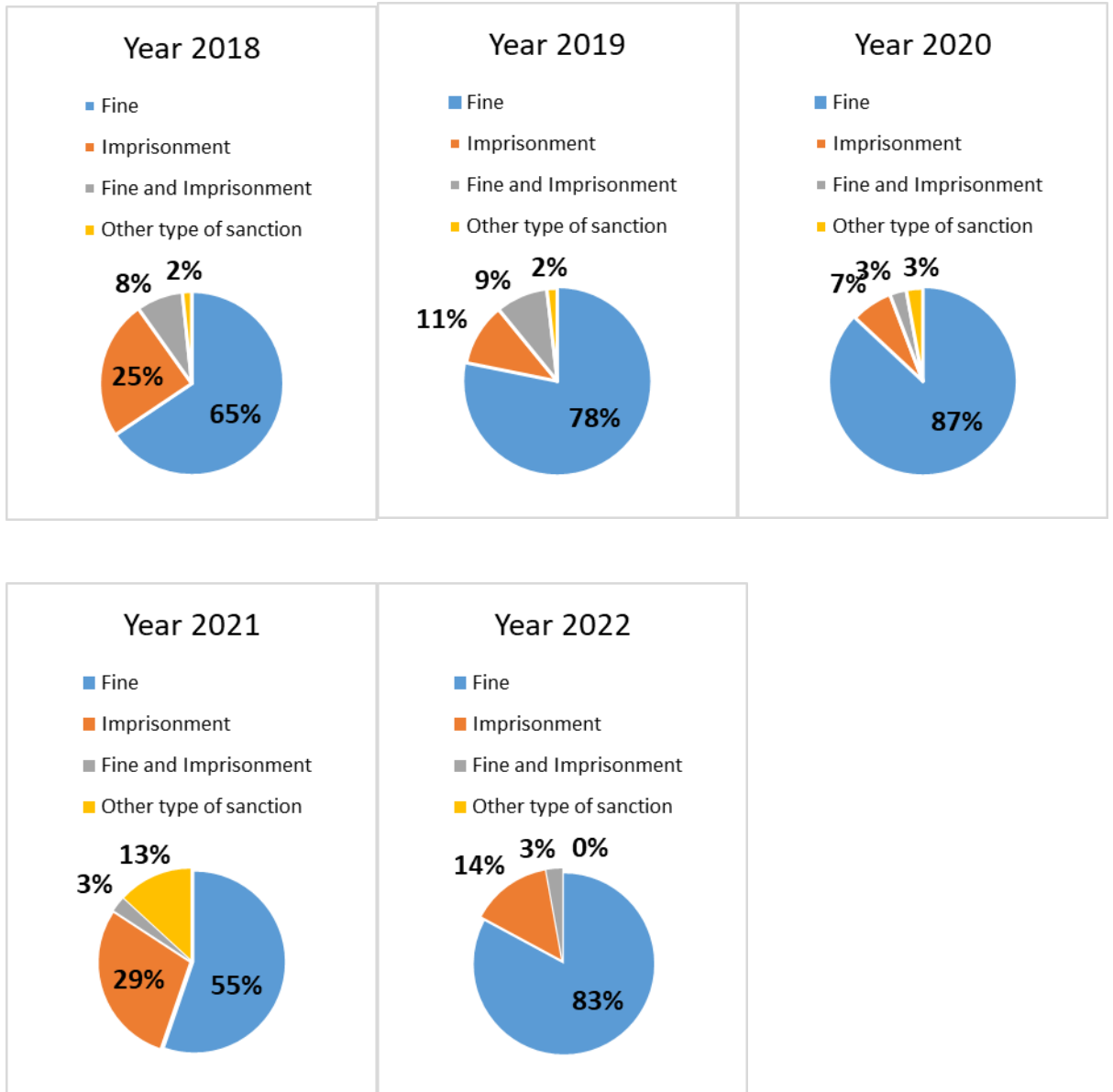
Statistical figures for 2018-2022:

