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**PROJET DE PROFIL D’ÉTAT – RÉVISÉ**

**ORDONNANCES DE PROTECTION RENDUES PAR DES JURIDICTIONS NATIONALES ET ÉTRANGÈRES : LÉGISLATION, RECONNAISSANCE ET EXÉCUTION, ET AUTRES RESSOURCES**

*proposé par le Bureau Permanent*

**\* \* \***

**DRAFT COUNTRY PROFILE – REVISED**

**NATIONAL AND FOREIGN PROTECTION ORDERS: LEGISLATION, RECOGNITION AND ENFORCEMENT AND OTHER RESOURCES**

*proposed by the Permanent Bureau*

*Document préliminaire No 4 B (révisé) de juin 2014 à l’attention*

*du Conseil d’avril 2014 sur les affaires générales et la politique de la Conférence*

*Preliminary Document No 4 B (revised) of June 2014 for the attention*

*of the Council of April 2014 on General Affairs and Policy of the Conference*

**PROJET DE PROFIL D’ÉTAT – RÉVISÉ**

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**DRAFT COUNTRY PROFILE – REVISED**

**NATIONAL AND FOREIGN PROTECTION ORDERS: LEGISLATION, RECOGNITION AND ENFORCEMENT AND OTHER RESOURCES**

*proposed by the Permanent Bureau*

**FOREWORD TO THE DRAFT COUNTRY PROFILE –**

**NATIONAL AND FOREIGN PROTECTION ORDERS: LEGISLATION, RECOGNITION AND ENFORCEMENT AND OTHER RESOURCES**

This Draft Country Profile was prepared in the light of a mandate given by the 2013 Council on General Affairs and Policy of the Hague Conference on the topic of “Recognition and enforcement of foreign civil protection orders”:

“The Council welcomed the work carried out by the Permanent Bureau and invited it to continue exploratory work, including further comparative research (such as a country profile) and investigation on the feasibility of a future instrument. The Permanent Bureau may, resources allowing, convene an Experts’ Group to assist in carrying out this work.”[[1]](#footnote-1)

Country Profiles have been developed under a number of Hague Conventions.[[2]](#footnote-2) However, the Country Profiles have in general been elaborated subsequent to the adoption or entry into force of a particular instrument. Contracting States, national authorities and others who are involved in the operation of Hague Conventions have found the Country Profile to be an invaluable tool to facilitate access to information on foreign law and procedures, as well as to other national information in relation to a specific Convention, with the goal of facilitating the effective operation of the instrument.

The objectives of this Draft Country Profile are two-fold. Firstly, if completed by individual States or jurisdictions, it will provide a comparative overview of this area of the law. The information sought on domestic law in the Draft Country Profile is based on responses received from Members of the Hague Conference to a 2012 Questionnaire on civil protection orders.[[3]](#footnote-3) Secondly, the Draft Country Profile seeks to provide necessary information for States, relevant governmental authorities (*e.g.*, members of the judiciary, enforcement officials), and also to individuals / members of the public, in order to facilitate the cross-border recognition and enforcement of foreign protection orders and international co-operation in this respect. A later version of this Draft Country Profile could be used as an implementation or operational tool in the context of either a binding or a non-binding international instrument or mechanisms on the subject of protection orders.

The initial version of the Draft Country Profile was produced as a discussion document for the attention of the meeting of the Experts’ Group on Recognition and Enforcement of Foreign Civil Protection Orders (12-13 February 2014). Specific sections of the Draft Country Profile were referred to in the agenda of the meeting in order to facilitate discussion among the experts.

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| **Identification** | |
| Name of State (or territorial unit, where applicable): | The Republic of Lithuania |
| **Information for follow-up purposes** | |
| Name and title of contact person: | Jolita Meškelytė, advisor |
| Name of Authority / Office: | Ministry of Justice of the Republic of Lithuania |
| Telephone number: | 00 370 5 2662883 |
| E-mail address: | jolita.meskelyte@tm.lt |

DRAFT COUNTRY PROFILE – national and FOREIGN PROTECTION ORDERS: legislation, recognition and enforcement and other resources

**PART I: CENTRAL AUTHORITIES[[4]](#footnote-4)**

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| --- |
| 1. CENTRAL AUTHORITY contact details |
| a. Organisation:  b. Address:  c. Territorial or personal extent of functions, if applicable:  d. Telephone:  e. Fax:  f. E-mail:  g. Website:  h. Contact person(s):  i. Language(s): |

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| 2. OTHER cENTRAL AUTHORITY (IF APPLICABLE) |
| Please attach additional pages if there are more than two designated Central Authorities in your State  a. Organisation:  b. Address:  c. Territorial or personal extent of functions, if applicable:  d Telephone:  e. Fax:  f. E-mail:  g. Website:  h. Contact person(s):  i. Language(s): |

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| 3. LANGUAGE REQUIREMENTS | |
| 1. Does your State / jurisdiction require that any application and related documents submitted be accompanied by a translation? If so, in what language? | * Yes * Into official language of your State / jurisdiction. Please specify: * Into another language. Please specify: * No |

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| 1. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory. |  |

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| 4. central AUTHORITY OPERATION | |
| Please provide answers for each Central Authority if there is more than one designated in your State (attach additional pages) | |
| 1. What are the working days and hours of the Central Authority? | Days of the week open:  Opening time:  Closing time:  Shutdown periods (*e.g.,* public holidays, court closures): |
| 1. Can the Central Authority be accessed outside of working hours in case of emergency? | * Yes   Please specify contact details, if different from above:   * No |

**PART II: ENFORCEMENT[[5]](#footnote-5) OF NATIONAL PROTECTION ORDERS RENDERED BY JUDICIAL, ADMINISTRATIVE OR OTHER COMPETENT AUTHORITIES**

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| 1. COMPETENT ENFORCEMENT AUTHORITIES |
| 1.1. contact details of COMPETENT AUTHORITY that is responsible for the enforcement of NATIONAL protection orders |
| Police officers |
| Bailiffs |
| Administrative Authority |
| Other. |
| Please specify: - enter text here - |
| a. Organisation: - enter text here - |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d. Telephone: |
| e. Fax: |
| f. E-mail: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 1.2. contact details of OTHER competent AUTHORITY that is responsible for the enforcement of NATIONAL protection orders (IF APPLICABLE) |
| Please attach additional pages if there are more than two Competent Enforcement Authorities in your State / jurisdiction  Police officers |
| Bailiffs |
| Administrative Authority |
| Other |
| Please specify: - enter text here - |
| a. Organisation: - enter text here - |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d Telephone: |
| e. Fax: |
| f. E-mail: |
| g. Website: |
| h Contact person(s): |
| i. Language(s): |

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| 1.3. competent ENFORCEMENT AUTHORITIES OPERATION | |
| Please provide answers for each Competent Enforcement Authority if there is more than one in your State / jurisdiction (attach additional pages) | |
| a. What are the working days and hours of the Competent Enforcement Authority? | Days of the week open:  Opening time:  Closing time:  Shutdown periods (*e.g.,* public holidays, court closures): |
| b. Can the authority be accessed outside of working hours in case of emergency? | * Yes   Please specify contact details, if different from above:   * No |

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| 1.4. organisations / bodies PROVIDING ASSISTANCE TO APPLICANT | |
| Are there other organisations / bodies that will help the intended protected person with enforcement of a protection order?  (Please also see Annex I) | * Yes. Please specify, with full contact details: * No |

