

National Report ILAG Harvard 2023

Prepared by Dr. Anzelika Baneviciene¹

I. Country details

Country	REPUBLIC OF LITHUANIA
Population in 2022 ²	2 859 718
Annual GDP in 2022 ³	66832,5 million Euro
Absolute poverty threshold (the amount of income required to fulfill the minimum consumption needs). At-risk-of-poverty threshold — the amount of income required for the household that should be considered as not living in poverty.	In 2021, an income of an individual is 260 euros per month. In 2021, an income of an individual is 483 euros per month and an income of a household consisting of two adults and two children under 14 years old is 1015 euros per month.
Population living in poverty ⁴	In 2021, 3,9 % of the residents lived below the absolute poverty rate. In 2021, 20,0 % of the population lived below the at-risk-of-poverty threshold.
Number of practicing lawyers ⁵	2 277
Number of lawyers providing legal aid constantly ⁶	36
Number of lawyers providing legal aid in case of necessity ⁷	492

II. Legal Aid Organisation / Authority

The legal aid system in Lithuania consists of Primary legal aid and Secondary legal aid.

¹ Dr. Anzelika Baneviciene, Institute of Law and Law Enforcement of the Mykolas Romeris University's Academy of Public Security, Lithuania.

² Website of the State Data Agency, <https://osp.stat.gov.lt/>

³ Ibid.

⁴ Ibid.

⁵ Website of the Lithuanian Bar Association, <https://www.advokatura.lt/>

⁶ Website of the State-guaranteed Legal Aid Service (*Valstybės garantuojamos teisinės pagalbos tarnyba*), <https://vgtpt.lrv.lt/>

⁷ Ibid.

60 municipality administrations organize and/or provide primary legal aid; pay for the provision of primary legal aid, where primary legal aid is provided by lawyers (professional partnerships of lawyers) or public agencies based on an agreement concluded with the municipality; regularly inform residents about possibilities of receiving State-guaranteed legal aid and about the conditions of provision thereof in municipalities' Internet websites, through the media and during meetings with the residents.⁸

Primary legal aid is provided by staff with law degrees (jurists) of the municipality administration or lawyers or public agencies contracted by municipalities. The conditions for the provision of legal aid are defined by the order of the director of the municipality administration or by the terms of the contract.⁹

The procedure for granting primary legal aid: Municipalities do not take formal decisions to provide legal aid. To receive primary legal aid, a person applies directly to the legal aid provider - a jurist of the municipality, a lawyer, or an NGO with whom the municipal administration has concluded a contract to provide the primary legal aid.¹⁰

The State-guaranteed Legal Aid Service (SGLAS) coordinates the provision of primary legal aid; organizes the provision of secondary legal aid; takes decisions on the provision of secondary legal aid; concludes agreements with the lawyers providing secondary legal aid and controls the execution of these agreements; enter into agreements for mediation services; organize and administer mediation; pays the lawyers a fee for the provisions of legal aid; pays the mediators a fee for mediation; notifies residents about the possibilities and conditions of receiving State-guaranteed legal aid; organizes training for legal aid providers to enhance legal aid provision skills; performs other functions defined by the Law on State-guaranteed Legal Aid and other legal acts.¹¹

The SGLAS is a budgetary institution established by the Ministry of Justice of the Republic of Lithuania. The main office is in Vilnius city. The SGLAS has 4 regional departments in Kaunas, Klaipėda, Panevėžys, and Šiauliai, the jurisdiction of which corresponds to the geographical areas of county courts. Each department makes its own decisions on legal aid. The decisions are prepared by the staff of the department who have a law degree and signed by the Head of the Department.

The activities of the SGLAS are monitored and supervised by the Ministry of Justice.

Procedure for granting secondary legal aid: A person who wishes to receive secondary legal aid applies to any SGLAS department by applying the prescribed form and documents proving his eligibility for legal aid. The request can be sent by the person providing the primary legal aid. The application can be submitted electronically. The department evaluates the applicant's eligibility for legal aid. If the person has the right to receive secondary legal aid, the SGLAS department decides to grant it. The decision specifies the scope of legal aid and the lawyer appointed to provide legal aid. The decision is sent to the legal aid beneficiary and the appointed lawyer. After receiving the decision, the legal aid beneficiary has to address the lawyer specified in the decision.¹²

In addition to that, in criminal cases where the presence of a defense lawyer is mandatory, the Coordinator of the SGLAS selects the lawyer upon a request of a pre-trial investigation officer prosecutor, or court and

⁸ Lithuania, Seimas (2000), Law on State-guaranteed Legal Aid (Lietuvos Respublikos Valstybės garantuojamos teisinės pagalbos įstatymas), No. VIII - 1591, 2000, last amendment No. XIV – 1217, 28 June 2022, Article 8.

⁹ Ibid., Article 15 (3).

¹⁰ Ibid., Article 15.

¹¹ Ibid., Article 9.