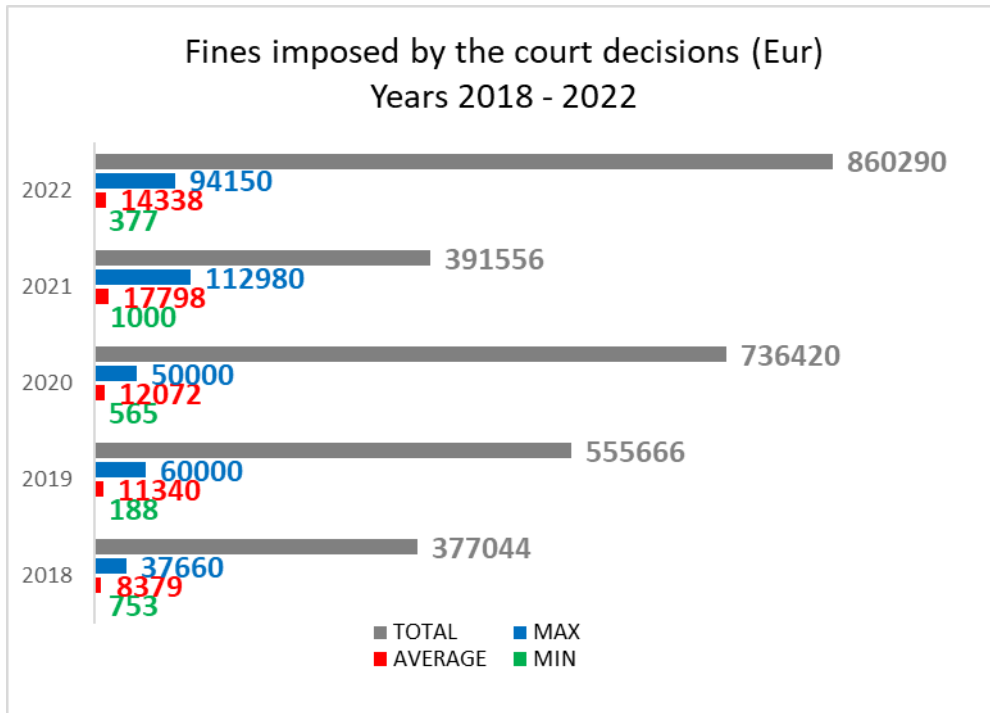












### III. MEDIA FREEDOM AND PLURALISM

#### **33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)**

See question 42.

##### **A. Media authorities and bodies**

#### **34. taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies**

No significant changes regarding independence.

After the Russian war in Ukraine had started, the legislative amendments to the Law on the Provision of Information to the Public have been adopted<sup>42</sup> in order to tackle two issues:

- a) To clarify the grounds and improve the procedure when and how the media services can be suspended;
- b) To allow the Press, Radio and Television Support Fund in the time of war or state of emergency to organize new tenders that are not specifically mentioned in the Law on the Provision of Information to the Public.

In practice it was used in the summer – the Fund launched the tender procedure for projects that can improve public safety and security (priority was given to the projects in minority languages; projects involving Ukrainian journalists, representatives of Russian and Belarusian opposition media; projects that would increase the accessibility of information to people with visual or hearing disabilities<sup>43</sup>).

#### **35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies**

No significant changes.

#### **36. Existence and functions of media councils or other self-regulatory bodies**

Following public discussions about the effectiveness and impartiality of the Public Information Ethics Commission, the composition of the Public Information Ethics Association and the extent to which the functioning of media self-regulation bodies should be prescribed by law, on 19 May 2021 the Parliament established a working group tasked to review the current institutional framework and suggest legislative improvements. The working group prepared the draft law<sup>44</sup>.

---

<sup>42</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/435dcea2c16d11ec9f0095b4d96fd400?positionInSearchResults=3&searchModelUID=bb9dd3df-38b5-433a-8511-d5ce6e051eda>

<sup>43</sup> <https://srtfondas.lt/visuomenes-informavimo-saugumo-tikslinio-konkurso-bendruju-salygu-aprasas> ; <https://lrkm.lrv.lt/lt/naujienos/visuomenes-informavimo-saugumo-projektams-paskirstyta-0-5-mln-euru> ).

