

## **INFORMATION ON CONDITIONS OF SERVING A CUSTODIAL SENTENCE FOR CONVICTED PERSONS**

### **1. Laws on Criminal Sanctions Enforcement**

The Laws on Criminal Sanctions Enforcement of the Republic of Lithuania shall be invoked to all persons serving sentences in the Republic of Lithuania. The basic legal acts regulating the conditions of serving a custodial sentence shall be the Criminal Sanctions Enforcement Code of the Republic of Lithuania and the Regulations of the Correction Institutions approved by the order No 194 of the Minister of Justice of the Republic of Lithuania of July 2, 2003. Provided an international treaty of the Republic of Lithuania establishes the rules other than the Criminal Sanctions Enforcement Code, the rules of an international treaty shall be applied.

### **2. Legal Status of Convicted Persons**

Restrictions of convicted persons' rights and freedoms and duties thereof shall be established exclusively by the laws of the Republic of Lithuania. A convicted person's behavior may be restrained by a prohibition or a duty. A correction institution or an officer may act only in compliance with the methods and means established by the laws. Supervision of the legality of activities correction institutions, facilities and officials' are engaged in shall be carried out by courts and prosecutors of the Republic of Lithuania, Ombudsmen appointed by the Seimas, the Ministry of Justice and other State institutions in compliance with the laws of the Republic of Lithuania. Convicted persons' legal status considering their behavior when serving sentences, compliance with established duties and prohibitions, attitude towards work and education, reaction to psychological impact and social rehabilitation may be mitigated or made rigorous in accordance with the procedure established by the Criminal Code, the Code of Criminal Procedure and the Criminal Sanctions Enforcement Code.

### **3. Basic Rights**

In accordance with the procedure established by the laws a convicted person shall have the right to: receive written information regarding order and conditions of serving sentences, their rights and duties (the information shall be presented in Lithuanian or in a convicted person's native language or the language a convicted person understands); submit suggestions, motions (applications), petitions and claims to a correction institution or other State or municipality institution or facility, officer, social or international organization, other institutions, facilities and organizations; have approach to medical aid; have approach to legal aid.

### **4. General Duties**

Convicted persons should pursue the requirements of the laws and abide to the established behavior rules, pursue the regulations and orders of a correction institution, facility or officer.

### **5. Types of correction institutions. Allocation of a convicted person to a correction institution**

There are the following types of correction institutions executing a custodial sentence: correction houses, correction house-open prison colony, closed prison, juvenile remand prison-correction house, central prison hospital. The type of a correction facility for a convicted person to serve the sentence is determined by the court on the basis of Article 50 of the Criminal Code. A convicted person is allocated to a particular correction facility, set by the Prison Department, by the remand prison administration taking into account the personality of the convicted person, danger to public safety, hazard and nature of offense committed, convict's health, psychological characteristics, age, work capacity, occupation acquired and attitude to work.

## 6. Transfer

A convicted person upon whom a custodial sentence was imposed should serve a sentence in the same correction institution. It is permitted to transfer a convicted person from one correction institution to continue serving a sentence in another one due to illness or other special circumstances preventing a convicted person to be held in the same correction institution. A convicted person who has the right to leave correction facility without the guard or escort, meeting the conditions set by the Director of Prison Department and if to his possible conditional release from correction institution remains not less than six months, can be transferred to a special unit (Half-way House) of a correction institution, where convicted persons undergo intensive preparation for conditional release from a correction institution.

## 7. Isolation

The administration of a correction institution shall have the right to hold isolated from other inmates prior or present civil servants, sentenced foreigners, disabled convicted persons with established 0-40 per cent working capacity and having major or moderate special needs, AIDS infected convicted persons, persons of limited responsibility, convicted persons characterized by decent behavior and employed convicted persons, convicted persons apt to violating the regime. In case of a written convicted person's request submitted to the administration of a correction institution to keep him isolated from other inmates due to significant reasons the director of a correction institution shall have the right by the resolution to remove a convicted person to a ward type premises and hold him in a ward alone or with other convicted persons held in a ward type premises on similar basis. The period of stay in a ward type premises shall be established by the director of a correction institution. A convicted person's removal to a ward type premises shall not be considered a punishment.