¹² Ibid., Article 18.

informs them about the selected candidate. The **pre-trial investigation officer prosecutor or court** appoints the selected lawyer.¹³

Secondary legal aid is provided by lawyers based on the decision of SGLAS, the pre-trial investigation officer, the prosecutor, or the court. Three types of lawyers provide secondary legal aid:¹⁴

- Lawyers providing legal aid constantly;
- Lawyers providing legal aid in case of necessity;
- Lawyers providing legal aid on an *ad hoc* basis.

The remuneration of primary legal aid providers is not defined in the Law. The municipalities are free to choose a payment method and a remuneration amount. Whereas the remuneration of the lawyers for the provision of secondary legal aid is determined under a specific regulation, adopted by the Government of the Republic of Lithuania.¹⁵

Secondary legal aid providers are paid for consulting, representing, and defending a client at court, pre-trial investigation, and out-of-court settlement proceedings, drafting procedural documents, and collecting evidence. In addition to that, they can get remuneration for the preparation for the court's hearing (time normative -1 hour before each hearing), for familiarization with the material (time normative - 1 hour for 1 volume of the documents file), for waiting in judicial and other institutions in which procedural actions are executed when such actions are started later than the time set in advance; for time spent traveling to the place of the provision of secondary legal aid or execution of procedural actions and back (the duration is set by the order of the Minister of Justice), for preparing an application to SGLAS requesting a calculation of the costs of secondary legal aid in a particular case (time normative - 0,5 hour), and for the time spent for the preparation of the notification on the termination or completion of the provision of secondary legal aid in the particular case or for the assessment of the claim reasonableness (time normative - 3 hours).

In addition to the payment for the time spent, the lawyers can get compensation for travel and other expenses related to the provision of secondary legal aid. The documents proving the costs incurred must be provided. 0.11 euros per kilometer is compensated for traveling by car. An additional 10% is added for car exploitation.

The remuneration is different for the lawyers who provide secondary legal aid constantly and those who provide secondary legal aid in case of necessity or on an *ad hoc* basis.

The lawyer providing secondary legal aid constantly must provide legal aid 40 hours per week during working hours, at the weekends, and on public holidays. They cannot provide legal services to private clients and must inform on time the SGLAS about their sickness, maternity, paternity, child delivery leaves as well as other periods when they cannot provide legal aid. They get a fixed monthly salary of 163.6 BAR¹⁶ irrespective of the workload they have. In addition to that the lawyers have 28 days of holiday annually. The remuneration is not paid for these days.

The SGLAS must supply the lawyer providing secondary legal aid constantly with office premises and means of work (phone, fax, computer, IT programs, data basis for lawyers, printer, copying machines, working desk, chair, safe, etc.) as well as with office stationery (paper, pens, etc.) free of charge. The SGLAS covers

¹³ Ibid., Article 21.

¹⁴ Ibid., Article 17.

¹⁵ Government Resolution No. 364 *Regarding the approval of the payment amounts and payment rules for the provision and coordination of secondary legal aid and mediation*, 13/04/2016, last amendment No 491, 11/05/2022.

¹⁶ 1 BAR - 20 Eur from 05/01/2022.

all office maintenance expenses such as water, electricity, cleaning, and others. The SGLAS must ensure an appropriate and equal workload for the lawyers.

Remuneration for the lawyers providing legal aid in case of necessity or on an *ad hoc* basis is based on the actual time spent for the provision of secondary legal aid in one stage of proceedings. The value of the remuneration for one hour of professional work is equated to 1 BAR. The remuneration is played by the SGLAS. The lawyer has to submit the request for payment to get the remuneration for the provided legal aid.

III. Budget and Spending

Budget for Legal Aid	In 2021, Eur			In 2022, Eur		
	State budget	Budget of municipalities	Total	State budget	Budget of municipalities	Total
Primary legal aid	675 592	429 219	1 104 811	701 555	446 635	1 148 290
Secondary legal aid (total)	6 328 263	Not applicable		6 772 021	Not applicable	
Remuneration of lawyers providing legal aid on constant bases						
Civil, administrative, and constitutional cases	872 858			727 132		
Criminal case	951 618			924 217		
Remuneration of lawyers providing legal aid in case of necessity						
Civil, administrative, and constitutional cases	864 998			1 193 299		
Criminal cases	1 885 600			2 059 770		
Other expenses:						
Mediation services	262 438			309 448		
Costs of proceedings	103 684			118 769		
Costs of maintenance of lawyers providing legal aid constantly	198 032			152 953		
Administration costs (SGLAS)	1 189 035			1 286 433		

The legal aid budget is planned for one year. The prognosis is made based on the results of the previous year. The budget for legal aid is capped. In very exceptional cases, at the end of the year, the coverage of the debt can be made just from the savings of the budget in other fields. However, if the debts remain at the end of the year, an additional budget is provided for the following year to cover the debt.

IV. Scope, Caseload, and Eligibility

Lithuania's legal aid system consists of primary and secondary legal aid.