<sup>44</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/646a1ec0618e11ed9df7cab9fe34d2f?positionInSearchResults=5&searchModelUID=85b13205-2bec-4283-a3f1-3504f5cdf57e>



## **B. Safeguards against government or political interference and transparency and concentration of media ownership**

### **37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)**

From 2023, public bodies and institutions on their websites will have to provide information about the funds they used for state advertising<sup>45</sup>.

### **38. Safeguards against state / political interference, in particular:**

#### **- safeguards to ensure editorial independence of media (private and public)**

In 2022, compared to 2021, the budget of the Press, Radio and Television Support Fund increased by 1 million. EUR – up to 3,736 thousand euros<sup>46</sup>.

After consultations with the European Commission, the legal ground for providing financial support via the Press, Radio and Television Support Fund was changed from *de minimis* rule to Article 53 of Regulation (ES) Nr. 651/2014<sup>47</sup>.

In order to improve the financial support to the media, legislative amendments establishing a new Media Support Fund were prepared<sup>48</sup>.

The State has also changed the legislation that now allows partially compensate the costs of the delivery of newspapers/magazines in cities that fall into sparsely and moderately densely populated residential areas<sup>49</sup>.

The Ministry of Culture every year awards two cash prizes to journalists or editors. This year, the cash prizes were increased<sup>50</sup>.

#### **- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions**

No significant changes.

---

<sup>45</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/2887f410d67c11ecb1b39d276e924a5d?positionInSearchResults=2&searchModelUID=bb9dd3df-38b5-433a-8511-d5ce6e051eda>

<sup>46</sup> <https://lrkm.lrv.lt/lt/naujienos/leistina-valstybes-pagalba-ziniasklaidos-kulturiniam-svieciamiesiems-projektams-dideja-desimtis-kartu>

<sup>47</sup> <https://www.e-tar.lt/portal/lt/legalAct/0efe9870f5d811ec8fa7d02a65c371ad>

<sup>48</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/e81861d07bc111edbdcebd68a7a0df7e?positionInSearchResults=3&searchModelUID=bb9dd3df-38b5-433a-8511-d5ce6e051eda>; <https://lrkm.lrv.lt/lt/naujienos/vyriausybe-prite-paramos-ziniasklaidai-modelio-pertvarkai>; <https://lrkm.lrv.lt/en/news/reform-of-the-model-for-supporting-the-media-more-funds-flexibility-and-independence>

<sup>49</sup> <https://www.e-tar.lt/portal/lt/legalAct/26cb843080f811ed8df094f359a60216>

<sup>50</sup> <https://lrkm.lrv.lt/lt/naujienos/padidintos-bronio-savukyno-ir-publicistikos-premijos-laukiama-pretendentu>



**- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance**

The Parliament temporarily forbid to rebroadcast TV channels that are coming from Russia and Belarus (or are directly/indirectly financed/controlled by them)<sup>51</sup>.

**39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter**

No significant changes.

**C. Framework for journalists' protection, transparency and access to documents**

**40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications**

**41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists**

After European Commission issued its recommendation C/2021/6650 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, the Ministry of Culture established a working group to coordinate its implementation. A draft action plan was prepared. Its measures included – police, prosecutor's office, courts planned training to their staff regarding the safety and protection of journalists, police planned to provide briefings for journalists before every major event.

**42. Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)**

With amendments to the Real Estate Registry Law<sup>52</sup>, the journalists have access to more data from the Real Estate Registry.

The Office of the Inspector of Journalist Ethics is taking part in an EU-funded project “Connecting not conflicting: removing the tension between personal data protection and freedom of

---

<sup>51</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/29001c023a6e11edbf47f0036855e731?positionInSearchResults=1&searchModelUID=bb9dd3df-38b5-433a-8511-d5ce6e051eda>

<sup>52</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/3f21632285de11edbdcebd68a7a0df7e?positionInSearchResults=0&searchModelUID=446cb498-d7b2-46a2-a596-33d2c9f5039a>

expression and information”. Implemented measures: roundtable discussions, conference, best practices, draft guidelines to the public sector<sup>53</sup>.

### **43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits**

To tackle the problem of SLAPPs legislative amendments to the Code of Civil Procedure and the Criminal Code have been adopted<sup>54</sup>.

