

11 Lithuania

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Brief Description

Location	The Republic of Lithuania is a country located in the Baltic region of northeastern Europe.
Size	65,300 km ²
Population	2.86 million
Language	Lithuanian is the official language and one of the official languages of the European Union.
Political system	Lithuania is a multiparty parliamentary democracy and a decentralised unitary state. The President and the Government (headed by the Prime Minister) exercise executive power. The Parliament (<i>Seimas</i>) is a single-chamber legislative body. The country is composed of 10 regions that are divided into 60 municipalities.

Source: State Data Agency of Lithuania, 2024.

Legal System

The legal system in Lithuania follows the civil law legal system and is primarily based on the legal traditions of Continental Europe, particularly those of France and Germany. Lithuania's judicial system consists of both general jurisdiction courts, such as the Supreme Court of Lithuania, the Court of Appeal of Lithuania, five regional courts, 12 district courts, special jurisdiction courts, including the Supreme Administrative Court of Lithuania, and two regional administrative courts (Lithuanian Courts Administration, 2023). Courts of general jurisdiction are responsible for hearing both civil and criminal cases.

Substantive branches of the law are codified in codes. In Lithuania, the grounds for conducting forensic psychiatric examinations and the procedures for prescribing such examinations are regulated by the Code of Criminal Procedure of the Republic of Lithuania (2002b) and the Code of Civil Procedure of the Republic of Lithuania (2002a) per the current legislation. The court determines

whether individuals with a mental illness who have committed dangerous acts and been identified as having reduced responsibility should be involuntarily hospitalised and treated. This decision is made in accordance with the Criminal Code of the Republic of Lithuania (2000) and the Law on the Forensic Examination of the Republic of Lithuania (2002c). Individuals deemed by a court to be legally incapacitated or of diminished legal capacity are admitted only to a specialised psychiatric hospital in Rokiškis or receive outpatient treatment at regional mental health centres. After six months—or sooner if necessary—the court must review the case of involuntary hospitalisation and treatment and extend it if required.

In Lithuania, the regulation of all types of forensic expertise is defined by the Law on the Forensic Examination of the Republic of Lithuania (2002c). Forensic experts are expected to adhere to the Ethics Code for Forensic Experts, which outlines the fundamental principles governing their work. The Coordination Council of Forensic Experts sets priorities and strategies for all forensic institutions in Lithuania under the Ministry of Justice's supervision. Only those on Lithuania's List of Forensic Experts can work in forensic science institutions as experts.

Mental Health Laws

Civil Capacity

Civil capacity evaluation cases are made in civil processes when there is a question about a person's ability to perform their duties and to realise their rights independently. Each year, 1,100 forensic psychiatry assessments evaluate a person's civil capacity in civil cases. Between 2016 and 2022, 4% to 9% of the evaluated persons were found to have full civil capacity each year. Of the persons evaluated, approximately 15% had partial civil capacity, while approximately 77% were found to have complete civil incapacity. A person's level of civil capacity is re-evaluated every two years on a regular basis.

Fitness to Stand Trial

Article 38 of the Code of Civil Procedure of the Republic of Lithuania defines processual capability (or fitness to stand trial). Processual capability is detailed in other legal acts that implement the Code. The court determines a person's processual capability based on an evaluation by a forensic psychiatric expert. Processual capability is a subset of civil capacity, specifically relating to litigation and court procedures. According to the law, individuals who lack civil capacity or whose civil capacity is restricted shall participate in a hearing alongside their respective party or other participants in the proceedings.

Criminal Responsibility

According to Article 17 ('Criminal responsibility'¹) of the Criminal Code of the Republic of Lithuania (2000),

a person shall be considered legally not responsible (incapacitated) where, at the time of the commission of an act forbidden under this Code, he was unable to appreciate the dangerous nature of the act or to control his behaviour as a result of a mental disorder.

Diminished legal responsibility (Article 18 of the Code) is the lack of a capacity for a person to "fully appreciate the dangerous nature of the criminal act or to control [their] behaviour as a result of a mental disorder, even though the disorder is not a sufficient ground for finding [them] legally not responsible (incapacitated)". Between 2013 and 2022, approximately 28% of assessed individuals who committed criminal acts were deemed not responsible for their crimes due to serious mental illness or were found not guilty by reason of insanity under Article 17 of the Criminal Code of the Republic of Lithuania (2000). Each year, a small percentage of the assessed offenders, ranging from 1% to 5%, were found to have diminished responsibility. In the cases of persons with legal irresponsibility (incapacity), a forensic psychiatrist must recommend the level of compulsory medical measures that must be applied by the court to these persons.