Primary legal aid: Scope

Primary legal aid means the provision of legal information (general information about the legal system and laws), legal advice (advice on legal issues), drafting of the documents to be submitted to state and municipal institutions, and drafting simple court documents, such as applications for divorce by mutual consent of both spouses; agreements on the legal consequences of divorce; requests for a court order; objections to a creditor's claim; requests for a court permit to sell or mortgage real estate; requests for judicial authorization to accept an inheritance or to enter into transactions involving the assets of a person with mental disabilities. The legal aid also covers advice on the out-of-court settlement of a dispute, actions for the amicable settlement of a dispute, and drafting of a settlement agreement.¹⁷

The State guarantees and covers 100 percent of the costs of primary legal aid in all types of cases.¹⁸ The duration of the provision of primary legal aid is one hour. The duration may be extended by a decision of the authority of the municipality.¹⁹

Primary legal aid: Eligibility

Primary legal aid is granted to all citizens of Lithuania and other EU Member States, to other persons lawfully residing in Lithuania and other EU Member States, and to persons specified in international treaties irrespective of the income they have and property they own. Primary legal aid is not provided to legal entities.²⁰

Although the means test does not apply to primary legal aid provision the requirements foreseen in the merit test have to be fulfilled. The Law on State-guaranteed legal aid defines that primary legal aid is not provided when:²¹

- claim is manifestly unfounded;
- primary legal aid has already been provided on the same issue;
- it is obvious that it is possible to obtain a lawyer's advice without resorting to State-guaranteed legal aid;
- the applicant requested legal aid for an issue unrelated to his own rights and legitimate interests.

Secondary legal aid: Scope

Secondary legal aid is available in all types of cases. It includes:²²

- drafting of procedural documents,

¹⁷ Ibid. 8, Articles 2(6), 2(9), 2(10).

¹⁸ Ibid. 8, Article 14 (4).

¹⁹ Ibid. 8, Article 15 (4).

²⁰ Ibid. 8, Article 11 (1).

²¹ Ibid. 8, Article 11 (6).

²² Ibid. 8, Article 2 (1).

- defense and representation in court (including the process of enforcement),
- representation in the preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision,
- coverage of litigation costs (under the request of a lawyer or a court: translation of documents, interpretation, copying of documents, collection of data from registries, coverage of expenses of expertise, other expenses related to the preparation of evidence; under the request of a lawyer: expenses of lawyer traveling; under the request of a legal aid beneficiary: expenses of his/her traveling to the place of proceeding when participation in the proceeding is mandatory);
- exemption from court fees;
- coverage of expenses of bailiff for the start of the execution of the court decision;
- coverage of the costs of mediation;

Article 2 (3) of the Law on State-guaranteed Legal Aid defines that *the defense and representation in court* mean defending the rights and interests of a suspect, accused, or convicted in criminal matters, or representation of other person's rights in criminal, civil (except arbitration) and administrative matters as well as representation of rights of the person at the international judicial bodies whose jurisdiction or competence to decide on the violation of the rights of the persons has been recognized by the Republic of Lithuania.

When the legal aid beneficiary loses the case, he does not require to pay the money back to the State for the legal aid provided. However, the State does not cover the costs of legal aid beneficiary when the court orders him to pay the costs of the opposite party in the proceeding when he loses the case, as well as when he is a debtor who requires to cover the costs of the execution process.²³

Here are exceptions to this rule. When both parties in the civil proceeding are legal aid beneficiaries the State does not require any of them to pay the money back to the State.²⁴ For legal aid provided to the victim of a crime a sentenced person may be obliged to pay the State even in such situations when he has been defended by the lawyer nominated by the State (when the presence of the lawyer in the proceeding is mandatory).²⁵

Secondary legal aid: Eligibility

Secondary legal aid is granted to all citizens of Lithuania and other EU Member States, to other persons lawfully residing in Lithuania and other EU Member States, and to persons specified in international treaties when the conditions for means and merit test are met.²⁶

Means test

In Lithuania, where the (i) "I level" of income and property is established or (ii) the person belongs to a group of vulnerable people legal aid services are granted free of charge (100 percent of coverage) in 1 case.

²³ Ibid. 8, Article 14 (11).

²⁴ Ibid. 8, Article 20 (1).

²⁵ Lithuania, Seimas (2002), Criminal procedure code (Lietuvos Respublikos Baudžiamojo proceso kodeksas), No. IX-785, 14 March 2002, last amendment No. XIV-1750, 22 December 2022, Article 106 (2).

²⁶ Ibid. 8, Article 11 (2).

For the applicant who is already granted secondary legal aid in one case by the decision of SGLAS, the State pays 30 percent of the costs of secondary legal aid in additional cases.²⁷

Where the "II level" of income and property is established the legal aid costs are covered by 50 percent in 1 case. Accordingly, the State pays only 15 percent of the costs of secondary legal aid in additional cases.²⁸

"I level" of income is established when the annual income of the applicant does not exceed 37,68 x SSI²⁹ for the applicant plus 14,13 x SSI for every dependent of the applicant. "II level" of income is established when the annual income of the applicant does not exceed 56,52 x SSI for the applicant plus 20,74 x SSI for every dependent of the applicant.³⁰

Dependent means an unemployed spouse, child till 18 years old, child till 24 years old who full-time studies in a public educational institution, as well as any other person who depends on the applicant for legal aid and lives together with him.³¹

If the annual income of the applicant exceeds the "II level" he cannot get legal aid.