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| **2. DOMESTIC PROTECTION ORDER CONDITIONS OF ENFORCEMENT** | |
| 2.1. Can domestic protection orders be enforced on the simple presentation of the protection order to the enforcement officer? | Yes, the protection order itself (*i.e.*, the decision establishing the protection order) |
| Comments: |
| No |
| Please specify how enforcement takes place: - enter text here - |
| 2.2. What kinds of penalties are applicable for breach of protection orders in your State / jurisdiction? (Please check all which apply and specify whether considered civil, criminal or other type of sanction) | Arrest (and detention / imprisonment) |
| Please specify: - enter text here - |
| Pecuniary measures |
| Please specify: According to the Code of Civil Procedure of the Republic of Lithuania, when a judgment obligating the debtor to perform or cancel particular actions that can be performed or cancelled only by the debtor himself is not executed by the set time limit,the court may impose a fine up to one thousand litas on the debtor in favour of the judgment creditor. If the debtor violates the time limits set for execution of the judgment for the second or more times, the court shall apply him sanctions specified above. Payment of the fine doesn't release the debtor from his obligation to perform or cancel actions set forth in the judgment. |
| Other |
| Please specify: According to the Code of Criminal Procedure of the Republic of Lithuania (further in the text - CCP) when imposing a remand measure – obligation to live separately from the victim, the suspect shall be warned that another remand measure may be imposed on him for failure to comply with this obligation. According to CCP, any person who fails to comply with the lawful instructions given by the pre-trial investigation judge, the prosecutor, the pre-trial judge or the court in accordance with this Code or other laws or hinders the investigation and hearing of the criminal case may be punished by a fine of up to 30 minimum wage units (MWU) or by detention up to 1 month in the cases provided for in this Code. According to the Penal Code of the Republic of Lithuania (further in the text - PC) a person who fails to comply with a court's decision not associated with a penalty shall be considered to have committed a misdemeanour and shall be punished by community service or by a fine or by restriction of liberty or by arrest. |
| 2.3. Do enforcement officers have liability protection for good faith actions or omissions taken in furtherance of enforcement of protection orders? | Yes |
| Please specify: CCP regulates circumstances eliminating criminal liability. CCP states that a person shall not be held liable under this Code for the damage caused in charge of professional duty, provided he has not exceeded the authority granted to him by laws ot other legal acts. A person shall not be held criminaly liable for an act which he committed while executing a lawful order, ordinance or instruction. |
| No |
| 2.4. Does your State / jurisdiction utilise national, regional or local registers or electronic database(s) which register enforceable protection orders for the benefit of law enforcement officials or other authorities? | Yes |
| Please specify: -It is important to stress that there is no special database in Lithuania for registration of enforceable civil protection orders. However a court ruling on application of provisional safeguards if necessary shall be forthwith sent to registrar of the public register. |
| No |
| 2.5 Are security bracelets, GPS tracking devices or other technology used to assist with the enforcement of protection orders? | Yes |
| Please specify: CCP regulates the institute of intensive supervision. Intensive supervision means the control of a suspect by electronic monitoring measures. Intensive supervision shall be imposed upon request of the prosecutor by a ruling of the pre-trial investigation judge during pre-trial investigation. When ordering intensive supervision, the terms and conditions of this remand measure shall be determined. The rules of enforcement and control of intensive supervision are approved by the institution authorised by the Government of the Republic of Lithuania. The time limit of intensive supervision shall be set by the pre-trial judge or the court in the ruling to impose intensive supervision, however, it may not exceed 6 months initially. This time limit may be extended by a ruling of the pre-trial investigation judge for up to 3 months. The number of extensions shall be unlimited. The suspect placed under intensive supervision shall: (1) wear an electronic monitoring device; (2) comply with the specified daily agenda. The suspect placed under intensive supervision is prohibited from removing, damaging or destroying the electronic monitoring device. |
| No |

**PART III: ENFORCEMENT OF FOREIGN PROTECTION ORDERS RENDERED BY JUDICIAL, ADMINISTRATIVE OR OTHER COMPETENT AUTHORITIES**

**The responses to questions in Section 1 are the same as for Part II, Section 1 (if so, please go to Part III, Section 2)**

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| 1. COMPETENT Enforcement AUTHORITIES |
| 1.1. contact details of COMPETENT AUTHORITY that is responsible for the enforcement of FOREIGN protection orders |
| Police officers |
| Bailiffs |
| Administrative Authority |
| Other |
| Please specify: - enter text here - |
| a. Organisation: - enter text here - |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d. Telephone: |
| e. Fax: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 1.2. contact details of OTHER competent AUTHORITY that is responsible for the enforcement of FOREIGN protection orders (IF APPLICABLE) |
| Please attach additional pages if there are more than two Competent Enforcement Authorities in your State / jurisdiction |
| Police officers |
| Bailiffs |
| Administrative Authority |
| Other |
| Please specify: - enter text here - |
| a. Organisation: - enter text here - |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d. Telephone: |
| e. Fax: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 1.3 competent ENFORCEMENT AUTHORITIES OPERATION | |
| Please provide answers for each Competent Enforcement Authority if there is more than one designated in your State / jurisdiction (attach additional pages) | |
| a. What are the working days and hours of the Competent Enforcement Authority? | Days of the week open:  Opening time:  Closing time:  Shutdown periods (*e.g.,* public holidays, court closures): |
| b. Can the authority be accessed outside of working hours in case of emergency? | * Yes   Please specify contact details, if different from above:   * No |

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| 1.4. organisations / bodies PROVIDING ASSISTANCE TO APPLICANT | |
| Are there other organisations / bodies that will help the intended protected person with enforcement of a protection order?  (Please also see Annex I) | * Yes. Please specify, with full contact details: * No |

**The responses to the questions in Section 2 are the same as for Part II, Section 2 (if so, please go to Part IV)**

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| **2. FOREIGN PROTECTION ORDER CONDITIONS OF ENFORCEMENT** | |
| 2.1. Can foreign protection orders be enforced on the simple presentation of the foreign protection order or the standard enforcement certificate published by the Hague Conference to the enforcement officer? Please specify whether prior registration of the foreign order is required. | 🞎 Yes, the standard Enforcement Certificate published by the Hague Conference |
| Yes, the foreign protection order itself (*i.e.*, the decision establishing the protection order) |
| Comments: Recognition is not required for res judicata foreign judgments concerning non-property disputes among/between persons which are not citizens of the Republic of Lithuania. |
| No |
| Please specify how enforcement takes place: Other judgments imposing civil protection orders may be enforced in the Republic of Lithuania only ofter being sustained by the Lithuanian Court of Appeal acting as a body authorised by the State to recognise such judgments.  Special rules on enforcement of protection measures in civil matters ordered by other Member States of EU are set in Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters.  Special rules on enforcement of protection measures in criminal matters ordered by other Member States of EU are set in the Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order. Special legal enactments implementing Directive 2011/99/EU in a national law are now being drafted. |
| 2.2. What kinds of penalties are applicable for breach of foreign protection orders in your State / jurisdiction? (Please check all which apply and specify whether considered civil, criminal or other type of sanction). | Arrest (and detention / imprisonment) |
| Please specify: - enter text here - |
| Pecuniary measures |
| Please specify: See Part II, Section 2.2. |
| Other |
| Please specify: See Part II, Section 2.2. |
| 2.3. Do enforcement officers have liability protection for good faith actions or omissions taken in furtherance of enforcement of foreign protection orders? | Yes |
| Please specify: See Part II, Section 2.3 |
| No |

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| 2.4. Does your State / jurisdiction utilise national, regional or local registries or electronic database(s) which register enforceable foreign protection orders for the benefit of law enforcement officials or other authorities? | Yes |
| Please specify: See Part II, Section 2.4 |
| No |
| 2.5 Are security bracelets, GPS tracking devices or other technology used to assist with the enforcement of foreign protection orders? | Yes |
| Please specify: See Part II, Section 2.5. |
| No |

**PART IV: RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF FOREIGN PROTECTION ORDERS**

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| 1. relevant legislation | |
| Does your State / jurisdiction currently have laws (including rules of private international law) by which protection orders from foreign States are recognised and declared enforceable or registered for enforcement in your jurisdiction? | Yes |
| Please describe: The Code of Civil Procedure of the Republic of Lithuania of February 28, 2002, No. IX-743.  Internet web-link:  http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\_l?p\_id=471601  Judgements of the courts of the Member States of the EU imposing civil protection orders are recognized and enforced according to EU regulations and to special law of November 13, 2008, No. X-1809.  Internet web-link:  http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\_l?p\_id=471944  Bilateral Agreements on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases (see part IV, 8.1)  Special rules on enforcement of protection measures in criminal matters ordered by other Member States of EU are set in the Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order. Special legal enactments implementing Directive 2011/99/EU in a national law are now being drafted. |
| Please list relevant Internet weblink(s), if available: - enter text here - |
| Please comment on special features, if any, found in these laws which seek to quickly protect persons at-risk in cross-border settings:  There is no special features. |
| No (if not, continue to Part IV, Section 7) |