## 8. Groups

Convicted persons serving custodial sentence in correction houses, shall be allocated to ordinary, privileged and disciplinary groups:

**8.1.** convicted persons allocated to **an ordinary group** shall have the right to: do shopping in a prison shop; be granted one long term and one short term meetings within two months; receive and send unlimited quantity of letters, receive small packages containing press; make a telephone call twice a week; go for a walk for three hours daily.

**8.2.** convicted persons allocated to a **privileged group** shall have the right to: do shopping in a prison shop; be granted two long term and two short term meetings within two months; receive and send unlimited quantity of letters, receive small packages; make a telephone call once a day; go for a walk for four hours daily.

**8.3.** convicted persons allocated to a **disciplinary group** shall have the right to: do shopping in a prison shop; *be granted* one short term meeting within four months; receive and send unlimited quantity of letters, receive small packages; make a telephone call twice a month; go for a walk for two hours daily.

*Note. Convicted persons serving sentence in prison or juvenile correction houses shall be informed about allocation to groups by a particular correction institution.*

## 9. Purchases

Convicted persons are permitted to use the money in their personal accounts for purchasing food, necessities and other items, literature and writing materials, subscription of newspapers and magazines. Their spouses, partners and next of kin as well as legal and natural persons shall have the right to subscribe newspapers and magazines for convicted persons. Convicted persons are prohibited to obtain, purchase, keep, distribute and subscribe publications promoting violence and atrocities, pornographic publications.

## **10. Visits**

Convicted persons shall be permitted to the following visits: short term – up to three hours and long term – up to one day. Short term visits with a spouse, a partner and next of kin and other persons shall be in the presence of a representative of a correction institution but the conversation shall be private. Upon a convicted person's request a short term visit may be replaced by two telephone calls. Long term visit shall be permitted exclusively with a spouse, a partner and a person a convicted person has a common child if neither a convicted person nor this person is married to another person or has other partners. A child should be registered in compliance with the laws of the Republic of Lithuania as a common child of a convicted person and a person visiting. The long term visitors are allowed to purchase food in prison shops, or, if possible, food is supplied by a correction institution free of charge. Upon a convicted person's request a long term visit may be replaced by two short term visits or four telephone calls. For convicted persons who are allowed to stay for doing prison maintenance works in remand prisons, prison hospitals or a closed prison, where there is no possibility to provide long term visits, one long term visit is replaced by three short term visits. The director of a correction institution should permit a spouse, a partner, next of kin or a person with whom a convicted person has a common child if neither a convicted person nor this person is married to another person or has other partners, visit a convicted person suffering from serious illness that puts his life at risk. The visits are not included in the number of meetings. Convicted spouses upon whom a custodial sentence was imposed may be granted two long term meetings and one short term meeting a year. The directors of the correction institutions the spouses are serving sentence in shall establish a place for the meetings. Convicted persons' transport shall be carried out at the expense of convicted persons. Convicted persons allocated to an ordinary or privileged group while serving a custodial sentence upon a resolution of a director or acting officer of a correction institution may be granted additional short term or long term meetings for social liaison.

## **11. Parcels**

Convicted persons may receive by post or be handed over one parcel containing clothes, bedclothes (except for a blanket, mattress and a pillow) and footwear per six months. One postal parcel may not exceed the weight of ten kilograms, a handed over parcel – fifteen kilograms.

## **12. Things and Necessities**

Convicted persons, those serving custodial sentence in disciplinary groups of correction institutions excluded, or those transferred to cell type premises are permitted to use electric devices (TVs, computers or computer game players, video players, radio or CD players, razors, hair dryers, electric kettles, toasters or sandwich makers, headphones) and other things (prepaid cards, envelopes, stamps, occasional cards, personal photos and other small personal items, religious symbols, calendars, books, letters, magazines, newspapers and other periodicals, writing paper, notebooks and stationery; the criminal case material, transcripts or copies of sentence, rulings and decisions, answers received from national and local institutions, officials, public, non-governmental organizations and international institutions, receipts; articles for individual creative activities, musical instruments; plastic or wooden tableware (a plate, a spoon, a cup, a fork, a knife), tobacco products and accessories (a pipe, paper, filters), lighters, matches; watches and table clocks; make-up items; towels, bed clothing (2 sets, sheets, pillow linens and blankets); suitcases, bags, rucksacks; table games (except for pornographic or violent content); glasses, contact lenses, cases designed for keeping them in, contact lens maintenance products, data storage devices; brush (without metal parts) for clothes and shoes, shoe polish) purchased for money from their personal accounts or handed over. Computers can be used up to three hours per day during the time allocated by the director of a correction institution. The costs for the consumed electricity are covered by the convicts themselves.