In addition to the assessment of the applicant's income the property owned by him is also taken into account. The "I level" of property is established when the actual value of the property owned does not exceed the "normative". The "II level" of property is established when the actual value of the property owned does not exceed the 1,5 x "normative".³²

When the applicant's income and property exceed the limits established by the Government, he can request an additional assessment of his situation.³³ For the additional assessment, the applicant has to submit documents and information supporting the request. During the assessment of the personal situation, the applicant's living and financial situation, opportunities for effective self-representation, legal aid costs, the complexity of the case, the applicant's procedural position, and the influence of the negative outcome on the applicant are taken into account. SGLAS makes an assessment decision by the rules established by the order of the Minister of Justice.³⁴

There are a group of vulnerable people to whom secondary legal aid is provided regardless of the income they have and the property they own.³⁵ Such people are:

- suspects, accused or sentenced in criminal proceedings when the presence of a defense lawyer is mandatory;
- victims of terrorist acts, human trafficking, domestic violence, violations of human sexual integrity and inviolability, crimes committed by organized groups, as well as when the crime was aimed at expressing hatred towards the victim due to age, gender, sexual orientation, disability, race, nationality, language, origin, social status, faith, beliefs or views;

²⁷ Ibid. 8, Articles 14(5), 14(6), 14(7).

²⁸ Ibid. 8, Articles 14(5), 14(8).

²⁹ SSI - State-Supported income, from 01/01/2023 – 157 Eur.

³⁰ Government Resolution 27/04/2005 No. 468 Regarding determination of personal (family) property and personal income levels for receiving secondary legal aid, Article 1.

³¹ Ibid, Article 2.

³² Ibid. 8, Article 14(5); Ibid. 30, Article 1.

³³ Ibid. 8, Article 11(11).

³⁴ Description of the procedure for making decisions on the provision of legal aid guaranteed by a secondary state, after assessing the individual situation of the applicant, approved by the Order of the Minister of Justice, 16/07/2020 No. 1R-220.

³⁵ Ibid. 8, Article 12.

- other victims of crime for recovering the damages only;
- persons receiving social allowances;
- persons maintained in stationary care institutions;
- persons who have a severe disability or incapacity for work or require special care;
- persons who have restrictions to use their property and funds;
- persons suffering from serious mental disorders and persons who require forced hospitalization;
- debtors in execution proceedings, when a recovery is levied against the last housing;
- parents of a minor child, on the issue of the child's eviction;
- minors defending their rights and interests without their parents or guardians;
- minors - victims of crime;
- persons who are requested to be recognized as legally incapable;
- persons whose birth can be registered only upon the decision of the court;
- persons in child abduction cases;
- child's parents, when the court decides on the issues of restriction of parental rights;
- adoptive parents, guardians, or carers, when the court is deciding on issues of adoption, permanent custody, or care;
- whistle-blowers or their family members in cases where the issue of protecting their interests is considered;
- persons whose right to legal aid is defined by international treaties.

The presence of the defense lawyer is mandatory³⁶:

- when a suspect or accused is minor;
- when a suspect or accused has a physical or mental disability;
- when a suspect or accused does not know the Lithuanian language;
- when interests of suspects or accused in the same proceeding are in conflict and one of them has a lawyer;
- when a suspect or accused might be sentenced to imprisonment for life;
- when a suspect, accused, or sentenced does not participate in the proceeding in person;
- when the suspect or accused is arrested;
- in case of extradition;
- in the court "summary" process;
- in the appeal proceedings;
- In other proceedings when justice requires (a decision is at the judge's discretion):
 - The criminal case is *difficult*;
 - The criminal case is *a large-scale*;
 - A person *serving a sentence* in jail;
 - A person is *low educated*;

Merit test

In addition to the means requirements, the requirements for merit tests have to be fulfilled as well. The secondary legal aid is not provided when³⁷:

³⁶ Ibid. 25, Article 51.