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| 2. COMPETENT AUTHORITIES |
| 2.1. contact details of COMPETENT AUTHORITY that is responsible for recognition and DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR enforcement of foreign protection orders |
| Judicial Authority  Administrative Authority  Other Authority  a. Organisation: - enter text here -  b. Address:  c. Territorial or personal extent of functions, if applicable:  d. Telephone:  e. Fax:  f. E-mail:  g. Website:  h. Contact person(s):  i. Language(s): |

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| 2.2. contact details of OTHER competent AUTHORITY that is responsible for recognition and DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR enforcement of foreign protection orders (IF APPLICABLE) |
| Please attach additional pages if there is more than one designated Competent Authority in your State / jurisdiction |
| Judicial Authority |
| Administrative Authority |
| Other Authority |
| a. Organisation: - enter text here - |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d Telephone: |
| e. Fax: |
| f. E-mail: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 2.3. LANGUAGE REQUIREMENTS for applications to competent authorities | |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) | |
| 1. Does your State / jurisdiction require that a foreign application and related documents for recognition and declaration of enforceability or registration for enforcement be accompanied by a translation? If so, in what language? | * Yes   + Into official language of your State / jurisdiction. Please specify:   + Into another language. Please specify: * No |
| 1. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory. |  |

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| 2.4. cOmpetent AUTHORITIES OPERATION | |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) | |
| 1. What are the working days and hours of the Competent Authority? | Days of the week open:  Opening time:  Closing time:  Shutdown periods (*e.g.,* public holidays, court closures): |
| 1. Can the authority be accessed outside of working hours in case of emergency? | 🞏 Yes  Please specify contact details, if different from above:   * No |
| 2.5. organisations / bodies PROVIDING ASSISTANCE TO APPLICANT | |
| Are there other organisations / bodies that will help with an application for the recognition and enforcement of a foreign protection order?  (Please also see Annex I) | * Yes. Please specify, with full contact details: * No |

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| **3.** **NECESSARY INFORMATION FOR APPLICATIONS FOR RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF FOREIGN PROTECTION ORDERS** | |
| 3.1. What information is required to be included in an application for recognition and declaration of enforceability or registration for enforcement of a foreign protection order? (Please check all which apply) | About the protected person (applicant):   * Full name * Date and / or place of birth * Personal identification number (such as social security or passport number) * Mailing address * Telephone, e-mail and other contact details * Nationality / nationalities * Other. Please specify:   About the person causing the risk (respondent):   * Full name * Date and / or place of birth * Personal identification number (such as social security or passport number) * Mailing address * Telephone, e-mail and other contact details * Nationality / nationalities * Other. Please specify:   About the issuing Authority:   * Name * Mailing address * Telephone, e-mail and other contact details * Internal reference number of the case * Other. Please specify:   About the protection order:   * Information on the types of the measures included in the protection order * Date of effect of the protection order * Duration of the protection order * Names of the parties to the protection order * Renewability of the protection order * Other. Please specify:   Other information:  Please specify: |
| 3.2. What documents are required for recognition and declaration of enforceability or registration for enforcement of a foreign protection order? (please check all which apply) | A complete text of the order |
| A complete copy of the order certified by the competent authority in the State of origin |
| An abstract or extract of the order drawn up by the competent authority of the State of origin, in lieu of the complete text of order |
| A document stating that the decision is enforceable in the State of origin |
| If the protection order was rendered in default of appearance in the State of origin, a document or documents attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or to appeal it on fact and law |
| Any other relevant document |
| Please specify: - translation of the order in Lithuanian approved according to the law;  -if applicant doesn't live in Lithuania and didn't appointed it's representative who lives or has it's office in Lithuania, the application for recognition and enforcement of a foreign court decision imposing civil protection order should be supplemented with information on the adress in Lithuania where procedural documents can be presented to the applicant. |
| 3.3. Does your State / jurisdiction have a prescribed or preferred form for an application to recognise and enforce a protection order? | * Yes, the standard form published by the Hague Conference |
| Yes |
| Please attach a copy of the form or provide a website link or both:   - enter text here - |
| No |
| 3.4. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | Yes |
| Please specify: Procedural documents can be submitted to the courts through the special judicial information system (LITEKO). This system is available through the internet web-sites www.teismai.lt and www.epaslaugos.lt |
| No |
| 3.5. What is the average expected time from the submission of the application to the finalisation of the recognition and declaration of enforceability or registration for enforcement procedure (excluding appeals)? | Within 24 hours |
| Within 2 to 3 days |
| Up to 1 week |
| 1 to 4 weeks |
| 4 to 6 weeks |
| Other |
| Please specify: The requested information is not being collected. |
| 3.6. Can the merits of the protection order be reviewed in recognition and declaration of enforceability or registration for enforcement procedures? | Yes |
| Please specify: - enter text here - |
| No |
| 3.7. Is recognition and declaration of enforceability or registration for enforcement of a severable part of a foreign protection order possible in your State / jurisdiction? | Yes |
| Please specify: According to the Code of Civil Procedure of the Republic of Lithuania, applicant is entitled to request for recognition or for refusal to recognise a part of a judgment of a foreign court. |
| No |

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| **4. eligible APPLICANTs for recognition and enforcement** | |
| Who can apply for the recognition and enforcement of a foreign protection order? (check all which apply) | The intended protected person |
| A representative or advocate of the intended protected person. |
| Please specify any criteria:   - enter text here - |
| Any interested party |
| Other |
| Please specify: - enter text here - |

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| **5. TYPES AND FEATURES OF PROTECTION ORDERS WHICH MAY BE RECOGNISED AND ENFORCED IN YOUR STATE / JURISDICTION** | |
| * 1. Foreign protection orders addressing what types of behaviours can be recognised and enforced in your State / jurisdiction? (please check all which apply) | Contacting or communicating with the protected person |
| in person |
| by way of a third party |
| by mail |
| by e-mail |
| by phone |
| by other means. |
| Please specify: - enter text here - |
| Approaching or being in physical proximity to the protected person |
| Distance requirement? - enter text here - |
| General harassment of the protected person |
| Molestation / annoyance of the protected person |
| Staying away from a certain place |
| Please describe: - enter text here - |
| Forwarding or disseminating personal data or photos of the protected person |
| Possession of weapons |
| Behaviours at the discretion of the judge or other competent authority in an individual case |
| Encouraging others to engage in behaviour against the protected person where, if the behaviour was undertaken by the respondent, would be prohibited by a protection order |
| Other specific behaviours |
| Please specify: Lithuanian law doesn't have special rules on what types of foreign protection orders can be recognised and enforced in Lithuania. |
| * 1. Protection orders for the benefit of what categories of protected persons can be recognised and enforced in your State / jurisdiction? (please check all which apply) | Married persons |
| Formerly married persons |
| Divorcing persons |
| Women only |
| Unmarried couples |
| Family members |
| Roommates / housemates |
| Children of the intended protected person |
| Other relatives of the intended protected person |
| Persons who are not in any kind of intimate or cohabitation relationship |
| Other individuals |
| Please specify: Lithuanian law doesn't have special rules on this. |
| * 1. Against whom can foreign protection orders be recognised and enforced in your State / jurisdiction? (please check all which apply) | An individual perpetrator or potential perpetrator |
| Family members of the principal perpetrator or potential perpetrator |
| Other individuals |
| Please specify: Lithuanian law doesn’t have special rules agains whom foreign protection orders can be recognised and enforced. |

