



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

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COMMITTEE AGAINST TORTURE

**WRITTEN REPLIES BY LITHUANIA* ** TO THE LIST OF ISSUES TO
BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF
THE SECOND PERIODIC REPORT OF LITHUANIA**

[4 October 2008]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

** The annexes to the present report are available for consultation from the Committee secretariat.

Articles 1 and 4

Question 1

1. Penal legislation of the Republic of Lithuania does not define the scope of the term *torture* (the term *torture* is defined neither in the old, nor in the new Criminal Code of the Republic of Lithuania [hereinafter in the text-CC]). As has already been mentioned in Article 105 of the combined second and third periodic reports of the Republic of Lithuania under the 1984 Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (hereinafter in the text - Report), the elements of the method of torture or another extremely cruel crime are described in Ruling No. 46 of the Supreme Court of Lithuania, "On case-law in the field of crimes against human life". This ruling defines torture as an act extending over a certain period of time and causing severe physical or mental suffering to the victim through direct contact with his body or creating the conditions for such suffering (due to pain, hunger, thirst, cold, heat, forced degrading acts, etc.). The CC does not specify the elements of the crime of torture, because torture refers mainly to the method of an act rather than the act itself or its consequences. Yet a person may be prosecuted for torture under some other articles of the CC since the execution of acts of torture involves commitment of a crime. Thus the term *torture* described in Article 1 of the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (hereinafter in the text - Convention) is also reflected in other articles of the CC (see Paragraphs 15-19 of the Report). It should be noted that the list of crimes related to torture of persons presented in Paragraphs 15-19 of the Report as provided for in the CC may be supplemented by the following crimes.

Article 103. Mutilation, torture or other inhuman treatment of persons who are under the protection of international humanitarian law

2. Anyone who, in violation of the norms of international humanitarian law, in time of war or armed conflict, or during occupation or annexation caused severe harm or illness to injured persons, patients, sailors from foundering naval military vessels, prisoners of war, civilians, and other people who are under the protection of international humanitarian law, subjected them to biological or medical experiments, extracted their organs or tissues for transplantation illegally, took their blood illegally or subjected them to other inhuman treatment, imposed criminal punishments without an independent and impartial decision of a court or without any guarantees of defence in court, or desecrated the bodies of the fallen shall be punished by imprisonment of 3 to 12 years.

Article 99. Genocide

3. Anyone who, with the intent to destroy all or a certain portion of the people belonging to any national, ethnic, racial, religious, social or political group, organized, directed or participated in their killing, torture, or mutilation; the impediment of their mental development; or their deportation or otherwise created conditions of living that caused their destruction wholly or in part, limited births within those groups, or forcibly transferred children to other groups shall be punished by imprisonment of 5 to 20 years or life imprisonment.

Article 100. Treatment prohibited by international law

4. Anyone who intentionally performed or supported state or organizational policy and massively or systematically attacked civilians and killed them or caused grave harm to their health; created living conditions that caused the deaths of people; engaged in human trafficking; deported inhabitants; tortured, raped, forced into sexual slavery, subjected to prostitution, made pregnant by force, or sterilised people; persecuted any group or community of people due to political, racial, national, ethnic, cultural, religious, gender, or any other motives prohibited by international law; detained, arrested or deprived people of their freedom in any other way in which such deprivation of freedom is not legally recognised, or refused to give information about the fate or whereabouts of these people; or implemented a policy of apartheid shall be punished by imprisonment of 5 to 20 years or life imprisonment.

Article 104. Violation of the norms of international humanitarian law on the protection of civilians and their property in time of war

5. Anyone who, in violation of the norms of international humanitarian law, in time of war or armed conflict or during occupation or annexation, drove civilians out of their place of residence or moved them to another place by force; forced civilians to convert to another religion; raped women, forced them into sexual slavery, or subjected them to prostitution; made civilians pregnant by force or sterilised them; used intimidation or terror; took hostages; imposed collective punishment; imprisoned civilians in a concentration camp; separated children from their parents or guardians; put civilians in danger of death from starvation; imposed criminal punishments without the independent and impartial decision of a court or without any guarantees of defence in a court; confiscated the property of civilians or carried out its expropriation on a large scale unjustified by military necessity; or imposed unreasonably large indemnities and requisitions shall be punished by imprisonment of 3 to 15 years.

Question 2

6. According to the information of the IT and Communications Department of the Ministry of the Interior, three criminal offences committed by police officers who abused their office or exceeded their authority (by illegal use of violence against the victims) under Article 228 of the CC "Abuse of office" were detected in 2005. According to the information available in the register, in one case the perpetrator received a sentence and, by the court's decision, was banned from working in civil service for two years. In another case, the perpetrators were absolved of criminal responsibility by the court's decision after reconciliation with the victim. No information yet exists regarding the court's decision in the remaining case.

7. In 2006, three criminal offences analogous to those mentioned above were detected. In one of them, the police officer was found guilty of the commission of a criminal offence and was sentenced to pay a fine of 30 MLS (3750 LTL).

8. In 2007, two criminal offences were detected. In one case, the perpetrators received a sentence and, by the court's decision, were banned from working in civil service for two years; in another case, no information exists in the register regarding the court's decision.

9. In the first 6 months of 2008, one criminal offence has been detected; the case material and the indictment have been passed to a court.

Article 2

Question 3

10. It should be noted that changes have occurred in the legal regulation of the operation of police detention facilities: the Regulations on Detention Facilities of Territorial Police Establishments (hereinafter in the text - Regulations) were approved by Order No. 5-V-356 of the Police Commissioner General of Lithuania of 29 May 2007 (Official Gazette, 2007, No. 61-2361), and the Manual for Security and Maintenance of Detention Facilities of Territorial Police Establishments (hereinafter in the text - Manual) was approved by Order No. 5-V-357 of the Police Commissioner General of Lithuania of 29 May 2007 (Official Gazette, 2007, No. 61-2362). These legislative acts have replaced the previously effective Regulations on Detention Facilities of Police Stations approved by Order No 88 of the Minister of the Interior of 17 February 2000 (Official Gazette, 2000, No. 21-542; 2001, No. 4-113). It should be also noted that during the preparation of these legislative acts account was taken of the implementation of the recommendations given by the representatives of the UN Committee Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (hereinafter in the text - Committee) during their visits to Lithuania in the previous year.

11. Paragraph 7.4 of the Regulations states that from the moment the defence counsel, in accordance with the procedure laid down by law, is allowed to participate in the case, people kept in detention are entitled to see him without other people present and without limitations on the number and duration of such meetings, with the exception of cases established in the Code of Criminal Procedure (hereinafter in the text - CCP).

12. Paragraph 4 of Article 21 of the CCP provides that a person is allowed to have access to defence from the moment of detention or first interrogation.

13. If a police officer interrogates a person without a lawyer being present, such actions may be appealed against according to the procedure set out in Article 64 of the CCP.

14. Subparagraph 4 of Paragraph 1 of Article 48 of the CCP guarantees the right of a defence counsel to be present during all procedures involving the suspect. The right to a lawyer's services does not apply solely to criminal suspects. Pursuant to Article 272 of the Administrative Violations Code of the Republic of Lithuania (hereinafter in the text - AC) a person who is under administrative prosecution is also entitled to the assistance of a lawyer or another authorised representative.

15. Paragraph 7 of Article 140 of the CCP states that under the procedure set forth in Paragraphs 1 and 2 of Article 128 of the Code a family member or close relative of the detainee must be immediately notified of the arrest. If the detainee fails to indicate any person, the prosecutor must notify, at his own discretion, one of the detainee's family members or close relatives if it has been possible to identify one. The prosecutor may refuse to notify someone if the detainee provides a reasonable explanation about why such a notification could endanger the safety of his family members or close relatives.

16. It should be mentioned that taking into account the recommendations of the Committee's representatives, people kept in detention have an inalienable right to receive state - guaranteed (free) health care services. A physical examination card has been created for people taken to police detention facilities, visible injuries, bruises and scrapes, etc. are recorded every time they are admitted to or released from detention facilities, and the rights of people kept in detention are defined, such as the right to regular access to drinkable water, the right to the provision of necessary hygienic products, the right to separate detention of smokers and non-smokers, the right to rest for people taken to detention facilities at night, etc.

17. It should be noted that Order No. V-8 of the Minister of Health of 19 January 2004 (Official Gazette, 2004, No. 15-473) adopted the Lithuanian Medical Standard MN 129:2004 "Medical Stations (Offices) of Detention Facilities of Territorial Police Establishments". This medical standard regulates the objectives and functions of the medical stations (offices) (hereinafter in the text - medical stations) of the detention facilities at territorial police establishments, the duties of their personnel, rights and responsibilities, and communication and equipment requirements. Paragraph 18 of the medical standard states that a community nurse from the medical station is supposed to examine newly arrived detainees with their consent and evaluate the state of their health; provide them with emergency medical care; visit people who are under out-patient care daily, issue medication to them, and make sure that it is used for its intended purpose; isolate people with suspected infectious diseases until they are transferred to a health care institution for the treatment of that particular disease; provide people with other personal health care services under the jurisdiction of the community nurse; refuse to provide health care services if it is in contradiction with the principles of professional ethics of the community nurse or may pose an actual danger to the life of the patient or the community nurse, with the exception of those cases when it involves the provision of emergency medical care; fill in documents properly and on time; keep personal health records of individuals and other documentation; provide information about a person's health according to the procedure set forth in the legislation of the Republic of Lithuania; accept medication prescribed by the doctor (in the manufacturer's package) from the detainee's family members, close relatives, or other people; issue medication to people according to a doctor's prescription; return the remaining medication to people upon their departure from detention facilities; record the quantity of medication in a medical certificate; keep a person's medical records confidential, with the exception of those cases when the institution must provide information about the person's state of health according to the procedure laid down by law or when the person gives his or her written consent to make public the information about his or her state of health; inform the head of a territorial police establishment, the institution authorised by the Minister of Health of the Republic of Lithuania, the founder of the institution, and controlling institutions about cases and outbreaks of infection within the detention facility and other cases of damage to the health of a person according to the procedure laid down by legislation of the Republic of Lithuania, etc.