- 1) the claim is manifestly unfounded (Does not apply in the cases of administrative offenses when a person who is held administratively liable requests legal aid, and in criminal cases, except requests for renewal of the process when the statute of limitations has expired);
- 2) The representation has no reasonable prospects of success (Does not apply in the cases of administrative offenses when a person who is held administratively liable requests legal aid, and in criminal cases, except requests for renewal of the process when the statute of limitations has expired);
- 3) the claim is for the protection of honor and dignity without material damage (Does not apply in the cases of administrative offenses when a person who is held administratively liable requests legal aid, and in criminal cases, except requests for renewal of the process when the statute of limitations has expired);
- 4) the claim is in direct relation to the applicant's commercial activity or self-employment (Does not apply in the cases of administrative offenses when a person who is held administratively liable requests legal aid, and in criminal cases, except requests for renewal of the process when the statute of limitations has expired);
- 5) the applicant can receive the necessary legal services without addressing state-funded legal aid;
- 6) the applicant seeks to protect somebody's else rights (exception is for legal representation);
- 7) the claim has been transferred to the applicant by another person to fulfill the requirements for state-funded legal aid;
- 8) the applicant abuses the right to state-funded legal aid;
- 9) the applicant refuses to cover 50 percent, 70 percent, or 85 percent of the costs of the state-funded legal aid when this is required after an assessment of the applicant's wealth;
- 10) the costs of legal aid would exceed the amount of the applicant's pecuniary claims (pecuniary interests) (Does not apply in the cases of administrative offenses when a person who is held administratively liable requests legal aid, and in criminal cases, except requests for renewal of the process when the statute of limitations has expired);
- 11) the applicant has not paid the costs of secondary legal aid received in another case (Does not apply in criminal cases);
- 12) the applicant can represent himself or defend his rights or interests not addressing the state-funded legal aid;
- 13) the applicant did not submit all the necessary documents to the SGLAS;
- 14) the dispute is currently being resolved in mediation or the applicant has not submitted the mediation settlement agreement to the court for approval;
- 15) the applicant needs legal aid in a bankruptcy case.

The meaning of "claim is manifestly unfounded" or "representation has no reasonable prospects of success" is not defined in the Law. The meaning is clarified by the courts. The SGLAS can refuse to provide legal aid when without any doubt the claim in court does not have any chance of success. For example, the courts have already made a final decision on the matter.

When SGLAS refused to provide legal aid according to points 3, 4, 5, 11, 14, and 15, the applicant can request an additional assessment of his situation. SGLAS makes an assessment decision by the rules established by the order of the Minister of Justice.³⁸

Caseload

In 2021	In 2022
---------	---------

³⁷ Ibid. 8, Article 11 (7).

³⁸ Description of the procedure for making decisions on the provision of legal aid guaranteed by a secondary state, after assessing the individual situation of the applicant, approved by the Order of the Minister of Justice, 16/07/2020 No. 1R-220.

Types of legal aid, the field of law	Number of applications/ requests	Number of grants	% of the population eligible for legal aid	Number of applications/ requests	Number of grants	% of the population eligible for legal aid
Primary legal aid	42238	42238	100%	41226	41226	100%
Civil law		16898			15757	
Family law		11138			11893	
Mediation		3069			3581	
Administrative law		2619			2316	
Labor law		1914			1575	
Criminal law		2205			2281	
Other		4395			3823	
Secondary legal aid	30165	28184	Not available	31413	30299	Not available
Civil cases		7970			9496	
Criminal cases (decisions of SGLAS)		1195			1342	
Criminal cases (decisions of courts or pre-trial investigation institutions)		18421			18972	
Administrative cases		372			302	
Process of execution		159			138	
Transnational cases		67			43	
Constitutional cases		0			2	

V. Quality Assurance

Primary legal aid

The responsibility to provide quality legal aid is on the director of the municipality administration.³⁹

Activities of jurists – the staff of the municipality, are supervised by the head of the Law department and the director of municipal administration. When legal aid is provided by lawyers or public entities on basis of a contract, the municipality administration controls the provision of legal aid, analyses complaints, and resolves disputes between legal aid providers and beneficiaries.

Activities of the municipalities are coordinated by SGLAS and monitored by the Ministry of Justice and the Legal Aid Coordination Council. SGLAS provides methodical assistance to the municipal administrations, analyses their annual reports, generalizes them, and presents the results to the Ministry of Justice. The form and content of the report are defined by the order of the Minister of Justice. Also, SGLAS writes recommendations to the municipal institutions on how to improve the organization and provision of primary legal aid.⁴⁰

Secondary legal aid

For the provision of secondary legal aid, SGLAS concludes services' agreements with lawyers to provide secondary legal aid constantly, in a case of necessity, or on an *ad hoc* basis.⁴¹

The agreement specifies the duty of the lawyers to provide secondary legal aid; the conditions of and procedure for fulfilling the duty; the model requirements for professional activities of lawyers in criminal matters and civil/administrative matters; the right of the SGLAS to terminate the agreement in the event of nonfeasance or misfeasance of a lawyer concerning the provision of secondary legal aid; as well as the fields of law in which the lawyer undertakes to provide secondary legal aid (specialization) and other conditions.⁴²

Lists of lawyers providing secondary legal aid continuously or in a case of necessity are publicly available on the website.⁴³ The legal aid beneficiary can choose a lawyer he likes.⁴⁴

The requirements for the lawyers to become legal aid providers are defined by the order of the Minister of Justice upon agreement with the BAR.⁴⁵ The following selection criteria have to be fulfilled by the lawyer to be included in the list of legal aid providers:

- The lawyer has to be a BAR member.
- During the last 5 years his contract with SGLAS has not been terminated for non-fulfillment of the contractual obligations.
- The lawyer does not have valid disciplinary sanctions.