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| * 1. Can supplementary matters included in a foreign protection order, which may or may not be directly related to the immediate safety of the protected person, also be recognised and enforced in your State / jurisdiction? | Yes: |
| Temporary maintenance orders |
| Temporary child custody orders |
| Protection of property |
| Mandatory counselling |
| Monetary reimbursement of damages to the protected person |
| Seizure of property of the respondent |
| Other |
| Please specify: According to the Lithuanian law there are no special restrictions for the content of foreign protection order whose recognition or enforcement is sought. |
| No |
| * 1. Foreign protection orders of what duration can be recognised and enforced in your State / jurisdiction? (please check all which apply) | Orders which have a minimum duration |
| Please specify: Lithuanian law doesn't have special rules on this. |
| Orders which have a maximum duration |
| Please specify: Lithuanian law doesn't have special rules on this. |
| Orders which are of a fixed duration |
| Please specify: Lithuanian law doesn't have special rules on this. |
| Orders which are of a duration according to judicial / other instituting authority’s discretion |
| Orders which are renewable |
| Please describe: Lithuanian law doesn't have special rules on this. |
| Orders which are not renewable |
| Please describe: Lithuanian law doesn't have special rules on this. |
| Lifetime or indefinite orders |
| * 1. Does your State / jurisdiction recognise and enforce foreign protection orders considered to be of an interim or emergency nature (in contrast to more permanent orders)? | Yes |
| Please describe any specific treatment of these types of orders: Lithuanian law doesn’t provide a specific approach to these types of orders. |
| No |

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| 6. grounds for refusal of recognition AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT of a foreign protection order | |
| What are the grounds for refusal of recognition and declaration of enforceability or registration for enforcement of a foreign protection order? (please check all which apply) | Review of jurisdictional grounds of issuing competent authority |
| Please specify: - enter text here - |
| The recognition and / or enforcement is manifestly incompatible with the public policy (“*ordre public*”) of your State / jurisdiction |
| The protection order was obtained by fraud in connection with a matter of procedure |
| Proceedings between the same parties and having the same purpose are pending before an authority of your State / jurisdiction and those proceedings were the first to be instituted |
| The protection order is incompatible with an order rendered between the same parties and having the same purpose, either in your State / jurisdiction or in another State, and this latter order fulfils the conditions necessary for recognition and declaration of enforceability or registration for enforcement in your State / jurisdiction |
| In a case where the protection order was rendered in default of appearance in the State of origin, the respondent had neither proper notice of the proceedings and an opportunity to be heard, nor proper notice of the order and the opportunity to challenge or appeal it on fact and law |
| Other |
| Please specify:  - the judgment in civil case is not res judicata under laws of the country where the judgment was passed;  - the civil proceedings are attributed to the exclusive authority of courts of the Republic of Lithuania or a third country in accordance with provisions of the law of the Republic of Lithuania or international treaty;  - a party absent in the civil proceedings was not duly informed about institution of civil proceedings and was not provided with opportunity to exercise procedural remedies or proper representation (if the party was legally incapable) during the proceedings either;  -the judgment of a foreign court which recognition is requested is incompatible with a judgment passed by a court of the Republic of Lithuania in the civil proceedings between the same parties. |

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| 7. PROTECTION ORDERS IN THE CONTEXT OF THE 1980 CHILD ABDUCTION CONVENTION AND THE 1996 CHILD PROTECTION CONVENTION | |
| 7.1. Is your State is a Party to the 1980 Child Abduction Convention?  *(Convention of 25 October 1980 on the Civil Aspects of International Child Abduction)* | Yes |
| No |
| 7.2. If your State is a Party to the 1980 Child Abduction Convention, please indicate the mechanisms that are used in your State / jurisdiction to recognise and enforce a protection order made in a foreign State to protect an accompanying parent upon the return of a child under the 1980 Child Abduction Convention(please check all which apply). | Mirror orders |
| Voluntary undertakings |
| Recognition and enforcement of foreign protection orders under another international instrument |
| Please specify: - enter text here - |
| Recognition and enforcement of foreign protection orders under domestic law (including rules of private international law) |
| Please specify: See Part III and Part IV, 1-6. |
| Other |
| Please specify: - enter text here - |

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| 7.3. If your State is also a Party to the 1996 Child Protection Convention *(Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children),* are provisions of this Convention (*e.g.*, Art. 11 relating to necessary measures of protection in cases of urgency) utilised in order to protect an accompanying parent when a return order of a child is issued under the 1980 Child Abduction Convention by a competent authority in your State / jurisdiction? | Yes |
| Please specify: - enter text here - |
| No |

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| 8. BILATERAL, REGIONAL AND INTERNATIONAL INSTRUMENTS | |
| 8.1. Please list any additional bilateral, regional, and international instruments or co-operation mechanisms that currently or will in the future bind your State or jurisdiction, which cover the recognition and enforcement of foreign protection orders (in addition to legislation listed in Part IV, Section 1): | General rules on recognition and enforcement of foreign court decisions passed in civil and familie cases, that among the oher things are covering recognition and enforcement of foreign civil protection order, are set in bilateral Agreements on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases:  - between the Republic of Lithuania and the Republic of Armenia (entered into force in 2005, July 8)  - between the Republic of Lithuania and the Republic of Azerbaijan (entered into force in 2002, November 22)  - between the Republic of Lithuania and the Republic of Belarus (entered into force in 1993, July 11)  - between the Republic of Lithuania and the Republic of Kazakhstan (entered into force in 1999, April 8,)  - between the Republic of Lithuania and the Republic of Poland (entered into force in 1993, October 18);  - between the Republic of Lithuania and the Republic of Moldova (entered into force in 1995, February 18);  - between the Republic of Lithuania and the Russian Federation (entered into force in 1995, January 21);  - between the Republic of Lithuania and the Republic of Ukraine (entered into force in 1994, November 20);  - between the Republic of Lithuania and the Republic of Uzbekistan (entered into force in 1998, July 10);  - treaty between the Republic of Lithuania and the People’s Republic of China on judicial assistance in civil and criminal matters (entered into force 2002, January 29).  - agreement on Legal and Judicial Cooperation in Commercial and Civil Matters between the Republic of Lithuania and the Republic of Turkey (entered into force 2004, August 15). |
| 8.2. Please comment on special features, if any, found in these instruments or co-operation mechanisms which seek to quickly protect persons at risk in cross-border settings: | Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013  on mutual recognition of protection measures in civil matters establishes rules for a simple and rapid mechanism for the recognition of protection measures ordered in a Member State in civil matters.  See more on the internet web-site  http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0606&rid=1  Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order sets out rules allowing a judicial or equivalent authority in a Member State, in which a protection measure has been adopted with a view to protecting a person against a criminal act by another person which may endanger his life, physical or psychological integrity, dignity, personal liberty or sexual integrity, to issue a European protection order enabling a competent authority in another Member State to continue the protection of the person in the territory of that other Member State, following criminal conduct, or alleged criminal conduct, in accordance with the national law of the issuing State.  See more on the internet web-site:  http://ec.europa.eu/justice/criminal/files/directive\_2011\_99\_on\_epo\_en.pdf |

part V: protection order regimes / types of orders available in your State / jurisdiction and applicationS for establishment of National protection orders