Question 4

18. Paragraph 1 of Article 264 "Measures of Enforcement of Administrative Proceedings" of AC stipulates that in cases directly provided by law, administrative detention of a person is allowed with the aim to prevent violations of administrative law, prepare a report, and ensure timely and accurate investigation of cases and implementation of rulings in administrative cases. A person who is under administrative prosecution may be detained only by authorities (officials) empowered by the law of the Republic of Lithuania. The police may apply administrative

detention only for violations of administrative law when AC provides for administrative arrest; violations in the procedure of foreign currency operations; consumption of alcoholic drinks in public places or appearing intoxicated in public places thus offending human dignity and public morality; in cases when there are grounds to believe that people have engaged in prostitution; violations of traffic safety rules, hunting, fishing regulations, regulations concerning the protection of fishing resources and other violations of laws concerning the protection and use of animals; as well as in other cases directly provided by the law of the Republic of Lithuania. Article 267 “Terms of Administrative Detention” of AC states that a person under administrative prosecution may be placed in administrative detention for no longer than 5 hours, with the exception of those cases when the laws provide for other terms of administrative detention when there is a particular need.

19. For certain violations (the list of which is exhaustive), people who are under administrative prosecution for violations of the rules of crossing the border or of the rules concerning the operation of border control posts, may be detained for up to 3 hours in order to prepare a report and up to 48 hours when it is necessary to establish their identity and ascertain the circumstances of the violation.

20. People under administrative prosecution for minor hooliganism or violation of the order of gatherings and other mass events may be detained for no longer than 48 hours while a district court judge or an authorised police officer investigates the case.

21. Duration of administrative detention is calculated from the moment a person is brought in. For an intoxicated person, it is calculated from the moment that person sobers up.

22. Paragraph 1 of Article 140 of CCP provides that “a pre-trial investigation officer or the prosecutor may detain a person who was caught while committing a criminal act or immediately after he has committed a criminal act when there are grounds to believe that the person might escape, if it is impossible to establish his identity immediately, or in other cases when there are grounds or conditions for ordering detention.” Paragraph 2 of the same article provides that “temporary detention must not last longer than 48 hours”. Paragraph 3 of the same article provides that “if the arrested person needs to be placed in custody, he must, no later than within 48 hours, be brought before a judge who must adopt a decision about ordering detention according to the procedure laid down in CCP.”

Question 5

23. According to Article 21 of the Constitution of the Republic of Lithuania, torturing, injuring, degrading, or maltreating a person or establishing such punishments are prohibited. Pursuant to Article 145 of the Constitution, the rights and freedoms enshrined in Article 21 of the Constitution may not be temporarily restricted after imposition of martial law or declaration of a state of emergency. Pursuant to Article 2 of the CC, punitive or educational measures and forced medical measures may be prescribed only in accordance with the law.

Question 6

24. The legislative provision referred to by the Committee does not exist in the CC because, in ensuring the protection of persons from torture and other cruel treatment, the CC does not distinguish a person's sex as an additional criterion for protection. The aggravating circumstance entrenched in Article 60 of the CC - "an offence committed against a pregnant woman when it is obvious that she is pregnant" - comes closest to the previously mentioned provision. It should be underlined that discrimination on the basis of nationality, race, sex, origin, religion, or other group affiliation and incitement against people of a certain nation, racial group, ethnic group, religious group, or other group are defined as separate crimes in the CC (Articles 169 and 170 of the CC). It should be noted that Chapter XXI of the CC covers all crimes against freedom of sexual choice and inviolability of a person (rape, sexual abuse, coerced sexual intercourse, satisfaction of sexual passion by violating the freedom of sexual choice and/or inviolability of a minor, etc.). Pursuant to the provisions of Paragraph 1 of Article 60 of the CC, if the victim is tortured or taunted during the commission of the aforementioned crimes, this is considered an aggravating circumstance.

Question 7

25. The report and these answers to the additional questions of the Committee contain the main newly-adopted legislative provisions and other measures to prevent the acts prohibited by the Convention. It is of particular significance that the new CC came into force in the Republic of Lithuania in 2003 following the presentation of the introductory report (2002).

Article 3

Question 8

(a)

26. Statistics are provided in Annex 1.

(b)

27. Pursuant to Paragraphs 63-64 of the Procedure for Examination of Applications for Asylum by Aliens and for Adoption and Implementation of Decisions approved by Order No. 1V-361 of the Minister of the Interior of the Republic of Lithuania of 15 November 2004 (Official Gazette, 2004, No. 168-6196), a civil servant of the Migration Department under the Ministry of Interior (hereinafter - Migration Department) in charge of thoroughly examining an asylum-seeker's application for asylum must perform certain actions, including:

(a) Questioning the asylum-seeker with the aim of collecting essential data about facts confirming the persecution of the asylum-seeker or another threat he faced in his/her country of origin;

(b) If necessary, sending inquiries to third-country institutions related to examination of asylum applications, other institutions of the Republic of Lithuania, international organizations, or other bodies except the institutions of the asylum-seeker's country of origin;

- (c) Gathering necessary information about the asylum-seeker's country of origin;

When gathering information about the asylum-seeker, priority must be given to the following sources of information:

- (d) Diplomatic missions and consular offices of the Republic of Lithuania;
- (e) The Office of the UN High Commissioner for Refugees;
- (f) Other international organizations;
- (g) Non-governmental organizations.

28. Information about the countries of origin from media reports and reports prepared by other countries must also be assessed. Having collected this data, the civil servant must carry out an investigation with the aim of determining whether the asylum-seeker meets the definition or criteria of a refugee established in the 1951 Geneva Convention relating to the Status of Refugees, pursuant to which subsidiary protection is granted. One of the mandatory elements of investigation with regard to granting subsidiary protection is to determine whether, in case of his/her return to the country of origin, the asylum-seeker will be tortured, or subjected to cruel, inhuman or degrading treatment or punishment.

29. When investigating an asylum-seeker's appeal for annulment of a negative decision of the Migration Department, the court must be guided by analogous sources of information about the asylum-seeker's country of origin and by the facts collected in the asylum case. In the course of the court proceedings, the asylum-seeker may present facts about his/her persecution and the current/potential threat in his/her country of origin.

(c)

30. The issues of granting asylum in the Republic of Lithuania are regulated by the Law on the Legal Status of Aliens (Official Gazette, 2004, No. 73-2539) (hereinafter in the text - Law), Order No. 1V-361 of the Minister of the Interior of the Republic of Lithuania of 15 November 2004 "On the Approval of the Procedure for Examination of Applications for Asylum by Aliens and for Adoption and Implementation of Decisions" (Official Gazette, 2004, No. 168-6196) and other legislative acts of the Republic of Lithuania. Paragraph 3 of Article 5 of the Law provides that if an alien submits an application for asylum in the Republic of Lithuania, the decision regarding admission or refusal of entry must be adopted by the Migration Department. In accordance with Paragraphs 1-2 of Article 67 of the Law, the application for asylum may be submitted: at border crossing points of the Republic of Lithuania or to the State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania (hereinafter in the text - SBGS), a territorial police establishment, or the Foreigners' Registration Centre at a place in the Republic of Lithuania where border controls are in effect. An alien is entitled to submit an application for asylum personally. Application on the behalf of minors may be

submitted by an adult family member. Article 69 of the Law provides a detailed description of the actions to be undertaken by the institution that receives an application for asylum. Article 80 and other articles of the Law provide that the Migration Department must examine the application for asylum and adopt appropriate decisions.

31. The procedure of examination of the asylum application does not depend on the place the application was submitted. Fourteen applications for asylum in the Republic of Lithuania were submitted at border crossing points in 2006 and 20 were submitted in 2007.

32. The Migration Department must adopt a decision about granting temporary territorial asylum within 48 hours after the submission of the application while the application for asylum in the Republic of Lithuania is being examined.

33. In the event that the Migration Department adopts the decision to refuse temporary territorial asylum (if it is determined that the asylum-seeker arrived from a safe third country or safe country of origin or that his application is manifestly unfounded), this decision may be appealed to the Vilnius Regional Administrative Court within 14 days from the announcement of the decision. If an alien cannot settle in the Republic of Lithuania at his own expense, or if his arrival to or presence in the Republic of Lithuania is illegal, he is given lodging at the Foreigners' Registration Centre. If the alien wishes to settle in the Republic of Lithuania at his own expense, and his arrival to and presence in the Republic of Lithuania is legal (with a valid travel document containing a visa if the latter is required), he may be permitted to settle in his chosen place of residence by the decision of the Migration Department. The asylum-seeker's freedom of movement in the Republic of Lithuania may be restricted by the decision of the court on grounds laid down by law.

34. The Migration Department must examine an alien's application for refugee status within 3-6 months. If the alien is refused asylum by the Migration Department, this decision may be appealed to the Vilnius Regional Administrative Court within 14 days from the announcement of the decision. After examining the alien's appeal, the court may satisfy it and oblige the Migration Department to re-examine the application for asylum. The court may also reject the appeal. (The scheme for the asylum procedure is attached in Annex 2).

