



LITHUANIA

NATIONAL BRIEFING PAPER

## Date

May, 2024

## Country and Partner

Lithuania, NGO Mental Health Perspectives

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## **Acknowledgments**

We would like to express our sincere gratitude to all the international and local partners, organisations and institutions for their collaboration and support during this research study. We thank all the research participants for sharing their invaluable insights, experiences and expertise, personal and professional stories, reflections, knowledge, and recommendations.

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## **Publication date**

May, 2024

## **Grant Information**

101097047-LINK



**Co-funded by  
the European Union**

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them.

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# EXECUTIVE SUMMARY

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## Main Objective of the Study

The aim of this national research report is to provide an overview of the situation in Lithuania concerning access to justice for children who are victims of crime.

The study analyses and provides an overview of the main frameworks, structures, promising practices, and challenges in the Lithuanian criminal justice system concerning crime victims who are children with mental health conditions, psychosocial and/or intellectual disabilities, including users of augmentative and alternative communication (AAC).

## Methods

Desk-based research was combined with qualitative research methods. The desk-based research involved the identification and analysis of relevant literature and policy documentation (such as national legislation, policies, strategies, NGO reports, statistics, etc.) regarding the participation of children victims of crime with disabilities in the criminal justice system and the system of provision of procedural accommodations to them.

Additionally, twelve semi-structured interviews and one focus group were conducted with key stakeholders from across the country. The participants of the study were 12- and 17-year-old girl and boy with an intellectual disability and a 17-year-old girl with a psychosocial disability; a parent; a legal guardian; representatives of support services; and criminal justice professionals.

Thematic analysis of the collected data was conducted using the MAXQDA software.

## Results

The thematic analysis of data collected during the focus group and semi-structured interviews resulted in six main themes, as follows.

- 1. Identifying of and accommodating for individual needs and barriers.** The EU Victims' Rights Directive is not fully transposed into the Lithuanian legal system and its practical implementation is slow. Individual needs assessments are not systematically carried out for all children, and their views, wills, and preferences are regularly not heard. This is especially the case for most children with mental health conditions, psychosocial and/or intellectual disabilities, and those with verbal communication difficulties, including AAC users. In some cases, the resulting absence of appropriate procedural accommodations and communication aids may even lead to secondary victimisation.

**2. Informational and communication challenges.** The direct communication between criminal justice professionals and children with mental health conditions, psychosocial and/or intellectual disabilities who are victims of crime is often limited. Provision of information often is directed at their guardians or other support persons; materials are usually not accessible nor age-, gender-, and disability-appropriate. It is also evident that professionals often lack the needed knowledge and skills to communicate with children with disabilities in a simplified and accessible way or using any type of alternative communication methods or formats, e.g., AAC options, and Easy-to-Read materials.

**3. Training and skills of professionals.** There are gaps in the knowledge base and skills of criminal justice professionals, including police officers, on how to adapt and implement age-, gender-, and disability-appropriate procedural accommodations across the proceedings. Such accommodations are not defined in national legal acts and no official guidelines or requirements for ensuring procedural accommodations exist in the country.

**4. Attitudes and stigma.** In Lithuania, children in general may often be perceived as unreliable witnesses due to their young age and their developing capacities. This is often exacerbated even more if the child has a mental health condition or disability, especially, when they have an official medical diagnosis. Their testimony is less likely to be believed than a testimony of a person without a disability, they might be doubted or misbelieved, and again – no procedural accommodations are usually ensured to support their effective participation and their right to be heard.

**5. Multi-disciplinary and inter-sectoral collaboration.** There are some examples of promising practices of effective multidisciplinary collaboration in Lithuania. However, it largely depends on the region of the country or a specific city and specific institutions, individual initiatives, and personality-based leadership. There are still gaps in practices of information sharing between different professionals and institutions, and in providing age-, gender-, and disability-appropriate supports. There is no national technologically advanced information-sharing system between various services and criminal justice or child protection professionals, especially about the individual support needs of children or about specific barriers they may be facing.

**6. Systemic and structural challenges.** There is a systemic lack of specialised professionals, including specialised psychologists and judges across the country. Not only the lack of human resources but also that of some structural, technical resources, and a lack of up-to-date newest equipment is also evident. Also, there is a lack of clear national guidance and obligations to ensure age-, gender-, and disability-appropriate procedural accommodations at all stages of the proceedings in practice. Court documents are not delivered in Easy-to-Read nor child-friendly language; the individual needs of AAC users are not recognised or prioritised.

## Key Recommendations

### For governmental institutions:

- Guarantee the provision of qualified legal representation for children who are victims of crime, including children with mental health conditions and disabilities. Ensure that legal professionals are well-versed in child rights and the nuances of child victim cases, as well as specificities of individual, age-, gender-, and disability-specific needs and barriers; advocating for the best interests of the child throughout the legal process, at the same time honouring their voices, wills, and preferences.
- Develop functioning and transparent data collection systems that capture relevant information on the number of child victims, types of crimes involved, socio-demographics, data on their age-, gender-, and disability-specific individual needs, data on procedural accommodations provided and communication aids, including AAC, and the outcomes of legal proceedings. This data serves as a crucial foundation for evidence-based policymaking and resource allocation, allowing institutions to adapt their strategies and develop services based on practical on-the-ground insights.
- Establish monitoring mechanisms to ensure that the legal services provided to child victims of crime are fully accommodating, and provided in age-, gender-, and disability-appropriate manner. This should include regular evaluations of the support programmes and interventions in place, assessing their effectiveness, adherence to best-known and evidence-based practices, and impact on the well-being of the children who are crime victims. This ongoing quality assurance process could help identify areas for improvement, refine existing practices, and ultimately enhance the overall quality of age-, gender-, and disability-sensitive services provided within the criminal justice system for children who are victims of crime.
- Develop and enhance victim-witness support programmes tailored to the needs of child victims of crime, including children with mental health conditions and disabilities. Provide accessible and understandable information, including AAC methodologies and tools, personal assistance, and emotional support throughout legal proceedings, addressing the unique challenges faced by child victims and their families.

- Expand programmes aimed at reducing societal stigma associated with child victimisation and educate the public on the intricacies of dealing with such cases. These programmes could contribute to creating an environment where child victims of crime are met with compassion, understanding, and appropriate encouragement to safely report crimes.

#### **For the judiciary and criminal justice institutions**

- The allocation of funds needs to be prioritised specifically designated for the procurement of accessibility tools and materials aimed to be used by providing procedural accommodations for children with mental health conditions and disabilities who are victims of crime. These resources can significantly enhance the accessibility of services and ensure that child victims of crime, regardless of their individual challenges or needs, can actively and effectively participate in legal proceedings and support programs. This includes various communication aids, including those needed for AAC users.
- Ensure that court staff and other professionals are adequately trained on how to use the resources outlined in the above recommendation. Also, it is important to ensure that criminal justice professionals (as well as child protection and other professionals) who directly or indirectly work with children, receive sufficient and quality training on identifying individual, age-, gender-, and disability-specific needs and barriers, and effectively and appropriately communicating with children with mental health conditions, psychosocial and/or intellectual disabilities. This is especially relevant for police officers who are often the first responders when a crime is reported.
- A clear procedure should be put in place for timely and effectively identifying individual needs and barriers, and assessing and providing necessary procedural accommodations and individual support for children with mental health conditions and disabilities who participate in the justice system.
- Enhance multidisciplinary cooperation among professionals to effectively address the challenges identified within the national legal and political framework. To achieve this, it is recommended to establish standardised protocols and guidelines for information sharing and collaboration between various services and criminal justice and child protection professionals. This should include the development of an information-sharing system, regular training sessions and workshops that promote cross-disciplinary understanding and skills development.

- Invest in modern audio and video recording equipment to accurately document child interviews. Ensure that child-friendly technologies are in place to allow child victims to testify remotely or through closed-circuit television when necessary, minimising the stress associated with courtroom appearances.

**For criminal justice and child protection professionals**

- Close and regular collaboration with civil society organisations, human rights, and disability NGOs could help to design and implement quality programmes suitable for the needs of children victims of crime who have mental health conditions, psychosocial, intellectual disabilities and/or other disabilities.
- When making strategic decisions about resource allocation, consideration should be given to the individual needs, existing barriers, and procedural accommodations required by child crime victims with mental health conditions, psychosocial and/or intellectual disabilities, as well as other vulnerable individuals.
- Before implementing new policies or procedures, risk assessments should be conducted to identify and address any potential risks or challenges they could impose on child victims of crime who have mental health conditions, psychosocial, intellectual and/or other disabilities.



# 01

**INTRODUCTION**

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According to the Ministry of Social Security and Labor, the number of children with disabilities in Lithuania increased slightly in 2022 compared to 2021 and reached 16,000. Most commonly, cases of disability concern children with mental health, behavioural, physical and chromosomal conditions, as well as conditions of the nervous system.<sup>1</sup>

Annually, court psychologists conduct approximately 1,000 interviews with children who are victims of criminal acts in Lithuania.<sup>2</sup> First court psychologists appeared in 2014. Before then, children were interrogated by the judge, and if necessary, the police investigators.<sup>3</sup> According to the official website of the Lithuanian Department of Statistics, in 2022, there were 1,552 female and 833 male child victims of crime. No data could be found regarding the exact number of those of them who had mental health conditions or a disability.

Nevertheless, global evidence demonstrates that children with disabilities of all ages are at a heightened risk of most types of victimisation.<sup>4</sup> Child victims of crime with mental health conditions, psychosocial and/or intellectual disabilities face barriers to active and effective participation in the criminal justice process. These include physical barriers to court buildings, communication barriers, a lack of access to protection measures, legal aid and legal representation. This situation is a result of gaps in legislation, and inaccessible architecture. Moreover, there is lack of awareness, knowledge, cooperation and skills of criminal justice and child protection professionals on how to enable child victims of crime with mental health conditions, psychosocial and/or intellectual disabilities to overcome these barriers and ensure protection and fair hearing for all.

The Code of Criminal Procedure of the Republic of Lithuania<sup>5</sup> defines a “child” as a natural person who has not reached eighteen years of age at the time of the execution of the procedural act. From 1<sup>st</sup> January 2024, an amendment of the Law of the Republic of Lithuania on Social Integration of People with Disabilities<sup>6</sup> has come into force. The new law (now called the Law on the Fundamentals of the Protection of the Rights of Persons with Disabilities<sup>7</sup>) defines accessible environment as a physical and informational environment (public spaces, public and/or residential buildings, transport, cyberspace) in which a person with a disability can be unrestricted, move freely, receive services and/or goods; and to communicate information equally with others. Accessible methods of communication are defined as

<sup>1</sup> Ministry of Social Security and Labour of the Republic of Lithuania, 'Statistika' [Statistics] <<https://socmin.lrv.lt/lt/veiklos-sritys/socialine-integracija/asmenu-su-negalia-itrauktis/statistika-2>> accessed 10 November 2023.

<sup>2</sup> Lietuvos Teismai, Vaikai liudija teisme; 'Ką reikia žinoti apie vaikų apklausas?' [Children Testify in Court. What Do You Need To Know?] (28 May 2021) <<https://www.teismai.lt/lt/naujienos/teismu-sistemos-naujienos/vaikai-liudija-teisme.-ka-reikia-zinoti-apie-vaiku-apklausas/8920>> accessed 10 August 2023.

<sup>3</sup> Lietuvos Teismai, Teismo psichologės kabinete vaikai išsipasakoja skaudžiausias savo patirtis [In the forensic psychologist's office, children tell about their most painful experiences] (8 May 2018) <<https://klat.teismas.lt/naujienos/teismo-psichologes-kabinete-vaikai-issipasakoja-skaudziausias-savo-patirtis/401>> accessed 10 August 2023.

<sup>4</sup> Jennifer Vanderminde, David Finkelhor, Sherry Hamby, Heather Turner, Victimization and abuse among children with disabilities: Age adjusted rates in a US national sample (2023) *Child Abuse and Neglect*, 146. <<https://doi.org/10.1016/j.chiabu.2023.106495>>

<sup>5</sup> Lietuvos Respublikos baudžiamojo proceso kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. Baudžiamojo proceso kodeksas [Law on the Approval, Entry into Force and Implementation of the Code of Criminal Procedure of the Republic of Lithuania. Criminal Procedure Code] 2023 (IX-785).

<sup>6</sup> Lietuvos Respublikos neįgaliųjų socialinės integracijos įstatymo Nr. I-2044 pakeitimo įstatymas [Law of the Republic of Lithuania on Social Integration of the People with Disabilities No. Act to amend I-2044] 2024.

<sup>7</sup> Lietuvos Respublikos asmens su negalia teisių apsaugos pagrindų įstatymas [Law of the Republic of Lithuania on the Fundamentals of the Protection of the Rights of Persons with Disabilities], <<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2319/asr>>

transmission and/or reception of oral, written, audio and/or visual information using Braille, audio, visual aids, and Easy-to-Read language (the use of AAC may be included in this list by interpretation).

Concerning victims of crime with disabilities, it has been shown by previous studies conducted in Lithuania that there is often a major distinction between provisions guaranteed in legal acts and their practical implementation.<sup>8</sup> There are significant gaps existing in practice when safeguarding the rights of victims of crime with disabilities.<sup>9</sup> For example, due to the prevailing stigma and negative societal attitudes towards persons with mental health conditions and disabilities, the right of both adults and children with such disabilities to access justice on the equal basis with others is often limited.<sup>10</sup>

The purpose of this national research report is to provide evidence-based information that could eventually aid the improving of age-, gender-, and disability-appropriate procedural accommodations and foster the participation of children victims, particularly those with mental health conditions, psychosocial and/or intellectual disabilities, including AAC users, in the criminal justice processes in Lithuania. In the upcoming sections, we outline the objectives and methodology of this research study. We then provide a list of the key findings derived from the desk-based research; also, from the focus group and semi-structured interviews. Finally, we present the principal conclusions and key recommendations concerning the access to justice for child victims of crime with mental health conditions, psychosocial and/or intellectual disabilities in Lithuania.