Convicted persons violating the instructions on use of electric devices, having debts for consumed electricity as well as convicted persons transferred to a disciplinary group or cell type premises shall be withdrawn the things upon a motivated resolution of a director of a correction institution and have

the things stored in a correction institution. Eclectic devices or other things withdrawn shall be given back to the persons who have handed them over upon their or a convicted person's written application. The total weight of the possessed by convicted person things, including food, other things and necessities must not exceed 30 kilograms, convicted to life imprisonment - 50 kg.

### **13. Outfit**

Convicted persons are permitted to possess watches other than made from precious metals, wear their own outfit and footwear. Convicted persons get these things by post or in handed over parcels during meetings or purchase in the stores of correction institutions.

### **14. Money**

Convicted persons are permitted to receive money transfers and send them to spouses, partners and next of kin and upon a permission of a director of a correction institution or acting officer – to other persons. Money received by money transfer shall be included into a convicted person's personal account. The administration of a correction institution should accept money in cash brought to a convicted person. Once a month convicted persons who do not possess enough money may be disbursed an allowance up to 0,3 BSB (basic social benefit) from the funds of a correction institution.

### **15. Letters**

Convicted persons are allowed to send and receive an unlimited number of letters. Sent and received letters upon a motivated decision of a director of a correction institution or upon a court (judge) decision may be checked in order to prevent criminal acts or other violations of law or protect the rights of other persons, or sending and delivery of letters may be temporarily (up to three months) suspended. The motivated decision should indicate the grounds for checking and suspending mailing and delivery of letters, the length, measures and persons, whose letters should be checked and suspended, other urgent circumstances for checking or suspending letters. Suspension of mailing and delivery of letters may be extended but in any case no longer than for three months period. Letter checking is interrupted or mailing and delivery is updated after the disappearance of the grounds on which the letters were checked or suspended.

### **16. Suggestions, Motions, Applications, Petitions and Complaints**

Convicted persons shall have the right to submit suggestions, motions (applications), petitions and complaints to the officials of national and local institutions, public organizations and international institutions. Suggestions, motions (applications) and complaints addressed to the officials of national and local institutions and international institutions the jurisdiction or competence whereof to accept applications of convicted persons serving sentence in Lithuania was recognized by the Republic of Lithuania shall not be checked and shall be mailed within one working day from the moment of receipt. Answers to convicted persons' suggestions, motions (applications), petitions and complaints shall be delivered to convicted persons upon their signature within two working days from the moment of receipt. Answers from international institutions shall be delivered to convicted persons not later than within one working day from the moment of receipt. Convicted persons shall have the right to apply directly to the President of the Republic of Lithuania, the member of the Seimas or the Government of the Republic of Lithuania, the prosecutor, Ombudsmen appointed by the Seimas, or representative of the Ministry of Justice during their visit in correctional institutions. Convicted persons are prohibited to send anonymous or joint complaints to the officials of national and local institutions, submit the officials of national and local institutions and public organizations suggestions, motions (applications), petitions and complaints on behalf of other convicted persons or avoiding the administration of a correction institution. Mailing expenses of suggestions, motions (applications), petitions and complaints shall be covered by convicted persons themselves. Provided a convicted person would like to attach to a suggestion, motion (application), petition or complaint copies of documents or other material but he has not enough money on his personal account to cover

expenses of copies of required documents or material the administration of a correction institution must provide a convicted person with copies of required documents or material. He shall be charged for the service mentioned when he is solvent.

#### **17. Legal Aid**

Lawyers' visits to convicted persons shall not be limited. Meetings with a lawyer shall not be included in the number of meetings. Every meeting with a lawyer shall be held at a time and place appointed by the administration of a correction institution and may not exceed eight hours.

The staff of the correction institution shall not provide legal aid.

