



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**List of issues to be considered during the examination of the
second periodic report of LITHUANIA (CAT/C/LTU/2)**

Articles 1 and 4

1. According to the State party's report, the new Criminal Code defines several crimes related to torture inflicted on a person or other cruel, inhuman or degrading treatment (paras. 15-19). The report also indicates that when the perpetration of other crimes involves torture or degrading treatment of the victim, this fact is considered as an aggravating circumstance (paras. 105-106). Please inform the Committee if the State party considers adopting a definition of torture as set out in article 1 of the Convention as well as a specific criminal offence of torture, as previously recommended by the Committee.

2. Please provide disaggregated data with respect to persons accused, tried and convicted, including the sanctions imposed, for the crimes of torture, attempts to commit torture, and complicity or participation in torture.

Article 2

3. With reference to the Committee's recommendations, please provide more detailed information on the steps taken by the State party to further guarantee the rights of persons in police custody from the very outset of detention, including prompt access to a lawyer, the right of detainees to have access to a doctor of their own choice as well as the right to notify any appropriate persons of their choice about their detention, and any restrictions that may be imposed on these rights.

4. Please comment on the concerns expressed by the Human Rights Committee (CCPR/CO/80/LTU, para. 13) that persons may be detained in respect of administrative offences, that they may be detained in police custody beyond the 48-hour limit within which they must either be brought before a judge on criminal charges or be made subject to the proceedings applicable to administrative offences, and that they may be returned to police custody for further investigation.
5. Does the State party's domestic law specifically provide that no exceptional circumstances whatsoever, or an order from a superior or a public authority, may be invoked as justification of torture?
6. Please inform the Committee on whether legislation prohibiting torture and cruel, inhuman or degrading treatment contains specific provisions regarding gender-based breaches of the Convention, including sexual violence. Please also describe any effective measures taken to monitor the occurrence of and to prevent such acts, and provide detailed information on investigation, prosecution and punishment of the perpetrators.
7. What effective measures (legislative, administrative, judicial or other) has the State party taken since its initial report to prevent acts of torture?

Article 3

8. Please provide detailed statistical data since the State party's initial report (CAT/C/37/Add.5)) with respect to the implementation of article 3 of the Convention in cases of expulsion or return (refoulement) of foreigners, disaggregated by age, gender and country of origin, and indicating in particular:
 - (a) The number of persons seeking asylum and the number of returnees, including the countries of return;
 - (b) How is the probable risk of torture assessed in the determination of cases and in the appeal process?
 - (c) The procedure for the examination of asylum requests submitted at the border and any appeal process; and
 - (d) Any instances in which diplomatic assurances or the equivalent thereof have been offered to or accepted by the State party, and the procedures for verifying and following up on such assurances.
9. Please comment on reports that potential asylum-seekers may in some instances have been prevented by border guards to apply for asylum or that such applications have sometimes been ignored. What measures has the State party taken to ensure that all potential asylum-seekers are able to access the asylum procedure in practice? Furthermore, please comment on information that almost all asylum-seekers whose requests had been positively assessed were granted humanitarian protection and not refugee status under the 1951 Convention relating to the Status of Refugees.

What steps are being taken to ensure that all persons entitled to refugee status are actually secured such status?

10. According to the report, article 130 of the Law on the Legal Status of Aliens concerning non-refoulement does not apply with respect to an alien who for serious reasons constitutes a threat to the security of the Republic of Lithuania or has been convicted by an effective court judgement of a serious or grave crime and constitutes a threat to the public. The report also states that such an alien may be “expelled from Lithuania only under the procedure established by laws” (State party's report, para. 9). Please elaborate on this statement and explain the procedures in place to ensure that such an individual is not subjected to torture or cruel, inhuman or degrading treatment or punishment following his or her expulsion. How many temporary residence permits have been issued on humanitarian grounds in accordance with article 40 of the Law on the Legal Status of Aliens, paragraph 1, point 8? (para. 11)

Article 5

11. Has the State party rejected, for any reason, any requests for extradition by another State for an individual suspected of having committed a crime of torture, and thus engaging its own prosecution as a result? If so, please provide the number of requests and rejections, and the outcomes of such prosecutions, including the penalties imposed and penalties actually served.

12. Please provide information on domestic legislation establishing universal jurisdiction over the offence of torture, and explain whether such legislation fully complies with the Convention's requirements.

Article 10

13. Please provide updated information on the instruction and training provided for law-enforcement officials (including initial and in-service training) and other public officials with respect to human rights, specifically on the treatment of detainees and vulnerable groups, in particular the Roma, and on the measures for the prevention of torture and cruel, inhuman or degrading treatment or punishment. How and by whom are these training and instruction programmes monitored and their effectiveness evaluated?

14. According to the report, a working group was formed to implement the provisions of the Statute of Internal Service of the Republic of Lithuania, including the creation of the system of training of internal service officers. What is the status of the draft conception prepared by the working group which provides for a departmental structured system of training of officers? (State party's report, para. 54) Furthermore, please provide more information on the implementation of the Conception of qualification requirements, recruitment, professional training and qualification improvement of the staff of interior system, as referred to in paragraph 55 of the report.

15. Please explain the type and content of education and training programmes that are in place to train the medical personnel and psychologists who are assigned to identify and document cases of

physical and psychological torture and assist in the rehabilitation of victims (State party's report, para. 64). Please clarify who conducts, undergoes, monitors and evaluates such programmes. Has there been any specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, known as the Istanbul Protocol?