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<sup>8</sup> Natalija Bitiukova and Kristina Normantaitė, VOCIARE National Report: Lithuania (2019) <[https://victim-support.eu/wp-content/uploads/2021/02/VOCIARE\\_National\\_Report\\_Lithuania\\_interactive.pdf](https://victim-support.eu/wp-content/uploads/2021/02/VOCIARE_National_Report_Lithuania_interactive.pdf)>

<sup>9</sup> Ugnė Grigaitė and Erika Leonaitė, 'Voices for Justice: Victims of Crime with Disabilities in Lithuania' (2022) <<https://perspektyvos.org/wp-content/uploads/2022/04/National-Findings-Report-LT-EN-1.pdf>>

<sup>10</sup> Ugnė Grigaitė, 'Vaikų, turinčių psichikos sveikatos sutrikimų ar negalią, teisė į teisingą teismą administracinėje, civilinėje ir baudžiamojoje teisėje Lietuvoje: Tarptautinio tyrimo ataskaitos dalies santrauka', [Access to Justice for Children with Psychosocial or Intellectual Disabilities in Administrative, Civil and Criminal Law in Lithuania] (2014) <[https://perspektyvos.org/wp-content/uploads/2021/06/mdac\\_ataskaita\\_20140822.pdf](https://perspektyvos.org/wp-content/uploads/2021/06/mdac_ataskaita_20140822.pdf)>

# 02

**OBJECTIVES AND  
METHODOLOGY**

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The main objective of this research study is to analyse the frameworks, structures, promising practices, and challenges in the Lithuanian criminal justice system concerning the participation of children crime victims with mental health conditions, psychosocial and/or intellectual disabilities, including AAC users.

To achieve these goals the methodological approach combined desk-based research and fieldwork.

The **desk-based research** involved the identification and analysis of relevant literature and policy documentation (such as national legislation, policies, strategies, NGO reports, statistics, etc.) regarding the participation of children victims of crime with disabilities in the criminal justice system and the system of provision of procedural accommodations to them. Additionally, two **Freedom-of-Information requests** were sent to the National Courts Administration and Information Society Development Committee of the Government of the Republic of Lithuania. These aimed to gather detailed information on the accessibility of the online court services and technologies used within the justice system. The focal point of the desk-based research primarily encompassed a range of legislative instruments and recommendations issued by official bodies, policies, strategic documents, national and international publications related to the research topic, as well as academic and NGO research papers. The timeframe mostly covers the past ten years, ensuring that the analysis takes into consideration the most up to date and relevant information available, and follows-up from the previous study implemented by the same NGO (Mental Health Perspectives) in 2014.<sup>11</sup>

For fieldwork, individual **semi-structured interviews** (n=12) and one **focus group** (n=6) were conducted with key stakeholders from four main cities of the country, as well as three slightly more remote geographical locations. The research participants of the study conducted in Lithuania consisted of: children with intellectual and psychosocial disabilities (N=3); a parent (n=1); a legal guardian (n=1); support services professionals (N=3); and criminal justice professionals (N=10). In total, four males and fourteen females participated in the study.

The semi-structured interviews were conducted between 12<sup>th</sup> October 2023 and 16<sup>th</sup> January 2024 and lasted an average of 31 minutes. Four interviews out of twelve were conducted online (with criminal justice professionals and representatives of support services) and the rest of the interviews were conducted in person.

The online focus group with six court psychologists was conducted on 11<sup>th</sup> December 2023 and lasted for 70 minutes.

The collected data was analysed thematically<sup>12</sup>, using the MAXQDA software.

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<sup>11</sup> Ugnė Grigaitė, 'Vaikų, turinčių psichikos sveikatos sutrikimų ar negalią, teisė į teisingą teismą administracinėje, civilinėje ir baudžiamojoje teisėje Lietuvoje: Tarptautinio tyrimo ataskaitos dalies santrauka', [Access to Justice for Children with Psychosocial or Intellectual Disabilities in Administrative, Civil and Criminal Law in Lithuania] (2014) < [https://perspektyvos.org/wp-content/uploads/2021/06/mdac\\_ataskaita\\_20140822.pdf](https://perspektyvos.org/wp-content/uploads/2021/06/mdac_ataskaita_20140822.pdf) >

<sup>12</sup> Braun, V., Clarke, V., Hayfield, N., Davey, L., and Jenkinson, E. Doing Reflexive Thematic Analysis. *Supporting Research in Counselling and Psychotherapy*. (2022). [https://doi.org/10.1007/978-3-031-13942-0\\_2](https://doi.org/10.1007/978-3-031-13942-0_2).

# 03

**LEGISLATIVE AND  
POLICY FRAMEWORK  
FOR SUPPORT,  
ACCESSIBILITY, AND  
MULTIDISCIPLINARY  
COOPERATION**

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The primary objective of the desk-based research was to analyse the legal and policy framework in relation to the provision of information, support and protection processes involving child victims of crime, including those with disabilities, throughout the criminal justice system, identifying the accessibility considerations, inter-sectoral cooperation.

## **01 International framework for children with disabilities victims of crime in criminal proceedings**

The United Nations Convention on the Rights of the Child<sup>13</sup> (CRC) and Convention on the Rights of Persons with Disabilities<sup>14</sup> (CRPD) are two key international human rights treaties that describe the right to a fair trial and other related rights for children with mental health conditions and disabilities.

The CRC, which was ratified by Lithuania in 1992<sup>15</sup>, plays a foundational role in safeguarding the rights of children. Notably, Article 1 of the CRC defines a child as an individual under the age of 18, unless recognised as an adult under the applicable law. The CRC does not explicitly define a child or child, allowing for nuanced interpretations based on contextual considerations.

Lithuania ratified CRPD in 2010. Article 7 of the CRPD outlines obligation for the States Parties to take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children. Article 12 of the CRPD emphasises the importance to recognise that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. This includes States Parties establishing measures to provide access for persons with disabilities to the support they may require in exercising their legal capacity.

The most recent periodic review process started on 31<sup>st</sup> March 2023.<sup>16</sup> Various concerns were identified in the List of Issues<sup>17</sup> by the UN Committee on the Rights of Persons with Disabilities, encompassing intersecting and multiple discrimination, prevalent misconceptions, and stereotypes about persons with disabilities, particularly perpetuated by the media. Accessibility, universal design, legal matters, such as guardianship and the legal capacity of individuals with disabilities, were noted. The adoption of an inclusive education strategy was

<sup>13</sup> The United Nations Convention on the Rights of the Child 1989.

<sup>14</sup> The United Nations Convention on the Rights of Persons with Disabilities 2006.

<sup>15</sup> Ministry of Social Security and Labour of the Republic of Lithuania, Conventions (15 July 2020) <<https://socmin.lrv.lt/en/activities/family-and-children/protection-of-children-rights/conventions#:~:text=Lithuania%20ratified%20the%20UN%20Convention,ratified%20the%20Convention%20in%201995.>> accessed 10 July 2023.

<sup>16</sup> UN Treaty Body Database < <https://www.ohchr.org/en/documents/concluding-observations/ec12ltuco3-concluding-observations-third-periodic-report>> accessed 2 November 2023.

<sup>17</sup> List of Issues in Relation to the Combined Second and Third Periodic Report of Lithuania (2023) <[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FLTU%2FQ%2F2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FLTU%2FQ%2F2-3&Lang=en)> accessed 20 July 2023.

also emphasised.<sup>18</sup> Lithuania is on track of implementing relevant legislative improvements, although practical implementation is challenging as discussed in further sections of this report.

In the European context, the 2012 European Union Victims' Rights Directive<sup>19</sup> establishes fundamental standards concerning the rights, support, and protection of crime victims. Within the context of child rights, several key articles address specific considerations for victims under the age of 18. Article 3 emphasises the right of victims, including children, to understand and be understood during interactions with competent authorities in criminal proceedings. This includes ensuring communications are in simple and accessible language, considering any disabilities and conditions that may affect comprehension.

Article 8 underscores the right of all victims, presumably including those under the age of 18, to access victim support services, providing them with confidential and free assistance tailored to their needs before, during, and after criminal proceedings. Moreover, Article 22 mandates an individual needs assessment for victims, particularly focusing on children, to identify specific protection needs based on their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. According to the Directive, persons with disabilities, as well as child victims are presumed to have specific protection needs, subject to an individual assessment, considering factors such as the personal characteristics of the victim; the type or nature of the crime; and the circumstances of the crime. Articles 23 and 24 further outline special measures during criminal investigations and proceedings, such as audiovisual recording of interviews and the appointment of special representatives for child victims where conflicts of interest may arise.

In January 2021, the Parliament of the Republic of Lithuania has adopted the Law on Assistance for Victims of Criminal Offences of the Republic of Lithuania No XIV-169, which regulates the provision of assistance for victims of criminal offences. The legislative changes were aimed at transposing the EU Victim Rights Directive into national law.<sup>20</sup> However, amendments to the Code of Criminal Procedure contained no provisions referring specifically to disability or people with disabilities. In implementing Article 4 of the Victims' Rights Directive, the prosecutor general introduced a standardised 'letter of rights' for victims, available in multiple languages, but exceeding five pages and using formal and technical language, thereby falling short of the Directive's requirement for simplicity and accessibility, particularly for individuals without a legal background, and lacking tailored versions for children or persons with disabilities.<sup>21</sup>

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<sup>18</sup> Human Rights Monitoring Institute, UN: Lithuania Still Needs to Work on the Rights of Persons with Disabilities [2023] [www.liberties.eu](https://www.liberties.eu/en/stories/united-nations-tells-lithuania-more-work-to-protect-rights-of-persons-with-disabilities/44785) <<https://www.liberties.eu/en/stories/united-nations-tells-lithuania-more-work-to-protect-rights-of-persons-with-disabilities/44785>> accessed 10 July 2023.

<sup>19</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime 2012.

<sup>20</sup> <https://vaikoteises.lrv.lt/en/protection-of-children/ensuring-the-childs-rights/assistance/assistance-for-victims-of-criminal-offences/>

<sup>21</sup> <https://validity.ngo/wp-content/uploads/2022/04/National-finding-report-litvan-en-2-220426-1.pdf>

Subsequently, in March 2019, following the European Commission issued infringement proceedings, Lithuania acknowledged that the Directive had not been fully transposed into national law due to the absence of a corresponding concept of a 'victim of crime,' a lack of a comprehensive system for ensuring and protecting victims' rights, and the absence of procedures for supporting victims. In January 2021, the Law on Assistance to Victims of Crime was adopted.<sup>22</sup> Disability is mentioned once, when elucidating the principle of non-discrimination. Age- and gender-appropriate measures are mentioned twice: to ensure non-discrimination and in regard to the principle of individual support, which clarifies that when making decisions together with the victim and/or providing assistance, their characteristics should be taken into account.

A lack of more definitive measures has resulted in practical challenges. At the time of writing this report, approximately 10 organisations along with Child Protection Services, offer support to child victims of violence yet the government funding assigned to these organisations is minimal, therefore, the primary advocates for the interests of children victims are predominantly governmental agencies.<sup>23</sup>

In February 2024, the UN Child Rights Committee issued its findings, that contained Committee's main concerns and recommendations on Lithuania's implementation of the UN Child Rights Convention, as well as positive aspects. The Committee recommended a comprehensive evaluation of Lithuania's child justice system to promote non-judicial measures like diversion, mediation, and psychosocial support. Further recommendations include: for Lithuania to ensure that all children have access to confidential, child-friendly, and independent complaint mechanisms in various settings. These mechanisms should be intended for reporting all forms of violence, abuse, discrimination, and other violations of children's rights.<sup>24</sup>

## **02 Intersectionality in the national legal framework**

The legal framework in Lithuania, particularly the Code of Criminal Procedure, addresses the individual assessment of children, emphasising the importance of evaluating the personality, environment, and needs of the child suspect or accused. While the specific procedural accommodations for children as victims or witnesses are not detailed here, they could be included based on the specific individual needs. No specific considerations are made regarding children's disabilities, and similar challenges exist for persons with disabilities, regardless of their age. The representation of children in legal proceedings is regulated by Article 53, which

<sup>22</sup> Lietuvos Respublikos pagalbos nuo nusikalstamos veikos nukentėjusiems asmenims įstatymas [Law Of The Republic Of Lithuania On Assistance To Persons Affected By Criminal Acts], < <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/ce7d8910571711eba1f8b445a2cb2bc7>>

<sup>23</sup> Grigaitė, Ugnė and Leonaitė, Erika, Voices For Justice Victims Of Crime With Disabilities In Lithuania (2022) <<https://validity.ngo/wp-content/uploads/2022/04/National-finding-report-litvan-en-2-220426-1.pdf>>

<sup>24</sup> United Nations Human Rights Office of the High Commissioner, Committee on the Rights of Persons with Disabilities: Consideration of State Report. <[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2683&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2683&Lang=en)>

allows parents, adoptive parents, guardians, carers, or authorised individuals to act as representatives. Legal representatives have specific rights and duties, one of which is to act in the best interest of the child, ensuring the protection of children's interests in the criminal process. If legal representatives cannot support the child or a conflict of interest arises, for example, if a parent is a suspect, Child Protection Services and law enforcement institutions work to support and represent the child.

Articles 27, 186, 189, 280, 283 of the Code of Criminal Procedure set out provisions for children participating in the legal proceedings. In the assessment of a child's ability to testify in court, various factors are considered, such as the age of the child, their ability to provide explanations, their psychological-emotional state, and the nature of the criminal act involved. The judge takes into account how strongly the child may have been emotionally affected, emphasising the importance of a proper preparation for the child's interview. Article 362 sets out 'special protection' needs, defined as the needs of the victim determined by personal characteristics, the nature of the criminal act or the circumstances of its commission, so that the victim is protected from trauma or other negative consequences.

The specific standards and conditions for conducting the 'special protection' needs assessment are outlined in the Prosecutor General's Guidelines. As per the assessment form included in these guidelines, special considerations are made in cases where the victim is a child. The right to use the services of an interpreter is guaranteed to a person who has a disability. At the request of the victim, this measure is mandatory and cannot be limited.

Court psychologists play a crucial role in this process, assisting judges by formulating questions, anticipating sequences, and minimising potential emotional distress for the child. The testimony of a child is deemed valuable, provided it is obtained in accordance with the law and is considered reliable. The court relies on two main criteria when evaluating children's statements: whether they were obtained without significant violations of the criminal process requirements and whether they can be deemed reliable. Nevertheless, during the focus group, the potential issue of not only the availability of these professionals across the country but also of the quality of qualifications of certain court psychologists was raised.