³⁹ Ibid. 8, Article 8.

⁴⁰ Ibid. 8, Articles 7 (2) and 9 (3).

⁴¹ Ibid. 8, Article 17.

⁴² Order of the Minister of Justice 17/06/2020 No. 1R-169.

⁴³ <https://vgtpt.lrv.lt/lt/prokurorams-tyrejams-ir-teismams/advokatu-mediatoriu-ir-psichologu-sarasai-1>

⁴⁴ Ibid. 8, Articles 18 (5) and 18 (6).

⁴⁵ The provisions of the competition for lawyers who continuously provide secondary legal aid, approved by the order of the Minister of Justice 17/06/2020 No. 1R-169, Article 3; Description of the procedure for concluding contracts with lawyers providing secondary legal aid in case of necessity, approved by the order of the Minister of Justice 17/06/2020 No. 1R-169, Articles 2 and 3.

The lawyers who want to provide legal aid constantly have to fulfill an additional requirement. They have to pass a special selection exam.⁴⁶ The examination commission of 5 persons is formed by the order of the Minister of Justice.⁴⁷ During the selection procedure, the lawyer's ability to provide secondary legal aid and his advantages are evaluated.

Unlike lawyers providing legal aid continuously or in case of necessity, there is no requirement for lawyers providing legal aid on an *ad hoc* basis to have no valid disciplinary sanctions.⁴⁸

While performing their duties the lawyers have to comply with the requirements defined in the laws on the activities of lawyers (Law of the BAR, The Statute of the BAR, Code of Lawyers' ethics, etc.); have to adhere to the principles of freedom of activities, independence and other; have to comply with the model requirements approved by the order of the Minister of Justice; have to preserve the confidentiality of the information obtained; have to cover damages caused by the unlawful acts or malpractice; have to enhance his qualification and develop professional skills regularly.⁴⁹

The Council of the BAR has approved the order for evaluation and enhancement of the quality of all lawyers and assistants of the lawyer.⁵⁰ The order foresees that the lawyer who is practicing as a lawyer not more than 5 years has to collect 8 points each year and the lawyer who is practicing as a lawyer for more than 5 years has to collect 4 points each year, whereas, the lawyer's assistance has to collect 16 points each year. The points do not have to be collected by the lawyers who lecture in the field of law at a high school; are members of the BAR's self-governmental structures; work on Law projects, if commissioned by the BAR; and lecture in seminars organized by the BAR at least twice per year.

The points can be collected for participation in seminars, conferences, discussions, round table discussions, or other events in various fields of law (as participant or speaker); for writing articles in media, monographs, textbooks for students, and other publications in various law field; for organizing the events of the BAR; for *Pro Bono* practice; for other activities approved by the BAR Council. Activities have a different number of points.⁵¹

Supervision of legal aid providers is carried out by:

- SGLAS resolves beneficiaries' complaints regarding the actions of legal aid providers. It assesses whether the lawyer did not breach the agreement on the provision of secondary legal aid.
- Lithuanian BAR resolves beneficiaries' complaints regarding the quality of legal aid. It verifies whether the client was provided with quality secondary legal aid.

According to the agreements with the lawyers providing secondary legal aid the SGLAS performing supervision of activities of lawyers has the right:

⁴⁶ Ibid.

⁴⁷ Ibid, Article 16.

⁴⁸ Description of the procedure for concluding contracts with lawyers providing secondary legal aid on an *ad hock* basis, approved by the order of the Minister of Justice 17/06/2020 No. 1R-169, Articles 2 and 3.

⁴⁹ Model contract for the continuous provision of secondary legal aid, Model contract for the provision of secondary legal aid in case of necessity, and Model contract for the provision of secondary legal aid on an *ad hock* basis, approved by the order of the Minister of Justice 17/06/2020 No. 1R-169.

⁵⁰ Description of the enhancement of the qualification and evaluation procedure for lawyers and lawyer's assistants, approved by the decision of the Lithuanian Bar Council of Lawyers on 1/07/2020.

⁵¹ Ibid.

- to check out whether the lawyer continuously providing legal aid does not provide legal services to people who are not legal aid beneficiaries;
- to check out whether the legal aid lawyer does not get additional remuneration from the legal aid beneficiary;
- to verify the lawyer’s data about provided legal aid;
- to handle the legal aid beneficiaries’ complaints regarding the activities of the legal aid lawyer, to request the lawyer to provide clarification regarding circumstances detailed in the complaint, to request the lawyer to provide other information needed for handling the complaint;
- to change the lawyer in case of malpractice or disagreement with a client and transfer the complaint to the BAR for consideration;
- to terminate the agreement signed with the lawyer in case of a breach of contractual obligations.