(d)

35. There have not been any cases of providing diplomatic assurances. In the procedural view, if such assurances were provided, the civil servants of the Migration Department would have, just as in the case of absence of diplomatic assurances, to perform a thorough examination of information about the asylum-seeker's country of origin and determine whether the asylum-seeker would be put in danger of being tortured, or subjected to cruel, inhuman or degrading treatment or punishment if he is returned to his country of origin. Should it be established that he may or will face such danger, the asylum-seeker would not be expelled from the Republic of Lithuania.

Question 9

36. In the Republic of Lithuania, every asylum-seeker is entitled to apply for and receive asylum in the Republic of Lithuania in accordance with the procedure specified in the law. All

aliens have exercised their right to apply for asylum in the Republic of Lithuania, and no cases have been detected of an alien's application for asylum being ignored or of failure to give permission to file an application at border posts.

37. Every application for asylum in the Republic of Lithuania is examined individually. Upon determining that the application does not meet the requirements for refugee status, further assessment to determine whether there are any reasons to grant subsidiary protection is conducted. The Procedure for Examination of Applications for Asylum by Aliens and for Adoption and Implementation of Decisions provides that it must be determined first whether the asylum-seeker's application for asylum meets the definition of a refugee established in the 1951 Geneva Convention relating to the status of refugees.

38. The final decision about asylum in the Republic of Lithuania is adopted after the individual circumstances and available information about the asylum-seeker's country of origin is taken into consideration.

39. According to the procedure in force in the Republic of Lithuania, it is first determined whether the asylum-seeker meets the definition of a refugee established in the 1951 Geneva Convention relating to the status of refugees; if he does not, further investigation is conducted to determine whether, if he is returned to his country of origin, he will be tortured or subjected to cruel, inhuman or degrading treatment or punishment; his/her human rights and fundamental freedoms will be in danger of being violated; or his/her life, health, safety or freedom will be under threat due to the widespread violence that arises in times of armed conflict or creates conditions for systematic violations of human rights.

Question 10

40. According to Articles 129 and 131 of the Law on the Legal Status of Aliens of the Republic of Lithuania, an alien may be returned or expelled not only to his/her country of origin but also to any other foreign country where he has the right to go.

41. There has been no such case in the Republic of Lithuania in which an alien has been expelled or returned to the country where his life or freedom is under threat or he may be persecuted on the grounds of race, religion, nationality, membership in a particular social group, or political convictions or because the alien constitutes a threat to the security of the Republic of Lithuania or the public according to Paragraph 3 of Article 130 of the Law on the Legal Status of Aliens. If such an alien were encountered in the future, his case would in a particularly thorough manner be assessed in accordance with the normal procedure, all circumstances would be evaluated, and, if the threat posed by the alien to the Republic of Lithuania entailed the application of the aforementioned provisions of the law, a way would be sought to expel the alien to another country where he would not be in danger.

42. Since 2006, there have been two cases in the Republic of Lithuania in which an alien was not expelled from the Republic of Lithuania for humanitarian reasons and was issued a temporary residence permit in Lithuania according to Subparagraph 8 of Paragraph 1 of Article 40 of the Law on the Legal Status of Aliens.

Article 5

Question 11

43. The authorities of the Republic of Lithuania have not yet received any requests from another state that is party to the Convention to extradite a person suspected of the commission of the crime of torture. Taking this into consideration, there is no case law in this field.

Question 12

44. Article 7 of the CC entrenches the so-called principle of universal jurisdiction in criminal law. The essence of this principle is that a state, in order to prevent the perpetrator of a criminal offence from escaping criminal liability, establishes criminal liability for certain crimes regardless of the nationality and place of residence of the perpetrators and whether the committed offence is punishable under the laws of the place where it has been committed. Such provisions are meant to help prevent international crimes by means of criminal law; therefore, taking this into account, the Republic of Lithuania, according to Article 7 of the CC, applies the universality principle only to the crimes provided in the international agreements of the Republic of Lithuania: 1) crimes against humanity and war crimes (Articles 99-113); 2) human trafficking (Article 147); 3) the buying and selling of children (Article 157); 4) manufacture, storage or distribution of counterfeit money or securities (Article 213); 5) legalisation of unlawfully acquired money or property (Article 216); 6) acts of terror (Article 250); 7) unlawful seizure of an aircraft, ship, or stationary platform on a continental shelf (Article 251); 8) taking of hostages (Article 252); 9) illegal handling of nuclear materials or radioactive substances or other sources of ionising radiation (Articles 256, 256 and 257); 10) crimes related to the handling of narcotic drugs or psychotropic, poisonous or incapacitating substances (Articles 259-269); and 11) environmental crimes (Articles 270, 270, 271, 272 and 274).

45. Since, as has been already mentioned, the CC does not specify the elements of the crime of torture, this crime is not directly laid down in Article 7 of the CC. However, taking into account the list of crimes related to torture of persons presented in Paragraphs 15-19 of the Report as provided for in the CC and with respect to the universal criminal jurisdiction over crimes against humanity (which are specified in the Rome Statute of the International Criminal Court and cover the torture of persons [Article 7]) provided for in Article 7 of the CC, it may be maintained that the Republic of Lithuania's universal criminal jurisdiction over certain crimes related to the torture of people is established in Article 7 of the CC (albeit indirectly).

Article 10

Question 13

46. The SBGS has stated that the curriculum of the Border Guard Training (Education) Programme now includes "The Concept and Development of Human Rights. Fundamental International Instruments on the Protection of Human Rights" and "Communication with Persons Taking Account of Cultural Peculiarities". In implementing the EU border guard basic training programme ("Common Core Curriculum. EU Border Guard Basic Training" prepared by the FRONTEX Agency, 2007), the national curriculum will be expanded to include topics on the issues of human rights.

47. Bachelor students at Mykolas Romeris University (the training programme “Law and State Border Protection”) are familiarised with the issues of human rights protection while studying the subject of international public and humanitarian law.

48. Mechanisms for the prevention, management and resolution of conflicts and problematic aspects of communication with (treatment of) vulnerable minority groups are explored during advanced training courses and officer training at the workplace. In implementing the national programme, the training programmes “Equal Opportunities of Men and Women”, “Illegal Migration”, and others are taught. We have no target (special) programmes (training courses) concerning the issues of human rights (humanitarian law).

49. Training sessions related to human rights, detainees and vulnerable groups and preventive measures for torture and cruel or degrading treatment or punishment are organized by the police vocational training establishment - the Lithuanian Police Training Centre (hereinafter in the text - LPTC).

50. Since 2005, the LPTC has organized training sessions on the following topics for police personnel: “Human Rights Protection and the Ethics of Police Officers”, “Human Rights”, “Discrimination. Implementation of Equal Opportunities Principles”, and “Kaliningrad Transit. Detention Establishments and Training of Convoy Division Officers”.

51. An external evaluation carried out by the LPTC (by conducting surveys of the participants of advanced training events) showed that 96% of the participants have a generally positive opinion of the advanced training events organized by the LPTC.

52. In 2006, the Migration Department took part in the assistance programme of the European Refugee Fund and implemented the project “Increasing the Efficiency of the Asylum Procedure by Improving Conditions of Reception for Asylum Seekers”. For the implementation of this project, five advanced training seminars, including two psychology seminars: “Psychology of Communication” and “Trauma and Crisis Psychology” were organized. These seminars addressed the issue of making a connection and communicating with children who have experienced psychological and physical trauma during armed conflict. The seminars were attended by representatives of various institutions and agencies participating in the asylum procedure.

53. Pursuant to the Regulations of the Migration Department under the Ministry of the Interior, the Migration Department organizes advanced training courses and seminars for the personnel of migration offices on a regular basis. One of the topics always touches on the procedure and problems of granting asylum in the Republic of Lithuania. During these events, employees working in migration offices are not only familiarised with the asylum procedure and actions to be undertaken upon the receipt of applications for asylum in the Republic of Lithuania, but also trained to work with particularly vulnerable groups (including unaccompanied minors seeking asylum). Presentations on this topic are made by qualified civil servants of the Migration Department who have experience in dealing with vulnerable groups and who have participated in international training sessions of a similar nature.

54. The Training Centre of the Prison Department under the Ministry of Justice of the Republic of Lithuania (hereinafter in the text - Training Centre) has developed and is implementing the following training programmes: Introductory Training of Junior Officers of Custodial Establishments, Introductory Training of Officers of Custodial Establishments, Introductory Training of Officers of Correctional Inspection Departments, Improvement of Administrative Skills of Heads of an Office, Retraining of Junior Officers of Custodial Establishments, and Advanced Training for Duty Assistants of Directors of Custodial Establishments. All training programmes are co-ordinated with correctional institutions or correctional inspection departments and specialists of the Prison Department and approved by the director of the Prison Department.

55. All these training programmes include topics related to the issues of human rights. The training programme “Introductory Training of Junior Officers of Custodial Establishments” provides four academic hour-long training on the topic “International Instruments Regulating the Treatment of Prisoners”. This topic includes the following points: assessment of universal (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment) and regional (European Convention for the Protection of Human Rights and Fundamental Freedoms, Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment) instruments regulating the treatment of prisoners, and assessment of special international instruments regulating the treatment of prisoners (Standard Minimum Rules for the Treatment of Prisoners, European Prison Rules).

