



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

Distr.: General
21 December 2022

Original: English
English, French and Spanish only

Committee against Torture

**Information received from Lithuania on follow-up
to the concluding observations on its fourth
periodic report***

[Date received: 14 November 2022]

* The present document is being issued without formal editing.



**Follow-up information relating to paragraph 12 (a) of the concluding observations
(CAT/C/LTU/CO/4)**

1. Asylum seekers may be detained by administrative authorities for a period not exceeding 48 hours only. A period of detention on an individual basis may be prolonged only by the court and asylum seekers can only be detained on the grounds established by the law.¹ National law provides for a judicial review of a detention decision even in the cases where a asylum seeker doesn't intend to appeal against it.
2. Asylum seekers who have submitted applications for asylum are temporarily accommodated at the border control points, transit zones, premises of the State Border Guard Service (SBGS) or at the other suitable places until a decision is made to allow entry to Lithuania. The 28-day deadline of the procedure at the border may be extended for the duration of a state of war or state of emergency due to a mass influx of foreigners² but not longer than for 6 months.
3. In the situation of emergency, after the end of the border procedure, an individual decision on the accommodation of each foreigner and the restriction of his freedom of movement is taken. Before making such decision the risk of absconding and threat to state security or public order is evaluated. If the risk of absconding is determined, such asylum seeker could be accommodated by limiting his right to move freely in the territory of Lithuania for up to 6 months. If a foreigner is granted asylum, he receives a residence permit and is not subject to movement restrictions.
4. In case limitations of free movement is imposed, asylum seekers can walk within the territory of the place of accommodation and communicate with other foreigners in that place, freely approach or communicate with representatives of institutions and organizations providing services and staff administering the places of accommodation. They also have the possibility (after obtaining permission) to leave the place of temporary accommodation, if medical, social, educational, catering and/or other services, psychological assistance, and food products are not provided in the places of temporary accommodation.
5. After 12 months since arrival of asylum seeker to Lithuania, foreigner's case must be reviewed, assessing individual circumstances and a decision on the foreigner's release from detention or application to the court for prolongation of detention or the appointment of an alternative measure to detention is taken.
6. At the moment, the majority of foreigners, both asylum seekers and foreigners who are not or are no longer asylum seekers, already have the right to move freely in the territory of Lithuania.

Follow-up information relating to paragraph 12 (b) of the concluding observations

7. Families with children and vulnerable asylum seekers are accommodated in the premises administered by the Ministry of Social Security and Labour. All social services, including children's education are assured for them.

Follow-up information relating to paragraph 12 (c) of the concluding observations

8. Accommodation and other premises (including quarantine rooms for newly arrived asylum seekers) in Pabradė Foreigners' Reception Centre (FRC) was reconstructed. All living rooms have their own separate sanitary units (toilets, showers), buildings are suitable for people with mobility disabilities. Detained women and their families are accommodated in a separate building with kitchenettes, a leisure room, a room for religious ceremonies.
9. Asylum seekers are provided with hot meals, all necessary equipment to cook their own meals are also installed. They are also delivered with warm clothes and shoes, medication and other tools (sports equipment, board games, etc.) Asylum seekers are able to

¹ Law of the Republic of Lithuania "On the Legal Status of Aliens" (hereinafter in this chapter – Law).

² State of war, a state of emergency, as well as an emergency situation due to a mass influx of foreigners (hereinafter – situation of emergency).

consult with psychologists and social workers and are provided with legal, translation and transportation services for free as well.

10. Asylum seekers are provided with essential medical assistance and other essential personal health care services for free. Minors of respective foreigners are additionally ensured vaccination and preventive health checks. Unaccompanied minors are covered by compulsory health insurance at the state's expense and receive all services like other citizens.

11. In refugee accommodation centres, primary health care services are provided by a family doctor team employed in the centre or by a visiting family doctor team in accordance with the agreement with the municipality where the refugee accommodation centre is located. The services of a mental health centre team (psychiatrist, psychologist, social worker, or nurse) can be provided as needed. Other health care services are provided in public hospitals.

Follow-up information relating to paragraph 12 (d) of the concluding observations

12. In these cases when vulnerable persons have been identified, they are immediately relocated to the dedicated centres, where special needs of the persons can be provided.