#### **18. Making a phone call.**

A convicted person shall be permitted to make a phone call provided he is solvent or uses the communication service to make a telephone call at the expense of another subscriber. A telephone call may not exceed 15 minutes. A convicted person is free to choose an addressee. Call expenses except in cases of the communication service to make a telephone call at the expense of another subscriber shall be covered by a convicted person. A call may be terminated provided a convicted person violates the procedure for telephone calls. Convicted persons' suggestions, motions (applications), petitions and complaints shall not be communicated over a telephone. A director of a correction institution shall have the right to permit one additional call under convicted person's request due to special circumstances.

#### **19. Short-term leave home or outside the premises of a correction institution**

Convicted persons, held in correction houses in privileged and ordinary groups and having served at least half, and juveniles – at least one third of the court sentence, once in three months period may be granted three days leave home in the territory of the Republic of Lithuania. On decision of a director of a correction institution and in accordance with the procedure established by the Director of the Prison Department control of the behavior of the convicted person released for home can be carried out by means of electronic surveillance. Permission to leave home is given by the order of a director of a correction institution regarding the convict's personality, part of the sentence served, and behavior during the sentence serving. The short term release time is included into sentence serving time. Travel expenses are paid by the convicted person or his close relatives.

Convicted persons, except those serving lifelong sentence, may be granted a release outside the premises of a correction house to the territory of the Lithuanian Republic for not longer than ten days because of a spouse, a partner and next of kin's death or serious illness threatening the patient's life, as well as natural disaster which caused serious material damage to the convicted person or his/her spouse, partner and next of kin. Permission to leave the premises of a correction house is given by the order of a director of a correction institution or acting officer regarding the convict's personality, part of the sentence served and behavior during the sentence serving. The time is included into sentence serving time. Travel expenses are paid by the convicted person or his close relatives. Convicted persons leave the premises of correction facilities with or without escort, juveniles – only with escort. Adult convicts may stay handcuffed during the trip. On decision of a director of a correction institution and in accordance with the procedure established by the Director of the Prison Department behavior control of a convicted person leaving without escort may be carried out by means of electronic surveillance.

#### **20. Reception on Personal Issues**

Authorities of correction institutions and agency executives as well as personnel of the Prison Department and the Ministry of Justice within the scope of its competence shall receive convicted persons on personal issues.

*Note. A schedule of a particular institution on receiving convicted persons on personal issues should be included thereto.*

## **21. Religious Rituals**

Convicted believers serving custodial sentences shall have the right solely or in conjunction with other convicted persons to perform religious rituals during their spare time established in the agenda of correction institutions. Religious rituals may not disturb other convicted persons' comfort. Upon convicted believers' joint request and after making arrangements with the administration of a correction institution a representative of that religion may be invited for religious rituals.

## **22. Marriage**

Convicted persons serving custodial sentence shall have the right to enter into marriage in accordance with the procedures established in the Civil Code. Convicted persons serving custodial sentence shall enter into marriage in one of the correction institutions a sentence is being served at. A convicted person's transport shall be carried out at the expense of a convicted person himself. During the marriage ceremony convicted persons may be dressed to the occasion. A director of a correction institution shall have the right to grant a convicted person who has entered into marriage one additional long term meeting.

## **23. Civil Transactions**

In accordance with the procedures established in the Civil Code convicted persons serving custodial sentence shall have the right to dispose of their property outside the correction institution, conclude transactions by proxy, transactions concluded only personally due to their nature excluded.

## **24. Foreigners' Contacts with Representatives of their Native States**

Convicted foreigners serving custodial sentence shall have the right through the Ministry of Foreign Affairs of the Republic of Lithuania to contact the diplomatic missions and consular institutions and international organizations. In cases and in accordance with the procedures provided for in the international treaties of the Republic of Lithuania convicted foreigners upon whom a custodial sentence was imposed may be transferred to serve a sentence in another country.

## **25. Duties**

Convicted persons serving custodial sentence must: comply with the established procedures of a correction institution; pursue the requirements of the administration of a correction institution; be on duty in living premises in turn when appointed by the administration; spare assets of a correction institution or if he/she attends school – spare assets of an education institution; at the end of the walk and the long term visit – put in order a particular place or premises. Also convicted persons must comply with the established rules of conduct: wear a card with a photo, name and surname which is issued by the administration of a correction institution attached in the visible place; to stand up and greet the administration representative of the correction institution when entering the room, to enter or leave the room where administration representative of the correction institution is staying only on his/her permission, to say the surname while addressing the administration representative of the correction institution; do not hold hands in the pockets communicating with the administration representatives; do not use obscene words, slang, nicknames; observe personal hygiene; clean and take care about the working, living (sleeping) and walking places; do not exchange the sleeping place; keep food, necessities, and other items only in specially designated places; to hang photos, clips and other items only in a specially installed place; use only technically neat electrical appliances; do not enter the premises and areas where do not work or live except on the permission of the director of the correction institution; do not violate security restricted areas in the correction institution, marked with special informative notes.