"And those interviews that take place at the police are another big problem because those who help interview the child often are called from 'the list' of professionals. These are usually psychologists who, in general, lack that specialised type of knowledge very much." – Court Psychologist, female

As for the protection of child victims and witnesses of crime, specific guidelines were collaboratively developed by the NGO Children Support Centre and approved by the Ministry

of Justice and the General Prosecutor's Office.<sup>25</sup> Although the guidelines do not specify age, maturity, gender, and disability considerations, they outline key principles aimed at ensuring the well-being and rights of these vulnerable individuals. Firstly, the guidelines assert the right of every child victim or witness to receive professional psychological, medical, and pedagogical assistance. This provision seeks to alleviate the negative impact of the crime and mitigate adverse consequences stemming from the child's participation in legal proceedings.

Moreover, each child is afforded the right to receive information that aligns with their developmental stage, specifically tailored to elucidate their role and involvement in legal procedures. Recognising the potential for secondary trauma, the guidelines emphasise protective measures, such as child-friendly interview rooms. These rooms, staffed by adequately trained professionals, should be equipped to cater to the child's developmental needs, minimise negative experiences, enable observation in a separate room, and ensure comprehensive audio and video recording of the interview.

Nevertheless, it was noted during semi-structured interviews that in practice this provision comes with its own gaps and challenges.

"There are more problems when we face, for example, when it is necessary to interview children. Well, for example, not every police station has enough children's interview rooms and they are not always adapted, for example, to children with disabilities. (...) Accessibility and adaptation of the environment and these processes for children with disabilities is not yet strong and it does not yet meet the needs of all children. This might be the biggest problem."

– Representative of the Child Protection Agency, female

Generally, efforts are directed towards minimising the number of interviews with the child victim to reduce potential trauma and distress, emphasising the importance of conducting interviews with children only once. The guidelines also advocate for the recording of child interviews through audio-visual equipment to capture a complete record of it. According to the guidelines, children, whether victims or witnesses, have a right to safety and protection, necessitating separation from the accused or suspect throughout all legal procedures.

In addition, every child retains the right to communicate with family and friends during all legal procedures. While this right may be temporarily restricted in alignment with the child's interests or procedural steps, the fundamental right to communication is preserved. Lastly, the guidelines underscore the right of children to adequate representation during legal proceedings, particularly in preparatory and judicial phases. In instances where parents or

<sup>25</sup> Paramos vaikams centras, 'Vaikų – nusikaltimų aukų/liudytojų – apsaugos gairės' [Guidelines for the Protection of Child Victims/Witnesses of Crime] <[https://pvc.lt/wp-content/uploads/images/banners/Soc\\_kampanijoms/vaiku%20lankstukas.pdf](https://pvc.lt/wp-content/uploads/images/banners/Soc_kampanijoms/vaiku%20lankstukas.pdf)> accessed 10 August 2023.

guardians are unable to ensure adequate representation, the guidelines advocate for representation by a child rights protection or another professional appointed by the court, prosecutor, or pre-trial investigation officer.

Initiating legal proceedings presents a significant barrier for children with disabilities, as they are unable to independently initiate a court process or participate in legal proceedings until they reach the age of majority. Typically, a child's legal representative, often a parent or guardian, takes on this role. However, exceptional situations may arise where the law permits a child to independently report a crime without relying on their legal representatives. For example, if a child comes to the police station without parents or legal representatives, if the criminal activity relates to parents or guardians, the police will not inform them of the child's report until safety has been assured.<sup>26</sup>

The right to be heard in court is a crucial aspect, providing children the opportunity to express their views in cases impacting their interests. This right extends to situations where legal proceedings were not initiated by the child or their legal representative, with the court evaluating the best interests of the child on a case-by-case basis.

Court hearings, which are usually public to ensure transparency, may be closed to protect legitimate interests, including those of the child. In Lithuania, this closure is a standard practice in cases involving parental authority, communication rights, paternity establishment, illegal child transfer, and adoption. The court may also independently or at the request of a parent or guardian decide to close hearings to safeguard the child's interests.

Special considerations are in place for examining child witnesses in court. The court may determine that a child should be interviewed in the presence of their representative or other specified individuals, such as a child rights professional or psychologist. Lithuania follows the principle of direct communication, mandating judges to interview child witnesses directly, bypassing intermediaries.

Nevertheless, a forensic psychologist participates in the questioning and helps the child to understand questions. Parents cannot object to judges questioning their child, and these interviews can occur outside the courtroom. There is no set age limit for a child to become a witness, but psychological evaluations may be requested during legal proceedings if doubts arise about a child's ability to testify due to their age or developmental level.

Despite the increasing availability of specialised child interview rooms in Lithuania, a shortage of qualified personnel to conduct these interviews remains a considerable challenge. The absence of a consistent training system for professionals conducting child interviews exacerbates the issue. While some individual efforts by interrogators, prosecutors, and judges aim to enhance their knowledge, there is a lack of mandatory training. NGOs like the Children

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<sup>26</sup> nukentėjusiems.lt, 'Kaip pranešti apie nusikaltimą' [How to report a crime] <<https://www.nukentėjusiems.lt/iki18/kaip-pranesti-ir-gauti-pagalba/kaip-pranesti-apie-nusikaltima/>> accessed 10 November 2023.

Support Centre organise trainings, introducing professionals in the legal system to child interview techniques and methods. However, these efforts are not consistently implemented, contributing to a gap in the ability to conduct child interviews effectively.<sup>27</sup>

### **03 National framework to provide information, procedural accommodations and support for children with disabilities who are victims of crime**

As highlighted in the previous sections, the Code of Criminal Procedure and Law on the Fundamentals of the Protection of the Rights of the Child may be referred to as being among the most important laws related to procedural accommodations and support for children with disabilities who are victims of crime.

Several public institutions are responsible for ensuring the protection of children's rights and a comprehensive list is available on the State Child Rights Protection and Adoption Agency's website.<sup>28</sup> Please refer to Section 3.6. of this report for more information on the responsible authorities.

The participation of children in criminal trials in Lithuania and their awareness of the proceedings is a complex issue. The usual practice is that the child's participation and direct provision of information to the child are often limited, and the child's perspective can be overlooked. Instead, professionals tend to engage primarily with the child's legal representative or lawyer, relying on written reports submitted by professionals representing the Child Rights Protection Service or psychologists. This limitation is exacerbated for children with mental health conditions or disabilities.

A report published in 2014<sup>29,30</sup> outlines observations of ten court hearings in a Lithuanian district court handling *civil cases* involving children revealing significant variability in the court processes, depending on the judge's subjective position, attitude, and even personality type. While some judges aimed to create a supportive atmosphere, others exhibited more confrontational behaviours, potentially increasing stress for all involved. Although judges introduced people's rights at the start of court sessions, the process was often rapid and formal, lacking sufficient assurance that participants truly comprehended the information.

<sup>27</sup> Žmogaus teisių gidas, 'Vaikas ir teismo procesas' [The Child and the Court Process]

<<https://www.zmogausiteisiugidas.lt/lt/temos/seima/vaikas/vaikas-ir-apsauga-procese/vaikas-ir-teismo-procesas>> accessed 30 July 2023.

<sup>28</sup> Valstybės vaiko teisių apsaugos ir įvaikinimo tarnyba, Sistema Lietuvoje [System in Lithuania]. <<https://vaikoteises.lrv.lt/lt/veiklos-sritys/vaiko-teisiu-apsauga/sistema-lietuvoje>>

<sup>29</sup> Ugnė Grigaitė, 'Vaikų, turinčių psichikos sveikatos sutrikimų ar negalią, teisė į teisingą teismą administracinėje, civilinėje ir baudžiamojoje teisėje Lietuvoje: Tarptautinio tyrimo ataskaitos dalies santrauka', [Access to Justice for Children with Psychosocial or Intellectual Disabilities in Administrative, Civil and Criminal Law in Lithuania] (2014) <[https://perspektyvos.org/wp-content/uploads/2021/06/mdac\\_ataskaita\\_20140822.pdf](https://perspektyvos.org/wp-content/uploads/2021/06/mdac_ataskaita_20140822.pdf)>

<sup>30</sup> Mental Disability Advocacy Center, 'Vaikų, Turinčių Psichikos Sveikatos Sutrikimų Ar Negalią, Teisė į Teisingą Teismą: Projekto Ataskaitos Santrauka' [Access to Justice for Children with Mental Disabilities: Project Report Summary] (2015)

<[http://www.mdac.org/sites/mdac.info/files/access\\_to\\_justice\\_children\\_ws0\\_summary\\_lithuanian.pdf](http://www.mdac.org/sites/mdac.info/files/access_to_justice_children_ws0_summary_lithuanian.pdf)> accessed 10 October 2023.

Remarkably, none of the observed court hearings included the physical presence of any children.

Professionals from the Child Rights Protection Service were present in most of the observed court hearings, but their active involvement in the examination process was notably lacking. They did not pose questions, challenge statements, or seek clarifications based on the child's best interests. At the session's conclusion, the Child Rights Protection Service experts read out their service's opinion or, in their absence, the judge conveyed the information. These reports typically evaluated the child's living conditions, with only a few addressing the child's preferences on custodial matters. However, the extent to which these recommendations genuinely reflected the child's wishes and preferences, or if the child's opinion was genuinely considered, remained uncertain.

Concerning accessible communication, AAC systems are somewhat evident in the Lithuanian legal framework<sup>31</sup> through the right to receive compensation for alternative and facilitating means of communication, including speech dialog devices, the cognitive function training software, alternative communication software, and communication picture sets, which is enshrined in the law. The legislation provides a structured framework, delineating the frequency of compensation, such as once every four years for speech dialog devices and once every two years for the alternative communication software, with specified monetary limits to ensure fair reimbursement, reflecting actual costs without exceeding set thresholds.

To receive compensation for the purchase of an alternative communication tool, children's representative, such as parents, adult children, guardians, or an authorised third party, must submit for a compensation along with the required documents to the responsible authority. The extent of these accommodations being used in practice is unknown.

The Order of the Prosecutor General of 16<sup>th</sup> September 2009, No. I-126, provides essential non legally binding recommendations specifically concerning the questioning of child witnesses and victims, emphasising the need for a sensitive and child-centred approach during legal proceedings. Furthermore, the Order of the Prosecutor General of 10<sup>th</sup> May 2008, No. 2, takes a comprehensive stance on crimes and misdemeanours affecting the freedom and inviolability of a person's sexual decision, especially when children are involved. This directive outlines investigative procedures and underscores the state's role in supporting the prosecution in such cases. Additionally, the Order of the Prosecutor General of 16<sup>th</sup> October 2002, No. 143, focuses on the proactive role of resorts in safeguarding children's rights and protecting the interests of children affected by violence.

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<sup>31</sup> Dėl Asmenų aprūpinimo klausos, regos, komunikacijos ir sensorikos bei judėjimo techninės pagalbos priemonėmis tvarkos aprašų patvirtinimo [Regarding The Approval Of The Descriptions Of The Procedure For Providing Individuals With Hearing, Vision, Communication And Sensory And Movement Technical Assistance Devices] 2022.

## 04 Individual assessment

In Lithuania, the concept of procedural accommodation is articulated in the Law on the Fundamentals of Protection of the Rights of the Child. According to Article 45 of this law, a child who has violated a right is entitled to careful, honest, and respectful treatment throughout all stages of the legal responsibility process. This approach is specifically tailored to the child's age and maturity level, with special attention given to assessing their needs, protecting their rights, and ensuring their legitimate interests. Importantly, procedural actions concerning a child are conducted in an environment that is child-friendly and aligns with the child's interests, as stipulated in Article 2, Part 12 of the law.

Article 189 of the Code of Criminal Procedure outlines the procedure for individual assessment of a child suspect. No such provision exists for child witnesses – the legislation simply states that forensic psychologists can help with assessing individual needs. Regarding individual assessments of child suspects: after questioning a child suspect for the first time, the pre-trial investigation officer or prosecutor conducting the pre-trial investigation is to immediately apply to the Child Rights Protection institution for the individual assessment of the child suspect.

The institution has the right to receive data from the municipal pedagogical psychological service on the child's 'special educational needs', personality, and maturity assessment. This data must be provided by the municipality's pedagogical psychological service no later than within ten working days from the date of the receipt of the application. An individual assessment of the child must be carried out and a summary of the information submitted in the prescribed written form to the pre-trial investigation officer or prosecutor no later than within twenty-five working days from the date of receipt of the appeal.<sup>32</sup>

"As far as I know, those tools are especially used in psychiatric psychological complex examinations. For children with mental and physical disabilities, and for children in general. They have their own methods, their own ways, and there are all kinds of drawings, tables, and various methods. In the sense of what the experts draw conclusions from and write the expert report." – Prosecutor, female

Moreover, additional provisions within the Law on Assistance to Persons Affected by Criminal Acts and the Code of Criminal Procedure reinforce the child's right to be protected from violence. The law mandates that parents, representatives, state, and municipal institutions ensure protection from all forms of violence against children. When a child is victimised by a

<sup>32</sup> Lietuvos Respublikos baudžiamojo proceso kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. Baudžiamojo proceso kodeksas [Law on the Approval, Entry into Force and Implementation of the Code of Criminal Procedure of the Republic of Lithuania. Criminal Procedure Code] 2023 (IX-785).

criminal act, their rights, freedoms, and protection are regulated by the Law on the Fundamentals of Protection of the Rights of the Child and its implementing legal acts.

The right of a child to participate and be heard directly during criminal judicial proceedings is explicitly guaranteed by the Code of Criminal Procedure. Article 271 defines a child as a natural person below eighteen years of age at the time of the procedural act. The code ensures that if a child reaches adulthood during criminal proceedings, guarantees provided for children may continue to be applied by a prosecutor's decision or a court order.

