

ASSESSMENT OF THE IMPLEMENTATION OF THE GOVERNMENT'S PROJECT "A NEW GENERATION OF PENAL INSTITUTIONS"

29 March 2024

No VRE-1

SUMMARY

Relevance of the assessment

The purpose of imprisonment and other measures restricting a person's liberty is to protect society from criminal acts and reduce repeated criminal conduct. The aforementioned purpose can only be achieved if, as far as possible, prison time is used for the reintegration of persons into society after release or for resocialisation¹. The country's penal system does not encourage prisoners to change their criminal habits², and more than 60% of persons are serving a custodial sentence not for the first time - their share declined for two years but increased by 5.9 percentage points in 2023 compared to 2022 (67% in 2020, 64% in 2021 and 61.5% in 2022)³.

On average, a prisoner released after unsuccessful resocialisation commits around 100 new criminal acts⁴ before being detained, tried and punished again. The average property damage to natural persons caused by these 100 new criminal acts is around EUR 18.6

¹ Justification of the Development Programme for the Justice System of the Ministry of Justice (MoJ) as the Manager of the Development Programme 2021–2030. Accessed online: [Justification of the Development Programme for the Justice System 2021-2030.pdf \(lr.lt\)](#), accessed on 15/11/2023.

² Ibid, accessed online: [Justification of the Development Programme for the Justice System 2021-2030.pdf \(lr.lt\)](#), accessed on 05/12/2023.

³ Activity Report of the Ministry of Justice for the year 2023. Page 31, Figure 22. Available online: [On the approval of the description of procedure for the preparation of the annual activity report of a public sector entity and the annual activity report of a group of public sector entities \(lr.lt\)](#), accessed on 08/11/2023.

⁴ Strategic Operational Guidelines 2022-2030, approved by 7 February 2022 Order No V-28 of the Director of the Prison Department, page 2.

thousand. Non-pecuniary damage is usually higher and difficult to assess. If the offender is sentenced to imprisonment again, the average cost of serving the sentence is around EUR 38,000 higher. In addition, the costs of the pre-trial investigation and the judicial proceedings should be included. Overall, the total property damage caused by crime in Lithuania amounts to around 5% of GDP each year.

The 18th Government has identified the transition of penal institutions as one of its priority projects in its programme⁵ and has stipulated that the reformed system must ensure standard prison conditions; guarantee methodological support, training opportunities and intrinsic motivation for officers and staff; and improve the preparation of convicted persons for their reintegration back into the community in order to pursue their goals in life by lawful means after serving their sentences. It also sets out a clear vision of how penal institutions should be structured and decided in the long term, and the need for a transition plan.

Objective and scope of the assessment

The objective of the assessment is to provide structured information on the implementation of the transition of the penal enforcement system.

The main areas of the assessment:

- ✓ Preparing for the implementation of the transition of the penal system;
- ✓ Implementing measures to improve infrastructure;
- ✓ Implementing measures to improve the working conditions for employees;
- ✓ implementing measures to strengthen resocialisation.

Entities to be assessed: the Ministry of Justice, the Lithuanian Prison Service.

During the assessment, we carried out a survey of all municipalities; used statistical data from Eurostat, the Lithuanian Prison Service, the Lithuanian Probation Service; publications of the Law Institute of the Lithuanian Centre for Social Sciences; and communicated with the representatives of the Lithuanian Federation of Law Enforcement Officers (Annex 2).

The period under assessment is 2021-2023. In order to assess the changes, we have also used data for 2020.

Main assessment results

The Government has initiated significant changes in the penal system in its programme, but the measures to strengthen resocialisation and optimise the staff progress in the development programme have not been funded and are being implemented only by means of follow-up measures and the Norwegian Financial Mechanism programme. The

⁵Approved by 11 December 2020 Resolution No XIV-72 of the Seimas.

implementation of measures to improve the infrastructure has been delayed for more than 10 years.

Preparing for the transition of the penal system and improving its infrastructure

The implementation plan for the 18th Programme of Government foresees the preparation of a plan for the transition of the penal system by Q2 2022. In line with the afore-mentioned provision, documents integrating the directions, progress and follow-up measures for the transition of the penal system throughout the transformation period have been prepared, namely the Outline of the Strategy for the Penal System in 2030 and the Strategic Operational Guidelines for 2022-2030. The Guidelines do not foresee the timeframes, funding needs and indicator values for the implementation of the planned activities or measures, and they are implemented within the framework of the Strategic Plan of the Ministry of Justice and the Annual Action Plan of the Lithuanian Prison Service, which do not cover the long term (up to 2030) transition actions foreseen in the Guidelines. This type of planning and implementation does not allow for coherence and does not reflect the totality and interconnectedness of the transition, and it is difficult to monitor whether sufficient progress has been made and to take timely measures to ensure it (subsection 1.1, page 11).

In order to ensure that the ratio of fixed-term custodial sentences to other sentences does not exceed 15% by 2030, the Criminal Code is being amended. The process of consideration of amendments to the Special Part of the Code is pending. The Ministry has not made any estimates of the impact of the amendments on the reduction of the number of prison inmates and how the target of 3,000 prisoners in the 5 prisons of the regional network will be reached by 2030, and the impact of the adopted amendments will be assessed every 2 years by monitoring the sentences imposed, the number of prison inmates, and the average length of the custodial sentences. No calculations have been prepared to support the chosen objectives, and the prolonged adoption of the amendments to the Special Part of the Criminal Code would lead to a slower reduction of the number of prison inmates. (subsection 1.1, page 11).