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| 1. Relevant legislation on NATIONAL protection orders | |
| * 1. Does your State / jurisdiction currently have protection order regime(s) in force?   (Please attach additional pages if there is more than one type of protection order available in your State / jurisdiction) | No |
| Yes |
| Pleaseprovide a reference to the protection order regime, with the date and title of legislation(s) or a reference to relevant case law:  The Civil Code of the Republic of Lithuania of July 18, 2000, No. VIII-1846  Internet web-link:  http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\_l?p\_id=477244  The Code of Civil Procedure of the Republic of Lithuania of February 28, 2002, No. IX-743  Internet web-link:  http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\_l?p\_id=471601  The Law on Protection Against Domestic Violence of the Republic of Lithuania  Internet web-link:  http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\_l?p\_id=469407  The Code of Criminal Procedure of the Republic of Lithuania of March 14, 2002, No. IX-785  Internet web-link:  http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\_l?p\_id=476623 |
| Please list any Internet weblink(s) to the legislation or case law, if available:   - enter text here - |
| The protection order regime, from the perspective of your State / jurisdiction, is considered to be of the following character: Accordint to the regulation mentioned above, in Lithuania exists two types of protection orders: one of them has civil character, other has criminal character.  Civil protection orders may be imposed by the court in civil procedure, if omission thereof can impede enforcement of a court judgement or make it impossible. In accordance with the Civil Code of the Republic Lithuania, the court having regard to the interests of the children of the spouses as well as the interests of one of the spouses may make orders for provisional protection measures pending the outcome of the divorce or separation suit.  Where the fact of an incident of domestic violence is established, protection measures of a victim of violence imposed according the Law on Protection Against Domestic Violence has criminal character. In such criminal cases other supervision measures specified in the CCP, namely, the obligation to reside separately from the victim or custody, could be imposed as well.  It’s important to mention that legal regimes on protection orders used in civil cases differ greatly from protection orders used in criminal cases. |
| Civil |
| Administrative |
| Criminal |
| Other |
| Please specify: - enter text here - |
| * 1. If protection order regime(s) exist in your State / jurisdiction, are modifications of the existing regime(s) contemplated? | Yes |
| Please specify: - enter text here - |
| No |
| * 1. If there is no protection order regime in force in your State / jurisdiction, are there plans to legislate in this area in the future? | Yes |
| Please specify: - enter text here - |
| No |

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| 2. COMPETENT AUTHORITIES RESPONSIBLE FOR establishing national PROTECTION ORDERS | |
| 2.1. Which courts or authorities are competent to issue protection orders? (please check all which apply) | Family courts |
| Courts of general jurisdiction |
| Specialised domestic violence courts |
| Civil courts |
| Criminal courts |
| Administrative authorities. |
| Please specify: - enter text here - |
| Police authorities |
| Other |
| Please specify: Pre-trial investigation judge |
| Comments: - enter text here - |

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| **2.2 CONTACT DETAILS OF COMPETENT AUTHORITY RESPONSIBLE FOR ESTABLISHING NATIONAL** **PROTECTION ORDERS** |
| a. Organisation:  b. Address:  c. Territorial or personal extent of functions, if applicable:  d Telephone:  e. Fax:  f. E-mail:  g. Website:  h. Contact person(s):  i. Language(s): |

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| 2.3. contact details of OTHER competent AUTHORITY RESPONSIBLE FOR ESTABLISHING NATIONAL PROTECTION ORDERS (IF APPLICABLE) |
| Please attach additional pages if there is more than one designated Competent Authority in your State / jurisdiction  a. Organisation:  b. Address:  c. Territorial or personal extent of functions, if applicable:  d Telephone:  e. Fax:  f. E-mail:  g. Website:  h. Contact person(s):  i. Language(s): |

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| 2.4. organisations /bodies PROVIDING ASSISTANCE TO APPLICANT | |
| Are there organisations / bodies that will help applicants with filing applications for the establishment of a protection order?  (Please also see Annex I) | * Yes. Please specify, with full contact details: * No |

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| 2.5. LANGUAGE REQUIREMENTS FOR applications to competent authorities (ESTABLISHMENT APPLICATIONS) | |
| 🞏 The responses to questions in this Section are the same as for Part IV, Section 2.3 (if so, please go to next Section) | |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) | |
| a. What language does your State / jurisdiction require for any application and related documents for establishment of a protection order? | * Official language of your State / jurisdiction. Please Specify: * Other languages are accepted. Please specify: |
| b. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory. |  |

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| 2.6. cOmpetent AUTHORITIES OPERATION | |
| 🞏 The responses to questions in this Section are the same as for Part IV, Section 2.4 (if so, please go to next Section) | |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) | |
| a. What are the working days and hours of the Competent Authority? | Days of the week open:  Opening time:  Closing time:  Shutdown periods (*e.g.,* public holidays, court closures): |
| b. Can the Competent Authority be accessed outside of working hours in case of emergency? | * Yes   Please specify contact details, if different from above:   * No |