Furthermore, Article 561 of the Code of Criminal Procedure allows the victim to be accompanied by a person of their choice during criminal proceedings. While emphasizing the victim's right to be supported, it also recognises that the participation of the accompanying person may be limited if it goes against the interests of the victim or hinders the investigation or case consideration. In essence, these legal provisions collectively emphasise the paramount importance of considering a child's age, maturity, and overall well-being, offering a comprehensive array of protective measures and assistance throughout various legal procedures.

Nevertheless, currently, there are no practical guidelines for individual assessments developed or adapted for implementation in Lithuania; for example, such as those outlined in “FOCUS Standards” or any other international evidence-based good practice examples.<sup>33 34</sup>

## 05 Information Provision and Coordination

The Children Support Centre provides professional assistance to children in the event of violent and sexual crimes. Psychological help needs to be applied for by contacting pedagogical psychological services according to the place of residence.<sup>35</sup>

The process is slightly different for victims of sexual abuse. Since 2016, there is a separate Help Centre for Child Victims of Sexual Abuse. It is the only specialised centre in Lithuania, where all services necessary for investigating cases of sexual violence against children are gathered under one roof. Services provided here to children and their family members are free of charge.<sup>36</sup>

Methodologies and tools for supporting AAC users were brought to Lithuania by an Australian Lithuanian Danutė Baltutytė in 1993-1994. Since then, it has been applied to pupils and

<sup>33</sup> Rebecca O'Donnell, FOCUS Standards: Individual Assessment – A Gateway to a Child Centred Justice (2021) <<https://focus.justicewithchildren.org/sites/default/files/library/attachments/FOCUS%20Standards.pdf>>

<sup>34</sup> Bruno Monteiro, Pathways for Inclusive Individual Assessments of Children in Criminal Proceedings (2022) <<https://validity.ngo/wp-content/uploads/2022/08/Pathways-for-Inclusive-Individual-Assessment-for-EU.pdf>>

<sup>35</sup> Nukentėjusiems nuo nusikaltimų padedanti organizacija, Kaip pranešti ir gauti pagalbą: Dėl nusikaltimų prieš vaikus [How To Report And Get Help: Crimes Against Children]. <<https://www.nukentejusiems.lt/kaip-pranesti-ir-gauti-pagalba/del-nusikaltimu-pries-vaikus>>

<sup>36</sup> Užuovėja, Apie pagalbos centrą [About The Support Center]. <<https://www.uzuoveja.lt/vaiku-nukentejusi-uo-seksualines-prievartos-pagalbos-centras/apie-pagalbos-centra/53>>

students with intellectual, motor, speech and other communication difficulties in the education system, i.e. for those children who have no verbal communication at all, or whose language is incomprehensible to others: the AAC methods, tools and devices partially change the language and the AAC systems are selected for each child corresponding to their intellectual abilities.<sup>37</sup>

At present, specific graphic symbols are most commonly used in Lithuania. In the years 2022 and 2023 intensive training was held across the Lithuanian education sector on how to use AAC for children without verbal communication. In general, the developments in the field of AAC use in Lithuania have been slow, but there are some promising practices: various technologies, communicators and board makers are used for alternative communication, teachers in schools use both tables and books for communication and learning, as well as symbol tables with communicators. However, there is no information nor evidence about the use of AAC in practice in the criminal justice system.

The details on information provision and coordination are discussed in more detail in Chapter 5 of this report.

## 06 Responsible authorities

In Lithuania, the establishment and implementation of state policy in the field of child rights protection fall under the purview of the Seimas (Parliament) and the President, with the Government being responsible for ensuring its execution. The Ministry of Social Security and Labor plays a central role in managing child rights protection, participating in policy formation, taking responsibility for it, and coordinating its implementation.<sup>38</sup>

Other ministries, local municipalities, and NGOs also share the responsibility for the proper implementation and protection of children's rights, as outlined in the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania. Since 1<sup>st</sup> July 2018, the State Child Rights Protection and Adoption Service, operating under the Ministry of Social Security and Labor, has become the central institution overseeing the child rights protection policies. This service holds the authority to coordinate actions related to children's rights across national, municipal, and local levels. Similarly, the Law on the Fundamentals of the Protection of the Rights of Persons with Disabilities designates specific institutions responsible for social inclusion efforts for persons with disabilities.

The Government, ministries, the Department for the Affairs of Persons with Disabilities (under the Ministry of Social Security and Labour), municipalities, and associations of persons with

<sup>37</sup> V. Liaudanskienė, A. Viliūnienė, Bendravimo su vaikais, turinčiais įvairaus lygio negalią, būdai ir technologijos (2006) <<https://www.klrppt.lt/wp-content/uploads/2016/11/Alternatyvi-komunikacija.pdf>>

<sup>38</sup> Valstybės vaiko teisių apsaugos ir įvaikinimo tarnyba, Sistema Lietuvoje [System in Lithuania]. <<https://vaikoteises.lrv.lt/lt/veiklos-sritys/vaiko-teisiu-apsauga/sistema-lietuvoje>>

disabilities each have defined roles, ranging from policy coordination to local program implementation and advocacy for the rights and social inclusion of persons with disabilities.<sup>39,40</sup>

In practice, once criminal proceedings are initiated, challenges emerge as forensic psychologists and legal representatives, working with child victims, heavily depend on the information about child's situation and needs provided by investigative officers or court professionals. Information is not always available or provided in a timely manner, which introduces potential hurdles in ensuring implementation of appropriate accommodation measures. The lack of information sharing directly compromises effectiveness of forensic psychological assessments and support for child victims.<sup>41</sup> This is alarming since global evidence shows that deficiencies in inter-sectoral and multi-disciplinary communication and collaboration among different agencies and institutions may form significant barriers not only for effective and appropriate institutional responses but also for reporting of the crimes in the first place.<sup>42 43</sup>

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<sup>39</sup> Ministry of Social Security and Labour of the Republic of Lithuania, 'Vaiko Teisių Apsauga' [Child Rights Protection] (26 January 2022) <<https://socmin.lrv.lt/lt/veiklos-sritys/seima-ir-vaikai/vaiko-teisiu-apsauga>> accessed 10 August 2023.

<sup>40</sup> Ugnė Grigaitė, 'Country Report on Lithuania for the Study on Member States' Policies for Children with Disabilities' (2014) <[https://www.europarl.europa.eu/thinktank/en/document/IPOL\\_STU\(2014\)519201](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2014)519201)> accessed 10 August 2023.

<sup>41</sup> From semi-structured interviews.

<sup>42</sup> Nathan Hughes, Frances Sheahan, W Huw Williams, Prathiba Chitsabesan, Ensuring the rights of children with neurodevelopmental disabilities within child justice systems (2020) *The Lancet: Child and Adolescent Health*, 4(2), 163-166. <[https://doi.org/10.1016/S2352-4642\(19\)30401-8](https://doi.org/10.1016/S2352-4642(19)30401-8)>

<sup>43</sup> Connie McGilloway, David Smith, Rose Galvin, Barriers faced by adults with intellectual disabilities who experience sexual assault: A systematic review and meta-synthesis (2018) <<https://doi.org/10.1111/jar.12445>>

# 04

**ICT AND AI IN  
CRIMINAL JUSTICE  
SYSTEM FOR  
ACCESSIBILITY AND  
MULTIDISCIPLINARY  
COOPERATION**

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## **01 Technology in use in criminal justice by criminal justice professionals, child protection units/professionals and court staff to share information about what has been done in the case**

In Lithuania, the main technological system used by the courts is known as the Lithuanian Courts Information System (LITEKO). It is used to electronically manage the data of cases in the Lithuanian courts, to record the progress of the proceedings and to provide conciliation mediation and public electronic services in accordance with legal acts. The National Courts Administration is responsible for managing and processing LITEKO, which includes overseeing the security of LITEKO data, the proper operation and development of the system's hardware and software, and the performance of other functions specified in the regulations.<sup>44</sup>

Electronic services portal [www.e.teismas.lt](http://www.e.teismas.lt) is part of the LITEKO system. Using this portal, participants in court proceedings can use the system to familiarise themselves with the documents accepted by the court, pay duties and fees, listen to the audio recordings of the court hearings. These services may be used by both court employees and external users (e.g., lawyers).

It should be noted that in certain cases, the materials of the case being examined in court, or its documents may be classed as non-public. The basic principles and procedure of LITEKO for handling non-public data in civil, criminal, and administrative offences and administrative cases of Lithuanian courts are regulated by the Council of Judges approved description of the procedure for processing non-public data in the information system of Lithuanian courts.<sup>45</sup>

Procedural documents are submitted to the court by means of electronic communication using LITEKO VEP. However, the administrative offense protocol and other procedural documents are submitted to the court through the integrated interface of the Register of Administrative Offences and LITEKO; when a complaint is submitted to the court regarding the decision made by the institution (official) in the administrative offense case, the complaint is submitted electronically through the Electronic Services Portal ([www.epaslaugos.ird.lt](http://www.epaslaugos.ird.lt)).<sup>46</sup>

The hearing of cases and the participation of persons involved in the case and other participants in the process at court hearings may be ensured using information and electronic communication technologies. For example, via video conferences.<sup>47</sup> This has been available

<sup>44</sup> Dėl Lietuvos teismų informacinės sistemos nuostatų ir Lietuvos teismų informacinės sistemos duomenų saugos nuostatų patvirtinimo [Regarding The Approval Of The Provisions Of The Information System Of The Lithuanian Courts And The Provisions Of Data Security Of The Information System Of The Lithuanian Courts] 2019.

<sup>45</sup> Dėl neviešų duomenų tvarkymo Lietuvos teismų informacinėje sistemoje tvarkos aprašo patvirtinimo [Regarding The Approval Of The Description Of The Procedure For Handling Non-Public Data In The Information System Of Lithuanian Courts] 2017.

<sup>46</sup> Dėl Procesinių dokumentų pateikimo teismui ir jų įteikimo asmenims elektroninių ryšių priemonėmis tvarkos aprašo patvirtinimo [Regarding The Approval Of The Description Of The Procedure For The Submission Of Procedural Documents To The Court And Their Delivery To Individuals By Means Of Electronic Communication] 2022.

<sup>47</sup> Dėl Vaizdo konferencijų įrangos naudojimo teismo proceso metu tvarkos aprašo patvirtinimo [Regarding The Approval Of The Description Of The Procedure For The Use Of Video Conferencing Equipment During Court Proceedings] 2017.

since 2014 when special video equipment was installed, and its use has increased significantly in 2020-2021 at the beginning of the Covid-19 pandemic.<sup>48</sup> Remote interviews are available for witnesses, victims, persons who cannot attend court hearings due to health, and children.

Currently, the judicial system does not employ artificial intelligence in its operations, nevertheless, the system uses some specialised algorithms to automatically distribute cases.<sup>49</sup> These tools seem to only be available to judicial staff and not the court service users.

Further information about court activities, including proceedings, is shared on [www.teismai.lt](http://www.teismai.lt) website, managed by the National Courts Administration.

Additionally, individual courts publish specific information on their respective websites, along with links directing to [www.teismai.lt](http://www.teismai.lt).

### Informational accessibility

The main website [www.teismai.lt](http://www.teismai.lt) and individual court websites have installed the accessibility menu (UserWay) plugins, which allow people with visual impairments to adjust settings for adaptation to people with disabilities, such as text contrast, size, saturation, as well as possible settings for people with disabilities, dyslexic conditions, and others.<sup>50</sup> Furthermore, in alignment with the legislative changes<sup>51</sup>, the National Courts Administration has been actively exploring opportunities to extend the use of electronic tools managed by both the Administration and the courts. This initiative is currently under consideration for implementation with allocated funding, aiming to enhance support for individuals with disabilities.<sup>52</sup>

The electronic portal can be used by any person who can identify themselves by electronic means. Persons who cannot identify themselves by electronic means are given the opportunity to apply to the court by submitting their personal data and receiving special codes issued to that person. In the electronic services portal for criminal cases system, you can use the available 'video help' to support you to understand how the criminal cases system portal works and what technical steps need to be taken in order to submit, view documents in the system or perform other actions. In the portal, it is possible to choose to see information in English. However, no other considerations are made regarding accessibility or individual needs.<sup>53</sup> This is unlikely to be accessible to children without the help of an adult.

<sup>48</sup> Official letter from the Lithuanian National Courts Administration dated 22<sup>nd</sup> February 2024 in response to the Freedom-of-Information request by NGO Mental Health Perspectives of 4th January 2024, No. 1453.

<sup>49</sup> Official letter from the Lithuanian National Courts Administration dated 22<sup>nd</sup> February 2024 in response to the Freedom-of-Information request by NGO Mental Health Perspectives of 4th January 2024, No. 1453.

<sup>50</sup> Official letter from the Lithuanian National Courts Administration dated 22<sup>nd</sup> February 2024 in response to the Freedom-of-Information request by NGO Mental Health Perspectives of 4th January 2024, No. 1453.

<sup>51</sup> Lietuvos Respublikos asmens su negalia teisių apsaugos pagrindų įstatymas [Law of the Republic of Lithuania on the Fundamentals of the Protection of the Rights of Persons with Disabilities], <<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2319/asr>>

<sup>52</sup> Official letter from the Lithuanian National Courts Administration dated 22<sup>nd</sup> February 2024 in response to the Freedom-of-Information request by NGO Mental Health Perspectives of 4th January 2024, No. 1453.

<sup>53</sup> Nacionalinė teismų administracija, "Teisėja Rūta Zubrickaitė: „Naudojimasis EPP sistema išaugo, ir pandemijos laikotarpis dar daugiau asmenų paskatino naudotis šio portalo teikiamomis galimybėmis“ [Judge Rūta Zubrickaitė: "The use of the EPP system has increased, and the pandemic period encouraged even more people to use the opportunities provided by this portal"] <<https://www.infolex.lt/portal/start.asp?act=news&Tema=54&str=85097#>> accessed 12 January 2024.

Anyone, including victims of crime, can find information about the date and time of their criminal hearing, the specific judge hearing the case, or the final court decision that has been made by visiting portals for the court schedule<sup>54</sup> and public search of court decisions<sup>55</sup>.