Structure and Function of the Forensic Psychiatric System*Role of National Forensic Psychiatry Service*

The National Forensic Psychiatry Service (NFPS, under the Ministry of Health; <https://www.vpt.lt>), operating under the Ministry of Health of the Republic of Lithuania, is primarily responsible for providing pretrial consultations and conducting forensic psychiatric assessments for the courts. During the pretrial investigation, only the accused's medical records are reviewed to identify any signs of severe mental illness that may warrant a full forensic psychiatric examination. Approximately 2,500 consultations are carried out annually.

An accused person is deemed to have legally significant mental disturbances only if they have a severe mental illness such as psychosis, intellectual disability, or dementia. Individuals diagnosed with personality disorders, depression, anxiety, other neurotic conditions, or substance use disorders are not considered to have a legally significant mental illness requiring full expert evaluation.

Between 2013 and 2022, an average of 2,280 forensic psychiatric assessments were conducted annually, with approximately 50% relating to civil and criminal cases. After conducting an evaluation, the forensic psychiatrist

prepares a 'statement of expertise' that meets the requirements outlined in the Law on the Forensic Examination (2002). The conclusions of this assessment are then presented to the court in writing. The forensic psychiatry expert may also be called to participate in a court hearing to confirm their findings verbally.

In criminal cases, the primary role of a forensic psychiatry expert is to:

- (a) assess the mental health of the accused at the time the crime was committed,
- (b) evaluate their ability to participate in legal proceedings (e.g., their fitness to stand trial or their capacity to undergo the legal process),
- (c) recommend necessary medical interventions based on the individual's level of social risk.

The forensic psychiatrist also evaluates the mental health of the victim of the crime to:

- (a) assess their ability to understand and resist criminal actions,
- (b) evaluate their processual capability,
- (c) determine the extent of any mental health disturbances.

In rare cases, the forensic psychiatry expert may be tasked with evaluating the mental state of a witness to determine their capacity to participate in court proceedings.

In civil cases, the forensic psychiatrist is responsible for:

- (a) evaluating a person's mental health in civil capacity evaluations,
- (b) assessing testamentary capacity in post-mortem forensic psychiatric assessments, where the individual's mental state at the time of creating a will is evaluated,
- (c) evaluating the mental health of an individual before death by suicide,
- (d) conducting assessments in child custody disputes in civil cases (in collaboration with forensic psychologists),
- (e) evaluating a person's civil capacity to participate in legal proceedings.

The NFPS operates six outpatient forensic psychiatry departments across Lithuania, providing consultations and specialised expertise. In addition, it has an inpatient forensic psychiatry department offering expertise for periods typically ranging from 14 to 30 days or, in rare cases, up to 60 days. The Department for Children and Adolescents of the NFPS is focused on assessing the mental health of minors. The Central Forensic Psychiatry Department specialises in managing complex cases involving malingering and conducting repeat forensic psychiatric assessments, which are uncommon and account for only 1%–2% of all assessments annually.

Forensic psychiatric examinations are conducted by officially recognised experts (who are listed). These experts participate in all procedures until the court issues a decision on the case. If a person is found not legally responsible, they are sent to a specialised hospital, where a general psychiatrist treats them. Forensic psychiatry experts do not participate in the mandatory treatment of forensic psychiatric patients in Lithuania. Instead, all tasks related to compulsory treatment, whether in outpatient or inpatient settings, are managed by general psychiatrists without specialisation in forensic psychiatry.

Training and Qualifications

Lithuania has 22 forensic psychiatry experts and 15 forensic psychology experts. The NFPS is responsible for training these professionals through an apprenticeship programme. Only licensed psychiatrists who have completed their full training and psychologists who have studied clinical psychology are accepted.

During their time at the NFPS, apprentices work alongside experienced experts on various assignments. This usually lasts 6–12 months but can be extended upon request. At the end of the programme, apprentices take a forensic expert exam organised by the NFPS, which consists of two parts: specific methodological questions on forensic psychiatry or psychology and basic knowledge of the relevant laws. The apprentice is awarded a Forensic Expert Certificate upon completing the programme and exam. They then swear an oath, both orally and in writing, to the Minister of Justice, after which they are added to the official list of forensic experts.

