

PRISON IN LITHUANIA

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INTRODUCTION

Lithuania (like other Baltic states - Latvia and Estonia) is "West of East". Both geographically and culturally it is in the middle between West and East. Lithuania is rather small. Its population amounts to 3.7 mill. people. The country is relatively homogenous. 81% of the population are Lithuanian. A large majority of the population is Catholic.

Lithuania was the first country to come off the Soviets empire. Separation of Lithuania was the beginning of the end of this empire.

Nowadays, Lithuania is going through a process of rapid transition. It is first of all an economic transition from planned to market economy. Just now Lithuania is going through a most difficult state of this transition. The planned economy is already destroyed, the market one is still under way. So the national product and living standards have dropped more than twice. It is, on the other hand, a political change. It is the change from a totalitarian to a democratic pluralistic society. Thirdly, it is the overturn of the value system. All these changes are accompanied by a rapid growth in criminality (2.7 times in 10 years, 1.7 times in the last 5 years) and by social and economical crises.

1. *The prison situation*

On January 1st 1995 there were 12.671 people in prison. This means 342 persons per 100.000. It is very bad compared with West Europe. Even the most imprisoning countries of West Europe are far behind Lithuania. On the other hand, Lithuania is a bit better than other countries of East Europe.

2. *Development of the prison situation in Lithuania*

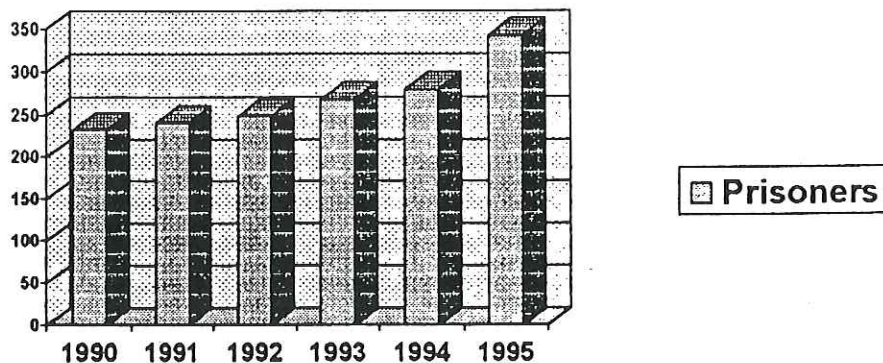


Table 1. Prisoners in Lithuania.

Prisoners (per 100 thousand of Lithuanian population)	1990	1991	1992	1993	1994	1995
	232	240	248	267	279	342

We can see that the main trend is an accelerating growth. It is the same trend we are concerned about. Lithuania is one more example of this universal modern trend that can be met with in very different countries: large and small, old and young, rich and poor.

3. Who are the prisoners in Lithuania?

Deprived social groups are overrepresented in Lithuanian prisons. Datas I am going to present are rather trivial. Every machine of criminal justice tends to rake out most depraved and problematic social groups. So it is in Lithuania too. In Lithuanian prisons people lacking useful social skills are overrepresented if we are to deal with criminal justice successfully.

To begin with, people with lack of intellect (mental retarded people) are overrepresented in the prison population (Table 2). There are 335 mental retarded people per 10.000 in prison and only 66 in the total population. So overrepresentation amounts to 5.1 times. People with lack of psychic stability are overrepresented in the prison population 12.8 times.

Overrepresented in prison are people with lack of economic adaptation. People who had no job when committing a crime constituted (1995) 37.9% of the prison and only 6% of the total population. Overrepresentation is 5.6 times.

People with lack of education are overrepresented in the prison population, so are people with lack of life experience (young people).

Table 2. Overrepresentation of socially deprived social groups in prison population.

Sort of social deficiency	Total population	Prisoners	Overrepresentation
Lack of intellect (mentally retarded) per 10 thousand	66	335	5.1
Lack of psychic stability per 10 thousand	18.7	240	12.8
Lack of economic adaptation (jobless) per 100	6.7	37.9	5.6
Lack of education (lowest educational level) per 100	10.6	32.2	3.0

What is specific for Lithuania as a country in process of rapid transition is the increase of the socially deprived part of prison population. People with lack of intellect in few years (1991-1994) increased (from 260 to 335 pro 10.000). The explanation is very simple. Under rapid growth in criminality the police has really no time to deal with more complicated crimes. Only the most simple ones are resolved. Such are crimes committed by mentally retarded people. Other increasing parts of prison population are young (from 28,3% in 1991 to 38,8% in 1994) and people who are able to work but do not (from 22% in 1991 to 53,4% in 1994).

So everything that has been said in criminological literature about discriminating effects of the criminal justice system and about latent functions of the modern prison (providing some sorts of "final solution" of the problem of depraved social groups) is true in Lithuania too. It is particularly true nowadays under the social crisis.

4. Prison conditions in Lithuania. Life in prison

Gulag is not an empty word for Lithuanian people. Thousands and thousands of them went through it and know the meaning of such words as "lagerj", "Sibirj", "zek" by their own experience. 12 prisons situated in Lithuania was an integrated part of Gulag. Lawlessness, humiliation, hunger, cold and dampness used to be the everyday experience in these prisons. What was clear from the very first day of independence was that even if the prison as a social institution is to persist it cannot be something like Gulag.