At [www.sale.teismai.lt](http://www.sale.teismai.lt), visitors can watch a virtual court session, get acquainted with its progress, the rights and duties of the participants in the court process, and find answers to relevant questions related to the court's activities. Informational videos with subtitles are available to educate relevant parties on what to expect, if they are called to testify, how to use electronic services, what is the job of the judge, and more.<sup>56</sup>

It has been recently established in Lithuanian law that a person with a disability has the right to receive information in the accessible method(s) of communication, free of charge in at least one of their chosen accessible means of communication or in Lithuanian sign language, on an equal basis with other persons. Some information about victim rights is available in Easy-to-Read and Sign language.<sup>57</sup>

The website [www.teismai.lt](http://www.teismai.lt) also publishes information related to assistance to victims: tips for helping you prepare to testify, contact details of court volunteers and NGOs that provide assistance during court proceedings.<sup>58</sup> Court volunteers can help persons with disabilities who come to court and, for example, introduce them to the court environment, accompany them to the courtroom, provide practical information related to the court processes.<sup>59</sup>

Nevertheless, court psychologists serve as the primary means to effectively convey information to children.<sup>60</sup> No further information could be found or obtained regarding the technological solutions applicable to children in court settings.

### Information sharing

Concerning data sharing, LITEKO includes a subsystem for data exchange and integration. LITEKO regulations specify the registers and information systems crucial for its operation. In compliance with LITEKO provisions, the National Courts Administration forms agreements with other institutions to provide non-personalised data and personalised data.

After finalising agreements with institutions, electronic integration facilitates data exchange based on specified parameters, such as scope and frequency. For example, integration with

<sup>54</sup> Lietuvos teismų informacinė sistema, Teismų tvarkaraščiai [Court Schedules]. <[liteko.teismai.lt/tvarkarasciai/paieska.aspx](http://liteko.teismai.lt/tvarkarasciai/paieska.aspx)>

<sup>55</sup> Lietuvos teismų informacinė sistema, Vieši sprendimai paieška [Public Search of Court Decisions] <[liteko.teismai.lt/viesasprendimupaieska/detalipaiska.aspx?detali=2](http://liteko.teismai.lt/viesasprendimupaieska/detalipaiska.aspx?detali=2)>

<sup>56</sup> Lietuvos teismai, Informaciniai filmukai: Kaip liudyti, kaip dirba teisėjas, kaip veikia teismai ir kt. [Informational Videos: How To Testify, How Judges Work, How Courts Operate, Etc.]. <[teismai.lt/lt/informaciniai-filmukai-kaip-liudyti-kaip-dirba-teisejas-kaip-veikia-teismai-ir-kt./3147?fbclid=IwAR14Ckpn9egu9wU0usFoxi7ORg5zx6Rqzk0pr5H-T3j7DtX8HZhURbYWgql](http://teismai.lt/lt/informaciniai-filmukai-kaip-liudyti-kaip-dirba-teisejas-kaip-veikia-teismai-ir-kt./3147?fbclid=IwAR14Ckpn9egu9wU0usFoxi7ORg5zx6Rqzk0pr5H-T3j7DtX8HZhURbYWgql)>

<sup>57</sup> Lietuvos teismai, Pagalba liudytojams ir nukentėjusiems: Ką turi žinoti nukentėjęs asmuo [Assistance To Witnesses And Victims: What A Victim Should Know] <[www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/pagalba-liudytojams-ir-nukentejusiesiems/ka-turi-zinoti-nukentejes-asmuo/9831](http://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/pagalba-liudytojams-ir-nukentejusiesiems/ka-turi-zinoti-nukentejes-asmuo/9831)>

<sup>58</sup> Lietuvos teismai, Pagalba liudytojams ir nukentėjusiems: Savanoriai [Assistance To Witnesses And Victims: Volunteers]. <<https://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/pagalba-liudytojams-ir-nukentejusiasem/savanoriai/9266>>

<sup>59</sup> Lietuvos teismai, Pagalba liudytojams ir nukentėjusiems: Savanoriai [Assistance To Witnesses And Victims: Volunteers]. <<https://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/pagalba-liudytojams-ir-nukentejusiasem/savanoriai/9266>>

<sup>60</sup> Official letter from the Lithuanian National Courts Administration dated 22<sup>nd</sup> February 2024 in response to the Freedom-of-Information request by NGO Mental Health Perspectives of 4th January 2024, No. 1453.

the Lithuanian bailiffs' chambers involves combining the Bailiffs' Information System with LITEKO. Similarly, integration with pre-trial investigation institutions occurs through the Integrated Criminal Process Information System and LITEKO.<sup>61</sup>

The consistently growing number of users of the Portal in recent years shows the effectiveness and importance of this tool, facilitating access to justice for the parties to each case, their representatives and other participants in the process. In 2022, members of the advocacy community and civil society were some of the most active legal professionals using the services of the Portal. By the end of 2022 – 2,192 attorneys and 1,118 assistant attorneys used the Portal.<sup>62</sup>

However, it is important to note that there is no common case-management system, where the authorities could share information and files about the case between themselves, and in particular details and relevant information about the victim; to facilitate their work and improve experiences of victims. From the focus group and semi-structured interviews, it was evident that professionals most commonly communicate about cases simply via email.

## **02 Technology in use in criminal justice in order to inform the citizens or to support citizens' filing criminal complaints to courts or obtain information about their case, rights or proceedings**

The reporting of crimes to the police is possible via an online police portal at [www.epolicija.prisijungti.lt](http://www.epolicija.prisijungti.lt). Since 21<sup>st</sup> March 2022, a new portal of electronic services for criminal cases ([www.e-byla.lt](http://www.e-byla.lt)) was created in fulfilment of the contract for the modernisation and installation of the software of the Integrated Criminal Process Information System (IBPS). As with LITEKO system, covered in the previous section, these websites have installed accessibility menu (UserWay) plugins, which allow people with visual impairments to adjust settings for adaptation to people with disabilities, such as text contrast, size, saturation, as well as possible settings for people with disabilities, dyslexic conditions, and others.

Also, the EPP portal provides electronic services that allow the participants of the pre-trial investigation to perform actions related to the pre-trial investigation. The portal is integrated with the IBPS system, VIISP (State Information Resources Interoperability Platform), TEISIS (State Guaranteed Legal Aid Service Information System) and the Advocates Register. Integrations make it possible for uniquely identified users on the portal to receive relevant information about the pre-trial investigation in which they are participating, to correspond

<sup>61</sup> Official letter from the Lithuanian National Courts Administration dated 22<sup>nd</sup> February 2024 in response to the Freedom-of-Information request by NGO Mental Health Perspectives of 4th January 2024, No. 1453.

<sup>62</sup> Lietuvos advokatūra, 'Nacionalinė teismų administracija prašo advokatų daugiau naudotis Lietuvos teismų informacinės sistemos (LITEKO) paslaugomis, siunčiant ir gaunant dokumentus' [The National Administration Of Courts Asks Lawyers To Make More Use Of The Services Of The Lithuanian Court Information System (LITEKO) When Sending And Receiving Documents] <<https://www.advokatura.lt/naujienos/nacionaline-teismu-administracija-praso-advokatu-daugiau-naudotis-lietuvos-teismu-informacines-sistemos-liteko-paslaugomis-siunciant-ir-gaunant-dokumentus>> accessed 12 January 2024.

with the investigator of the pre-trial investigation, to submit new procedural documents and/or complaints about the ongoing pre-trial investigation. Integration with the lawyers' registry allows lawyers to remotely familiarise themselves with case materials, submit procedural documents for pre-trial investigation actions.<sup>63</sup> Services through the electronic services portal are provided only to authenticated, logged-in users who have legitimate interest in an ongoing investigation, therefore, no conclusions could be drawn on how accessible and inclusive internal communication is.<sup>64</sup>

### 03 Technical accessibility for persons with disabilities

While some resources for victims of crimes with sensory disabilities were found during the research study on the government websites, no specific mention was found regarding the needs of children with various types of disabilities.<sup>65</sup>

The Information Society Development Committee conducts annual surveys since 2021<sup>66,67</sup>, to ensure that state and municipal institutions comply with established accessibility requirements for websites and mobile applications. Their evaluations employ two methods: a detailed monitoring and simplified monitoring. The detailed monitoring method examines various aspects such as form interactions, interfaces, data entry confirmations, error messages, and website performance under different settings, as well as accessibility for users with disabilities.

The simplified monitoring method investigates 131 websites, including those under the Ministry of Justice, using automated testing tools to assess compliance with the harmonised standard. The tools address a range of user accessibility needs, including visual impairment, limited vision, colour perception, hearing impairment, speech impairment, limited hand movement or strength, sensitivity to light, and cognitive abilities. The 2023 assessment results indicate that institutions under the Ministry Justice and their websites meet the established criteria for accessibility. The assessment does not include age- or gender-appropriate information.<sup>68,69</sup> The police website is not regularly monitored, whilst information about the assessment of the court services websites is covered under section 4.1. of this report.

<sup>63</sup> Asseco Lietuva, Startavo baudžiamųjų bylų elektroninių paslaugų portalas "E-byfalt" [The Electronic Services Portal For Criminal Cases "E-Byfalt" Has Started] <<https://lt.asseco.com/spaudos-centras/naujienos/startavo-baudziamuju-bylyu-elektroniniu-paslaugu-portalas-e-byfalt-4750>>

<sup>64</sup> E-byfa.lt, Pradžia [Home] < <https://e-byfa.lt/pradzia>>

<sup>65</sup> Ministry of Justice of the Republic of Lithuania, 'Elektroninio Leidinio „Ką Turi Žinoti Nukentėjęs Asmuo?“ Versija Regos Negalių Turintiems Asmenims' [The Visually Impaired Version of the Electronic Publication "What Should an Injured Person Know?"] <<https://tm.lrv.lt/lt/nukentejusiems-nuo-nusikaltimu/elektroninio-leidinio-ka-turi-zinoti-nukentejes-asmuo-versija-regos-negalia-turintiems-asmenims>> accessed 10 August 2023.

<sup>66</sup> Informacinė visuomenės plėtros komitetas, Veiklos sritys: Interneto svetainių prieinamumas [Areas Of Activity: Accessibility Of Websites] <<https://ivpk.lrv.lt/lt/veiklos-sritys-1/interneto-svetainiu-prieinamumas>>

<sup>67</sup> Official letter from the Information Society Development Committee dated 18<sup>th</sup> January 2024 in response to the Freedom-of-Information request by NGO Mental Health Perspectives of 4<sup>th</sup> January 2024, No. 1454.

<sup>68</sup> Informacinė visuomenės plėtros komitetas, Veiklos sritys: Interneto svetainių prieinamumas [Areas Of Activity: Accessibility Of Websites] <<https://ivpk.lrv.lt/lt/veiklos-sritys-1/interneto-svetainiu-prieinamumas>>

<sup>69</sup> Official letter from the Information Society Development Committee dated 18<sup>th</sup> January 2024 in response to the Freedom-of-Information request by NGO Mental Health Perspectives of 4<sup>th</sup> January 2024, No. 1454.

The assessment conducted by the Information Society Development Committee is considered to be quite extensive, although lacking information on information accessibility for children. In conducting assessments for the accessibility of the website and mobile application, adherence to Directive (EU) 2016/2102 is reviewed, ensuring compliance with specified standards and technical specifications outlined in Article 6 of the directive. The methodology is also guided by the Commission Implementing Decision (EU) 2018/1524. The evaluation process incorporated the Committee Director's 2013 order on methodological recommendations and the latest updates of the European harmonized standard EN 301 549 V3.2.1 (2021-03). Committee experts use simplified monitoring method, which allows to identify non-compliance with the Web Content Accessibility Guidelines (WCAG) 2.1. The assessment involves selecting three typical page templates for each website and employing expert methods to determine keyboard navigation capabilities. Automatic tools recommended by the World Wide Web Consortium (W3C) Web Accessibility Initiative are used in the evaluation process.<sup>70</sup>

## 04 AI projects in civil and criminal justice that improve victims' access to justice

No information could be identified or obtained during this research study about any specific AI projects that may have been implemented to promote multidisciplinary cooperation in criminal justice system or participation of children, including those with mental health conditions or disabilities, and AAC users.

As outlined in section 4.1. of this report, video technology is utilised at various stages of legal proceedings, across both civil and criminal cases. Video conferencing, introduced in 2014, facilitates remote participation in court hearings, interviews, and testimonies for witnesses, victims, and individuals unable to attend physically. Child witnesses can use special rooms in the court buildings to provide their video testimonies. Support is provided by forensic psychologists.

However, this is not always straightforward in practice. As it was noted by a Legal Guardian of a child with a disability in one of the semi-structured interviews, the technology and other related circumstances do not always work to protect the integrity and well-being of the child victims of crime.

"Well, the interviews, you know, where they take place in the interview room, where they are recorded, where the psychologist has to reformulate the questions [for the child]. Only in our experience, very sad, but the girl mentioned that she overheard all the questions from her headset before they were paraphrased. Clearly the tuning of

<sup>70</sup> <https://ivpk.lrv.lt/lt/veiklos-sritys-1/interneto-svetainiu-prieinamumas/lietuvos-viesojo-sektoriaus-instituciju-interneto-svetainiu-ir-mobiliuju-programu-prieinamumo-stebesenos-ataskaita-2023/>

the sound was bad. It seems like a technical detail, but it was important to her [the child]. Because those questions are straight [unadjusted by psychologists], they are coming out of the court hall. The psychologist must adapt them to the child. And when the child hears those direct questions [not adapted], well, it was very difficult for her." – Legal Guardian, female



# 05

**PRACTICAL  
FUNCTIONING OF  
THE CRIMINAL  
JUSTICE SYSTEM**

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## Results of the Qualitative Study

### 01 Themes

The thematic analysis of data collected during the focus group and semi-structured interviews resulted in six main themes, as follows:

- 1) Identifying of and accommodating for individual needs and barriers
- 2) Informational and communication challenges
- 3) Training and skills of professionals
- 4) Attitudes and stigma
- 5) Multi-disciplinary and inter-sectoral collaboration
- 6) Systemic and structural challenges

### 02 Individual assessment and referral

Theme-1 (*Identifying of and accommodating for individual needs*) highlights that Articles 22-24 of the EU Victims' Rights Directive are not systemically implemented in Lithuania. The shortcomings include the fact that individual needs assessments are not systematically carried out for all children, and their views, wills, and preferences are regularly not heard (especially children with mental health conditions, psychosocial and/or intellectual disabilities, and those with verbal communication difficulties, including AAC users).