The share of modernised places of detention has increased from 31% (in 2020) to 52% (in 2023), but in 6 prisons more than 50% of prisoners still have less than the minimum recommended living space of 4 square metres: in Vilnius Prison – 51%, Lithuanian and European courts have awarded the amount of EUR 859.1 thousand as a compensation for non-pecuniary damage to prisoners for inadequate conditions of detention in the period 2020-2023 (subsection 1.2, page 14).

The directions of infrastructure development envisaged in the Guidelines are not reflected in the implementation documents and actions: 2 new prisons are planned to be built in Šiauliai and Klaipėda by 2030, but only the construction of Šiauliai Prison has been planned; a minimum space of 7 square metres per person is foreseen, and the project of the reconstruction of the dormitory of the Correctional Institution of Alytus envisages 5 square metres per person. Since 2009, the construction of the Šiauliai Prison has not started and the reconstruction of the dormitory of the Alytus Correctional House, which started in 2011, has not been carried out at the planned pace (the planned implementation of 80 % (2021) has been reduced to 47 % (in 2022 and 2023), while the actual implementation in 2022 is 30.5 %, 63% in 2023). The conditions of detection of more than 280 inmates were not improved due to the non-fulfilment of the signed contract for the purchase of modular houses, for which the court ordered the Lithuanian Prison Service to compensate the supplier for losses of over

EUR 0.5 million. The protracted implementation of important infrastructure modernisation projects leads to a slower improvement in the living conditions of inmates, a reduction in the damages awarded, and does not contribute to the safety of inmates and staff (subsection 1.2, page 14).

Strengthening rehabilitation and optimising staff

The Development Programme for the Justice System does not define progress measures and target indicators for resocialisation, does not allocate funding for staff optimisation and resocialisation progress, and only ongoing measures for staff development and improvement of the resocialisation process, funded by the Norwegian Financial Mechanism Programme. The failure to achieve the monitored values of the 3 progress indicators in the Strategic Action Plans for the coming periods has led to a reduction in the targets: the target for the proportion of staff performing the resocialisation function has been reduced by 15%, the target for the proportion of staff undergoing further training by 21%, and the target for the proportion of prisoners assigned to the lighter group and transferred to the halfway houses by 11%, but the targets have been reduced in case of failure to achieve the planned indicators. In 2023, 20.5% (481 out of 2,342) of posts in all penal institutions are vacant, and 29% (134 out of 469) of posts in resocialisation units are vacant. In the absence of progress-oriented staffing and resocialisation improvement activities, targets and indicators set out in the development programmes, insufficient staffing levels in the penal institutions, and only continuous and Norwegian-funded measures to bring about change, the problems related to the resocialisation of prisoners are being tackled slowly, and may not have a significant impact on changing the behaviour of prisoners and reducing the number of recidivism rates (subsection 2.1, page 20).

As a part of the ongoing activities to improve the effectiveness of resocialisation, 94% of the measures of the resocialisation reform concept have been implemented, but the effectiveness of these measures has not been evaluated. No monitoring system for behavioural correctional programmes has been put in place. 4 out of 7 planned indicators for increasing the effectiveness of resocialisation in the activity plans of the Lithuanian Prison Service were not achieved: it was planned that 55% of inmates would work, engage in individual, creative activities in 2023 (actually – 47.5%); 60% (2022 plan) of inmates would take part in behavioural change programmes (actually – 33.7%); 91% of inmates would complete the behavioural change programmes (81.2%); there would be a reduction in the number of inmates in the correctional system by 39%. Due to the deficiencies in the behaviour of returnees and the lack of cooperation with the Lithuanian Prison Service, 75% (out of 56) of municipalities have problems with the social integration of returnees, and 50% of municipalities consider that not enough social integration measures are applied in penitentiary institutions. A failure to evaluate the measures set out in the Concept Implementation Plan for the Resocialisation of Convicted Persons and to monitor the effectiveness of correctional programmes may result in inappropriate resocialisation measures. In the absence of sufficient cooperation between the Lithuanian Prison Service and municipalities in the social integration of convicted persons and the lack of social services, persons released from prison are not motivated to participate in further stages of social integration, change their criminal behaviour and the resocialisation process may not achieve the desired progress (subsection 2.2, page 23).

One of the initiatives in the Government's programme is the development of a network of open-type detention facilities (halfway houses). This expansion has been underway since 2016 and there are 8 halfway houses in the country, including 3 halfway houses which are due to open in 2023 and another one is planned to open in Q1 2024. The number of inmates transferred to them is increasing: 85 in 2020 and 160 in 2023. The development of such houses (objectives, indicators, financing) is not foreseen in the plan for the implementation of the provisions of the Government's Programme, nor in the Development Programme for the Justice System. In the period 2022-2024, their development was carried out only through Norwegian-funded measures, which will expire on 30 April 2024. The number of places in 3 (out of 4) newly opened houses does not correspond to the number of 20 places per institution foreseen in the Strategic Operational Guidelines: Tauragė Halfway House has 27 places, Kaunas District – 25 places and Plungė – 27 places. The failure to plan the development of these houses by 2030, calculate the financial requirements for their establishment, and ensure the recommended maximum number of inmates in these houses in the Development Programme for the Justice System, does not create the conditions for these houses to contribute as much as possible to the positive impact on the resocialisation of convicted persons (subsection 2.3, page 26).