Follow-up information relating to paragraph 12 (e) of the concluding observations

13. Respective agencies and NGOs have established mechanism for monitoring and prevention of possible human trafficking and sexual exploitation cases among asylum-seekers. All staff of detention centres must unconditionally respect all persons, regardless of their nationality, race, origin, gender, social status, political, religious, philosophical beliefs. In case of indications/suspensions regarding the use of excessive force or possible illegal actions of staff, official inspections are always carried out.

14. There were a few cases when asylum seekers organized a mass riot in accommodation sites and, ensuring the public order, coercion measures have been taken by the staff. As there were no injuries among the officers and asylum seekers, no medical assistance was required, and no pre-trial investigation were initiated, but a few asylum seekers were found responsible for committing administrative offences.³

15. A pre-trial investigation against a psychologist of Medininkai FRC has been started in 2022 for sexual coercion.

Follow-up information relating to paragraph 12 (f) of the concluding observations

16. Brochures in foreign languages on the provision of state-guaranteed legal assistance, the rights and duties of asylum seekers, procedures in FRC, etc. are displayed in detention sites.

17. State-guaranteed legal aid is provided to all asylum seekers. The contract for the provision of state-guaranteed legal aid sets out the requirements that lawyers must meet, it stipulates that the services must be provided in a high-quality and qualified manner. The contract provides that certain penalties may be imposed for improper performance of the contract.

18. Interpretation services for asylum seekers, which are provided by the representatives of the EU Asylum Agency are available every working day – in detention sites, on weekends or public holidays – on remote way.

Follow-up information relating to paragraph 12 (g) of the concluding observations

19. In accordance to the Law, when a situation of emergency is declared, a foreigner's application for asylum can be submitted:

- At border control points or transit zones;
- At the Migration Department (MD) (if the foreigner legally entered the country);

³ Deliberate destruction/damage of property, disturbing public order, failure to comply with lawful requirements of the officials, humiliation of the honour and dignity of the officials.

- At the diplomatic missions or consular.

20. An application for asylum submitted without following this procedure is not accepted. In such cases, the procedure for submitting an asylum request is explained and information is provided about legal opportunities to submit requests, as well as the nearest border control points or diplomatic missions.⁴

21. It is also possible to apply for asylum during the court proceedings, when a decision is being made on detention or on application of an alternative measure to detention.

22. In exceptional cases, even if the foreigner has illegally crossed the state border, taking into account his vulnerability or other individual circumstances, application for asylum may be accepted in other places as well.

Follow-up information relating to paragraph 12 (h) of the concluding observations

23. After a foreigner submits an asylum application, the case is transferred to MD. After collecting related data, authorized official of MD conducts an investigation to determine whether the asylum seeker complies with the criteria for granting of refugee status or subsidiary protection. Such investigation is carried out by examining each case individually, objectively and impartially, taking into account the statements submitted by the asylum seeker and all the documents in his possession, including information on whether he has experienced or may experience persecution, as well as information on the applicant's previous requests for asylum, travel routes, travel documents and reasons for submitting the application for asylum. Supporting documents are accepted while application is under investigation.

24. The officials of MD are well trained specialists and conduct personal interviews with each asylum seeker individually. Such interviews are recorded, and the transcript of the recording is included in the applicant's file. After receiving a negative decision on asylum, the asylum seeker can submit a complaint with the relevant district administrative court, and after receiving a negative court decision – with the Supreme Administrative Court (with the participation of a lawyer representing interests of the asylum seeker). District administrative courts organize oral hearings with the participation of asylum seekers (and interpreters).

25. Enforcement of the return decision is automatically suspended and the right to remain during the appeal procedure is insured.⁵ The rest of the applicants have the right to remain in Lithuania until the time-limit within which to exercise their right to an effective remedy before a court has expired (during the period for lodging of an appeal to the court). Upon the applicant's request the court can decide to allow the applicant to remain in Lithuania pending outcome of the remedy.

Follow-up information relating to paragraph 12 (i) of the concluding observations

26. Entry to the border section (*i.e.*, territory of 5 km from the border line) is open to all persons with identity documents. The state border protection zone (from 50 m to 1 km.) can only be entered by those persons who applied for the permission and thus are included in the list compiled by SBGS.