56. This training programme was studied by 115 junior officers in 2005, 209 junior officers in 2006, 199 junior officers in 2007, and 115 junior officers in the first half of 2008.

57. The training programme “Introductory Training of Officers of Custodial Establishments” provides four academic hour-long training on the topic “International Instruments Regulating the Treatment of Prisoners”. This topic includes the following points: assessment of global (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment) and regional (European Convention for the Protection of Human Rights and Fundamental Freedoms, Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment) instruments regulating the treatment of prisoners and assessment of special international instruments regulating the treatment of prisoners (Standard Minimum Rules for the Treatment of Prisoners, European Prison Rules).

58. This training programme was studied by 14 officers in 2005, 16 officers in 2006, 43 officers in 2007, and 36 officers in the first half of 2008.

59. The training programme “Introductory Training of Officers of Correctional Inspection Departments” provides six academic hours of training on the topic “International Standards Concerning the Treatment of Sentenced Non-Imprisoned People”. This topic includes the following points: the concept of International Standards Governing the Treatment of Sentenced People, International Instruments Regulating the Treatment of Non-Imprisoned People (United Nations Standard Minimum Rules for Non-custodial Measures [The Tokyo Rules]), Recommendation No. R (92) 16 of the Committee of Ministers of the Council of Europe on the European Rules on Community Sanctions and Measures, Recommendation No. R (99) 22 of the

Committee of Ministers of the Council of Europe Concerning Prison Overcrowding and Prison Population Inflation, Recommendation Rec (2000) 22 of the Committee of Ministers of the Council of Europe on Improving the Implementation of the European Rules on Community Sanctions and Measures, and Recommendation Rec (2003) 22 of the Committee of Ministers of the Council of Europe on Conditional Release (Parole) and their significance to the national penal policy and law and activities of correctional inspection departments.

60. This training programme was studied by 34 officers of correctional inspection departments in 2005, 46 officers in 2006, 21 officers in 2007, and 32 officers in the first half of 2008.

61. The training programme “Improvement of Administrative Skills of Heads of an Office” provides four academic hours of training about the European Convention for the Protection of Human Rights and Fundamental Freedoms and its application. This topic includes the following points: the European Convention on Human Rights and its implementation in Lithuania; special features of the decisions of the European Court of Human Rights in cases concerning the rights of imprisoned people; decisions of the European Court of Human Rights in cases against Lithuania; the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and other international human rights standards and their relationship with the European Convention on Human Rights.

62. This training programme was studied by 22 senior officers in 2005 and 13 senior officers in 2007.

63. The training programme “Retraining of Junior Officers of Custodial Establishments” provides eight academic hours of training on the topic “International Standards for the Treatment of Prisoners”. This topic includes the following points: development of international co-operation on the issues of the treatment of prisoners, the concept and significance of international standards governing the treatment of prisoners, general assessment of international universal and regional instruments regulating the treatment of prisoners, and the general provisions of European Prison Rules: the fundamental principles, purpose, and significance to the national penal system.

64. This training programme was studied by 13 junior officers in 2005.

65. The training programme “Advanced Training for Duty Assistants of Directors of Custodial Establishments” provides two academic hours of training on the topic “The European Convention for the Protection of Human Rights and Fundamental Freedoms and other human rights protection standards. Legal liability of officers for illegal actions against detainees and convicted people”. This topic includes the following points: the European Convention for the Protection of Human Rights and Fundamental Freedoms and its implementation in Lithuania; special features of the decisions of the European Court of Human Rights in cases concerning the rights of imprisoned people; decisions of the European Court of Human Rights in cases against Lithuania; the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; other international human rights standards and their relationship to the European Convention on Human Rights; and legal liability of officers for illegal actions against detainees and convicted people.

66. This training programme was studied by 19 officers in the first half of 2008.
67. These programmes are taught by chief specialist Dr. Tomas Mackevičius, who has also been invited to teach at Mykolas Romeris University.
68. The Training Centre prepares plans for advanced training events after co-ordinating them with specialists from the Prison Department and correctional institutions, and they are then approved by the director of the Prison Department. Since 2005, 156 training events have been organized, and their duration was 6-8 academic hours. Of them, there were 14 events relating to issues of human rights, in which 333 custodial establishments and officers of correctional inspection departments took part.
69. In 2005, the following seminars were organized:
- (a) Requirements of the European Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment in Communication with Imprisoned Persons. This was attended by 30 officers from the Social Rehabilitation and Law divisions. Lecturer: Ms Elvyra Baltutytė, representative of the government of the Republic of Lithuania at the European Court of Human Rights;
 - (b) Adherence to the Norms of the European Convention for the Protection of Human Rights and Fundamental Freedoms in the Execution of Criminal Punishments (four seminars). This was attended by 95 officers from Guard and Security Division and Social Rehabilitation divisions. Lecturer: Ms Lina Urbaitė, assistant to the representative of the government of the Republic of Lithuania at the European Court of Human Rights;
 - (c) In 2006, the following seminars were organized:
 - (d) Standard Minimum Rules for the Treatment of Prisoners. This was attended by 39 officers from Guard and Security, Social Rehabilitation, Internal Investigation, and Health Care divisions. Lecturer: Dr. Tomas Mackevičius;
 - (e) United Nations Standard Minimum Rules for Non-custodial Measures. This was attended by 17 officers of correctional inspection departments. Lecturer: Dr. Tomas Mackevičius;
 - (f) Provisions and Peculiarities of the Application of European Prison Rules. This was attended by 27 officers from Internal Investigation, and Guard and Security divisions. Lecturer: Dr. Tomas Mackevičius;
 - (g) Provisions of Criminal and Penal Laws of the Republic of Lithuania in the Context of the Protection of Human Rights. This was attended by 27 directors and deputy directors of institutions. Lecturer: Dr. Gintaras Švedas, Head of the Department of Criminal Law of the Faculty of Law of Vilnius University;

(h) Terrorism and Violation of Human Rights. This was attended by 34 officers from Guard and Security and Internal Investigation divisions. Lecturers: Romualdas Kacevičius, assistant at the Department of Political Sciences of the Faculty of Strategic Management and Policy of Mykolas Romeris University, and Viktoras Grabauskas, chief of ARAS, the antiterrorist operations team of the Lithuanian police force;

(i) In 2007, the following seminars were organized:

(j) Violence against Women. This was attended by 19 officers of correctional inspection departments. Lecturer: Brigita Palavinskienė, lecturer at the Department of Criminology of the Faculty of Law of Mykolas Romeris University;

(k) Application of International Legislation in Custodial Establishments. This was attended by 28 officers from Social Rehabilitation divisions. Lecturer: Dr. Gintaras Švedas, head of the Department of Criminal Law of the Faculty of Law of Vilnius University;

(l) In the first half of 2008, the following seminars were organized:

(m) Psychology of Abuse. Psychology of Violence. This was attended by 34 officers from Internal Investigation and Psychological divisions. Lecturer: Dr. Rita Žukauskienė, professor at the Department of Psychology of the Faculty of Social Policy of Mykolas Romeris University;

(n) EU and National Legislation Prohibiting Discrimination and Application of Such Legislation. This was attended by 11 directors of custodial establishments. Lecturer: Lina Mališauskaitė, senior specialist at the International Relations Division of the National Courts Administration.

70. It is planned to organize a seminar about EU legislation prohibiting discrimination in the second half of 2008.

Question 14

71. In implementing the provisions of the Statute of Internal Service (hereinafter in the text - Statute) (Official Gazette, 2003, No. 42-1927), the Conception of Qualification Requirements, Recruitment, Professional Training and Qualification Improvement of the Staff of the Internal Service (hereinafter in the text - Conception) was approved by Order No. 1V-368 of the Minister of Interior of 12 November 2004. The Conception provides for essential changes in the system of professional training of Internal Service officers with the aim of implementing a tiered departmental system of officer training and states that the persons who aim to serve as middle - ranked or senior officers must receive higher education at the higher education establishments of the interior.

72. The fundamental provisions of the Conception are reflected and implemented in the Lithuanian Police System Development Programme approved by Decree No. X-1010 of the Seimas of the Republic of Lithuania of 21 December 2006 (Official Gazette, 2006, No. 144-5466) (hereinafter in the text - Police System Development Programme), and in the Plan of Measures for Implementing the Lithuanian Police System Development Programme approved by Decree No. 606 of the government of the Republic of Lithuania of 19 June 2007 (Official

Gazette, 2007, No. 72-2845) (hereinafter in the text - Plan of Measures for Implementing the Police System Development Programme). The purpose of the Police System Development Programme is to define the vision of development of the Lithuanian police system by the end of 2011, provide a basis for the targeted, integrated improvement of functioning of police establishments, and identify priorities for action, goals and objectives of the Programme that will aid in the creation of an efficiently and rationally functioning police system. One of the objectives of the Programme is to create an integrated management system for the selection, training, qualification improvement and retraining of police personnel. For the implementation of this objective, the following measures are provided: a) development and introduction of systems of planning, training assessment, rotation and qualification upgrade, improvement and retraining of police personnel; b) establishment of an educational institution that would ensure the selection of candidates for police work and training of police officers under professional training and higher educational programmes, administer the procedure of qualification improvement and retraining of police officers, represent the Republic of Lithuania at the European Police College (CEPOL) and carry out research.