## **26. Prohibitions**

Convicted persons serving custodial sentence are prohibited to: organize meetings, pickets, demonstrations, riots and other illegal events and to participate therein; establish political parties and



organizations and be engaged in their activities; obtain, produce, distribute or use alcoholic drinks and their substitutes, drugs, psychotropic and other substances influencing mental health, use medicine without a doctors prescription, use toxic substances; by any means to purchase and transfer either personal or national assets to other detainees, convicted persons or administration personnel of a correction institution; perform other chargeable or otherwise repayable services either to other detainees and convicted persons or to the administration personnel; tattoo oneself or other persons; distribute handwritings and other publications without a permission of the administration of a correction institution; abet other detainees' or convicted persons' refusal to pursue the requirements of the administration of a correction institution; request any other services from other detainees and convicted persons; use physical or psychological force against other persons; possess tobacco products in cell-type premises, as well as the in-patient departments of a central prison hospital and secondary out-patient personal health care units of correction institutions.

## **27. Correction measures**

Correction measures for convicted persons upon whom a custodial sentence was imposed are: custodial regime, work, social rehabilitation, general education and vocational training.

## **28. Regime**

The regulated inner procedures shall be established in correction institutions. Convicted persons upon signing shall be informed of their rights, duties and prohibitions. The key regime requirements of correction institutions shall be the following: mandatory isolation of convicted persons and constant supervision thereof; requirement to convicted persons to accomplish their duties precisely and non-divergently; convicted persons should be kept under different conditions with respect to the gravity and danger of a crime committed, a person's character and behavior when serving a sentence. Convicted persons upon whom a custodial sentence was imposed shall wear either clothes of their own or shall be issued at a correction institution. Convicted persons shall be searched. A convicted person shall be searched by an officer of the same gender.

## **29. Agenda**

An agenda for convicted persons must strictly regulate their behavior 24 hours and plan time for work, rest, walking in the fresh air, education and social rehabilitation. An agenda for convicted persons shall be established upon the order of a director of a correction institution. The agenda shall be announced to convicted persons.

*Note. Hereafter an agenda of a particular correction institution should be included.*

## **30. Officials' Right to Use Coercive Measures**

In case convicted persons initiate illegal joint actions roughly violating inner regulations of a correction institution a director of a correction institution or acting officer shall have the right to suspend *pro tempore*: mailing of convicted persons' letters, delivery of received letters, postal and handed over parcels and small packages containing press; granting of meetings; purchase of food and necessities; incentive measures; permissions to make telephone calls; culture, sports and other mass events.

The officials of the Prison Department, correction institution, police and Public Security Forces of the Ministry of Interior liable for public security may use handcuffs, straitjackets or means of fastening, tasers, sticks, tactical actions of wrestling, gas for personal security, war-dogs, water-guns, armored cars and other technique;

## **31. Employment**

Every convicted person upon whom a custodial sentence was imposed must work if he is offered a job by the administration of a correction institution. Convicted disabled, persons of the state social insurance pension age and persons of limited responsibility may be employed only upon their written

consent in case of an affirmative medical conclusion and vacant job places. The administration of a correction institution shall select jobs for convicted persons with respect to vacant positions and jobs. Convicted persons allocated to an ordinary group, while serving a custodial sentence may be involved in individual work or creative activities upon their request, allocated to a disciplinary group of a correction institution excluded. The mentioned activities shall be permitted in spare time other than work for a correction institution. Convicted persons allocated to a disciplinary group of a correction institution excluded, be engaged in scientific, artistic and other activities instead of employment in a correction institution. Hard-working convicted persons serving custodial sentences in ordinary and privileged groups in correction houses, open prison colonies, juvenile correction houses shall have the right to fourteen calendar days of vacations free of charge per year. The vacations shall be included in the time already served.