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| **3. TYPES AND FEATURES OF DOMESTIC PROTECTION ORDERS** | |
| 3.1. What types of behaviours do protection orders in your State / jurisdiction obligate an individual to refrain from or to do? (please check all which apply) | Contacting or communicating with the protected person |
| in person |
| by way of a third party |
| by mail |
| by e-mail |
| by phone |
| by other means. |
| Please specify**:**  - enter text here - |
| Approaching or being in physical proximity to the protected person |
| Distance requirement? Lithuanian law doesn't set special requirements for the distance to the protected person. |
| General harassment of the protected person |
| Molestation / annoyance of the protected person |
| Staying away from a certain place |
| Please describe: Certain place is indicated in the court judgement imposing this protection order. Usually this is a place, where protected person or persons living with him are staying, studying, working etc. |
| Forwarding or disseminating personal data or photos of the protected person |
| Possession of weapons |
| Behaviours at the discretion of the judge or other competent authority in an individual case |
| Encouraging others to engage in behaviour against the protected person where, if the behaviour was undertaken by the respondent, would be prohibited by a protection order |
| Other specific behaviours |
| Please specify:  If a fact of violence in a domestic environment is found out, the following measures to ensure the protection of the victim of violence shall be ordered:  (1) an obligation for the offender to move out of the place of residence temporarily, if he resides with the victim of violence;  (2) an obligation for the offender not to approach, not to communicate or look for contacts with the victim of violence.  In civil cases of divorce or separation:  - the order for one of the spouses to live separately (if there is a possibility for this);  - the prohibition for one of the spouses from having contact with his or her minor children. |
| 3.2. For whom are protection orders available (*i.e.*, who are the intended protected persons)? (please check all which apply) | Married persons |
| Formerly married persons |
| Divorcing persons |
| Women only |
| Unmarried couples |
| Family members |
| Roommates / housemates |
| Children of the intended protected person |
| Other relatives of the intended protected person |
| Persons who are not in any kind of intimate or cohabitation relationship |
| Other individuals |
| Please specify: Any person currently or previously linked with the perpetrator or potential perpetrator by marriage, partnership, affinity or other close relations, also the persons having a common domicile and a common household with the perpetrator or potential perpetrator. |
| 3.3. Against whom are the protection orders available? (please check all which apply) | An individual perpetrator or potential perpetrator |
| Family members of the principal perpetrator or potential perpetrator |
| Other individuals |
| Please specify: A spouse or a parent of protected person |
| 3.4. Please indicate who in your State / jurisdiction is able to apply for / initiate the establishment of a protection order (please check all which apply). | The intended protected person (*i.e*. the victim or potential victim who will be protected by the order) |
| Family member(s) of the protected person |
| Please specify: For example, on of the parents of the minor child. |
| Public prosecutor |
| Police officials |
| A judge *ex officio* |
| Other public authority or official |
| Please specify: - enter text here - |
| Other advocate for the protected person |
| Please specify: - enter text here - |
| Other |
| Please specify: Participants in a civil proceeding or other persons concerned |
| 3.5. If possible, please indicate the actions or potential actions in response to which the protection orders are put in place (please check all which apply). | Domestic and family violence |
| Sexual assault |
| Dating violence |
| Stalking |
| Forced marriage |
| So-called “honour crimes” |
| Human trafficking |
| Other general criminal or harmful behaviour |
| Other behaviours / situations |
| Please specify :  - when it's necessary to protect the interests of the children as well as the interests of one of the spouses;  - when there is a risk that omission of civil protection orders could cause an impediment to enforce a court judgement or make enforcement of a judgement impossible;  - the suspect may be obligated to reside separately from the victim if it is believed reasonably that he or she, when residing together with the victim, will try to influence the victim unlawfully or will commit new criminal offences against the victim or the persons residing together with the victim. |
| 3.6. Can supplementary matters, which may or may not be directly related to the immediate safety of the protected person, be included in a protection order? | Yes; |
| Temporary maintenance orders |
| Temporary child custody orders |
| Protection of property |
| Mandatory counselling |
| Monetary reimbursement of damages to the protected person |
| Seizure of property of the respondent |
| Other |
| Please specify: Under the Code of Civil Procedure of the Republic of Lithuania, a court may apply several provisional safeguards, but the total amount thereof may not substantially exceed the amount of the claim. Provisional safeguards shall be chosen basing on the principle of cost-effectiveness. |
| No |
| 3.7. Please specify whether the protection orders (which are *not* of an interim or emergency nature) in your State / jurisdiction (please check all which apply): | Have a minimum duration |
| Please specify: - enter text here - |
| Have a maximum duration |
| Please specify: - enter text here - |
| Are of a fixed duration |
| Please specify:  - In accordance with the Civil Code of the Republic of Lithuania, the court may make orders for provisional protection measures until a judgment on divorce or separation is passed.  - Under the Code of Civil Procedure of the Republic of Lithuania, if a claim is rejected, the imposed provisional safeguards shall stay valid until the court judgement comes into effect. If a claim is satisfied, the imposed provisional safeguards shall be applied until the enforcement of the court ruling.    An obligation for the offender to move out of the place of residence temporarily, if he resides with the victim of violence and an obligation for the offender not to approach, not to communicate or look for contacts with the victim of violence shall be applied until the case hearing ends, if the pre-trial investigation judge or the court does not impose the remand measures specified in the CCP – detention or an obligation to live separately from the victim. These measures shall be imposed by the court not later than within 48 hours.The measures mentioned above shall be imposed together with the punishment, except in the cases when arrest or restriction of liberty is imposed on the convicted person.  According to the CCP detention may not be applied longer than for 6 months. A specific term of detention shall be determined by the pre-trial investigation judge in a ruling to impose detention, however, the detention imposed initially may not be longer than 3 months. This period may be extended, not longer than up to 6 months, by the same or a different pre-trial investigation judge of the same or a different local court. A judge of the regional court may extend the time limit of detention because of a high complexity or a large scope of the case, however, not longer than for 3 months. The time limit of detention may be extended repeatedly but may not last longer during pre-trial investigation than for 18 months and the time limit of detention for minors – for not longer than 12 months. |
| Are of a duration according to judicial / other instituting authority’s discretion |
| Are renewable |
| Please describe: For instance, the period of detention (custody) according to the CCP may be renewed. |
| Are not renewable |
| Please describe: - enter text here - |
| Lifetime or indefinite orders |
| 3.8. Generally, what is the expected time from the submission of an application to a final order (excluding appeals)? | Within 24 hours |
| Within 2 to 3 days |
| Up to 1 week |
| 1 to 4 weeks |
| 4 to 6 weeks |
| Other |
| Please specify: Requested information is not being collected. |
| 3.9. Does your State / jurisdiction offer protection orders considered to be of an interim or emergency nature (in contrast to more permanent orders)? | Yes |
| Please describe the main features of these orders, including information as to when the respondent is notified and has an opportunity to be heard and / or challenge such an order and until when these orders are effective:  An obligation for the offender to move out of the place of residence temporarily, if he resides with the victim of violence and an obligation for the offender not to approach, not to communicate or look for contacts with the victim of violence shall be imposed by the court not later than within 48 hours. The remand measures specified in the CCP – detention or an obligation to live separately from the victim - may be considered to be of an emergency nature as well. For more information see Part V, Section 3.7.  According to the CCP, every party in criminal proceedings and other persons as well have a right to appeal a court rulling to the higher courts, except those cases where a special procedure of appeal exists. For that the period of 7 days is foreseen.  The detained person or his defender shall have the right to submit an appeal to the court regarding the imposition of the detention or regarding the extension of this remand measure. The appeal regarding the imposition of the detention or regarding the extension of this remand measure may be submitted within 20 days after the relevant ruling has been rendered. The appeal shall be submitted via the court which has imposed or extended the detention and the latter shall refer to the appeal to a superior court promptly. A judge of the superior court shall deal with the appeal not later than within 7 days as of the day of its receipt. A hearing shall be held to decide on the imposition of detention; the detained person and his defender or only the defence counsel shall be summoned to the hearing. The prosecutor's participation in such a hearing shall be mandatory. The prosecutor shall provide the superior court with the material necessary to deal with the appeal. If the appeal has been submitted during the case hearing at court, the court the ruling whereof has been appealed against shall forward the material necessary to deal with the appeal to the superior court. The ruling rendered by the superior court shall be final and not subject to appeal. If the detention has been imposed or its time limit has been extended at the Court of Appeal of Lithuania, appeals regarding the detention imposed or extended shall be heard by a chamber of three judges of the Court of Appeal of Lithuania; the chamber may not include the judges hearing the case. |
| No |

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| 4. Availability of protection orders for visitors to your State / jurisdiction | |
| Can an individual in need of protection while temporarily visiting your State / jurisdiction obtain a protection order in your State / jurisdiction for the duration of his / her visit? | Yes |
| Please specify: If the fact of an incident of domestic violence perpetrated in the territory of the Republic of Lithuania is established and the pre-trial investigation is launched. |
| No |
| Comments: - enter text here - |

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| 5. Jurisdictional Grounds and law applicable to protection orders in your State / jurisdiction | |
| 5.1. Please specify the grounds upon which domestic competent authorities may assume jurisdiction for the establishment of protection orders (check all which apply). | Physical presence in the State / jurisdiction of the person seeking protection |
| Future physical presence in the State / jurisdiction of the person seeking protection |
| Physical presence of the defendant in the State / jurisdiction |
| Other |
| Please specify:  - Lithuanian nationality of one or both spouses;  - domicile in Lithuania. |
| Comments: - enter text here - |
| 5.2. Please specify what law will be applicable to the establishment of a protection order in your State / jurisdiction. | Law of the forum |
| Other law |
| Please specify, indicating relevant conflict of law rules: - enter text here - |

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| 6. necessary information for appLICATIONs FOR establishment of NATIONAL protection orders | |
| 6.1. Does your State / jurisdiction have a prescribed or preferred form for an application to establish a protection order? | * Yes, standard form for establishment published by the Hague Conference |
| Yes |
| Please attach a copy of the form or provide a website link or both:   - enter text here - |
| No |
| 6.2. What information is required to be included in an application to establish a protection order? | About the applicant:  🞎 Full name   * Date and / or place of birth * Personal identification number (such as social security or passport number) * Mailing address * Telephone, e-mail and other contact details * Nationality / nationalities * Other. Please specify:   About the respondent:   * Full name * Date and / or place of birth * Personal identification number (such as social security or passport number) * Mailing address * Telephone, e-mail and other contact details * Nationality / nationalities * Other. Please specify:   Other information:  Please specify: |
| 6.3. What documents are required for an application to establish a protection order? Please specify. | Accordind to the Code of Civil Procedure of the Republic of Lithuania, for establishing of civil protection order the claim or written and subtantiated application should be presented. Applicant should also submit evidence proving the risk for the interests of applicant.  The prosecutor, believing that detention should be imposed on the suspect who has not been arrested, shall apply to the pre-trial investigation judge of the local court where the investigation was carried out. |
| 6.4. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | Yes |
| Please specify: See Part IV, Section 3.4. |
| No |