The NFPS also ensures that forensic psychiatry and psychology experts maintain their qualifications. Experts must submit descriptions of their work results every five years and provide examples.

National Networks and Collaborations

There is no single organisation in Lithuania that unites experts in forensic psychiatry. Typically, forensic psychiatry experts are members of the Lithuanian Psychiatric Association, while forensic psychology experts are members of the Lithuanian Psychological Association.

Provision of Care for Forensic Psychiatric Patients

In Lithuania, civilly committed patients are not classified as forensic psychiatric patients. Although a civil patient may still be subject to involuntary treatment ordered by a court, such treatment is typically administered in general psychiatric hospitals. Mandatory medical interventions for forensic psychiatric patients differ from involuntary treatments given to other civil patients. These interventions can be mandated by a court following forensic psychiatric evaluations of

individuals who have been declared not guilty of a crime due to a severe mental illness or deemed unfit to stand trial due to a severe mental illness. The forensic psychiatrist is responsible for recommending the appropriate type of compulsory treatment, which may be either inpatient or outpatient care at a specialised psychiatric hospital.

The Rokiškis Psychiatric Hospital is the sole psychiatric facility in Lithuania that provides care for forensic patients. The hospital offers care to both voluntary and involuntary civil psychiatric patients and operates an occupation and rehabilitation centre that caters to both inpatients and outpatients. There are also 380 beds allocated for forensic psychiatric patients, with their distribution based on security levels: 15 in high-security, 55 in medium-security, and 310 in low-security wards.

A clinical psychologist and a treating psychiatrist conduct risk assessments for violent behaviour of the forensic patient once or twice a year. The attending treatment team must evaluate the mental health status of all forensic patients every six months. This requirement applies to all cases of compulsory inpatient and outpatient treatment. After the evaluation, the court is notified of the results and can recommend further compulsory treatment. These recommendations may include changing the level of treatment or even discontinuing the compulsory treatment for forensic patients altogether. Compulsory treatment measures are changed consecutively. A patient in compulsory treatment can progress to outpatient treatment only after receiving treatment in the general security ward. All changes to compulsory treatment measures are made solely by the court. The purpose of compulsory treatment of forensic psychiatric patients is to alleviate symptoms of mental illness and minimise the risk of violent behaviour. All patients are treated with individualised treatment plans, which may include medication, individual therapy, group therapy, and psychosocial rehabilitation.

Forensic Patient Characteristics

According to the data from the Annual Report of the Rokiškis Psychiatry Hospital (2023), the age of forensic psychiatry patients ranges from 16 to 76 years, and about 80% of forensic psychiatry patients are men, 19% are women, and 1% are juveniles. Šileikaitė et al. (2016) found that most forensic psychiatry patients are diagnosed as psychotic (69.5 %). Substance abuse in the sample is also quite prevalent (41.2 %). The findings showed that violent crimes are the most prevalent among forensic patients (63.1 %).

Approaches to Treatment

In Lithuania, the primary goal of treating forensic psychiatry patients is to provide medical intervention for alleviating psychiatric symptoms and minimising social risks. Rokiškis Psychiatric Hospital offers various rehabilitation

programmes, such as psychosocial support and professional or vocational training. Psychosocial rehabilitation involves a range of therapeutic interventions, including psychological counselling, occupational therapy, physical therapy, bibliotherapy, recreational sports, and creative art therapies like floral design, ceramics, and other specialised crafts. In addition, professional rehabilitation comprises instruction in fundamental computer skills, construction and masonry training, and soap and candle making and cooking. Vocational training aims to help forensic psychiatry patients maintain their daily routines and take care of their living spaces.

Length of Stay and Exiting the Forensic Psychiatric System

In Lithuania, the length of treatment for forensic patients does not depend on the length of sentence for their crime. The average duration of treatment for forensic psychiatry patients at Rokiškis Psychiatric Hospital is approximately 800 days. Still, it can vary depending on treatment outcomes, lasting anywhere from two to five years or sometimes even longer. Additionally, the length of stay may differ depending on the required security level.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2018) stated that, in Lithuania, the average stay of such patients was 119 days in the maximum-security unit, 285 days in medium-security units, and 1,200 days in low-security units. Still, some patients had spent up to 16–20 years in the establishment (although usually with interruptions, patients have been meanwhile accommodated in general psychiatric hospitals, social care homes, or even at their homes).