### **32. Salary**

Convicted persons shall be paid for their work according to its quantity and quality. Convicted persons may be involved free of charge only in arrangement of a correction institution and nearby surroundings, improvement of convicted persons' cultural and routine conditions. A part from the total amount of a convicted person's salary as established by the laws shall be allocated to a social security foundation for convicted persons. A five percent fee from the total amount of a convicted person's salary shall be transferred to an untouchable part of a convicted person's personal account a convicted person has no right to dispose of. In cases of emergency when serving a sentence a convicted person may use the money from the untouchable part of the personal account upon a permission of a director of a correction institution. The remaining amount of money in the account shall be issued to a convicted person upon his release. Other deductions from the amount earned shall be done pursuant to the writs of execution and other executive documents. Maintenance to juvenile children shall be calculated from the total amount earned and other types of income and a deduction shall be done before the fee to a social security foundation.

### **33. Social Rehabilitation**

Social rehabilitation of convicted persons upon whom a custodial sentence was imposed shall be organized by the administration of correction institutions. National and local institutions, non-governmental organizations, religious communities and societies, their members and other legal and natural persons shall have the right to participate in this process. Counseling services are open in correction institutions. General education and vocational training shall be organized in correction institutions.

### **34. Incentives**

The following incentive measures may be applied to convicted persons upon whom a custodial sentence was imposed for irreproachable behavior, initiative and active participation in social rehabilitation activities, diligent work and studying: bonus for excellent results, granting of a right to make one additional telephone call; granting of three additional long term or short term meetings a year; withdrawal of an assigned sentence before its term; extending walk time up to two hours; permission to go home on vacations; granting of a short term visit home in the territory of the Republic of Lithuania; for those who have already served a year of the sentence time – transfer from an ordinary group to a privileged one. Convicted persons having already served not less than half of the sentence time whose behavior does not put other people at risk may be transferred from a prison to a correction house to continue serving sentence in an ordinary group. Convicted persons kept in a privileged group who have to serve no more than one year before a possible release on parole from correctional institution by a court decision, passed in accordance with the submission of the administration of correctional institution and regarding the risk of criminal behavior, the behavior during the sentence serving and other relevant circumstances, may be transferred to open prison colony to continue serving the sentence.



### **35. Sanctions**

The following sanctions may be applicable to convicted persons upon whom a custodial sentence for violating the regime requirements was imposed: reprimand; arrangement of a correction institution and its surroundings out of turn; prohibition to do shopping (except for toiletries and stationery) in prison's shop for up to one month; transfer to a cell type premises for up to fifteen days. Convicted persons constantly violating or having made an especially rough regime violation may be withdrawn of previously granted incentive measures – transfer from an ordinary group to a privileged one; transfer from an ordinary group to a disciplinary one for the period from three months to one year of convicted persons allocated to an ordinary group of a correction house and prison; transfer to a cell type premises from fifteen days up to six months period of convicted persons allocated to a disciplinary group of a correction house and prison. The Director General of the Prison Department upon the application of a director of a correction house may forward a convicted person transferred to a ward type premises of a correction house to continue the punishment in prison. A convicted person shall have the right within one month from the imposition of a punishment to appeal against a punishment to an officer higher in rank. Submission of a complaint shall not suspend punishment enforcement. An officer higher in rank shall mitigate the punishment or cancel it provided an officer who has imposed a punishment exceeded his powers, incorrectly assessed the circumstances of the offence or in case a punishment was imposed upon a convicted person who has made no violations. Provided another punishment shall not be imposed upon a convicted person within a year from the day of accomplishment of a punishment he shall be considered having no punishments.

### **36. General education and vocational training**

General education shall be organized to convicted persons in correction institutions. General education for persons older than sixteen shall be organized upon their written request. Education for disabled and convicts of limited responsibility shall be organized upon their request, the consent of the administration of correction institution and a doctor's permission. Vocational training may be organized by a correction institution and state enterprises at the correction institutions. Convicted persons have the right to choose a qualification from the list submitted by the administration of a correction institution and available training basis. Convicted persons are exempted from work at correctional institutions when taking final qualification examinations in compliance with the laws of the Republic of Lithuania.