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| 7. APPLICATIONS TO MODIFY protection orders | |
| 7.1. In addition to application contents specified in Section 6.2, what information is required in order to process an application to modify a protection order established in your State / jurisdiction? | About the applicant:  Please specify:  About the respondent:  Please specify: |
| 7.2. What documents are required for an application to modify a protection order established in your State / jurisdiction? (please check all which apply) | Complete text of the existing protection order |
| Other / additional documents |
| Please specify: - a reasonable request of participants in a civil proceeding or other persons concerned to substitute one civil protection order for another.  A court may initiate substitution of one civil protection order for another only if it is necessary to protect a public interest and if without this substitution rights and legitimate interests of the person, society or state could be infringed.  According to the CCP, the detained person shall be brought by the prosecutor to the pre-trial investigation judge not later than within 48 hours as of the moment of detention and, if it is impossible, to any other pre-trial investigation judge of the local court where the investigation was carried out. The court shall question the person brought regarding the validity of the detention. The defence counsel and the prosecutor may take part in the questioning of the detained person. After the questioning of the detained person, the judge shall render one of the following decisions: to uphold the ruling to impose detention (in this case, the judge shall determine a specific time limit of detention) or to replace this remand measure, or to revoke it.  When rendering or upholding the ruling to impose detention, the judge may instruct the prosecutor to collect additional material within the prescribed period of time. Upon receipt of this material, the judge may uphold the ruling to impose detention and set a new time limit of the detention or may vary this remand measure, or revoke it.  When the Detained Person was delivered before a pre-trial investigation judge of another local court and if the defence counsel cannot be present during the questioning of the detained person or if the whole material necessary to decide on the issue of detention cannot be provided to the court and the judge does not believe that this remand measure should be varied or revoked, he shall temporarily uphold the ruling to impose the detention and shall set the time limit to deliver the detained person to the pre-trial investigation judge who has imposed the detention or to another judge pre-trial investagation of the same local court where the investigation was carried out. |
| 7.3. On what grounds can an application be filed for modification of a protection order established in your State / jurisdiction? (please check all which apply) | Changed circumstances of the protected person so as to justify the modification |
| Changed circumstances of the person causing the risk so as to justify the modification |
| Other |
| Please specify: - enter text here - |

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| 7.4. Does your State / jurisdiction have a prescribed or preferred form for an application to modify a protection order made in your State? | * Yes, standard form for modification published by the Hague Conference |
| Yes |
| Please attach a copy of the form or provide a website link or both:   - enter text here - |
| No |
| 7.5. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | Yes |
| No |

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| 8. RESPONDENT’S RIGHTS | |
| Please answer questions in this section for the protection order regimes in your State / jurisdiction which are not considered to be of an interim or emergency nature (covered in Section 3.9., above) | |
| 8.1 Does the respondent have an opportunity to be heard in proceedings for protection orders in your State / jurisdiction? | Yes, always |
| It depends upon the particular case and is at the discretion of the judge / authority hearing the case |
| Please specify: |
| Other |
| Please specify: - A request to impose a civil protection order shall be dealt in written procedure. Nevertheless when a court has an opininion it is necessary, respondent may be informed about the examination of the application to impose a civil protection order.  According to the CCP, the suspect shall have the right to: know what he is suspected of; have a defence counsel as of the moment of arrest or the first questioning; get interpretation and translation services; inform consular offices and one specific person; get urgent medical aid; know the maximum time limit how many hours (days) his freedom may be restricted until the beginning of the case hearing at the judicial institution; testify or keep silent; provide documents and items relevant for the investigation; make requests; submit challenges; get access to the pre-trial investigation file; appeal against the actions and decisions of the pre-trial investigation officer, the prosecutor or the pre-trial investigation judge.  According to the CCP, the accused shall have the right to: know what he is accused of and receive a copy of a bill of indictment; get access to the case-file at court; get excerpts or copies of the documents necessary under the prescribed procedure; have a defence counsel; get interpretation and translation services; inform consular offices and one specific person; get urgent medical aid; make requests; submit challenges; submit evidence and take part during their examination; ask questions during the court hearing; make explanations about the circumstances investigated by the court and express his opinion regarding the requests made by other participants in the judicial proceedings; take part in the closing speeches when there is no defence counsel; address the court with final pleadings; appeal against the judgment and court rulings. |
| 8.2 Is the respondent given notice when a protection order is rendered or modified? | Yes |
| No |
| Comments: - enter text here - |
| * 1. Please describe any other important features of respondent rights. | - Respondent have a procedural right to appeal agains rulling imposing civil protection order, to request to cancel the imposed civil protection order or to substitute one protection order for anoher.  According to the Law on Protection Against Domestic Violence, a person suspected of inflicting violence have the right to:  1) obtain from a police officer information on the institutions providing accommodation services, if the person is imposed an obligation to move out from the place of residence;  2) submit explanations concerning domestic violence;  3) apply for and receive assistance in accordance with the procedure laid down by other legal acts of the Republic of Lithuania. |

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| **9. APPLICANT’S RIGHTS AND SUPPLEMENTARY SERVICES** | |
| 9.1. Does the intended protected person have an opportunity to be heard in proceedings for protection orders in your State / jurisdiction? | Yes, always |
| It depends upon the particular case and is at the discretion of the judge / authority hearing the case |
| Please specify: |
| Other |
| Please specify: - A request to impose civil protection order shall be dealt in written procedure.  The intended protected person has general rights that the victim and his representative have: to provide evidence; to make requests; to submit challenges; to get access to the case during the pre-trial investigation and at court; to take part in the case hearing at court; to complain against the actions of the pre-trial investigation officer, the prosecutor, the pre-trial investigation judge and the court as well as to appeal against the court's judgment or ruling; to deliver the closing speech. |
| 9.2. Is the protected person or his / her representative given notice when a protection order is rendered or modified? | Yes |
| No |
| Comments: - enter text here - |

|  |  |
| --- | --- |
| 9.3. Are there any support services available in your State / jurisdiction for victims of domestic violence or other crimes / behaviours (*e.g.*, such as those described in Section 3.5., above)? | Yes. Please complete Annex I describing services and providing contact details. |
| No |
| If existent, are these services also available for non-nationals or non-residents of your State / jurisdiction? (*i.e.*, are they also available to foreigners?) | Yes |
| No |
| Comments: - enter text here - |

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| --- | --- |
| 10. BILATERAL, REGIONAL AND INTERNATIONAL INSTRUMENTS generally addressing protection orders[[6]](#footnote-6) | |
| 10.1. Please list any bilateral, regional, and international instruments or co-operation mechanisms that currently or will in the future bind your State or jurisdiction, which address protection orders generally: | -There are no international instrumens or co-operation mechanisms that currently or will in the future bind the Republic of Lithuania, which address protection orders generally. |
| 10.2. Please provide relevant Internet weblink(s), if available: | - |
| 10.3. Please comment on special features, if any, found in these instruments or co-operation mechanisms which seek to quickly protect persons at risk in cross-border settings: | - |

part VI: other general information on NATIONAL protection orderS and recognition and enforcement of FOREIGN protection orderS

|  |  |
| --- | --- |
| 1. Legal representation and assistance | |
| * 1. Is legal representation required in proceedings concerning national protection orders or for the recognition and enforcement of a foreign protection order? | Yes |
| No |
| No, but recommended. |
| Comments: - enter text here - |
| * 1. If legal representation is required in proceedings, can those other than lawyers represent the parties? | Yes |
| Please specify: - enter text here - |
| No |
| * 1. Is free or reduced rate legal assistance available to an applicant for a protection order or for its recognition and enforcement in your State / jurisdiction? | Yes, free legal assistance |
| Yes, reduced rate legal assistance |
| No |
| Comments: - enter text here - |