In the spring of 2021, the Seimas of the Republic of Lithuania established the working group to specifically tackle the problem of abusive litigation, also known as Strategic Lawsuits against Public Participation (SLAPP). The following draft laws have been prepared<sup>55</sup>:

1. The amendment to the Code of Civil Procedure provides a new possibility of early dismissal of the claim if a court establishes that this claim may be categorized as SLAPP;
2. The amendment to the Criminal Code revises the criminal liability for defamation, in order to strengthen the protection of journalists and other disseminators of public information from unjustified prosecution. The amendments were adopted by the Seimas on 22 December 2022 and came into force on 31 December 2022.

*Other – please specify*

---

<sup>53</sup> <https://www.zeit.lt/lt/kvietimas-teikti-pasiulymus-gairems-del-bendrojo-duomenu-apsaugos-reglamento-taikymo-teikiant-asmens-duomenis-ziniasklaidai/696>, <https://www.zeit.lt/lt/naujienos/2022-09-30-konferencija-skirta-gerosios-praktikos-vadovui-pristatyti/686>

<sup>54</sup> <https://www.e-tar.lt/portal/lt/legalAct/ef69f080881d11ed8df094f359a60216>, <https://www.e-tar.lt/portal/lt/legalAct/53d1fae0881e11ed8df094f359a60216>

<sup>55</sup> Relevant information:

<https://www.e-tar.lt/portal/lt/legalAct/ef69f080881d11ed8df094f359a60216>  
<https://www.e-tar.lt/portal/lt/legalAct/53d1fae0881e11ed8df094f359a60216>





#### **IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES**

##### **44. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)**

See questions 49 and 50.

##### **A. The process for preparing and enacting laws**

##### **45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders' 11/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process**

The Plan for the Implementation of the Provisions of the Programme of the 18th Government of the Republic of Lithuania (§ 8.1.1 and 8.1.7) foresees an analysis of the practice of legal regulation and application of legislation. It would be aimed to identify the shortcomings of the legislative process performed by the institutions and to develop methodological recommendations for the institutions, ensuring the quality and sustainability of legislation. Also, to prepare recommendations for the codification of existing legislation and provide a roadmap for its implementation.

The draft recommendations for the codification were discussed with competent institutions and the final version of the recommendations is still being coordinated within the Ministry of Justice. The draft recommendations will be submitted to the Government of the Republic of Lithuania for consideration together with the draft Methodological recommendations to the institutions, which will ensure the quality and sustainability of legislation.

The prepared draft of Methodological recommendations to the institutions which will ensure the quality and sustainability of legislation has been revised in accordance with the latest amendments to the Rules of Procedure of the Government of the Republic of Lithuania and decisions made by the Government regarding the impact assessment and monitoring of implementation of draft legal acts. It is planned to submit the draft Methodological recommendations to the Government in the beginning of 2023.

Moreover, when it comes to judicial reforms, it is important to note that representatives of the judicial community are always included in the draft law making related to courts. They are also included in working group that deals with issues related to judicial reforms, in order to facilitate a more efficient functioning of the judiciary and courts (for more information – see question 17).

##### **46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)**

No significant changes regarding the rules of fast-track and emergency procedures. Number of legal acts adopted as a matter of urgency and special urgency in 2022:



Legislation adopted (total number)	Legislation adopted with urgency (total number, percentage from total number)	Legislation adopted with special urgency (total number, percentage from total number)	Total legislation adopted with urgency and special urgency
697	138 (19.80%)	6 (0,86%)	144 (20,66%)

Legal acts adopted (total number)	Legislation adopted with urgency (total number, percentage from total number)	Legislation adopted with special urgency (total number, percentage from total number)	Total legislation adopted with urgency and special urgency
890	138 (15,51%)	12 (1,35%)	150 (16,85%)

#### 47. Regime for constitutional review of laws

The supremacy of the Constitution in the legal system is guaranteed by the Constitutional Court. The Constitutional Court decides, according to the established procedure, whether the laws and other acts adopted by the Seimas of the Republic of Lithuania are in conflict with the Constitution and whether the acts of the President of the Republic of Lithuania and the Government are in conflict with the Constitution or laws<sup>56</sup>.