The BAR analyzes the complaints of the legal aid beneficiaries applying the same rules which are applied in resolving the complaints against private lawyers.⁵²

3 bodies of the BAR are involved in the disciplinary proceeding: (i) the BAR Council, (ii) the Disciplinary Committee, and (iii) the Court of Honour of the BAR.

The Disciplinary Committee receives and analyses a complaint (or other information) against lawyers’ actions and submits a conclusion to the BAR Council. The BAR Council decides on the initiation of the disciplinary proceeding. When the BAR Council decides to initiate a disciplinary proceeding, it refers the disciplinary case to the Court of Honour. The disciplinary proceeding also can be initiated by the Minister of Justice. In such a case, the Lithuanian Bar, upon receiving the minister's order, forwards it to the Court of Honor for examination.⁵³

The Court of Honour analyzes the case and makes one of the following decisions:⁵⁴

- to terminate a disciplinary action because there are no grounds for liability or because of the statute of limitation;
- to close the case without imposing the disciplinary penalty;
- to prohibit temporarily the lawyer’s activity;
- to impose one of the following disciplinary penalties:
 - Remark
 - Reprimand
 - Public reprimand
 - To recommend the BAR Council to revoke a lawyer's license to practice law.

In addition to that, the legal aid beneficiary can submit to the SGLAS an anonymous opinion about the quality of legal aid. All legal aid beneficiaries are informed about Client Satisfaction questionnaires available online.⁵⁵

⁵² Description of the procedure for examining lawyers' disciplinary cases, approved by the decision of the General Meeting of Lawyers of the Lithuanian Bar on 15/04/2016.

⁵³ Lithuania, Seimas (2004), Law of the Bar (Lietuvos Respublikos advokatūros įstatymas), No. IX-2066, 18 March 2004, last amendment No. XIV-1360, 30 July 2022, Article 52 (2).

⁵⁴ Ibid., Article 53.

⁵⁵ <https://vgtpt.lrv.lt/lt/ivertinkite-suteiktas-paslaugas/advokatu>, <https://vgtpt.lrv.lt/lt/ivertinkite-suteiktas-paslaugas/tarnybos>

VI. Public Legal Education

Initiatives in 2021 and 2022 to increase public awareness about the availability of State-funded legal aid:

- Meetings with NGOs that represent particular groups of vulnerable people (sentenced and released persons, victims of crime, and others);
- Awareness-raising articles in the newspapers and the internet;
- Awareness-raising releases on Facebook;
- Information on the SGLAS webpage <https://vgtpt.lrv.lt/> and webpages of municipalities;
- Video training materials on various legal aid issues with sign language (on mediation, primary legal aid, secondary legal aid, eligibility criteria, and others);
- Awareness-raising information on TV and radio broadcasts;
- Consultation of people by phone, email, and face-to-face;
- Information on various awareness rising boards;
- Distribution of leaflets, and booklets;
- Meetings with people in various public places (courts, Cultural Centers, Community Centers, etc.)
- The video about mediation was shown on public transport screens in the 10 largest Lithuanian cities.
- The IT system TEISIS allows individuals to submit requests for legal aid online, choose a lawyer, receive a legal aid decision, and monitor the process of providing legal aid from the moment of application to its completion. The system provides general information about the conditions and procedures for providing legal aid, as well as answers to the most frequently asked questions. The IT system TEISIS continues to be developed. In the future, the system will provide answers to the most common legal questions for all people.⁵⁶

VII. Alternative Sources of legal services

Several universities have Legal Clinics which provide free legal consultations live and online.

The Law Clinic of Vytautas Magnus University⁵⁷ provides free legal consultations to small and medium-sized businesses, non-profit organizations, and citizens.

The Law Clinic of Vilnius University⁵⁸ provides free legal consultations to the residents of Lithuania. Consultants at the clinics provide guidance on downtime, vacation, termination of employment contracts, personal financial liability with banks or credit institutions, and sick leave certificates for those individuals taking care of children or relatives and others.

Various trade unions provide consultations to their members on various labor issues as well as defend their rights against the employer.

However, it is difficult to say how much legal aid they provide, as they do not provide comprehensive statistics.

⁵⁶ <https://teisis.lt/external/home/main>

⁵⁷ <https://teisesklinika.vdu.lt/>

⁵⁸ <https://teisesklinika.lt/>

VIII. Holistic legal services

*The Law on Legal Aid*⁵⁹ foresees the involvement of the psychologist in the questioning of minors. Article 13 foresees that a psychologist must be invited to help question the minor who is under the age of 14, who are victims of offense against human life, health and freedom, sexual self-determination and integrity, the child and the family, commercial sexual exploitation of a minor, encouragement of a minor to provide sexual services as well as in other cases where the process participants request or a pre-trial investigation officer, prosecutor or pre-trial investigation judge decides that it is necessary. Whereas for the minor with special needs, mentally disturbed after a criminal act, etc., the recommends inviting a psychologist in other types of cases to avoid repeated trauma during legal procedures (Article 14).

Other laws foresee the cooperation of non-lawyers with legal services providers.