|  |  |
| --- | --- |
| * 1. If free or reduced rate legal assistance is not available, in what other ways can your State / jurisdiction assist an applicant financially? | There is a system of costs ordering the respondent to pay |
| Pro bono legal assistance |
| Other |
| Please specify: - enter text here - |
| Not at all |
| * 1. Is free or reduced rate legal assistance available to the respondent? | Yes, free legal assistance |
| Yes, reduced rate legal assistance |
| No |
| * 1. Please indicate on what basis free or reduced rate legal assistance may be available. | Income of the applicant |
| Please specify: - For the provision of legal aid annual income of the applicant shouldn't exceed the income levels established by the Government of the Republic of Lithuania |
| Assets of the applicant |
| Please specify: - For the provision of legal aid property of the applicant shouldn't exceed the assets levels established by the Government of the Republic of Lithuania |
| Age of the applicant |
| Please specify: - enter text here - |
| Country of residence of the applicant |
| Please specify: -All citizens of the Republic of Lithuania, citizens of other Member States of the European Union as well as other natural persons residing lawfully in the Republic of Lithuania and other Member States of the European Union and other persons specified in international treaties of the Republic of Lithuania are eligible for legal aid. |
| Likelihood of success of the proceedings |
| Other |
| Please specify: Some persons are eligible for secondary legal aid regardless of the assets and income levels established by the Government of the Republic of Lithuania, for example,the aggrieved parties in the cases concerning compensation for the damage incurred through criminal actions, the persons maintained in stationary care institutions etc. |
| * 1. Which costs are covered by free or reduced rate legal assistance? | Translation |
| Interpretation |
| Service of documents |
| Court fees |
| Lawyer fees |
| Other |
| Please specify: - the costs of the execution process;  - the costs related to the drafting of procedural documents and collection of evidence;  - the travel cost where the physical presence of an applicant is required by the law or by the court |
| * 1. Does your State / jurisdiction have a prescribed or preferred form for an application for free or reduced rate legal assistance? | Yes |
| Please attach a copy of the form or provide a website link or both: http://www.teisinepagalba.lt/lt/antrine/tm/antrinkokiusdokumen/ |
| No |
| * 1. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | Yes |
| Please specify: - An application for provision of secondary legal aid and the documents attesting to the eligibility for secondary legal aid may be transmitted by electronic means if it allows to identify the applicant. |
| No |

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| --- | --- |
| 2. challenges / Appeals | |
| * 1. Can the establishment of a domestic protection order or the recognition and / or enforcement of a foreign order be appealed? | Yes |
| Please specify how many levels of appeal exist and to which court(s) / authority(ies) an appeal may be made:  All rulings of courts of first instances establishing civil protection orders may be appealed against to the court of higher instance. Rulings of courts of appeal on civil protection orders couldn't be a subject to cassation.However, all rulings of Lithuanian Court of Appeal on recognition and/or enforcement of a foreign civil protection orders may be appealed against in a cassation.  According to the CCP, every party in criminal proceedings and other persons as well have a right to appeal a court ruling to the higher courts, except those cases where a special procedure of appeal exists. The cassation appeal regarding remanding measures is not allowed in criminal proceedings. However, if a cassation appeal regarding the final judgement of a court is lodged, there might be questions in it regarding remanding measures. This could be the subject of cassation if it fulfils the requirements foreseen in the CCP (for instance, inappropriate application of criminal law, substantial infringements of CCP).  According to the CCP, the detained person or his defender have the right to submit an appeal to the superior court regarding the imposition of the detention or regarding the extension of this remand measure. The ruling rendered by the superior court shall be final and not subject to appeal. If the detention has been imposed or its time limit has been extended at the Court of Appeal of Lithuania, appeals regarding the detention imposed or extended shall be heard by a chamber of three judges of the Court of Appeal of Lithuania; the chamber may not include the judges hearing the case. |
| No |
| Comments: - enter text here - |
| * 1. Who can initiate the appeal process? | Either applicant or respondent |
| Other |
| Please specify: - enter text here |
| * 1. On what grounds can an appeal be initiated? Please specify. | - An appeal can be initiated if there are reasonable doubts on the legitimacy and validity of the ruling of court of first instance. It is not permitted to raise demands in an appeal, which were not stated when hearing the case in the court of first instance. |
| * 1. Is leave to appeal required? | Yes |
| No |
| In certain circumstances |
| Please specify: - enter text here - |
| * 1. Can the establishment of a domestic protection order or the recognition and / or enforcement of a foreign order be suspended (*i.e.*, ‘stayed’) pending an appeal? | Yes, a protection order or recognition and enforcement is *automatically* suspended pending an appeal |
| Yes, a protection order or recognition and enforcement can be suspended pending an appeal at the request of either party |
| Yes, a protection order or recognition and enforcement can be suspended pending an appeal at the request of either party and after determination by the judge / authority |
| Please specify : Recognition and/or enforcement of a foreign protection order can be suspended while the case is heard by cassation procedure. |
| No |
| Comments: - judgement establishing domestic civil protection order is not being suspended when pending an appeal, however appeal against the judgment repealing civil protection order or replacing one civil protection order for another automatically suspends enforcement of these judgments.  Judgement establishing domestic protection orders in criminal proceedings is not being suspended when pending an appeal. |
| * 1. Is there a time limit by which an appeal must be filed? | Yes |
| The time limit: According to the Code of Civil Procedure of the Republic of Lithuania, an appeal can be lodged within thirty days of the day the judgment of the court of first instance was passed.  A cassation appeal against the rulings of Lithuanian Court of Appeal on recognition and/or enforcement of a foreign civil protection orders can be lodged within three months of the day the judgement or ruling being appealed became res judicata.  According to the CCP, general period to appeal a court ruling to the higher courts is 7 days after the relevant rulling has been received. The appeal regarding the imposition of the detention or regarding the extension of this remand measure may be submitted within 20 days after the relevant ruling has been rendered. |
| From when the time limit starts to run (*e.g.*, from the date of the order, from the date the parties were notified of the order, etc.): - enter text here - |
| No |
| * 1. Generally, what is the expected time within which appeals are filed and decided? | Less than 1 month |
| 1 to 3 months |
| Longer than 3 months |
| Comments: The requested information is not being collected. |

**ANNEX I**

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| support services available for victims of domestic violence and other CRIMINAL OR HARMFUL BEHAVIOURS (*e.G.*, see Part V, Section 3.5) in your state / jurisdiction |
| Please attach additional pages as necessary if there are more organisations that offer support services for victims in your State / jurisdiction |
| 1. contact details of organisation offering support services |
| a. Organisation: Centers of Specialized Assistance: crisis and information centers, women's shelters etc. |
| b. Description of services offered: information, legal and psychological consultations, complex assistance, co-operation with municipal and non-governmental crisis centers providing servises of temporary accomodation, with institutions providing social servises, police, health institutions etc. |
| c. Address:  d. Telephone:  e. Fax:  f. E-mail: |
| g. Website: www.vmotnam.lt, www.lygus.lt, www.kamkc.lt, www.vyrukrc.lt, www.moters-pagalba.lt, www.moterscentras.lt etc. |
| h. Contact person(s):  i. Language(s): |
| 2. contact details of organisation offering support services |
| a. Organisation: - enter text here - |
| b. Description of services offered: - enter text here - |
| c. Address:  d. Telephone:  e. Fax:  f. E-mail: |
| g. Website: - enter text here - |
| h. Contact person(s):  i. Language(s): |
| 3. contact details of organisation offering support services |
| a. Organisation: |
| b. Description of services offered: |
| c. Address:  d. Telephone:  e. Fax:  f. E-mail: |
| g. Website: |
| h. Contact person(s):  i. Language(s): |

1. Conclusion and Recommendation No 9 of the Conclusions and Recommendations of the Council on General Affairs and Policy of the Conference (9-11 April 2013) (available on the Hague Conference website at < www.hcch.net > under “Work in Progress” then “General Affairs”). [↑](#footnote-ref-1)
2. For example, in relation to the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (developed during the negotiations of the Convention), the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* and the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (available on the Hague Conference website at < www.hcch.net > under “Conventions”). [↑](#footnote-ref-2)
3. “Questionnaire on the Recognition and Enforcement of Foreign Civil Protection Orders,” Prel. Doc. No 4 A of November 2012 for the attention of the Council of April 2013 on General Affairs and Policy of the Conference (available on the Hague Conference website at < www.hcch.net > under “Work in Progress” then “General Affairs”). [↑](#footnote-ref-3)
4. The areas marked in dark grey highlight could be utilised under a possible future Convention or other international co-operation mechanisms on protection orders. [↑](#footnote-ref-4)
5. *I.e.*, including the application or threat of sanctions for the violation or potential violation of a protection order. [↑](#footnote-ref-5)
6. *E.g.*, the *Council of Europe* *Convention on preventing and combatting violence against women and domestic violence* (adopted 7 April 2011). Art. 53(1) of this Convention requires that all States Parties “ensure that appropriate restraining orders or protection orders are available to victims of all forms of violence covered by the scope of [the] Convention.” [↑](#footnote-ref-6)