#### 48. COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- **judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic**
- **oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic**
- **processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances**

Having considered the case subsequent to the petition submitted by a group of members of the Seimas, by its ruling of 21 June 2022, the Constitutional Court declared the provision “When a state-level emergency situation and/or quarantine are/is declared due to a communicable disease and an outbreak of this disease is detected at a workplace, the employees specified by the National Public Health Centre shall be allowed to work after the implementation of other measures for the control of the communicable disease assigned to these employees by the National Centre for Public Health” of paragraph 2 of Article 18 of the Law on the Prevention and Control of Communicable Diseases in Humans to be not in conflict with the Constitution. This is the first case which dealt with the constitutionality of the legal regulation relating to the management of the COVID-19 pandemic.

<sup>56</sup> Relevant information

[The Law on the Constitutional Court - Constitutional Court of The Republic of Lithuania \(lrkt.lt\)](#)



On 12 October 2022, the Constitutional Court also examined the case subsequent to the petition of a group of members of the Seimas and has recognized by its ruling, that the legal regulation relating to the requirement to be tested for a communicable disease in order to carry out the specified work functions or to engage in a certain activity is not in conflict with the Constitution.

## **B. Independent authorities**

**49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions,**

**50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.**

### **Inspector of Journalistic Ethics**

The Inspector of Journalistic Ethics is an independent oversight authority. The main function of the Inspector of Journalistic Ethics is to investigate the complaints of the interested parties regarding the violation of their honor and dignity in the mass media, the right to protection of private life. The Inspector of Journalistic Ethics performs the functions of a personal data protection supervisory authority when personal data are processed for the purposes of journalism or academic, artistic, or literary expression. The Inspector of Journalistic Ethics is also tasked with supervising the implementation of the provisions of the Law on the Protection of Minors from the Negative Impact of Public Information, monitoring public information in the media (except radio and television programs), conducting public information assessments on various grounds, assigning public information measures or their content for categories of information of an erotic, pornographic and/or violent nature.

In 2022, the Inspector of Journalistic Ethics acquired the power to issue binding instructions to providers of electronic information hosting services or providers of public electronic communications networks and/or public electronic communications services to remove or eliminate the accessibility of prohibited information (disinformation, war propaganda, incitement to hatred).

To contribute to the implementation of the recommendations addressed to Lithuania in the 2022 rule of Law report, the Office of the Inspector of Journalistic Ethics has prepared and made publicly available practical guidelines on the provision of information that is at the disposal of public sector bodies and contains personal data to journalists.

Currently, in addition to the Inspector (Head) of Journalistic Ethics, the Office of the Inspector of Journalistic Ethics (hereinafter referred to as "the Office") has 15 employees, of which 14 are civil servants and 1 is employee.

The activities of the Inspector of Journalistic Ethics and the Office are financed from the state budget. The budget shall indicate the funds allocated to these activities on a separate line.

State budget appropriations intended to ensure the performance of all functions of the Office:

	<b>2021</b>	<b>2022</b>	<b>2023</b>
Budget (thousands, €)	462	587	687

Of which for wages (thousands, €)	394	461	570
-----------------------------------	-----	-----	-----

### Office of the Equal Opportunities Ombudsperson

Several amendments of the Law on Equal Treatment, which significantly expand the protection of individuals who have experienced discrimination and establish additional measures for the prevention of discrimination, entered into force in 2022:

1. Articles 2, 7 and Law amending the Annex No. XIV-1192 of The Republic of Lithuania Law on Equal Treatment No. IX-1826:
  - 1.1. The definition of the concept of social status has been expanded, determining that a person's marital status also defines the basis of his social status. Therefore, the prohibition of discrimination against persons due to their marital status is established in all areas of relations regulated by the Law on Equal Treatment.
  - 1.2. While implementing the provisions of Directive 2019/1158/EC of the European Parliament and of the Council of 20 June regarding the balance of professional and personal life of parents and caregivers, the law enshrines the obligation to ensure that an employee or a civil servant does not face discrimination in the workplace based on the granting of paternity/maternity leave, parental leave, unpaid leave for the care (care) of a sick family member or a person living with the employee or the civil servant and due to setting a flexible work schedule;
  - 1.3. Establishes that the provision of exemptions on the basis of age, disability and social status, when justified by a legitimate goal, and this goal is achieved by appropriate and necessary means, is not considered direct discrimination.
2. Articles 2, 4, 6, 7, 8, 9 and Law amending the Annex No. XIV-1109 of The Republic of Lithuania Law on Equal Treatment No. IX-1826:
  - 2.1. Establishes the duty of educational institutions, other education providers and research and study institutions to ensure that sexual harassment does not occur in these institutions;
  - 2.2. Establishes a new obligation, in fulfillment of which educational institutions, other education providers and research and study institutions must take measures so that pupils, students or employees who have filed a complaint about discrimination, participated in a case about discrimination or reported about discrimination, their representatives or persons testifying or providing explanations for discrimination would not be persecuted and would be protected from hostile treatment or negative consequences.
  - 2.3. Prohibition of harassment, sexual harassment and of the order to discriminate in the areas of protection of consumer rights and activities of workers' and employers' organizations has been established. Protection against prosecution for filing a complaint about discrimination in the areas of consumer rights protection and the activities of workers' and employers' organizations is also established.
3. Articles 2, 5, 7 and the Law amending the Articles 15-1 No. XIV-1725 of The Republic of Lithuania Law on Equal Treatment No. IX-1826 establishes the duty to ensure equal opportunities in the provision of administrative and/or public services.

Thus, the aforementioned amendments of the Law on Equal Treatment expand the protection of individuals against discrimination in Lithuania, and this development undoubtedly presupposes the development of additional functions for the equal opportunities controller. While implementing the new functions entrusted to it, the Office of the Ombudsperson for Equal Treatment, constantly faces difficulties in obtaining the adequate funding and necessary human resources for the effective implementation of its' functions. When undertaking important obligations in the field of human rights



protection, the State must also ensure proper, efficient, high-quality fulfillment of these obligations, allocating the necessary financial and human resources for the fulfillment of the assumed obligations.

Therefore, although additional financing was allocated to the Office for the year 2023 regarding the performance of the assigned functions, these additional finances can be evaluated as compensatory allocations for the partial implementation of the additional functions assigned to the Office from 2017 and subsequent years, but do not meet the needs for the implementation of the new functions assigned from 2022 by the new Law on Equal Treatment amendments. Based on the above-mentioned circumstances, it is claimed that the Office of the Ombudsperson for Equal Treatment, in performing the functions of an independent human rights protection institution, is not fully, properly and efficiently able to perform the functions assigned to the Ombudsperson by the Law on Equal Treatment due to insufficient financial resources.

### **Office of the Ombudsperson for Children of the Republic of Lithuania**

The United Nations Committee on the Rights of the Child has made a recommendation to strengthen the Office of the Ombudsperson for the Protection of the Rights of the Child. The recommendations including providing the office with sufficient human and financial resources to enable it to effectively carry out its mandate and monitor the implementation of children's rights under the United Nations Convention on the Rights of the Child<sup>57</sup>. In 2023, more funding is allocated to the institution of the Office of the Ombudsperson for Children of the Republic of Lithuania, making it possible to strengthen and develop the institution's activities. Taking this into account, it can be said that the aforementioned recommendations have been partially implemented. There are no other significant changes regarding question 49 and 50.

### **Ombudsperson's Office of the Seimas**

It should be noted that when evaluating the implementation of Lithuania's commitments to its international obligations in the field of human rights protection, various international supervisory institutions have repeatedly drawn attention to the insufficient funds allocated to different national human rights bodies, creating conditions to limit the independence and efficiency of their activities. The need to ensure adequate funding for the Seimas Ombudspersons' Office has also been repeatedly emphasised by international supervisory authorities. For example, after considering the Fourth Periodic Report of Lithuania, the United Nations Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment published its conclusions in December 2021 about Lithuania, expressing deep concern for the lack of staff performing the national prevention function in the Human Rights Division of the Seimas Ombudspersons' Office. The conclusions included the recommendation to ensure the independence of the National Preventive Mechanism (NPM) and to take all necessary measures to provide the Seimas Ombudspersons' Office with the sufficient human resources and funding required for the performance of the functions under Articles 18 (1) and (3) of the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Furthermore, the recommendation of the necessity to provide the Seimas Ombudspersons' Office with adequate resources, taking into account the European standards on the allocation of resources to Ombudsperson institutions and the UN Paris principles, can also be found in the European Commission's Rule of Law Report 2022 section on Lithuania. It is worth noting that in 2022 the Government approved the recommendations provided to Lithuania during the third cycle of the Universal Periodic Review conducted by the Human Rights Council of the United Nations to