The assessment in practice somewhat diverges from what is guaranteed in national laws, since it is mostly left to the discretion of court psychologists and their professional judgement, experience, and expertise, as well as their personal efforts and level of involvement. During the focus group, a Court Psychologist related to this, as follows:

"It often happens that they don't even name the disability, we even may have to guess it in every possible way when communicating [with the child]. There might be no established disability" – Court Psychologist, female

Other Court Psychologists explained the situation a little more in detail focusing on the importance of communication between professionals and children:

"We don't always receive the documents: not all the time 'special needs' or some disabilities are identified. Sometimes you only understand and find out about it after talking [with the child]. And sometimes you even know the diagnosis, you know the extent of the 'special needs', but when you communicate with the child, you may see that it does not match. Maybe the needs were assessed earlier or some other things

contributed. There is, in fact, a lot of this, and it happens mostly in the pre-trial investigation stages of criminal cases.” – Court Psychologist, male

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"A little bit of law enforcement awareness seems to be lacking in that area. To assess the needs of a child with disabilities in criminal proceedings. Just to understand that such a child needs more time, and more repetitions, and elementary breaks, not rushing, not demanding to speak out of age. So that there are no such statements that if you're 16, you can do it already... Just the awareness and respect of the law enforcement officers who deal with such children [are needed]."

– Court Psychologist, female

In terms of support available to child victims of crime, they always have a state guaranteed attorney and a trusted person or a guardian who may accommodate and support them throughout the process. However, the more specific and individualised accommodations for children with mental health conditions and disabilities are not so common. It was also mentioned in the interviews that there are not enough child interview rooms in the country and some of the equipment and needed materials or tools are often outdated or not available at all. Also, physical, infrastructural, and informational accessibility is lacking across the proceedings and across the country.

"My experience is that, I don't know, there are no accommodations. At no point has anyone asked me if the child had a disability. So, what kind of accommodations could we talk about..." – Legal Guardian, female

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"There is no one-sided clear regulation [about the accessibility of the process and procedural accommodations] and there is certainly a lot of room for the point of view of the prosecutor or the judge themselves. And in this case, a just and appropriate approach is required, there can be no other way." – Judge, female

Most of the research participants expressed their concern about the low quality of the state guaranteed legal aid services and general issues with the representation of child interests. Most of the time the first meeting of the victim of crime with the government-appointed attorney would be in court, and there often are very few (if any) opportunities provided for children to ask questions regarding their case.

The absence of appropriate procedural accommodations and communication aids may even lead to secondary victimisation. This may manifest through multiple interviews of children instead of just one which would be carried out in the most accessible way if using means of communication tailored and appropriate for the child's individual needs. Also, if the first interview would be adequately recorded using the most technologically advanced equipment.

Additionally, it was pointed out in the interviews that due to certain infrastructural limitations, it has been known that sometimes child victims of crime might end up in the same buildings and corridors faced with their perpetrators, or they might accidentally overhear discussions among court professionals about their case.

During the semi-structured interviews, it was noted that a lot of power to accommodate child victims (or not) lies in the hands of various professionals and especially judges who may adapt the proceedings in the most appropriate manner to accommodate child victims of crime:

"The judge – their decisions equal the law. (...) For example, there are judges who have ‘fallen asleep on their merits and statuses’ and they consider themselves several steps above all ‘mortals’. But there are also very down-to-earth judges who, during the trial, explain to each child what is happening, how and why it is happening, what to expect next, and they have patience, and they find the right words." - Social Educator, female

For more selected quotes illustrating Theme-1, please see *Annex 1*.

### **03 Provision of support, information, and communication**

Theme-2 from the thematic analysis (*Informational and communication challenges*) shows that direct communication between criminal justice professionals and children with mental health conditions, psychosocial and/or intellectual disabilities who are victims of crime is often limited. Provision of information often is directed at their guardians or other support persons; materials are usually neither accessible nor child friendly.

"If you talk about a mental disability or if they have a physical disability, then in fact the reporting [of the crime], in any case, only happens through their parents or through an authorised representative." – Judge, female

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"It depends on the age of the child, since some are smaller, the contact with them is really only through their parents. And with those who are older, the contact also depends on the specifics of the case, because there are cases where it is very difficult for children to speak. (...) It depends a lot on the disability because if the child has a severe disability, it is actually impossible to even interview them. That's when the case goes more or less like this: interviewing everyone else as much as possible and observing, and evaluating. (...) It remains to be seen how much that person will be able to participate." – Lawyer, male

It is also evident that professionals often lack the needed knowledge and skills to communicate with children with disabilities in a simplified and accessible way, or using any type of alternative communication methods. This challenge is especially evident in smaller

towns where there is a general scarcity and lack of professionals. In contrast, professionals in larger cities were able to provide some examples of positive practices.

"It is necessary to talk with them in simple words about what is happening (...) and to basically be by their side in a calm, professional manner, without too much emotion. There, let's say, I'm not talking about emotional support, but you really need to empathise with that child, at least explain to them what is going on."

– Social Educator, female

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"It's still very difficult for me to catch up there. (...) Well, even now, I think what will happen next? What awaits us next? (...) Yes, to provide more information. Well, is the investigation still going on? Are parts of the case already closed? Well, we don't know anything... I, for example, don't know anything."

– Parent of a child crime victim, female

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"Even I didn't fully understand this system. It's complicated enough. I hope someone explains it to the common people, but... I doubt it. Because I myself will constantly seek answers, try and find out, (...) how everything is happening here."

– Legal Guardian, female

To recap the information from the previous chapters, child victims of crime receive free legal aid and psychological support whilst going through the court processes. Whether a child can stay at home or is relocated depends on the situation and crime committed. In practice, a lack of direct information sharing and communication with child victims of crime has been observed. For more selected quotes illustrating Theme-2, please see *Annex 1*.

## 04 Procedural accommodations

In addition to Theme-2 described above, Theme-3 (*Training and skills of professionals*) points to gaps in the knowledge base and skills of criminal justice professionals, including police officers, on how to adapt and implement age-, gender-, and disability-appropriate procedural accommodations across the proceedings.

"The problem of communication is very big, and perhaps there are individual situations here too, but children may not necessarily feel safe either. (...) Precisely in cases of children with disabilities, I think that there is still room for us to improve and strengthen the situation. It is very often not named as a separate topic [in trainings]. Usually, it may be 'inserted' into other trainings. Well, for example, in domestic violence training – we might have some kind of a mention about that, but we don't have a separate topic [about disability]." – Representative of the Child Protection Agency, female

Although professionals who were interviewed as part of this study expressed clear commitment and individual efforts to make appropriate arrangements for child victims, such accommodations are not clearly defined in national legal acts and no official guidelines or requirements for ensuring procedural accommodations exist in the country.

"Officers must really be specialised. If we have children with disabilities and it's an ordinary officer... Well, it's very difficult for me to imagine that they could even conduct that initial interview." – Legal Guardian, female

Despite the fact that efforts are always taken to avoid repeated child interviews or hearings, and secondary victimisation; a lack of procedural flexibility regarding accommodating children's physiological needs was described by the research participants: i.e., if the child has specific sleep or rest or eating patterns that are important to them, etc. For example, some children may struggle with extended periods of sitting still and maintaining focus due to shorter attention spans. Research participants described examples where the lengthy nature of court sessions resulted in discomfort for children who required more frequent breaks (e.g. for personal care, including bathroom visits).

"It's an awareness raising [that is needed]. Of course, we always try to communicate as much as possible to lawyers that [children] need breaks, they need repetitions, they need a simplified language, a slower language, maybe more of some kind of visual aids. (...) It seems they should raise their awareness about these things a little."  
– Court Psychologist, female

Another example was provided where children with disabilities or health conditions had specific dietary requirements, sleeping or eating schedules, such as needing to eat at a specific time before taking their medication, which were challenging to accommodate within the structure of court schedules. Such a lack of flexibility in providing timely meals or breaks may have a direct influence on children's emotional state, potentially hindering their ability to provide accurate testimony or engage in the legal process.

Moreover, Theme-4 (*Attitudes and stigma*) highlights quite a common tendency related to negative preconceptions of professionals that often originates from individuals who do not work directly with this demographic group and lack relevant training.

"Procedural measures... These are precisely the legal obstacles. Attitudes, unfortunately, they are really the main issue. If there is a child with a disability... Everyone automatically has some kind of a phobia, and I think that these phobias are due to ignorance, that investigators in our country know too little, and they know too

little because the workload is enormous and there are no specialisations. Those who are specialised and have the knowledge are not afraid of such children, nor of related information, nor of cases, and manage themselves perfectly because they make a plan and everything is clear. All problems arise from ignorance.” – Prosecutor, female

First of all, children in general may be perceived as unreliable witnesses due to their young age or their ‘developing perception of the world’, and developing capacities. This is often exacerbated even more if the child has a mental health condition or disability, especially, when they have an official medical diagnosis. Their testimony may be questioned, they might be doubted or misbelieved, and again – no procedural accommodations are ensured to support their effective participation and their right to be heard.

"Well, when you have a disability, it's immediately that one [reaction]... The first thing that comes up, you know, it's just like a stamp or a label – that they ‘make things up’. You know, that as if it's not true what they are saying. Because as if only ‘non-sick people’ can tell the truth. (...) In that sense, everyone is very, very quick to say that if you are disabled, you are written off. (...) Just written off – they don't hear that child at all." – Legal Guardian, female

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“It really often happens in law enforcement that they don’t believe the child. There are even such specific personalities who do not believe what children say at all. We get to witness these things.” – Court Psychologist, female

For more selected quotes illustrating Themes 3 and 4, please see *Annex 1*.

## **05 Multidisciplinary collaboration**

Theme-5 (*Multidisciplinary and intersectoral collaboration*) illustrates some promising practice examples of effective multidisciplinary collaboration.

“We often receive a lot of information from various services. These services can be the police, medical institutions. That is if some incident occurs. And if the child speaks up or, for example, the school can notice things too. This can be done from side of the school – we may receive such signals. Also from daycare centres, or, for example, social workers.” – Representative of the Child Protection Agency, female

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"All I can say is that intersectoral collaboration and cooperation is very important in this process, and without a doubt, nothing would happen without it. We really collaborate as much as we can, both with judges, prosecutors, and investigators who

collect all the materials. As far as the rights of the child or parents are concerned, sometimes we have to cooperate with lawyers." – Court Psychologist, female

However, it largely depends on the region of the country or a specific city and specific institutions due to the differences in available resources and management support for systematic changes.

On the one hand, some positive intersectoral collaboration efforts are evident.

"One of the tools we use is collaboration, in fact even with the child rights agency – we ask them for information. The investigators also ask for information. If it is about a child, perhaps there is some kind of conclusion written about their health condition, about their activities, in general, there might be characteristics from the school and so on. (...) It's just one of the tools. Of course, how willing they are to cooperate is another question." – Court Psychologist, female

On the other hand, there are still gaps in practices of information sharing and age-, gender-, and disability-appropriate supports.

"You know, first of all, it's a lack of collaboration. Secondly, there is a shortage of highly qualified professionals, and precisely in those most sensitive of our institutions. (...) It is precisely between the institutions that there is a great lack of cooperation, and a sincere desire to help among the professionals themselves. (...) Well, the problem across Lithuania is that the salaries are low, those positions are not attractive, and they require a lot of human contribution to their work, they don't want to give so much heart to put into that work." – Judge, female

There is no national, technologically advanced information-sharing system between various services and criminal justice or child protection professionals; especially there is a lack of a system which would enable professionals to share information about the individual support needs of the child victim of crime.

For more selected quotes illustrating Theme-5, please see *Annex 1*.

## **06 Systemic gaps**

In Theme-6 (Systemic and structural challenges), the systemic lack of specialised professionals, including specialised psychologists and judges across the country was heavily emphasised.

"The challenge is that there is a lack of psychologists, qualified psychologists whose contribution is particularly important when working with such children. (...) I mentioned police stations with specialised investigators as a good practice, but we also have such stations where there are no specialised professionals and everyone still has cases of this type. I think, there is a real challenge of the lack of specialisations. This is very important if we are talking about the pre-trial investigation, the qualifications of the investigators. (...) This is our human resources [problem]." – Prosecutor, female

For the professionals in the system who are indeed specialised, their workloads are too high and they often find themselves overworked and burnt-out. Not only the lack of human resources but also that of some structural, technical resources, and a lack of up-to-date newest equipment were also mentioned as challenges in some cases.

Another major systemic gap is the lack of clear guidance and obligations to ensure age-, gender-, and disability-appropriate procedural accommodations at all stages of the proceedings. For example, child interview rooms are available, however, there is not enough of those across the country, especially in more rural areas. Also, there are not always enough skilled or specialised personnel to effectively conduct child interviews with victims of crime who have mental health conditions or disabilities.

In general, there is no evident systemic proactive approach from the criminal justice professionals to understand how they can make the process and trial more accessible for child victims of crime with mental health conditions or disabilities and promote their participation. Usually, court documents are not delivered in Easy-to-Read nor child-friendly language; the needs of AAC users are not recognised or prioritised.

For more selected quotes illustrating Theme-6, please see Annex 1.



006

**CHILDREN'S  
EXPERIENCES OF  
THE CRIMINAL  
JUSTICE SYSTEM**

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A notable gap may be observed in the existing reports and media coverage, lacking children's perspectives in the criminal justice system: the narratives are predominantly shared by parents, guardians, psychologists, or legal entities, often with the primary objective of raising awareness about various issues affecting the children. These accounts, while valuable, tend to overlook the direct input and unique experiences of the children themselves, including children with mental health conditions and those with disabilities. This contributes to an important limitation: many individuals might only eventually share their experiences of encounters with the criminal justice system once they reach adulthood (if ever).

A similar tendency emerged when recruiting participants for this research study. It was extremely difficult to reach children with mental health conditions or disabilities who are victims of crime. This was made even more complicated by the existing stigma in society: parents and guardians did not feel safe or comfortable enough to allow their children to share their stories, and generally it was often perceived as a taboo topic altogether. Often the disability of a child is still stigmatised in Lithuania (both the public stigma and self-stigma may be present); and victimisation and going through the criminal justice system is regularly a taboo in itself.