### **37. Leave without escort**

Leave without escort outside the premises of a remand prison or correction institution if it is necessary for general education, vocational training, and work to be done or for the implementation of social rehabilitation activities may be applicable to the following convicted persons: allocated to a privileged group of a correction house; allocated to an ordinary group of a correction house and having served not less than 1/3 of the custodial sentence as well as those left in remand prisons, prison hospitals or prisons for prison maintaining activities. The right for a leave is denied for dangerous re-offenders; those who have been sentenced for felonies and whose custodial sentence exceeds ten years period; convicted persons for having already violated the regulations of the leave; foreigners; convicted persons of limited responsibility or those ill with dangerous and especially dangerous infectious diseases transmitted by droplets through the air.

### **38. Conditional Release**

Convicted persons serving custodial sentence in penitentiaries who implement the measures provided in their individual social rehabilitation plan and submitted applications for conditional release to the Conditional Release Board of the correction institution; and whose risk of criminal behavior is low, behavior during the sentence serving and (or) progress in reducing the risk of criminal behavior

constitute grounds for believing that they will comply with the law and not commit crimes may be conditionally released from correction institutions. Applications to the Board for conditional release from the correction institution can be submitted by the following persons: 1) – persons upon whom a custodial sentence up to six years was imposed by court for negligent crimes, other persons upon whom a custodial sentence imposed does not exceed three year, juveniles when they have served 1/3 of an imposed custodial sentence but not less than four months; 2) – persons upon whom a custodial sentence for negligent crimes imposed exceeds six years, other persons upon whom a custodial sentence imposed exceeds three years but does not exceeds ten years when they have served half of an imposed custodial sentence; 3) persons upon whom a custodial sentence imposed exceeds ten years but does not exceeds fifteen years when they have served 2/3 of an imposed custodial sentence; 4) persons upon whom a custodial sentence imposed exceeds fifteen years but does not exceeds twenty five years when they have served 3/4 of an imposed custodial sentence.

Convicted persons who accept that they are subject to intensive supervision (the use of electronic surveillance measures) can be released on probation six months before their possible conditional release from correction institutions.

Procedures and conditions for executing intensive supervision of convicted persons shall be established by the Law on Probation of the Republic of Lithuania.

Decision on conditional release is taken by the district court the correction institution belongs to, which approves the decision of the Conditional Release Board.

### **39. Daily Provisions**

Convicted persons shall be ensured accommodation and routine conditions in compliance with hygiene standards of the Republic of Lithuania, they shall be allocated separate sleeping places and bedclothes free of charge. Convicted persons can use their own bedding (except for a blanket, a mattress, a pillow) if they wish. Convicted persons who do not have clothes and footwear of their own shall be provided seasonal clothes and footwear. Convicted persons shall be fed free of charge in compliance with physiologic nutrition standards, and those who according to the doctors decision rational nutrition is appointed – in compliance with rational nutrition standards. Convicted persons serving the sentence in open prison colonies or transferred to serve the sentence to half-way houses provide themselves with food, clothing and footwear. Each month these convicts get one basic social benefit for food from a correctional institution or remand prison.

### **40. Health Care**

Personal health care in correction institutions shall be organized and implemented pursuant to the Laws on Health Care of the Republic of Lithuania. Health care services shall be established in correction institutions for out-patient primary and secondary health care services. Convicted persons who require mandatory special medical aid health care service of correction institutions or prison hospitals cannot provide may be provided in national or local public personal health care institutions in accordance with the procedure laid down by the Minister of Health and Minister of Justice with due regard to security. Convicted persons shall be registered to visit a medical specialist in advance. Patients shall be registered daily. Patients shall arrive to a personal health care service by themselves or escorted by officers in accordance with the procedures established in correction institutions. Upon a specialist's request an officer of the same gender as a convicted person must stay in a health care service room during reception.

### **41. Appeal against Officers' Actions**

Appeals against actions and decisions of correction institution officers shall be submitted to a director of an institution within one month period. He should consider an appeal not less than within twenty days from its receipt. Appeals against actions and decisions of directors of institutions shall be

submitted to the Director General of the Prison Department within one month period. He should consider an appeal not less than within twenty days from its receipt, in case an investigation is done due to an appeal – within twenty days from its accomplishment. Appeals against actions and decisions of the Director General of the Prison Department may be submitted to a Regional Administrative Court within twenty days from the submission.