---

<sup>57</sup> Concluding observations on the combined third and fourth periodic reports of Lithuania, CRC/C/LTU/CO/3-4; [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/LTU/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/LTU/CO/3-4&Lang=En)



allocate sufficient funding to the Seimas Ombudspersons' Office so that it could effectively and independently carry out its mandates, including the new areas of competence. Conversely, when allocating the budget for the year 2023, the appeals mentioned above by international supervisory authorities and repeated requests of the Seimas Ombudspersons Office to allocate funding for at least two additional positions in the Human Rights Division of the Seimas Ombudspersons Office were not considered. It is important to emphasise that this practice, when the institution's budget is not harmonised with the assigned functions, leads only to formal changes but does not provide the prerequisites for expected qualitative changes. In this context, it should be noted that both the national human rights and national prevention functions in the OSCE countries are carried out by specialised teams of four to seven people. Meanwhile, a team of five human rights officers under the Human Rights Division of the Seimas Ombudspersons' Office assists the Seimas Ombudsperson in performing both functions, having no objective possibilities for specialisation in specific areas of competence and thus limiting the capacities for the scrutiny of the questions under supervision. Finally, it is worth noting that the independence of the ombudsperson might also be challenged by the existing legislative framework, which allows removing a Seimas Ombudsperson from office following a parliamentary no-confidence vote. On the contrary, according to the "Principles on the Protection and Promotion of the Ombudsperson Institution" ("The Venice Principles") adopted by the European Commission for Democracy through Law (Venice Commission) of the Council of Europe, ombudsperson should be removed from the office only according to an exhaustive list of clear and reasonable conditions established by law or by impeachment-like procedures set.

Statistics/reports concerning the follow-up of recommendations by national human rights institutions, ombudsperson institutions, equality bodies, and supreme audit institutions in the past two years. In 2021, the overall number of recommendations provided was 1879. Approximately 90 per cent of them were implemented adequately (to the full extent). Regarding the implementation of the PM recommendations, 74 per cent were completely implemented (to the full extent) in 2021. In 2022 the total number of recommendations provided after the investigation of complaints on the merits was 507. Out of this number, 388 recommendations were adequately implemented right away, and the proper implementation of 155 recommendations took place after a repeated call for action. In 2022, there were 678 mediation cases, and the number of recommendations provided was 1197. Out of this number, 1101 recommendations were acceptably implemented right away, and the proper implementation of 51 recommendations took place after a repeated call for action. Regarding the implementation of the PM recommendations provided in 2022, it should be mentioned that 85 per cent of them were acceptably implemented.

Regarding the recommendation provided by the European Commission on the allocation of resources to the Seimas Ombudspersons' Office, we must inform you that it (recommendation) was not considered (also see the answer to Question 49). In 2022 the issue of resources was intensively raised and discussed with the members of the Seimas Committee on Human Rights, as well as with representatives of the Ministry of Justice and the Ministry of Finance; however, the Ministry of Finance and the Government did not take into account the request to allocate at least EUR 60,000 for two full-time positions to enable more effective performance of the NPM and NHRI mandates (also see the answer to Question 49). It should be noted that the decision on funding the Seimas Ombudspersons' Office, which also performs the functions of the NHRI, is taken by the Ministry of Finance; however, there is no formally established procedure for the negation of budget allocation. From this point of view, the Seimas Ombudspersons' Office, which belongs neither to legislative, executive, nor judicial authorities, is clearly at a disadvantage compared to the executive authorities.

### **C. Accessibility and judicial review of administrative decisions**



**51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)**

No significant changes.