*The Law on Social Services*⁶⁰ foresees assistance of the social worker to the vulnerable person in various fields including cooperation with legal aid providers.

*Law on the Assistance of Victims of Crime*⁶¹ seeks to ensure that natural persons who have suffered from a crime receive assistance before the criminal proceeding, during and after it, and in cases where criminal proceedings are not initiated. According to this law, information, consultations, and/or services are provided to the victims of crime, taking into account the individual needs of the victim. The Law foresees cooperation among state institutions and NGOs.

The law defines the duties of the first contact authority. The institution of first contact is the institution to which the victim of a crime or his legal representative applies first: pre-trial investigation institution, prosecutor's office (prosecutor) or court, General Assistance Center, municipal administration, social service institution, any educational or health care institution, or the State Children's rights protection and adoption service.

*Law on Protection against Domestic Violence*⁶² foresees cooperation among state institutions and NGOs in the provision of specialized complex assistance to persons in a dangerous environment and persons who have experienced domestic violence.

IX. UN SDG Standard 16.3

Policy developments

*The Program of the 18th Government of the Republic of Lithuania*⁶³ identifies the goals that the Government of Lithuania is pursuing during its period of governance (2020-2024). The Program

⁵⁹ Ibid. 8.

⁶⁰ Lithuania, Seimas (2006), Law on Social Services (*Lietuvos Respublikos socialinių paslaugų įstatymas*), No. X-493, last amendment No. XIV-952, 17 March 2022.

⁶¹ Lithuania, Seimas (2021), Law on the assistance of victims of crime (*Lietuvos Respublikos pagalbos nuo nusikalstamos veikos nukentėjusiems asmenims įstatymas*), No. XIV-169, 14 January 2021.

⁶² Lithuania, Seimas (2011), Law on protection against domestic violence (*Lietuvos Respublikos apsaugos nuo smurto artimoje aplinkoje įstatymas*), No. XI-1425, 26 May 2011, last amendment No. XIV-934, 15 March 2022.

⁶³ Lithuania, Seimas (2020), Decision on the Program of the 18th Government of the Republic of Lithuania (*Nutarimas dėl Aštuonioliktos Lietuvos Respublikos Vyriausybės programos*), No. XIV-72, 11 December 2020.

states, that the government seeks to eliminate any discrimination and ensure equal opportunities for all social groups. It is committed to promoting zero tolerance for any violence, to establishing measures to ensure gender equality between women and men.

*2021-2030 National Progress Plan*⁶⁴ establishes that when implementing the Plan and preparing national development programs, it is mandatory to consider the needs of the disabled, women and men, different age groups, national minorities, and other groups that may experience discrimination, and provide measures and indicators that implement the principle of equal opportunities.

*2022-2023 Action plan for the prevention of domestic violence and the provision of assistance to victims*⁶⁵ establishes the measures for the year 2022-2023 aimed at strengthening the assistance to persons affected by domestic violence.

*Public Security Development Program for 2015-2025*⁶⁶ among other goals, aims at creating suitable conditions for the victims to exercise their rights.

Legislative developments

*The Law on Legal Aid*⁶⁷ foresees that primary and secondary legal aid is available on equal terms to all citizens of Lithuania and other EU Member States, to other persons lawfully residing in Lithuania and other EU Member States, and to persons specified in international treaties.⁶⁸

*The Law on Social Services*⁶⁹ foresees assistance of the social worker to the vulnerable person in access to justice.

*Law on the Assistance of Victims of Crime*⁷⁰ foresees assistance of State institutions and NGOs to victims of a crime in access to justice.

*Law on Protection against Domestic Violence*⁷¹ foresees cooperation among state institutions and NGOs in the provision of specialized complex assistance to persons in a dangerous environment and persons who have experienced domestic violence.

64 Lithuania, Government (2020), Resolution on the Approval of the 2021-2030 National Progress Plan (*Nutarimas Dėl 2021–2030 metų Nacionalinio pažangos plano patvirtinimo*), No. 998, 9 September 2020, last amendment No. 797, 29 September 2021.

65 Lithuania, Minister of Social Security and Labour (Socialinės apsaugos ir darbo ministerstra) (2022), Order on the 'On the approval of the 2022-2023 Action plan for the prevention of domestic violence and the provision of assistance to victims (*Įsakymas Dėl smurto artimoje aplinkoje prevencijos ir pagalbos teikimo nukentėjusiems asmenims 2022–2023 metų veiksmų plano patvirtinimo*), No. A1-264, 11 April 2022, last amendment No. A1-111, 2 February 2023.

66 Lithuania, Seimas (2015), Resolution On the approval of the public security development program for 2015-2025 (*Nutarimas Dėl Viešojo saugumo plėtros 2015–2025 metų programos patvirtinimo*), No. XII-1682, 7 May 2015.

67 Ibid. 8.

68 Ibid. 8, Articles 11(1) and 11 (2).

69 Ibid. 60.

70 Ibid. 61.

71 Ibid. 62.