Western models were very attractive and important to us. People that visited Western prisons told us that they had seen quite a different prison. Of course, this prison had its own problems too. But prisoners in a Western prison were deprived only of that right which they were to be deprived of according to the sentence of freedom. But they were not deprived of the possibility to satisfy their basic needs, of their dignity, safety, health, of chances for personal development.

All this moved the new Lithuanian authorities to do their best to improve the living standards in prison. For example, the food ration in Lithuanian prisons contains 2880 calories. It is diversified according to recommendations of medicine. Every prison has a special committee of prisoners reviewing preparation and distribution of food. List of clothing contains 32 points. 8 hours sleep is guaranteed. Medical control over conditions of living is improved substantially. The result is real improvement in the health of prisoners. So, in 1986 (the best Soviet year) there were 145.1 cases of illness pro 1.000 prison population. In 1993 this figure dropped to 91.1.

You will agree that after all these improvements we could have expected some positive changes in spirits, in mood of prison populations. Of course, it does not mean that prisoners might have enjoyed prison or would have developed some positive view of prison. But we could have expected prisoners to be not so stressed, intimidated, frustrated, unhappy, full of hate for themselves and others as they used to be. Criminologically all that should have manifested itself first of all in decreasing rates of self-injuries, more indirectly - in positive changes in criminality within the prison.

But unfortunately it was not the way things were. Some of these indicators became even worse than they used to be. The other ones remained unchanged. So the rate of suicide was in 1994 2.6 times higher than in 1986. Injuries of self have raised in 1990 and were stable all the following years (20% more than 1986).

Let us discuss two sources of this discontent: overcrowding and restrictions in Lithuanian prisons.

The common idea of a prisoner is the picture of a lonely man sitting in his cell. The real Lithuanian prisoner is just the opposite of this picture. First there are plenty of other prisoners squeezed in his cell. Because of extreme lack of space they all are just pressed together. The official norm of living space in Lithuanian prisons is 2 sq.m. It is room enough for just one bed. But some interval between beds is needed too. On the other hand, the Lithuanian prisoner does not sit calmly. The opposite is true. Every split of second he is urged to cope against others defending his own safety, health, honor, life.

Why Lithuanian prisons are so overcrowded? In 1959 the Communist Party declared the communism to have been built within 20 years. Under communism all social and economic roots of criminality were presumed to be eradicated. So no new prisons were built. But in crude reality criminality has been increasing. So Lithuania (as other former socialist countries) met independence with overcrowded prisons. Rapid transition to a pluralistic democratic society and to market economy caused the new jump in criminality. As mentioned it increased 2.7 times within 10 years and 1.7 times within 5 years.

Rapid growth in criminality caused in Lithuania an increase in police (1.7 times within 5 years). This in turn caused the increase in the number of people arrested (1.6 times). This further caused the acute need for new prisons.

In order to explain the overcrowding in Lithuania it is also important to bear in mind that here (just as in other former Soviet countries) there are no notorious queues to prison. There are no people waiting years and more to serve their sentences. Lithuanian law demands a convict to start serving his sentence within 10 days. In practice it looks like this: just after pronouncing sentence he is brought to prison, and it is the job of the prison administration to find a place for him. Sad experience shows that no matter how overcrowded a prison is, some additional room can always be found. (Instead of two floor beds you can arrange three or four, instead of having shifts to sleep in only some prisons they can be arranged in all and so on).

Overcrowding in Lithuanian prisons was so shocking that the Lithuanian government approved a general program to build 22 new prisons within the next 15 years. So the number of prisons is to be triplicated.

The program was to be started this year. But everybody understands that it was impossible. The point is that Lithuania is a really poor country with quickly decreasing national product and living standards. Factories are closed down. State employees and renters do not receive their salaries and rents. All money received by the prison department this year was spent to buy food for prisoners and pay salaries to depart-

ment workers. Nobody knows when it will be possible to realize this program.

But it would like to stress what an excellent social engineering tool such an abortive social program is (at least in the East). Despite the fact that it cannot be realized it fulfills very important latent functions:

- the public opinion is calmed (“prison situation is very bad but improvement is under way”).
- authorities responsible for prison reform are out of critic (“everything you can propose is already regarded in the mentioned program”).
- the public is provided with a very simple explanation why nothing is done - lack of money (“a perfect project is developed but is not implemented because of lack of money”). Lack of money is a most powerful argument that is persuasive to everybody (“there is no money for people that obey the law let alone for criminals”).

So the situation in prisons is a dead end masked by using abortive improvement programs.

Another attempt to improve the prison situated in Lithuania was liberalizing the prison regulation in 1990-1991. Highly attractive Western models, wind of freedom outside prisons, the singing revolution, all that brought into Lithuanian prisons the spirit of freedom. Prisoners were given much more alternatives, more freedom and more opportunities to keep contacts to the outside world, social activities within prisons were stimulated. The time of democratic and humanistic prisons seemed to be coming.