Follow-up information relating to paragraph 16 (a) of the concluding observations

27. In newly reconstructed/built prisons living space for inmates in a single-occupancy cell is at least 7 m², and 5 m² – in a multi-occupancy cell. Sanitary facilities are fully partitioned from the rest of the cell.

28. Almost 50% of all places in prisons are fully modernized. Unrenovated prison premises are continually refurbished (*f.e.* installing partitions in sanitary facilities and shower rooms, heating and ventilation systems are renewed), all premises, mattresses are regularly

⁴ For example, at the state border with Belarus there are 6 functioning state border crossing points where foreigners can submit an application for asylum.

⁵ In case of withdrawal of asylum, termination of examination of the application, inadmissibility on safe third country ground, non-granting of asylum in regular asylum procedure, etc.

disinfected. All cells that measure less than 2 metres between opposite walls are no longer functioning.

29. Respective infrastructure is developing to improve the conditions for prisoners' occupation and leisure activities.⁶

30. Lithuanian Prison Service (LPS) has introduced centralized food quality control system: a special group regularly visits prisons, interacts with prisoners, and checks their living conditions and the quality and quantity of food at least twice a month.

Follow-up information relating to paragraph 16 (b) of the concluding observations

31. All recommended non-custodial sanctions are implemented in national law and they are widely applied in practice. Application of custodial sentence systematically decreases and application of probation increases.⁷

32. In order to strengthen institutional capacities of probation, it was decided to relinquish the institutional subordination of the Probation Service (PS) to national prison system, the PS became independent governmental agency, directly subordinated to the Ministry of Justice (since 1st July 2022). PS is closely involved in conducting the alternatives of imprisonment, *i.e.*, managing of rehabilitation activities in half-way houses.

Follow-up information relating to paragraph 16 (c) of the concluding observations

33. Prison infrastructure modernization schedule for 2021–2026:

- Half-way house (H-WH) in Panevėžys (20 places) opened (2021);
- Modular cells in Marijampolė prison (76 places) opened (2021);
- Modular cells in Alytus prison (96 places) opened (2021);
- Modular cells in Pravieniškės prison (96 places) opened (2021);
- Unit in Pravieniškės prison reconstructed into cells (81 places) opened (2021);
- Unit in Kaunas prison reconstructed into cells (43 places) opened (2021);
- 3 H-WH in Šiauliai, Plungė and Tauragė (75 places) will be opened in 2023;
- 1 building in Alytus prison is under reconstruction into cells (199 places) and will be opened in 2023;
- Project for construction of a new prison in Šiauliai (400 places), which will be implemented under the model of public-private partnership, expected date of opening – 2026;
- It is foreseen to prepare the project for construction of building of Vilnius prison into cells (160 places) by 2024. The reconstruction is expected to be finalized by 2029.

Follow-up information relating to paragraph 16 (d) of the concluding observations

34. LPS consistently develops zero-tolerance for any kind of violence, including verbal harassment and bullying. The number of ill-treatment and inter-prisoner violence consistently decreases (by 9% since 2021) and the number of disclosed violence, reported in the complaints, increased by 13%.

35. Legal acts impose an obligation on prison staff to draw up an official report on the circumstances of the incident when they observe an injured prisoner, and such prisoner must

⁶ Prisoners' occupancy centres are being constructed in Pravieniškės and Vilnius prisons with capacity of 1000 sq. m. premisses for prisoners working activities, crafts, remote learning (computer rooms) and sport.

⁷ In 2021, probation measures were imposed for 14,081 persons, and custodial sentence – for 1772 persons. Structure of criminal sentences: fine – 30.8%; restriction of liberty – 23.3%; arrest – 19.8%; custodial sentence – 12.5%; suspended sentence – 8.7%; community service – 7.9%. Various alternatives/shortening of custodial sentence are also applicable (parole, partially suspended sentence, semi-liberty in half-way houses).

be examined by the prison doctor.⁸ This report should be immediately forwarded to the Unit of Pre-trial Investigation of LPS and prosecutor. A prisoner is questioned about the injury and is offered to file a formal complaint. It is allowed to refuse opening a pre-trial investigation, if information on the possible commission of a criminal offence is clearly incorrect, or in the absence of complaint⁹ by the victim (his/her legal representative) or the prosecutor's request.

36. Monitoring of the quality of inmates' life in prisons was introduced and first Quality of Prison Life (MQPL) survey was carried out in 2022.