73. Specific measures have been approved, funds allocated, and responsible executors appointed for the 2007-2011 period in the Plan of Measures for Implementing the Police System Development Programme, and LTL 60 million in the Plan of Measures for Implementing the Police System Development Programme are intended to be allocated for the establishment of a new college of the interior by 2011. At present, the establishment of the aforementioned college is in progress. It should be noted that this college will provide training not only for police officers, but also for officers of the Internal Service. Until the college of the interior is established, police and other officers will be trained as before: officers of the lowest level - at the Klaipėda Police School (hereinafter in the text - Klaipėda PS) under the Ministry of the Interior, middle-ranked and senior officers - at Mykolas Romeris University (hereinafter in the text - University).

74. The Faculty of Public Security of the University offers university studies in Law and Police Operations (four years) and daytime non - university studies of Police Operations (three years), while the Klaipėda PS offers 1.5 - year daytime studies to acquire the professional qualification of a police officer. Graduates of the Klaipėda PS are granted the opportunity to continue their education with daytime non-university studies at the Faculty of Public Security of the University from the 4th semester of the 2nd year without taking prerequisites.

75. The Minister of Education and Science and the Minister of Social Security and Labour approved the police officer training standards for the third and fifth professional education levels by Order No. ISAK-1970/A1-279 of 8 October 2007 (Official Gazette, 2007, No. 107-4383). Professional training of police officers in accordance with these standards must be organized on the basis of a tiered approach, and the training institutions providing training according to appropriate programmes had to update and co-ordinate their training programmes to meet the requirements of the standards by 1 May 2008.

76. A person who aims to serve in the police must comply with the requirements of Paragraph 1 of Article 6 of the Statute and other requirements accordingly, i.e.: 1) be a citizen of the Republic of Lithuania and know Lithuanian; 2) have an unblemished reputation and be at least 18 but not more than 30 years old (a person with higher university or higher non-university education - not more than 35 years old) (a person is considered to have an unblemished

reputation if no circumstances specified in Subparagraphs 2-4 and 6 of Paragraph 1 and in Paragraph 2 of the Statute are present; 3) have at least a secondary education; 4) be in a state of health that would allow one to serve in the Internal Service (health requirements are established by the Minister of the Interior and the Minister of Health); 5) have general physical preparation that would allow one to serve in the Internal Service (general physical preparation requirements are established by the Minister of the Interior); 6) be a graduate of a professional training school of the interior or another educational institution or finish the introductory training courses at a professional training school of the interior.

77. Selection of candidates is organized in accordance with the provisions of the Statute and the Rules on the Selection of Persons who are Eligible to be Issued with a Direction to the Introductory Training Courses at a Professional Training Institution of the Interior or to Another Educational Institution, Issuance of Directions to Professional Training Institutions of the Interior or Other Educational Institutions and Admission of Persons to Professional Training Institutions of the Interior approved by Order No. 1V-321 of the Minister of the Interior of 28 August 2008 (Official Gazette, 2003, No. 87-3952).

Priorities for action in the near future

78. Currently, the selection of the heads of institutions and their appointment to positions is organized in accordance with the Statute and the Regulations of the Heads Reserve, which provides for the following: assessment of officers' work both at the police establishment where they work and at the higher-tier police establishment, assessment of personal qualities by preparing psychological reports, and the performance of additional checks. Training is organized for these officers at the Lithuanian Police Training Centre or in foreign countries. In the past 3 years, 18 new heads have been appointed to the aforementioned positions - mostly young, educated, promising individuals who enjoy authority among their colleagues. In 2006, the Regulations were updated to make participation in the selection available to candidates proposed by professional unions and to officers submitting an application on their own.

79. Both in the Police System Development Programme and in the Statute and the Law on Police Activities of the Republic of Lithuania (Official Gazette, 2000, No. 90-2777), it is projected to introduce a rotation system for statutory civil servants of the police serving in leadership positions and to change the procedure for appointing people to positions of leadership.

80. Law No. Nr. X-1705 adopted by the Seimas of the Republic of Lithuania of 15 July 2008 concerning the amendment and supplementation of Articles 2, 10, 15, 34, 37, 51, 53 and 56 of the Statute and the supplementation of the law with Article 16¹ (Official Gazette, 2008, No. 87-3465) specified the rotation of officers and improved the procedure of selecting vacant senior positions. According to this Law, the government of the Republic of Lithuania and the Minister of the Interior are obligated to prepare and adopt the legal acts necessary for the implementation of this Law by 1 October 2008.

Question 15

81. Doctors are trained according to the requirements of Directive 2005/36/EC of the European Parliament and Council on the recognition of professional qualifications transposed into national

law. In the Republic of Lithuania, health care specialists and psychologists are trained according to programmes evaluated by the Centre for Quality Assessment in Higher Education and registered by the Ministry of Education and Science.

82. Continued medical education of health care specialists is carried out in accordance with common principles (i.e. compulsory advanced training in accordance with one's general qualification and special advanced training every 5 years) and, in order to ensure the provision of quality services, special advanced training takes place, the requirements for which are established by the institution responsible for the operation of the relevant sector.

Seminars and special training sessions organized by the Prison Department under the Ministry of Justice of the Republic of Lithuania

83. In 2004, a seminar on the topic "Recognition of Physical and Psychological Symptoms of Torture" was conducted by Laura Narkauskaitė, specialist in addictive disorders at the State Mental Health Centre, and Valdemaras Kulieša, chief specialist at the Health Care Division of the Prison Department.

84. Since 2005, the following seminars relating to the recognition of symptoms of abuse and prevention of abuse have been organized for employees working in the health care and psychological departments of custodial establishments:

(a) Personality Differences of Convicted People. Methods of social and psychological classification of convicted people and risk forecasting. Lecturer: Dr. Ilona Česnienė, associate professor at the Department of Psychology of the Faculty of Social Policy of Mykolas Romeris University. This was attended by 17 employees of psychological departments;

(b) Communication with Convicted People Who Have Suicidal Intentions. Lecturer: Nijolė Bučelytė, head of the Mental Health Department of the State Mental Health Centre. This was attended by 16 employees of psychological departments;

(c) Psychology of Abuse. Prevention of violence. Lecturer: Dr. Rita Žukauskienė, professor at the Department of Psychology of the Faculty of Social Policy of Mykolas Romeris University. This was attended by 18 employees of psychological departments;

(d) The Problem of Aggression and Delinquency in Socially Excluded Groups. Lecturer: Dr. Laima Abromaitienė, associate professor at the Department of Educational Systems of the Institute of Educational Studies of the Faculty of Social Sciences of Kaunas University of Technology. This was attended by eight employees of psychological departments.

85. Lecturers are selected for the seminars by way of a public competition; the conditions of the competition include mandatory requirements to have relevant qualifications and experience in conducting seminars.

86. Efficiency and usefulness of all training events held at the Training Centre is evaluated by conducting surveys of the participants and institutions that send their officers to participate in the seminars.

Article 11

Question 16

87. Legal regulation of the operation of police detention facilities consists of the Regulations on Detention Facilities of Territorial Police Establishments approved by Order No. 5-V-356 of the police commissioner general of Lithuania of 29 May 2007 (Official Gazette, 2007, No. 61-2361) and the Manual for Security and Maintenance of Detention Facilities of Territorial Police Establishments approved by Order No. 5-V-357 of the police commissioner general of Lithuania of 29 May 2007 (Official Gazette, 2007, No. 61-2362). These legislative acts have replaced the previously effective Regulations on Detention Facilities of Police Stations approved by Order No. 88 of the Minister of the Interior of 17 February 2000 (Official Gazette, 2000, No. 21-542; 2001, No. 4-113). These legislative acts have enshrined many new norms, including those regulating the guarantee of human rights and freedoms.

88. In 2005, CC was amended. This amendment reduced the term of the disciplinary penalty - the transfer of a convicted person held at a reformatory from the regular group to the disciplinary group by stipulating that the convicted person may be transferred to the disciplinary group for a term of 6 months to 1 year.

89. The Internal Rules of Correctional Institutions approved by the Minister of Justice in 2003, were amended six times in 2004-2007. Two of the amendments were directly related to ensuring human rights: a more rigorous regulation on ensuring the privacy of the telephone conversations of convicted persons was imposed and the procedure of long-term visits of partners with convicted prisoners was established.

90. The internal rules of pre-trial detention establishments approved by the Minister of Justice in 2001, were amended twice in 2004-2007. One of the amendments was directly related to ensuring human rights: the provision stipulating that fold-away beds in isolation wards should be attached to the wall in the daytime so that the detained or convicted person would not be able to sleep or lie on it during the day was abolished.

91. In 2004-2007, a proposed law amending the Law on Pre-trial Detention of the Republic of Lithuania that came into force on 1 February 1996 was prepared and co-ordinated with the institutions concerned. The Seimas of the Republic of Lithuania adopted the law on 1 July 2008. The Law on Pre-trial Detention has been recast and is now named the Law on the Execution of Detention of the Republic of Lithuania. This law will come into effect on 1 April 2009. The law stipulates the conditions for keeping detainees in pre-trial wards. These conditions are compatible with detention conditions recommended in the Recommendation No. R(2006)2 of the Committee of Ministers of the Council of Europe on the European Prison Rules. Furthermore, this law sets forth a clear and direct prohibition to subject a person to torture or cruel or degrading treatment upon the execution of detention (Paragraph 3 of Article 5). At present, other legislation necessary for the implementation of the Law on the Execution of Detention is being drafted, including the Internal Rules of Pre-trial Wards, which will replace the current Internal Rules of Pre-trial Detention Establishments.

Question 17

Changes in the number of prisoners in 2003-2007

Data was presented on 31 December.