## **01 Barriers to the participation of children with disabilities in criminal proceedings**

The possibilities for children with mental health conditions or disabilities to play an active role in the criminal justice system depends on the collaborative efforts of criminal justice and child protection professionals. Ideally, professionals should work in a coordinated manner to facilitate the active participation of children. However, obstacles often impede children, especially those with mental health conditions and disabilities, from reporting crimes and engaging meaningfully in criminal justice proceedings. The scenario for a child with a disability attempting to independently report a crime involves potential challenges in communication, understanding the relevant procedures, and accessing appropriate supports. Legislation may indeed outline theoretical frameworks for how such cases should be handled, but practical implementation is often deficient, as it is apparent from the examples of selected quotes from semi-structured research interviews with children with disabilities outlined in this report, below.

Some of the interviewed children identified feelings of shame while reporting the crime committed against them; also, the uncertainty about how the adults might react to their claims. This may stem from various reasons, including the fear of judgment, embarrassment, societal stigma, and a lack of appropriate and continuous psychological and emotional support.

Informational barriers often emerge due to the complex legal processes, causing confusion and uncertainty among children. Also, geographical challenges may arise, particularly in remote areas of the country, where access to legal services and specialised support is limited.

Children who need psychological or psychiatric expertise may have to travel long distances to larger cities to access these services.

Additional specific challenges have been identified for children with mental health conditions, psychosocial and/or intellectual disabilities. A significant lack of information delivered in formats accessible to children with disabilities could be observed: information is rarely delivered in Sign language, Braille, Easy-to-Read, simplified and child-friendly language; and the needs of AAC users in the criminal justice system are usually not recognised or practically addressed at all.

Further obstacles persist throughout prosecution and trial phases, raising questions about the systemic and coordinated adoption of age-, gender-, and disability-appropriate procedural accommodations. Judges and other actors tend to not consistently make efforts to communicate in a manner adapted to the needs of children with disabilities, hindering their comprehension of proceedings.

The communication often happens through a psychologist and the child participates by listening to the proceedings via headphones. The quality of the audio transition may impose challenges on understanding the information and being potentially exposed to questions formulated in a way that could be classed as secondary victimisation.

*Selected quotes from semi-structured interviews with children with disabilities:*

"I was afraid [to tell my mother]. Ashamed. But I had to tell her and not hide anything."  
– Child with an intellectual disability, victim of crime

"It was scary. I was perplexed. I didn't understand what was happening. (...) The officer would call my mother and inform her. (...) I was taken to a hospital somewhere. I stayed there. (...) I wanted help – not treatment, but for someone to help me [emotionally]." – Child with an intellectual disability, victim of crime

"I just needed support, to have someone by my side. For example, the director [legal guardian] is always around and she would carefully pass information on to me: the information that I either need or don't need. She would just ask me first, whether I needed to know that information or not."  
– Child with a psychosocial disability, victim of crime

"These lawyers, they change. I don't understand who to talk to. (...) I knew nothing, absolutely nothing. (...) [When the pretrial investigation took place] I did not ask for [help] because I did not know that such help was available. (...) I'm missing... I don't know – more conversations, more motivations. (...) I like to talk."  
– Child with an intellectual disability, defendant

"[The lawyer] is an interesting person. He seems very reserved. We didn't really communicate with him, we just said hello to each other, for the first time in that

interview, and that was it. (...) The prosecutor also simply said hello and that was it. (...) We also just said hello to each other with the judge."

– Child with a psychosocial disability, victim of crime

"During the interview, we spoke with a psychologist, psychiatrist. (...) She communicated calmly, everything was fine, I liked everything with her. (...) It was not easy to understand, but it was easy to talk, just like that. Well, there were some questions that made me uncomfortable. But I answered those."

– Child with a psychosocial disability, victim of crime

" I was with a psychologist and my parents were in court."

– Child with an intellectual disability, victim of crime

"No, I did not meet with the officers. (...) The director [legal guardian] told me what would happen next. (...) [Reporting the crime] made me feel very bad. (...) I didn't like that I had to touch on that topic again. (...) Because I was afraid. I was afraid of that person [the perpetrator]. (...) The only thing I understood was that I didn't have to participate [in the proceedings] anymore because it was asked for. The director [legal guardian] asked for me not to participate anymore because it affected me a lot. It affected me a lot psychologically. And I was very tense. I was very afraid. (...) It really beats up your psyche." – Child with a psychosocial disability, victim of crime

## 02 Using technology to overcome barriers

The video conferencing equipment enables courts to remotely interview witnesses, victims, detainees and other participants of the process who cannot attend court hearings. The same technology is available for child interviews. The video conferencing equipment which is available to courts and the one at the police facilities are not coordinated or calibrated with each other; hence, it is not possible for courts to interview persons detained in police custody remotely, and the police must escort them to court.<sup>71</sup> There is no publicly available information on the accessibility of this nor how it could be made compatible with the needs of AAC users.

For children and adolescents, facing difficulties, conflicts, or seeking support in various challenging situations, there are a few resources available in Lithuania. The Children's Helpline, accessible by calling the free telephone number from 11:00 a.m. to 11:00 p.m. daily, offers a platform for those experiencing issues with friends, parents, teachers, abuse, bullying, loneliness, or anyone simply in need of someone to talk to. There are, however, no recent statistics available regarding the number of children with disabilities who call this Helpline.<sup>72</sup>

<sup>71</sup>Teisė.Pro (2021) Ar įmanoma užtikrinti teisę į teisingą teismą nuotoliniu būdu? [Is It Possible To Ensure The Right To A Fair Trial Remotely?] <<https://www.teise.pro/index.php/2021/05/22/ar-imanoma-uztikrinti-teise-i-teisinga-teisma-nuotoliniu-budu>>

<sup>72</sup>Vaikų linija, 'Statistika' [Statistics] <<https://www.vaikulinja.lt/apie-vaiku-linija/statistika/>> accessed 10 August 2023.

Additionally, another supportive avenue is provided through the Help for Children (Lt. Pagalba vaikams) website, where children can communicate by email or call a free number. This service aims to assist children and ensure their rights, addressing various concerns and offering guidance. The service is available on weekdays from 8:00 a.m. to 7:00 p.m., one hour shorter on Fridays and days before public holidays. There is no related statistical information provided on the service's website.<sup>73</sup>

### 03 Data Collection

The official data in Lithuania is primarily collected and administered by the State Data Agency under the Ministry of Finance. The Agency conducts censuses, surveys, and utilise administrative registers to gather information on demographics, the economy, education, and other sectors. Administrative registers maintained by government bodies also contribute valuable information. Various ministries and agencies may collect data relevant to their specific domains.<sup>74</sup>

Publicly available data includes criminal offence rates, numbers of police officers and other law enforcement institutions, as well as numbers of missing children, and thea number of children victims of crimes.<sup>75,76</sup> No disaggregated data is publicly available concerning the number of children with any type of disability in the criminal justice system in Lithuania.

<sup>73</sup> <https://pagalbavaikams.lt>, 'Pagalba Vaikams' [Help For Children] <<https://pagalbavaikams.lt>> accessed 10 August 2023.

<sup>74</sup> Valstybės duomenų agentūra, 'Veiklos sritys' [Activity] <<https://vda.lrv.lt/lt/veiklos-sritys/misija-ir-strateginiai-tikslai/>> accessed 12 January 2024.

<sup>75</sup> Oficialios statistikos portalas, 'Vaikų, nukentėjusių nuo nusikalstamų veikų, skaičius' [The Number Of Children Affected By Criminal Acts] <<https://osp.stat.gov.lt/statistiniu-rodikliu-analize?indicator=S3R548#>> accessed 12 January 2024.

<sup>76</sup> Oficialios statistikos portalas, 'Nusikalstamumas ir baudžiamoji teisena' [Crime and Criminal Justice] <<https://osp.stat.gov.lt/nusikalstamumas-ir-baudziamoji-teisena>> accessed 12 January 2024.

07

**CONCLUSIONS AND  
RECOMMENDATIONS**

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## 01 Promising practices

A number of promising practices could be observed within the Lithuanian justice system. One example is the integration of court psychologists who play a pivotal role in assessing the emotional and psychological needs of child victims of crime. These professionals often serve as advocates for children too, leveraging their expertise to ensure that the individual needs and rights of child victims are recognised and addressed. Beyond their role in psychological assessments, court psychologists are often the first point of contact for judges and prosecutors seeking to ensure child-friendly legal processes, especially with cases involving children with disabilities. In semi-structured interviews of this study, examples were provided where court psychologists collaborated with legal professionals to raise awareness about the potential impact of legal proceedings on children, advocating for measures that minimise trauma and distress.

The introduction of specialised prosecutors and judges, though a discontinued practice by now, had aimed at enhancing expertise of professionals in dealing with cases related to child victims of crime, fostering a nuanced understanding of the challenges they face.

Moreover, the establishment of the national Child Rights Helpline serves as a crucial resource for children to voice their concerns, seek guidance, or report incidents. In addition to offering an immediate and confidential support, the dedicated helpline for children also serves as a valuable source of data on the challenges faced by child victims. For example, data about the nature and prevalence of various issues affecting children within the legal context. This data has the potential to become instrumental in shaping policies, interventions, and systemic improvements aimed at better addressing the specific needs of child victims of crime.

## 02 Conclusions

The aim of this national research report was to provide an overview of the situation of children with mental health conditions and disabilities who are victims of crime in the Lithuanian justice system and suggest recommendations for improvement of the situation. The findings underscore the complexity and challenges faced by child victims of crime, revealing gaps between legal provisions and practical implementation. The examination of the legal and institutional frameworks, as well as the accessibility of support services, has helped to define critical areas requiring attention to ensure a more inclusive and protective environment for the target group.

While legislative measures demonstrate progress, the practical implementation remains an ongoing concern. For example, the lack of ensuring children's rights in obtaining information about their cases and trial outcomes in a fully accessible way, and the general lack of age-, gender-, and disability-appropriate procedural accommodations. Children with lived experiences have shared their stories of facing barriers related to having to talk to a lot of different people and not fully understanding what was going on, people always changing

during the process, communication and information not being clear or tailored to their individual needs, not knowing or understanding what is happening and what to expect next and for what reasons. The process of determining the procedural accommodation measures for children, especially those with disabilities, demands further systemic changes and age-, gender-, and disability-sensitive and appropriate practical developments.

## 03 Recommendations

### Recommendations for governmental institutions

1. Invest in and expand inclusive age-, gender-, and disability-sensitive programmes aimed at reducing societal stigma and encouraging children to report crimes and providing education on what constitutes a criminal activity. These programmes could contribute to creating an environment where child victims of crime, including those with disabilities, are met with compassion, understanding, and appropriate encouragement to safely report crimes.
2. Invest in the development and implementation of functioning and transparent data collection systems that capture relevant information on the number of child victims, types of crimes involved, socio-demographics, data on types of disabilities, individual needs and barriers, data on procedural accommodations provided and communication aids, including AAC, and the outcomes of legal proceedings. This data serves as a crucial foundation for evidence-based policymaking, resource allocation, and services development, allowing institutions to adapt their strategies based on the practical on-the-ground insights.
3. Establish monitoring mechanisms to ensure that the legal services provided to child victims of crime, including children with disabilities, are fully accommodating. This should include regular evaluations of the support programmes and interventions that are in place, assessing their effectiveness, adherence to the best known and evidence-based practices, and impact on the well-being of the children who are crime victims. This ongoing quality assurance process could help identify areas for improvement, refine existing practices, and ultimately enhance the overall quality of age-, gender-, and disability-appropriate services provided within the criminal justice system for children who are victims of crime, including children with mental health conditions and disabilities.

4. Guarantee the provision of qualified free legal representation for children who are victims of crime, including children with mental health conditions and disabilities. Ensure that legal professionals are well-versed in child rights, disability rights, and the nuances of child victim cases, as well as specificities of individual needs, barriers, and different types of disabilities; advocating for the best interests of the child throughout the legal process, at the same time honouring and respecting their voices, wills, and preferences.
5. Develop and enhance victim-witness age-, gender-, and disability-sensitive and appropriate support programmes tailored to the needs of child victims of crime, including children with mental health conditions and disabilities. Provide accessible and understandable information, including AAC tools and technologies, personal assistance, and emotional support throughout legal proceedings, addressing the unique challenges and barriers faced by child victims and their families. In particular, an accessible and affordable ongoing age-, gender-, and disability-sensitive psychological support for children who participate in criminal proceedings.