37. Algorithm of suicide prevention in prisons and indicators of suicidal behaviour was established. In 2021 18 officials from all prisons (crisis management teams) participated in comprehensive 3-day trainings on application of Methodology of suicide risk assessment and management (CAMS).

38. All prison officers are equipped with body-worn video cameras and are obliged to use it turned on when they counteract with prisoners.

39. Dynamic security (DS) manual is prepared aiming to increase proactive work by all professionals in contact with prisoners, ensuring vigilant monitoring of signs and symptoms of victimisation and timely response. Up to 2022, 987 officers in total were trained to use DS methodology in their service. To accelerate this process, 130 staff members were selected to participate in comprehensive training programme of DS, prepared by Norwegian experts. It is expected, they become local trainers/mentors of DS in each prison and contribute to retraining of the rest of prison staff to apply DS model in 2023.

40. Facilitating transparency in prison system and developing confidence among prisoners and prison staff, councils of prisoners were established in all prisons. These advisory bodies contribute to better dialogue within prison community, prompt management of existing problems as well as identification and reaction to violent behaviour and ill-treatment.

Follow-up information relating to paragraph 16 (e) of the concluding observations

41. In order to strengthen institutional capacities of the Seimas Ombudsman Office (SOF) to fulfil its mandate as National Preventive Mechanism, it is foreseen to increase the budget of SOF by 7.5% in 2023 (for comparison, in previous years the budget of SOF was being increased in average of 2% annually).

42. Informal meetings, where officials from SOF introduce the prison monitoring results, key findings and observations, are regularly organized with top managers of prison system and Ministry of Justice, all recommendations provided by the SOF are implemented without delay.

43. To assure compliance with human rights standards, draft prison regulations are passed for evaluation to the SOF before its approval and are improved according to proposals received from officials of SOF.

Follow-up information relating to paragraph 16 (f) of the concluding observations

44. Since 2023, all institutions within Lithuanian penitentiary system will be integrated into single entity. This reform enables to shortage administrative staff up to 15% and increase the number of staff directly working with prisoners. It is expected that the number of prisoners, who will be assigned to 1 contact officer, won't exceed 30 prisoners.

45. Improvement of remuneration for prison staff (including health-care personnel) is a long-standing priority of the Government. Since 2019, remuneration of prison staff has

⁸ Medical specialists are fully independent from prison authorities, they are constantly offered with trainings on detailed recording of injuries.

⁹ Pre-trial investigation must be launched without prisoner's official complaint in cases where minor or serious bodily injury allegedly inflicted on prisoner, for which he was medically treated in hospital, as well in the cases of a death of prisoner (with exception of the cases when prisoner has died in result of illness).

increased in average of 12%. In 2023 it is foreseen additional increase for remuneration of prison staff by 12.8% (in comparison with 2022).

46. In cooperation with the Norwegian partners, new training standard for prison staff is prepared. New training programmes are based on application of dynamic security model, development of skills of communication with prisoners and ethics. Prison staff actively participates in the trainings of competence building.

Follow-up information relating to paragraph 16 (g) of the concluding observations

47. In accordance with the law, electrical discharge weapons (tasers) can only be used when persuasive measures have been tried but appeared to be ineffective. Before using taser, person shall be additionally warned to comply with the officer's lawful instructions or requirements and intention to use taser.¹⁰

48. In practice, tasers are used in situations when inmates try to assault or resist prison staff by force and/or using improvised weapons and other means of attack and in case the other special equipment is not effective for self-defending of prison officers. Only a small number of prison officers are in possession of tasers, and it is used rarely (*f.e.* 25 cases in 2021).

49. In all cases when special measures (including tasers) were used, internal investigation were carried out to evaluate in detail whether the use of special measures was necessary and proportional. No violations of the use of special measures were identified during 2021–2022.

Follow-up information relating to paragraph 16 (h) of the concluding observations

50. Reinforced activity of criminal intelligence in prisons and consistent cooperation with police resulted in a disorganization of some massive routes of organized drug trafficking in prisons: comparing with 2020, the number of investigated drug trafficking related crimes has increased by 49%, and the flow of drugs into prisons has reduced by 22% in 2022.