	2003	2004	2005	2006	2007
Total prisoners, of them:	8 063	8 125	8 137	8 079	7 866
men	7 822	7 863	7 827	7 758	7 523
women	241	262	310	321	343
minors	194	184	179	171	192
Total convicted people	6 701	6 841	7 010	7 082	6 911
Convicted people by age groups					
Under 21	902	871	902	880	891
21-30	2 821	2 873	2 843	2 709	2 586
31-40	1 714	1 775	1 878	2 011	1 910
41-50	902	940	986	1 033	1 046
51-60	278	301	315	250	372
61+	84	81	86	99	106

Level of population of custodial establishments in 2003-2007 (percent)

Row No.	Name of the institution/level of population (%)	2003	2004	2005	2006	2007
1	Kaunas Juvenile Pre-trial and Reformatory	50	48	48	50	74
2	Kaunas Pre-trial Ward	Did not exist	101	106	115	120
3	Lukiškės Pre-trial and Closed Prison	154	122	124	116	111
4	Šiauliai Pre-trial Ward	173	181	168	137	137
5	Alytus Reformatory	89	93	83	71	65
6	Kybartai Reformatory	Had an Open Prison Colony 10	Reconstructed	72	69	90
7	Marijampolė Reformatory	102	108	95	93	75
8	Panevėžys Reformatory	35	35	41	44	61
9	Pravieniškės Reformatory No. 1	71	48	72	85	84
10	Pravieniškės Reformatory No. 2-Open Prison Colony	Had no Open Prison Colony 81	89	96	103	98
11	Pravieniškės Reformatory No. 3	46	43	63	66	86
12	Vilnius Reformatory No. 1	59	62	60	75	80
13	Vilnius Reformatory No. 2	98	100	84	59	81
14	Pravieniškės Medical Institution and Reformatory	29	40	34	35	71
15	Hospital of Imprisonment Institutions	137	132	135	122	134
16	General	84	86	86	82	87

Question 18

92. The Code of Ethics for Lithuanian Police Officers (hereinafter referred to as the Code of Ethics) adopted by Order No. 347 of the commissioner general of the Lithuanian police force of 16 June 2004 establishes that the purpose of the Code of Ethics is to provide police officers with moral guidelines, assist them in defining moral requirements, contribute to the development of ethical relationship and preservation of the moral responsibility of police officers, and strengthen the authority of police officers in protecting and respecting a person's rights and freedoms established in both national and international legal acts.

93. The Code of Ethics sets out the main principles of the professional ethics of a police officer: respect for people and the state, justice, honesty, unselfishness, decency, impartiality, responsibility, and proper conduct.

94. Besides, the Code of Ethics specifies the correct behaviour of police officers at work, the interrelations of police officers, the professional ethics requirements of chief executive officers, and the off-duty conduct of police officers.

95. The commissioner general of the Lithuanian Police in Point 2 of Order No. 347 of 16 July 2004 "Regarding Approval of the Code of Ethics for Lithuanian Police Officers" obligated the heads of police offices to familiarize their subordinates with the Code of Ethics and react to violations of the standards specified in it.

96. Point 16 of the Code of Ethics establishes that the observation of the standards set in the Code of Ethics is controlled by police officials, who are entitled to impose penalties on their subordinates. The Police Department and territorial police offices have permanent ethics commissions that guarantee proper reaction to violations of the standards set in the Code of Ethics and evaluate the conduct of police officers.

97. The Code of Ethics is published on the website of the Police Department at http://www.policija.lt/isakymai/index.php?&sk=375&rub_id=214&irub_id=20.

Question 19

98. Currently, there are 45 police arrest homes operating in the country, and they contain 1,128 places for arrestees. In 2007, 30,537 persons were sent to police arrest homes - 430 people per day.

99. Concerning the state of hygiene in police arrest homes, it is necessary to stress that it has improved considerably in recent years. According to Decree No. 141 of the government of the Republic of Lithuania of 29 January 2003 (State Gazette 2003, No. 13-505), the Programme for the Renovation of Guardhouses and Improvement of Conditions for Keeping People in Them was approved. In 2005, the police arrest homes of the main police offices in Klaipėda and Panevėžys were renovated and in 2007, a new police arrest home was built for the main police offices in Kaunas. New police arrest homes will be opened also at the police office in Elektrėnai and at the main police offices, which are currently under construction, in Ukmergė District and Anykščiai District. The construction of police arrest homes is also planned at the police offices in Telšiai, Pasvalys, Tauragė, Šakiai and Zarasai districts. Minor renovation such as painting

walls, improving lighting, etc. are continuously performed at other police arrest homes. Moreover, over the past two years police arrest homes were fully furnished with beds, new furniture and dishes, and funds are allocated annually for mattresses, pillows and bedclothes.

100. It is also worth mentioning that the questions of improving the conditions for keeping arrestees in police arrest homes and work conditions for police officers are planned to be solved in other ways. The Police Department has started implementing a programme for the optimization of the activity of police arrest homes. It is planned to reduce the number of police arrest homes by closing those in the worst hygienic state. According to Order No. 5-V-520 of the police commissioner general of 3 August 2007 “Regarding Approval of Measures for the Liquidation of Certain Territorial Police arrest homes”, the police arrest home at the main police office of Panevėžys District has already been closed. It is planned to eliminate the police arrest homes at the main police offices in Jurbarkas, Skuodas and Širvintos districts this year; in Trakai, Akmenė and Jonava districts in 2009, and in Kaišiadorys, Kretinga, Pakruojis, Prienai and Plungė districts in 2010. People who have been kept in those police arrest homes will be transferred to the nearest police arrest homes that are in a better hygienic state. The latter will be further renovated and repaired.

101. To implementing the Programme for the Renovation of Imprisonment Places and Humanization of Imprisonment Conditions for 2004-2009, which was adopted by Decree No. 619 of the government of the Republic of Lithuania on 24 May 2004, and to improve the living conditions of convicts, the following results have been achieved:

- (a) In 2004, a police arrest home for 80 people (arrested for a period of 10-90 days) was built at the Marijampolė Reformatory;
- (b) Convicts in the Kybartai Open Colony were transferred to renovated premises in Pravieniškės Reformatory No. 2;
- (c) The Kybartai Open Colony was reorganized into a reformatory for 430 people;
- (d) In Pravieniškės Reformatory - Open Colony No. 2, the premises occupied by people serving a life sentence were renovated;
- (e) In Pravieniškės Reformatory - Open Colony No. 2, Marijampolė Reformatory, and Vilnius Reformatory No. 1, the premises for long meetings with prisoners were renovated;
- (f) In Pravieniškės Reformatory No. 3, two dormitories for prisoners were renovated;
- (g) Vilnius Reformatory No. 2 was moved from the premises leased from the Vilnius Archbishopric to renovated premises and can now accommodate 517 people;
- (h) In Lukiškės Prison, the left wing of the second living block and cells on the third floor of the right wing were reconstructed;
- (i) Seventy-seven cells were renovated in Šiauliai Prison;
- (j) A technical design was prepared for the project “Reconstruction of Dormitory No. 1 at Alytus Reformatory”.

102. On 26 March 2008, the government of the Republic of Lithuania adopted a strategy for the expansion of institutions under the Ministry of Justice and approved the measures for the implementation of this strategy in 2008-2033. The aim of the strategy is by 2033 to determine developmental priorities, aims and tasks of institutions subordinated to the Prison Department, which will help to assure that the material and technical supply of these institutions complies with the requirements set out in the Lithuanian Hygiene Standards and other legal acts and to guarantee effective implementation of tasks determined for the institutions under the Prison Department. According to the measures for the implementation of the strategy, by 2026, two new questioning chambers should be built, six places of imprisonment (including Lukiškės Prison, Šiauliai Prison, and a hospital for prisoners) should be moved from central parts of towns to newly built premises in the outskirts, and the remaining places of imprisonment should be renovated.

103. On 21 February 2007, the government of the Republic of Lithuania adopted the Concept of the Probation System in Lithuania and measures to implement this concept. The measures include tasks that will be implemented in five years (in 2008-2012). Authorities responsible for this plan are the Ministry of Justice, Institute of Law, Prison Department and regional reformatory inspections, Training Centre of the Prison Department, and Ministry of Social Security and Labour. The tasks that are spelled out include the following: to develop legal regulation of probation, create suitable methodological conditions for the supervision of probation, create an integrated network of institutions that implement probation, and encourage society to participate in the probation process.

Question 20

104. According to the requirements set out in Point 23.2 of the Instruction for the Protection and Control of Police Arrest Homes in Territorial Police Institutions, minors have to be kept separately from adults in police arrest homes. When minors are put in a cell, their age and physical and mental maturity should be taken into account. In exceptional cases and only with the written approval of a prosecutor, adults can be kept in the same cells with minors. According to their authority, other pre-trial investigation institutions also strictly observe this requirement when activities related to pre-trial investigations - such as arrest, inquiry, verification of evidence, etc. - are performed.

105. In 1998, a separate inquiry chamber for minors from all over Lithuania was opened. The inquiry chamber has a sufficient number of places. Average occupation of the isolator since 2003 has been 50-70 percent.

106. In other inquiry chambers (Lukiškės and Šiauliai inquiry chamber), minors can be kept only temporarily when they are transferred to these districts for the purposes of a pre-trial investigation or court proceedings. About 14 minors can be kept in these inquiry chambers at a time. In all cases, minors are kept separately from adults. In the Lukiškės inquiry chamber, minors are kept in a separate block where the women live.