### Recommendations for the judiciary and criminal justice institutions

1. Prioritise the allocation of funds specifically designated for the procurement of accessibility tools and materials aimed to be used by providing procedural accommodations for children with mental health conditions and disabilities who are victims of crime. For example, communication aids, including those needed for AAC users. These resources can significantly enhance the accessibility of services and ensure that child victims of crime, regardless of their individual challenges or needs, can actively and effectively participate in legal proceedings and support programs. It is equally important to ensure that court staff and other professionals are adequately trained on how to use the resources to support child victims.
2. A procedure should be put in place for timely and effectively identifying individual needs and barriers, assessing, and providing necessary individual age-, gender-, and disability-appropriate support for children with mental health conditions and disabilities who participate in the justice system. Also, for

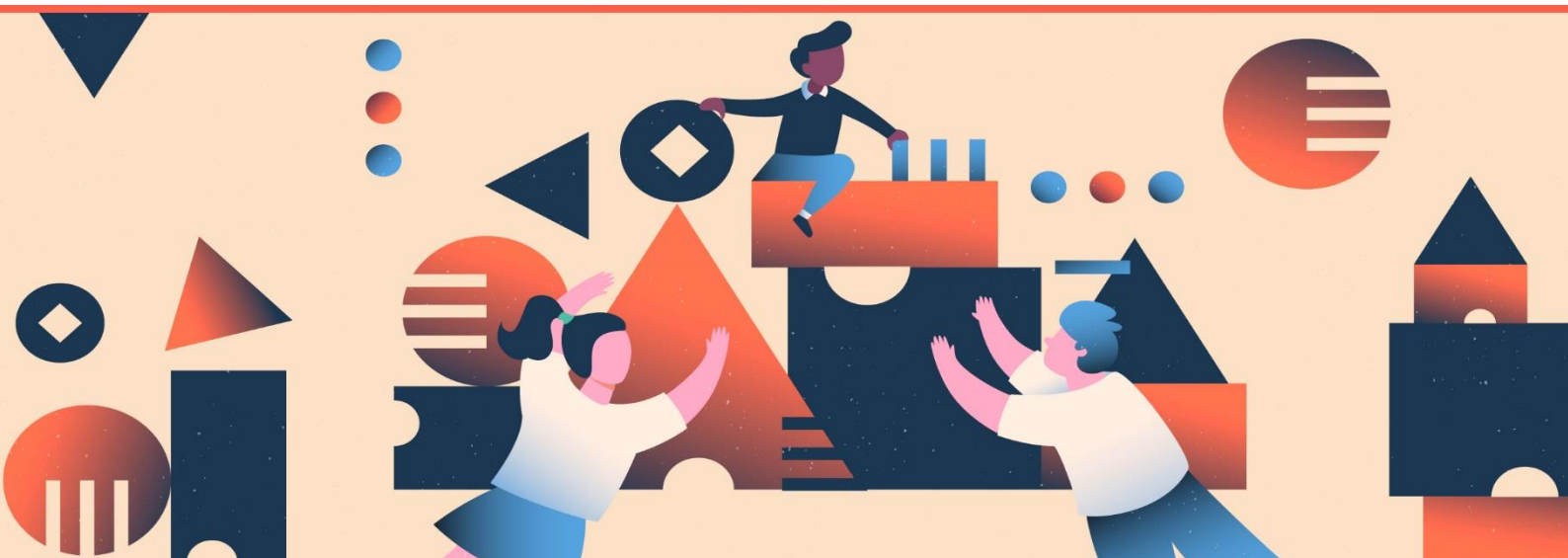
information on this to be shared across all the different stages of the criminal procedure.

3. Work alongside governmental institutions to systemically collect disaggregated data on children with mental health conditions and different types of disabilities in the criminal justice system. It is necessary to better understand the prevalence and needs of this population.
4. Increase efforts in recruiting and deploying a greater number of trained child psychologists. These professionals play a vital role in understanding and addressing the unique psychological needs of child victims of crime, offering specialised therapeutic interventions, and aiding in their emotional recovery. Further support can then be provided to criminal justice professionals who engage with children.
5. Continue to foster multi-disciplinary and inter-sectoral collaboration between the judiciary, law enforcement, child protection agencies, social services, and child healthcare professionals. This can be achieved through establishment of a unified and secure case management system, possibly integrated into the existing Lithuanian Courts Information System (LITEKO) to streamline the exchange of information. This system should prioritise the protection of sensitive data while facilitating efficient communication and collaboration between agencies, implementing standardised protocols for information-sharing, leveraging video conferencing technology, consent processes, and updates on the well-being of child victims. Integrating technologies into the case management systems can enhance real-time communication, allowing professionals from different sectors to discuss cases, share insights, and collectively implement strategies for the welfare of child victims.
6. Invest in modern, fully functioning audio and video recording equipment to accurately document child interviews. Ensure that child-friendly technologies are in place to allow child victims to testify remotely or through closed-circuit television when necessary, minimising the stress associated with courtroom appearances. Also, to ensure their accessibility and compatibility with AAC devices.
7. Develop and implement training programs that address the intersectionality of child victimisation and disability. Train all personnel involved in child victim cases to recognise and accommodate the diverse needs of children with disabilities, ensuring that effective communication and age-, gender-, and disability-

appropriate procedures are accessible. Provide ongoing disability awareness and sensitivity training to professionals involved in child victim cases. Foster an understanding of the unique challenges and barriers faced by children with mental health conditions and disabilities and equip personnel with the skills needed to interact respectfully and effectively. Include scenarios in joint exercises and drills that specifically address the needs of child crime victims with disabilities. Practice providing procedural accommodations, ensuring accessible communication, and coordinating services effectively in situations involving children with diverse abilities.

### Recommendations for criminal justice and child protection professionals

1. When making strategic decisions about resource allocation, consideration should be given to the individual needs, existing barriers, and procedural accommodations required by child crime victims with mental health conditions, psychosocial and/or intellectual disabilities, as well as other vulnerable individuals.
2. Before implementing new policies or procedures, risk assessments should be conducted to identify and address any potential risks or challenges they could impose on child victims of crime who have mental health conditions, psychosocial, intellectual and/or other disabilities.
3. Close and regular collaboration with civil society organisations, human rights and disability NGOs could help to design and implement quality programmes suitable for the needs of children victims of crime who have mental health conditions, psychosocial, intellectual disabilities and/or other disabilities.



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# ANNEXES

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*Annex 1: Quotes from the focus group and semi-structured interviews***Theme 1) Identifying of and accommodating for individual needs**

"My experience is that I don't know, there are no accommodations. At no point has anyone asked me if the child had a disability. So, what kind of accommodations could we talk about..." – Legal Guardian

"There is no one-sided clear regulation [about the accessibility of the process and procedural accommodations] and there is certainly a lot of room for the point of view of the prosecutor or the judge themselves. And in this case, a just and appropriate approach is required, there can be no other way." – Judge

"The judge – their decisions equal the law. (...) For example, there are judges who have 'fallen asleep on their merits and statuses' and they consider themselves several steps above all 'mortals'. But there are also very down-to-earth judges who, during the trial, explain to each child what is happening, how and why it is happening, what to expect next, and they have patience, and they find the right words." - Social Educator

"It often happens that they don't even name the disability, we even may have to guess it in every possible way when communicating [with the child]. There might be no established disability." – Court Psychologist

"We don't always receive the documents: not all the time 'special needs' or some disabilities are identified. Sometimes you only understand and find out about it after talking [with the child]. And sometimes you even know the diagnosis, you know the extent of the 'special needs', but when you communicate with the child, you may see that it does not match. Maybe the needs were assessed earlier or some other things contributed. There is, in fact, a lot of this, and it happens mostly in the pre-trial investigation stages of criminal cases." – Court Psychologist

"There are more problems when we face, for example, when it is necessary to interview children. Well, for example, not every police station has enough children's interview rooms and they are not always adapted, for example, to children with disabilities. (...) Accessibility and adaptation of the environment and these processes for children with disabilities is not yet strong and it does not yet meet the needs of all children. This might be the biggest problem." - Representative of the Child Protection Agency

"A little bit of law enforcement awareness seems to be lacking in that area. To assess the needs of a child with disabilities in criminal proceedings. Just to understand that such a child needs more time, and more repetitions, and elementary breaks, not rushing, not demanding to speak out of age. So that there are no such statements that if you're 16, you can do it already... Just the awareness and respect of the law enforcement officers who deal with such children [are needed]." – Court Psychologist

"As far as I know, those tools are especially used in psychiatric psychological complex examinations. For children with mental and physical disabilities, and for children in general. They have their own methods, their own ways, and there are all kinds of drawings, tables, and various methods. In the sense of what the experts draw conclusions from and write the expert report." – Prosecutor

## Theme 2) Informational and communication challenges

"If you talk about a mental disability or if they have a physical disability, then in fact the reporting [of the crime], in any case, only happens through their parents or through an authorised representative." - Judge

"It depends on the age of the child, since some are smaller, the contact with them is really only through their parents. And with those who are older, the contact also depends on the specifics of the case, because there are cases where it is very difficult for children to speak. (...) It depends a lot on the disability because if the child has a severe disability, it is actually impossible to even interview them. That's when the case goes more or less like this: interviewing everyone else as much as possible and observing, and evaluating. (...) It remains to be seen how much that person will be able to participate." – Lawyer

"It is necessary to talk with them in simple words about what is happening (...) and to basically be by their side in a calm, professional manner, without too much emotion. There, let's say, I'm not talking about emotional support, but you really need to empathise with that child, at least explain to them what is going on." – Social Educator

"It's still very difficult for me to catch up there. (...) Well, even now, I think what will happen next? What awaits us next? (...) Yes, to provide more information. Well, is the investigation still going on? Are parts of the case already closed? Well, we don't know anything... I, for example, don't know anything." – Parent of a child crime victim

"Even I didn't fully understand this system. It's complicated enough. I hope someone explains it to the common people, but... I doubt it. Because I myself will constantly seek answers, try and find out, (...) how everything is happening here." – Legal Guardian

### Theme 3) Training and skills of professionals

"They respond to the incident, well, they are just patrolling officers, they really don't have any specialised knowledge about communicating with a child – that's the main problem. (...) And for judges, and police officers, and prosecutors – I just think that there should be, for example, (what I have not seen and I myself have not participated in such courses) training about communication with children with disabilities." – Judge

"And those interviews that take place at the police are another big problem because those who help interview the child often are called from 'the list' of professionals. These are usually psychologists who, in general, lack that specialised type of knowledge very much." – Court Psychologist

"Officers must really be specialised. If we have children with disabilities and it's an ordinary officer... Well, it's very difficult for me to imagine that they could even conduct that initial interview." – Legal Guardian

"It's an awareness raising [that is needed]. Of course, we always try to communicate as much as possible to lawyers that [children] need breaks, they need repetitions, they need a simplified language, a slower language, maybe more of some kind of visual aids. (...) It seems they should raise their awareness about these things a little." – Court Psychologist

"The problem of communication is very big, and perhaps there are individual situations here too, but children may not necessarily feel safe either. (...) Precisely in cases of children with disabilities, I think that there is still room for us to improve and strengthen the situation. It is very often not named as a separate topic [in trainings]. Usually, it may be 'inserted' into other trainings. Well, for example, in domestic violence training – we might have some kind of a mention about that, but we don't have a separate topic [about disability]." – Representative of the Child Protection Agency

#### Theme 4) Attitudes and stigma

"Well, when you have a disability, it's immediately that one [reaction]... The first thing that comes up, you know, it's just like a stamp or a label – that they 'make things up'. You know, that as if it's not true what they are saying. Because as if only 'non-sick people' can tell the truth. (...) In that sense, everyone is very, very quick to say that if you are disabled, you are written off. (...) Just written off – they don't hear that child at all." – Legal Guardian

"It really often happens in law enforcement that they don't believe the child. There are even such specific personalities who do not believe what children say at all. We get to witness these things." – Court Psychologist

"Because maybe they think that maybe we are lying? Maybe the child is lying? I don't know..." – Parent of a child crime victim

"It is perhaps even more important in reality, how lawyers evaluate the testimony of those children with 'special needs', and there is the disbelief. They immediately assess them in that they don't believe them, as if they have lied. They are often underestimated, because an easier path is often taken – oh, they lied, we don't believe them, they were unable to explain themselves, and so on." – Court Psychologist

"Procedural measures... These are precisely the legal obstacles. Attitudes, unfortunately, they are really the main thing. If there is a child with a disability... Everyone automatically has some kind of a phobia, and I think that these phobias are due to ignorance. That professionals here do not know enough; and they know too little because their workloads are enormous and there are no specialisations. The one who specialises and has the knowledge is not afraid of such children, nor information, nor cases, and they manage perfectly because they make a plan and everything is clear. All issues come from ignorance." – Prosecutor

### Theme 5) Multi-disciplinary and inter-sectoral collaboration

"We often receive a lot of information from various services. These services can be the police, medical institutions. That is if some incident occurs. And if the child speaks up or, for example, the school can notice things too. This can be done from side of the school – we may receive such signals. Also from daycare centres, or, for example, social workers." – Representative of the Child Protection Agency

"All I can say is that intersectoral collaboration and cooperation is very important in this process, and without a doubt, nothing would happen without it. We really collaborate as much as we can, both with judges, prosecutors, and investigators who collect all the materials. As far as the rights of the child or parents are concerned, sometimes we have to cooperate with lawyers." – Court Psychologist

"We receive their conclusions after the interviews, we talk to psychologists and hear their opinions, what they think, how much help is needed for that child. Then we pass all this information on to their guardians or parents." – Prosecutor

"One of the tools we use is collaboration, in fact even with the child rights agency – we ask them for information. The investigators also ask for information. If it is about a child, perhaps there is some kind of conclusion written about their health condition, about their activities, in general, there might be characteristics from the school and so on. (...) It's just one of the tools. Of course, how willing they are to cooperate is another question." – Court Psychologist

"You know, first of all, it's a lack of collaboration. Secondly, there is a shortage of highly qualified professionals, and precisely in those most sensitive of our institutions. (...) It is precisely between the institutions that there is a great lack of cooperation, and a sincere desire to help among the professionals themselves. (...) Well, the problem across Lithuania is that the salaries are low, those positions are not attractive, and they require a lot of human contribution to their work, they don't want to give so much heart to put into that work." – Judge

## Theme 6) Systemic and structural challenges

"There is a lack of social support for the family. (...) Let's say one of the obstacles is social problems." – Prosecutor

"If case management is initiated for the family and, for example, one of the goals is to contact a psychologist. (...) For example, you really need help, psychological or some other, that's when all the professionals are really interested and say, 'Did you go, how did it go?' Very interested. But if such a process [case management] is not initiated because there is no need, then we simply cannot check to clarify or see if they pursued that support or not." – Representative of the Child Protection Agency

"The challenge is that there is a lack of psychologists, qualified psychologists whose contribution is particularly important when working with such children. (...) I mentioned police stations with specialised investigators as a good practice, but we also have such stations where there are no specialised professionals and everyone still has cases of this type. I think, there is a real challenge of the lack of specialisations. This is very important if we are talking about the pre-trial investigation, the qualifications of the investigators. (...) This is our human resources [problem]." – Prosecutor

"After all, the complex expertise is not only performed on children, but also on adults. But again – maybe those queues should be slightly different then (...), it should be adjusted and prioritised that children are examined first and so on." – Lawyer

"Well, the interviews, you know, where they take place in the interview room, where they are recorded, where the psychologist has to reformulate the questions [for the child]. Only in our experience, very sad, but the girl mentioned that she overheard all the questions from her headset before they were rephrased. Clearly the tuning of the sound was bad. It seems like a technical detail, but it was important to her. Because those questions are straight, they are coming out of the court hall. The psychologist must adapt them to the child. And when the child hears those direct questions, well, it was very difficult for her." – Legal Guardian