51. In order to ensure a systematic approach on prevention of the use of psychoactive substances and provision of unified treatment, a detailed algorithm for providing comprehensive and reliable services for addicted inmates has been launched. Addicts are offered to participate in day care centres, individual and group therapy, motivation and cognitive programmes for drug addicts. Rehabilitation centres (for long-term treatment) are functioning in 5 prisons, post-rehabilitation units – in 3 prisons and its capacities will be further increased. Medical detoxification, OPT, dispensing a naloxone and other harm reduction measures are also offered for prisoners.

52. Since 2021 all prisoners have national health insurance, the problem of the lack of financial resources for proper prisoners' treatment of communicable diseases has automatically disappeared. Specific treatment is available for prisoners without delay and starts to be provided as soon as transmissible disease is diagnosed. This resulted significant decrease of the number of inmates, infected by HIV and VHS (since 2021, there no cases of internal HIV infection diagnosed in prisons).

53. Prisoners are vaccinated against COVID-19 on the same conditions as all other population. In the beginning of the pandemic due to shortage of available vaccines, prisoners were considered a prioritized group of population. Since beginning of the pandemic, around 3 500 prisoners were fully vaccinated, and approx.70% of prison population are immunized after vaccination or recovery.

Follow-up information relating to paragraph 16 (i) of the concluding observations

54. A new Code of Enforcement of Sentences shall enter into force on 1st January 2023. New regulation doesn't foresee any possibilities to apply segregation of prisoners serving life sentences, these prisoners will be fully integrated into the general prison population

¹⁰ Where it is no imminent danger to the life/health of a correctional officer or other persons, the use of physical coercion and special measures (other than the use of handcuffs, detention, bonding or restraining devices) is strictly forbidden against disabled persons, pregnant women and minors.

(accommodation, participation in the rehabilitation, working and leisure activities with prisoners of other categories won't be limited).

Follow-up information relating to paragraph 18 (a) of the concluding observations

55. National legislation establishes the duty of the prosecutor and the pre-trial investigation institution in each case, when signs of a criminal act are revealed, to take all measures, in order to conduct an investigation and reveal the criminal act in the shortest possible time.

56. In every case when signs of a of excessive use of force by law enforcement officials become apparent, all the measures are taken in order to quickly and comprehensively reveal criminal act, properly apply the law so that the person who committed the criminal act is justly punished and no one innocent is convicted.

57. Pre-trial investigation is organized and led by the prosecutor, who is fully independent from pre-trial institutions and other agencies. Cases are examined by courts. Judges and courts are also fully independent in administering justice. This mechanism is structurally and operationally independent, with no institutional or hierarchical connection between investigators and alleged perpetrators.

Follow-up information relating to paragraph 18 (b) of the concluding observations

58. Temporal suspension from duties, which can be applied during a pre-trial investigation, is one of the measures of procedural coercion provided for by the law. Upon receiving prosecutor's request, this measure is applied by the judge if this is necessary in order to investigate the criminal offense faster and more impartially or to prevent the suspect from committing new crimes criminal act.

59. Law enforcement officials must be temporally¹¹ removed from the duties if they are suspected or accused of committing a serious or very serious crime or is suspected or accused of committing a crime or misdemeanour against public service or public interests. In addition, official can be suspended from his duties if, during the disciplinary investigation, signs of a criminal act, denigration of the official's name or official misconduct, for which the official can be dismissed from his duties, can be seen in the actions of the suspected official.

Follow-up information relating to paragraph 18 (c) of the concluding observations

60. In 2021–2022, 21 pre-trial investigations into excessive use of force were started against law enforcement officials. In 1 case, a police officer was found guilty of committing a criminal act and he was sentenced to a fine penalty (6,500 euro); 1 case was transferred to the court (the trial is ongoing); 5 pre-trial investigations are ongoing; and 14 pre-trial investigations were terminated.

61. During 2021–2022 8 disciplinary investigations were carried out regarding the possible use of violence or excessive physical force of law enforcement officials. In 4 cases, violations were found, and law enforcement officials were given disciplinary sanctions (in 1 case, a pre-trial investigation has been started after concluding disciplinary investigation); in 3 cases no violations of the law were found; and 1 disciplinary investigation is still ongoing.

62. In 2021–2022, no pre-trial and disciplinary investigations into excessive use of force were started against military officials.

¹¹ Until the end of the criminal proceedings.