Strengths and Weaknesses

Lithuanian forensic psychiatry has several strengths, including the NFPS, which features a well-structured system of regional outpatient departments throughout the country. These departments offer expert services to the public in their respective regions and an inpatient expertise department. Moreover, the presence of a Forensic Expertise Law that formalises the role of experts across all domains, coupled with the Forensic Expert Activity Coordination Council that upholds the Code of Ethics of Experts (Forensic Expert Activity Coordination Council, 2014) and monitors the supervision of experts, serve as valuable strengths in Lithuanian forensic psychiatry. Another strength is that forensic psychiatry assessments are carried out only by certified forensic psychiatrists and psychologists with the necessary expertise. This helps to ensure that the quality of the assessments remains consistently high. Finally, a notable regional strength could be attributed to the robust global partnerships among forensic psychiatrists from the Baltic and Nordic regions and various international organisations, including the Forensic Psychiatry section of the World Psychiatric Association.

The system has several weaknesses, including lacking a robust statewide psychiatric continuum of care for forensic outpatients to meet their needs. Engaging challenging clients often falls on general psychiatrists, who may lack the specialised knowledge and skills required for this task. The Ministry of Health has had plans since 2024 to establish a few community treatment teams that are flexible and assertive. However, these teams are not yet specialised in forensic psychiatry.

The Lithuanian forensic psychiatry system's shortcomings contribute to a high rate of repeat offences among patients in forensic psychiatry and their readmission to Rokiškis Psychiatric Hospital (2021). Although there are individual treatment and rehabilitation plans for forensic patients that are reviewed regularly, and some aspects of multidisciplinary teamwork are present in specialised hospitals, these patients are not adequately engaged in psychosocial rehabilitation activities. In addition, clinical psychologists mainly focus on risk assessment and evaluation, with treatment being only an occasional focus.

Note

- 1 Lithuanian legal documents often use different translations for 'criminal responsibility', such as 'criminal liability' or 'legal incapacity'. While English distinguishes between these terms—'criminal responsibility' referring to mental capacity and 'criminal liability' or 'legal incapacity' relating to legal accountability—many legal systems use them interchangeably in practice. To avoid ambiguity, we will use the term 'criminal responsibility' throughout this text.

References

- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. (2018). *Report to the Lithuanian Government on the visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 15 September 2016*. Strasbourg, France: Council of Europe. Retrieved from <https://rm.coe.int/pdf/16807843ca>
- Forensic Expert Activity Coordination Council. (2014). *The Lithuanian Professional Ethics Code for Forensic Experts*. Retrieved from <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/4f19a030a8c511e3840c893be7eb3526>
- Lithuanian Courts Administration. (2023). *Lithuanian Courts: Judicial System*. Retrieved from <https://www.teismai.lt/en/courts/judicial-system/650>
- Republic of Lithuania. (2000). *The Criminal Code of the Republic of Lithuania*. Official Gazette *Valstybės žinios*, No. 89–2741.
- Republic of Lithuania. (2002a). *The Code of Civil Procedure of the Republic of Lithuania*. Official Gazette *Valstybės žinios*, No. 36–1340.
- Republic of Lithuania. (2002b). *The Code of Criminal Procedure of the Republic of Lithuania*. Official Gazette *Valstybės žinios*, No. 37–1341.
- Republic of Lithuania. (2002c). *The Law on the Forensic Examination of the Republic of Lithuania*. Official Gazette *Valstybės žinios*, No. 112–4969
- Rokiškis Psychiatry Hospital. (2021). *Annual report*. Retrieved from <https://www.rpl.lt/veiklos-ataskaitos/>

- Rokiškis Psychiatry Hospital. (2023). *Annual report*. Retrieved from <https://www.rpl.lt/uploads/2023%2520m-%2520veiklos%2520ataskaita.pdf>
- Šileikaitė, A., Germanavičius, A., & Čėsniienė, I. (2016). The relationships of clinical, socio-demographic and criminal factors in a sample of forensic psychiatric patients (Teismo psichiatrijos pacientų sociodemografinių ir klinikinių veiksnių bei nusikalstamo elgesio sąsajos). *Sveikatos mokslai / Health Sciences in Eastern Europe*, 26(1), 47–51. <https://doi.org/10.5200/sm-hs.2016.007>
- State Data Agency of Lithuania. (2024). *Official Statistics Portal*. Retrieved from <https://osp.stat.gov.lt/>