Question 21

107. To combat the problem of violence among convicts or arrestees, violence prevention programmes are implemented in places of imprisonment. After arriving at a place of imprisonment, new convicts are kept in separate premises for two weeks. During this period, analytical/investigative work is performed with them. Convicts are assigned to their permanent living premises according to their physical condition, psychological characteristics, nature of the crime, and other features.

108. After each case of violence among the convicts, an official investigation is carried out. If features of a crime are detected, a pre-trial investigation is initiated.

109. Specialists of the social rehabilitation and psychology services of the Prison Department have prepared a proposal entitled Strategy for Preventing the Phenomenon of Subculture among Convicts and a plan for the implementation of this strategy. Currently, these proposals are being coordinated with other services. Final versions of these documents are expected to be approved by Director of the Prison Department this year, and they can then be initiated.

110. When correctional institutions are reconstructed, large premises for up to 20 convicts are divided into smaller ones for eight people. This applies to Kybartai Reformatory, Vilnius Reformatory No. 2 and Pravieniškės Reformatory No. 3. To solve the problem of violence among the convicts or arrestees, the gradual division of premises into smaller ones for three to six people is expected to be even more effective.

Question 22

111. According to notices regarding possibly illegal behaviour, two pre-trial investigations were started against the staff of imprisonment institutions in 2005. Both of them were cancelled because of the absence of evidence proving a crime was committed.

112. In 2006, two pre-trial investigations were started and later cancelled for the same reason.

113. In 2007, no pre-trial investigations were started against officers of imprisonment places for illegal actions against convicts.

114. According to the laws of the Republic of Lithuania, pre-trial investigations are conducted and controlled by a prosecutor.

Article 12

Question 23

115. (See the answer to question 2.)

116. The Internal Investigation Board of the Police Department cannot provide information about the number of complaints regarding illegal use of physical force by police officers in 2006-2007 because such information is not stored.

117. According to Point 8 of Part 1 of Article 53 of the Statute, an officer convicted of a malicious action by a court of law is removed from internal service. Illegal use of physical violence is considered a criminal action as defined in Part 1 of Article 228 of CC.

Regarding improper conduct of the staff of places of imprisonment

118. In 2005, the Prison Department received 26 complaints from arrested and convicted people. Twelve of the complaints were investigated by the Prison Department, and 14 were transferred to other institutions or institutions subordinate to the Police Department for investigation. Complaints are transferred to other institutions when they are filed against the actions of officers who are not employees of imprisonment institutions (for example, officers' actions performed while convoying. Convoying is performed by officers of police or public security units under the Ministry of the Interior). Convicts and the arrestees complained about the use of special means, searches, and disciplinary penalties. After investigating the complaints, officials determined that officers of imprisonment institutions had not engaged in any illegal actions.

119. In 2006, 23 complaints were received. Eight of them were investigated in the Prison Department, 10 were transferred to other institutions or institutions subordinated to the Prison Department, and five (all regarding the same case) were not investigated because they were written on behalf of another person. When the complaints were investigated it was concluded that officers of imprisonment institutions had not engaged in any illegal actions.

120. In 2007, 12 complaints were received. Nine of them were investigated in the Prison Department and three were transferred to other institutions or institutions subordinated to the Prison Department. After investigating the complaints, officials determined that officers of imprisonment institutions had not engaged in any illegal actions.

121. Complaints submitted by imprisoned women regarding the improper behaviour of the staff of imprisonment institutions.

122. In 2005, no such complaints were received by the Prison Department.

123. In 2006, two complaints were received (both from the same person). One of the complaints was transferred to another institution for investigation, and the other one was investigated in the Prison Department. The arrested woman complained of the use of special means - onetime handcuffs. It was established that the use of handcuffs was legal.

124. In 2007, four complaints were received. Three of them were investigated in the Prison Department, and one was transferred to another institution for investigation. After investigating the complaints, officials determined that officers of imprisonment institutions had not engaged in any illegal actions.

125. No complaints by underage convicts regarding the improper conduct of the staff of imprisonment institutions were received by the Prison Department.

Question 24

126. The Statute establishes the principles of internal service, the status and responsibility of internal system officers, and other peculiarities of internal service. In Article 3 of the Statute, the main principles of internal service such as the priority of the law, equality, respect for rights, and continuous fulfilment of general duties of an officer are established. The Statute determines that for misconduct while serving, officers are arraigned separately from criminal and administrative prosecution. The Statute also provides for the basis for the commencement of official inspections. An executive legal act - the Procedure of Official Inspections and Imposition and Annulment of Official Penalties approved by the Minister of Internal Affairs on 27 August 2003 - includes a detailed description of the procedure of official inspections and imposition and annulment of official penalties.

127. Point 7.5 of the Rules of Activity of the Police Arrest Homes of Territorial Police Institutions establishes the right of people kept in police arrest homes to write letters and to submit proposals, applications and complaints to public institutions, organizations, and officials.

128. Article 166 of CCP establishes that a pre-trial investigation is commenced:

- (a) After receiving a complaint or notice of a criminal act;
- (b) If features of a criminal act are identified by a prosecutor or pre-trial investigation officer.

Article 14

Question 25

129. According to the provisions of the Law on Compensation for Damage Caused by Violent Crimes, the Crime Victims Fund was established. In cases provided for by the law, damage caused by violent crimes is compensated with money from this fund.

130. In 2006, 76 people applied to the administrator of the fund - the Ministry of Justice - requesting compensation for damage caused by violent crime. Only 20 requests were satisfied, however. Total compensation amounted to LTL 55,888.12.

131. In 2007, the Ministry of Justice received 136 applications for the compensation of damage caused by violent crimes. Fifty-four of them were satisfied. Total compensation amounted to LTL 247,382.

132. According to data from the first quarter of 2008, the Ministry of Justice processed 72 applications requesting compensation for damage caused by violent crimes. Thirty-three of them were satisfied.

133. In 15 cases, the applicants requested compensation for serious damage to health. In three cases, sexual freedom was violated and one case concerned minor damage to health. Total compensation in the first quarter of 2008 amounted to LTL 125,803.55.

134. It should be noted that the Ministry of Justice has prepared a proposed amendment to the Law on the Compensation for the Damage caused by Violent Crimes of the Republic of Lithuania. The goal of this proposed amendment is further improvement and development of the system of compensation for the damage caused by violent crimes and more effective protection of victims' rights and legal interests by paying reasonable and adequate compensation. Moreover, the proposed amendment provides a broader definition of violent crime and a wider range of people eligible for compensation of damage. It also provides for a clearer procedure for the payment of compensation awarded by a court, expands the possibilities to get damages in advance, and provides bigger amounts of compensation.

135. Besides, the proposal states that people for whom decisions concerning the compensation of damage caused by violent crime have already been adopted should have the right to apply to the Crime Victims Fund and request additional compensation for damage because the proposed amendments to the law provide for larger amounts of compensation than those specified in the applicable law.

136. This proposed amendment was submitted to the Seimas of the Republic of Lithuania on 31 October 2007 and is to be discussed during the autumn session in 2008.

Question 26

137. Presently, there are no special institutions or services providing health care services to victims of torture in the Republic of Lithuania. Such people are provided health care services like any other citizens of the Republic of Lithuania as specified by the law.

Article 16

Question 27

138. The Mental Health Strategy approved by Decree No. X-1070 of the Seimas of the Republic of Lithuania of 3 April 2007 (State Gazette 2007, No. 42-1572) envisages:

- (a) Including the practical application of effective decision-making methods in solving the mental health problems of the community as foundation while preparing and implementing educational, social and health programmes on local, national and EU levels;
- (b) Continuously coordinating national and regional programmes intended to solve the health problems of the community, because a big part of the protective and risk factors related to the wide spread of addictions, suicides and violence in society are common to all of those problems;
- (c) Providing health care services in critical situations by guaranteeing provision of the services at home or at work to prevent worsening of health and avoid hospitalization;
- (d) Seeking an optimal balance between guaranteeing public safety and observing human rights when providing help to people with mental disabilities;

(e) Guaranteeing real protection of the rights of people with mental disabilities and the possibility for such people to get integrated assistance at their residence. According to the recommendations of the World Health Organization, create an effective mechanism to protect the rights of people with mental disabilities in health and care institutions and in the community;

(f) Continuously observing the quality of mental health care services and creating the necessary methods and mechanisms for observation;

(g) Involving patient organizations and other non-governmental organization into the human rights observation process.

139. The Government of the Republic of Lithuania by Decree No. 645 of 18 June 2008 adopted the State Mental Health Strategy Implementation Programme for 2008-2010 (State Gazette, 2008, No. 76-30147). According to this programme, it is planned to prepare methodical material for the prevention of violence, requirements for mobile teams to prevent and follow-up crises and suicides, a procedure of paying for the services of these teams, and descriptions of psychosocial rehabilitation services and to create a well-balanced funding system for psychological therapy, family consultation, psychosocial rehabilitation, and other psychosocial services in municipalities. There are also plans to promote the establishment of social organizations at mental health care institutions for the protection of patients' rights, to revise legal acts that regulate confidentiality, information, and hospitalization against a patient's will, and to submit amendments of these acts and the necessary drafts laws. By order No. V-799 of the minister of health of the Republic of Lithuania of 9 October 2007, the Programme for the Reduction of Morbidity and Mortality Caused by Non-infectious Diseases for 2007-2013 (State Gazette, 2007, No. 106-4354) was approved. The programme also implements aims and tasks established in the Mental Health Strategy. According to this programme, crisis intervention centres should be established by 2013 in five major Lithuanian cities (Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys). About 8.5 million LTL will be allocated for the establishment of these centres. Of this amount, about 6.8 million LTL will be funded by the EU as part of structural support for 2007-2010. In addition, in the five biggest cities, five children's mental health centres with integrated facilities and consultation services for children and families should be established. These centres will provide specialized services for teenagers and young people according to the peculiarities and needs of this age group. It is estimated that about 12.75 million LTL will be needed for the establishment of differentiated psychiatric help to child and family.