Article 11

16. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any new rules, instructions, methods and practices or arrangements for custody that may have been introduced. Please also indicate the frequency with which these are reviewed.
17. Please provide updated information, including statistics, disaggregated by sex, age and ethnicity, on the number of imprisoned persons and the occupancy rate of the accommodation capacities for the period 2003-2007.
18. Please provide more information on the content and implementation of the Code on Ethics of the Police Officials which establishes principles of police officers' professional ethics, provisions of behaviour, intercommunication and requirements of professional ethics for commanding officers. (State party's report, para. 56) Furthermore, please provide more information on the content and implementation of the various documents referred to in paragraph 71 of the report, i.e. the new Internal Order Regulations of Correctional Institutions, the new rulebooks of correctional institutions, the new job descriptions of directors of correctional institutions and the Code of Conduct of Officers of the Prison Department and Its Subordinate Institutions thereto.
19. In the context of the Programme of Renovation of Detention Facilities and Improvement of Conditions for Persons Held in Detention for 2003-2007, please provide more information on the improvement of material conditions of prisons and police detention centres and the measures taken to address overcrowding. (State party's report, paras. 132-134) What is the status of the draft Government regulation "On the conception of a probation system of Lithuania and on the planned measures implementing the concept", as referred to by the Council of Europe's Commissioner for Human Rights in his Memorandum to the Lithuanian Government of 16 May 2007? Has the State party taken any other steps towards the creation of a probation system?
20. Please indicate what the situation is at present with regard to the strict separation of persons below 18 years of age from adults in places of detention.
21. Further to the Committee's recommendations, please provide information on inter-prisoner violence, including data disaggregated by age, sex, nationality, location and type of sentence. What measures and follow-up procedures have been taken to monitor and address this issue, and to protect inmates against this type of violence?
22. Further to the Committee's recommendations, please comment on continued allegations of ill-treatment of persons in custody.

Article 12

23. Please provide updated and detailed information, including statistics, on the number of complaints of torture and ill-treatment and results of all the proceedings, both at the penal and disciplinary levels. This information should be disaggregated by sex, age and ethnicity of the individual bringing the complaint.

24. With reference to the Committee's previous recommendations, what steps have been taken to establish an independent mechanism to investigate allegations against police officers?

Article 14

25. Further to the Law on the Compensation of Damage Resulting from Crimes of Violence of the Republic of Lithuania, please provide information on redress and compensation measures ordered by the courts and actually provided to victims of torture or their families, since the examination of the initial report in 2003. This information should include the number of requests made, the number granted and the amounts ordered and actually provided in each case. Please inform the Committee of any progress towards the establishment of a Foundation for the Victims of Crimes of Violence (State party's report, para. 130)

26. What services exist for psychiatric and physical treatment as well as other forms of rehabilitation of victims of torture? What financial allocations have been made for this purpose?

Article 16

27. Please provide more information on the content and implementation of the National Mental Health Care Strategy. Please indicate if, and how, the Government is cooperating with NGOs working on mental health issues in this respect? Has the Government considered the establishment of an independent monitoring mechanism for closed institutions?

28. Please provide more detailed information on the State party's anti-discrimination legislation, including the Law on Equal Opportunities which entered into force on 1 January 2005, and describe measures taken to combat discrimination. Please provide information about the number of members of minority groups that are recruited into the law enforcement agencies, including the police, especially from the Roma minority.

29. Information before the Committee indicates that trafficking of women and girls for purposes of sexual exploitation remains a serious problem in the State party. Please provide information on the measures taken to combat trafficking, including the adoption of any new laws to prevent trafficking in persons, the development of social rehabilitation services for victims of human trafficking and the training of professionals to work with victims of trafficking. In his Memorandum to the Lithuanian Government of 16 May 2007, the Council of Europe's Commissioner for Human Rights noted that an amendment providing for a 30-day reflection period and a renewable residence

permit for victims co-operating with the police was pending before the Parliament. Please elaborate on the content and status of this amendment.

30. In the context of the National Strategy on Reduction of Violence against Women and its Implementation Plan for the period 2007-2009, please provide information on legislative and other measures that the State party has taken to prevent domestic violence and to classify acts of domestic violence as specific offences under criminal law. Please provide statistical data on complaints, prosecutions and sentences in matters of domestic violence. Please also inform the Committee of any measures taken to support or provide redress to women who have experienced domestic violence. Furthermore, please comment on the concerns expressed by the Special Rapporteur on violence against women (E/CN.4/2003/75/Add.1, para. 2030) concerning the lack of consultative centres, phone lines offering psychological help, or other services specifically dedicated to victims of rape and sexual violence, and inform the Committee of any progress in this respect.

Other

31. Does the State party envisage accepting the competence of the Committee as defined in articles 21 and 22 of the Convention?

32. Does the State party envisage ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment? If so, does the State party envisage establishing a new national mechanism or designating the existing mechanism that would conduct periodic visits to places of deprivation of liberty in order to prevent torture or other cruel, inhuman or degrading treatment or punishment?

33. Please indicate whether there is legislation in the State party aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about its content and implementation. If not, please indicate whether the adoption of such legislation is being considered.

34. Please provide information on the legislative, administrative and other measures the State party has taken to respond to any threats of terrorism, and please indicate if, and how, these measures have affected human rights safeguards in law and practice.