But the real result of liberalizing proved to be the opposite one. Years of liberation have proved to be the worst years of prisons in independent Lithuania. It were the years of domination by hardened criminals, of jump of violence within prisons, of prison riots, of “wars” between prisoners. (See Table 3).

Table 3. Intended injury of prisoners by other prisoners.

	1986	1990	1991	1992	1993	1994
Number of cases	61	173	157	268	81	64

The main lesson of this period was: the overcrowded prison cannot be liberal. The main conclusion of this lesson was: the strict and detailed regulation of every side of prison life, of every detail of relation between prisoners and between prisoners and administration is the only way for overcrowded prisons to persist, the only way to govern the huge mass of frustrated and squeezed to one another people.

So after the period of liberalizing in 1990-1991 Lithuanian prisons moved in the opposite direction. The new trend was development of a multilateral restriction system within the prisons. The present “Regulations of order within Lithuanian prisons” (Vilnius 1993) regulate all sides of prisoners’ life (duties, behaviour, clothing, inter-

relations and so on) in very exact, detailed and strict ways. They contain 432 items. 112 of them are either rules that being violated cause punishment or descriptions of these punishments. Very similar is the development in other Baltic states. So Estonia made the way from a very liberal regulation in 1990-1991 to a 200 items body of "Rules of internal order in prison" (Decision of Minister of Justice nr. 5/02.02.94).

5. What has to be done

a. Ways to reduce the pretrial prison population.

Let us have a look at Table 4.

Table 4. Prison population before and after trial.

	1991	1992	1993	1994	1995
Prisoners (in %)					
1. Pretrial detention	28.0	29.0	33.7	36.9	32.1
2. Serving sentence	72.0	71.0	66.3	63.1	67.9
Total	100.0	100.0	100.0	100.0	100.0

32.1% of prisoners in Lithuania are waiting for trial. So the first way to diminish the prison population is less pretrial arrests and quicker investigation. Nowadays our demands to criminal justice have increased. An attorney, for example, takes parts from the very beginning of criminal investigation. So a lot of new questions are to be answered and a lot of statements have to be proved. But all that makes the process longer. Lithuania is still virgin soil to implement investigation and trial shortening methods that are usual in the West (like diversion and informal solutions of conflicts). No recommendation of the European Committee on Crime Problems dealing with delays in the criminal justice system is implemented. (See European Committee on Crime Problems. *Delays in the Criminal Justice System*. 1992).

b. Ways to reduce the after-trial prison population. "The Lithuanian way".

Lithuanian prisons are extremely overcrowded. It is one of the most acute issues today. Usually an acute problem stimulates the search for solution. The Lithuanian solution is an irrational one. Irrationality does not mean that it does not work. It works. It means that this solution is based on the irrationality of everyday legal thinking of the population and the legislators in this country.

The fact is that the population in Lithuania irrationally and despite of all scientific and everyday facts still believes very strongly that imprisonment works. You can try to persuade these people that it is wrong but the only question you will be asked would be "How much has the Mafia paid you for defending criminals?". Thus an increase in punishments is steadily demanded. Every attempt to decriminalize some corpus delicti, or to reduce criminal punishments meets with strong resistance.

But even more irrational is another side of popular legal thinking. After an impres-

sive criminal punishment is sentenced the population believes that firstly, justice has won and secondly, that the whole problem is settled. Thus both the prisoner and his crime are forgotten. Nobody is surprised that the criminal comes home after 4 instead of 8 years.

This peculiarity of Lithuanian legal thinking determines which way to reduce prison population is chosen. It is the release from prison ahead of time.

So criminal justice in this country presents a very interesting picture. On the one hand legislators do their best to make criminal punishment more strict. The strictness and scale of application of criminal law is in steady increase. Each year more and more people go to prison. On the other hand, the prison administration does its best to release prisoners as soon as possible. Lithuanian penal law gives some possibilities to do that. So prisoners, who have served a fixed part of their sentences and if their re-education is stated to be completed, can be released. This way has been used by prison administration more and more intensively. Over the last few years the part of improved prisoners in Lithuanian prisons increased rapidly. For the last two years it is close to 100%. I dare say that no other country has such a high percentage of criminals 'improved' by prison as Lithuania.

Now this reserve of reducing the prison population is exhausted. Therefore last year the prison population jumped rapidly. The prison administration tries (and we are helping to do that) to reduce the obligatory part of the sentence. I believe we will win. I believe that when this reserve is exhausted we will cope for new ones. Everything is OK. "The Lithuanian way" is found.

But why is this national self-deceit needed? Why not try a rational way to fix the number of people in prisons and to take this figure as basis to determine how high the criminal punishment can be.

Nowadays this is hardly possible. The reason is very simple. It is impossible because this solution is rational but rational solution demands rational thinking. Rational law is incompatible with irrational attitudes of population and legislator. They are so, not only because of ignorance, or of people who want the prison population to be as large as possible and make their business this way, it is not only because some part of our society feels OK when another part is imprisoned. It is because the modern society in Lithuania is a society hypnotized by criminality. Like the eyes of a snake the rapidly increasing criminality deprives this society of the ability to think rationally.

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