**52. Judicial review of administrative decisions: - short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).**

The judicial review of administrative decisions is regulated by the Law on the Legal Proceedings of Administrative Cases and by the Law on Public Administration. Article 3 (1) of the Law on the Legal Proceedings of Administrative Cases spells out the general rule that administrative courts settle disputes arising in the domain of the public administration. A regional administrative court is the court of special jurisdiction established for hearing complaints (petitions) in respect of administrative acts and actions or omission (failure to perform duties) by entities of public and internal administration. Before applying to an administrative court, individual legal acts or actions taken by entities of public administration provided by law may be disputed in the pre-trial procedure. In this case disputes are investigated by the Lithuanian Administrative Disputes Commission or by the Tax Disputes Commission under the Government of the Republic of Lithuania. The Supreme Administrative Court of Lithuania is the sole and the final instance for administrative cases on the legality of acts of a general nature adopted by communities, political parties, political organisations or associations; for cases concerning on the legality of regulatory administrative acts adopted by the central subjects of state administration. This court also has the competence to hear administrative cases concerning requests from the State Data Protection Inspectorate to apply to the competent judicial authority of the European Union regarding an adequacy decision of the European Commission, the adoption of standard data protection clauses or the general validity of approved codes of conduct, as well as complaints by transferees concerning the refusal or revocation of the status of the transferee and the requests of the municipal council to submit an opinion on whether a member of a municipal council, a member of the municipal council — mayor, for whom the procedure for the loss of mandate has been initiated, violates the oath and/or has failed (as specified in the application) to comply with their statutory powers. It is also an instance of appeal for cases concerning decisions, rulings and orders of regional administrative courts, as well as for cases involving administrative offences regarding decisions of district courts.

**53. Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation**

No significant changes.

**D. The enabling framework for civil society**

**54. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)**



Legal framework regarding registration and dissolution of civil society organizations has not changed in 2022. Law on NGOs development was amended at the beginning of the year. Specific criteria of public benefit status NGO were included in the law as well as procedure of public benefit status recognition.

**55. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services**

In order to respond to challenges of 2022 (such as post pandemic year, inflation, etc.) Ministry of Social Security and Labour continued to support NGOs by providing subsidies. In total 7 million EUR were allocated to NGOs, which provide social services, as well as to NGOs that provide public services and operate in social, educational, sports, justice and culture spheres. The main goal of the subsidies was to support NGOs actions so they can continue service provision to the society.

NGOs played a key role in providing humanitarian aid to refugees from Ukraine. Government institutions collaborated closely with humanitarian NGOs and provided funding for their crucial activities. Due to significant role of humanitarian NGOs, it is highly likely that public perception of civil society organizations has increased significantly.

**56. Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)**

National NGO fund started its first funding programs to support capacity building of NGOs. Therefore the amount dedicated to strengthening capacity building of NGOs doubled (compared to previous years). Before NGO fund, funding for capacity building was only accessible to national NGOs and umbrella NGOs. In 2022, smaller NGOs were also able to apply for such funding.

**57. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)**

In 2021, the status of National NGO council was changed – the NGO council became a council operating under the Prime Minister's office (Lithuanian Government). Previously it was operating under the Ministry of Social Security and Labour. From 2021 institutional composition of National NGO council has to be confirmed by the Government. There are also municipal NGO councils operating in municipalities. There are separate councils for local communities operating in municipalities. In municipalities that there are less than 100 000 citizens, communities councils may decide to delegate its powers to municipal NGO council. National level council for local communities is operating under the Ministry of Interior.

Under the Law of Legal framework, a working group may be formed to prepare the draft of the legal act. The working group may include representatives of state and municipal institutions and bodies, non-governmental organizations, scientific and study institutions, specialists in relevant fields, and other interested persons. This is an opportunity to participate in legislative procedures.





## **E. Initiatives to foster a rule of law culture**

### **58. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, etc.)**

The annual rule of law report was discussed on October 26, 2022 in a joint meeting of the Seimas of the Republic of Lithuania Committee on European Affairs and Committee on Foreign Affairs. In preparation for the General affairs council, the Committee on European affairs discussed rule of law related issues 8 times during 2022.

*Other – please specify*