Question 28

1. Anti-discrimination laws

140. Article 29 of the Constitution of the Republic of Lithuania establishes that a person may not have his rights restricted in any way, or be granted any privileges, on the basis of his/her sex, race, nationality, language, origin, social status, religion, convictions, or opinions.

141. The majority of other Lithuanian laws regulating various social relations also provide for the principle of equality and antidiscrimination for all people. The elimination of all forms of discrimination is an essential and obligatory precondition for guaranteeing the rights and welfare for each person.

142. On 1 March 1999, the Law on Equal Opportunities for Men and Women came into force. The purpose of the law is to guarantee the implementation of equal rights for men and women as established in the Constitution of the Republic of Lithuania and to forbid any discrimination because of sex, especially with regard to family or marital status.

143. Another important legal act establishing legal opportunities is the Law on Equal Treatment of the Republic of Lithuania, which came into force on 1 January 2005. The purpose of this law is to ensure the implementation of human rights laid down in the Constitution of the Republic of Lithuania and to prohibit any direct or indirect discrimination based upon age, sexual orientation, disability, racial or ethnic origin, religion, or beliefs.

144. This law specifies the main concepts defined in EU directives and obligates state and municipal institutions (when preparing and adopting legal acts, etc.), scientific and academic institutions (when admitting students, assessing knowledge, choosing programmes, etc.), and employers (when hiring; determining conditions of work, conditions for enhancing qualifications, salaries, etc) to follow the principle of equal rights. The law clearly defines what actions of authorities and management, educational and scientific institutions, employers, traders, manufacturers, and service providers violate the principle of equal treatment.

145. If a person thinks that a discriminatory act specified in the Law on Equal Treatment of the Republic of Lithuania was committed against him, he has the right to appeal to the Equal Opportunities Ombudsperson's Office. Making such an appeal does not restrict the person's right to defend his rights in court.

146. In order to guarantee better protection of human rights and improve legislation regulating equal opportunities, the Seimas of the Republic of Lithuania adopted the Law on the Amendment of the Law on Equal Treatment in 2007. The new version of the law incorporates the provisions of Council directive 2000/43/EC of 29 June 2000 providing for the principle of equality irrespective of race and ethnic group, and of Council directive 2000/78/EC of 27 November 2000 providing for equality with regard to occupation and profession.

147. The Law on the Amendment of the Law on Equal Treatment sets forth the obligation for the following subjects to guarantee equal opportunities:

- (a) State and municipal institutions;
- (b) Scientific and academic institutions (when admitting students, assessing knowledge, choosing programmes, etc.);
- (c) Employers (when hiring; determining conditions of work, conditions for enhancing qualifications, salaries; etc.);
- (d) Sellers of goods and services, producers and distributors of advertising (the law provides for an obligation for manufacturers and sellers of goods or services to implement equal opportunities irrespective of a person's age, sexual orientation, disability, race, ethnic group, religion, or beliefs).

148. The new Law on Equal Treatment of the Republic of Lithuania specifically prohibits employees' or employers' organizations or other associations from discriminating against their members because of their age, sexual orientation, social status, disability, race, ethnic group, religion, or beliefs.

149. Article 29 of the Constitution of the Republic of Lithuania prohibits discrimination against people because of their social status or religion.

150. In order to guarantee compensation for the violation of equal treatment, a person who has suffered from discrimination on the grounds of age, sexual orientation, social status, disability, race, ethnic group, religion, or beliefs has the right to request that those who are guilty compensate for material and non-material damages.

151. Effective protection of a person's rights is guaranteed to employees' and employers' organizations or other legal persons by ensuring the legal right for them to be represented in judicial or administrative proceedings.

152. The law also shifts the burden of proof to the respondent in discrimination cases. In cases regarding discrimination on the grounds of age, sexual orientation, social status, disability, race, ethnic group, religion, or beliefs, the respondent must prove that the principle of equal opportunities was not violated.

153. Considering that Part 4 of Article 43 of the Constitution of the Republic of Lithuania establishes that churches and religious organizations can function freely according to their own canons and statutes, the new version of the law provides for respective exceptions in applying the law. In such a way, the right for religious communities to act freely and according to their moral and ethical standards is guaranteed.

2. Anti-discrimination measures

154. To inform society about the manifestation of discrimination in Lithuania, the negative impact of discrimination on the possibilities for certain social groups to participate in social life on equal grounds, and measures for guaranteeing equal rights and to promote tolerance in society, the government of the Republic of Lithuania in 2006 adopted the National Antidiscrimination Programme for 2006-2008 (hereinafter referred to as the Programme) (State Gazette, 2006, No. 100-3872).

155. The aim of the Programme is to reduce the manifestation of discrimination because of age, sexual orientation, disability, race, ethnic group, religion, or beliefs in all spheres of life and promote tolerance in society. This aim is pursued by improving legislation; initiating research, studies and overviews; and organizing public information campaigns, seminars, training sessions, and other educational measures. The Programme's main source of funding is the budget of the Republic of Lithuania. It is necessary to note that currently, a new national antidiscrimination programme for 2009-2011 is being prepared.

156. Article 3 of the Support for Employment Law, which lays down the aims and tasks of the employment support systems and employment support measures, establishes that the tasks of the employment support system are fulfilled and the employment support measures should be

implemented in line with the principles of equal opportunities for men and women and non-discrimination. In addition, Article 4 of the law distinguishes groups of people who have to be additionally supported in the labour market since they encounter difficulties finding a job because of the unfavourable attitude of employers or their lack of ability to compete in the labour market on equal grounds. The Support for Employment Law provides for the measures for the support of employment of people who should be additionally supported in the labour market. This law specifies measures to support the creation (adaptation) of work places for people with restricted working capacity and to subsidize people who cannot compete equally with other participants in the labour market.

157. When preparing integration programmes and participating in the formation of state policy regarding ethnic minorities, the Department of Ethnic Minorities and Lithuanians Living Abroad seeks to implement the principle of non-discrimination and ensure that all ethnic minorities can exercise their rights and did not suffer from discrimination. By implementing the measures of the Strategy for the Development of Ethnic Minorities Policy until 2015 (State Gazette, 2007, No. 112-4574), the Programme for the Integration of the Romany into Lithuanian Society for 2008-2010 (State Gazette, 2008, No. 42-1555), and the Ethnic Antidiscrimination Programme for 2006-2008 (State Gazette, 2006, No. 100-3872), the department seeks to ensure respect for human rights, protect them from violations, and guarantee their implementation. The department takes measures to promote self-awareness, allocates certain funds from the state budget, and generates other resources to reduce inequality.

158. Since 2006, the department has organized seminars for the employees of county and municipal administrations entitled “The Importance of the Rights of Ethnic Minorities and Anti-discriminatory Measures”. The aim of the seminars is to familiarize employees with discrimination, its genesis, legislation, and anti-discriminatory measures. Five seminars of this type have been organized.

159. In 2007, the award “For Ethnic Tolerance” was established. It is awarded for the promotion and propagation of national tolerance in the mass media. Its goal is to select an article or radio or TV programme that encourages tolerance towards ethnic minorities and invites people to fight against ethnic and racial discrimination, to award the author who published that article or programme in the Lithuanian or foreign mass media, and to encourage him to continue this activity. In addition, one of the aims of this award is to encourage mutual understanding among the members of society, promote tolerance for members of other ethnic groups, and respect other people’s rights. This competition is open to Lithuanian and foreign journalists and other independent authors who write, create or perform various activities that promote tolerance in society. Journalists and independent authors can be nominated by other people. All works submitted for the competition are published in the press, on radio, television, or electronic media. The winner is announced on 16 November - the International Day of Tolerance - and is awarded a special prize, a sculpture entitled “For Ethnic Tolerance”.

160. In April 2007, the Department of Ethnic Minorities and Lithuanians Living Abroad, Centre for Human Rights, and Department of Constitutional Law of the Faculty of Law of Mykolas Romeris University organized an international conference entitled “Participation of Ethnic Minorities in Civil Society”. The aim of the conference was to strengthen the activeness of ethnic minorities in civil society, analyze the deficiencies and advantages of the legal system, and share foreign experience. In December, the department organized a conference/seminar

called “National Tolerance: the Present and Challenges of the Future” in Klaipėda. The participants of the conference/seminar not only listened to reports but also actively performed practical tasks (such as a personal tolerance test) and participated in discussions.

161. Each year, Week against Racism is commemorated. On this occasion, the Department of Ethnic Minorities and Lithuanians Living Abroad together with its partners organize special events: roundtable discussions, press conferences, exhibitions, various social campaigns and others.

162. This year, the department and the Police Department organized one-day anti-discrimination seminars for police officers. The aim of these seminars was to familiarize the participants with the beginning and genesis of racial discrimination, relevant legislation, the subculture of the skinheads, the Romany, and Romany culture and traditions. At the seminar, in addition to theory, the participants performed practical tasks and watched educational films.

163. The seminars were held in the major counties of Lithuania: Vilnius County (the first seminar was organized at the Vilnius Chief Police Commissioners Office for the employees of the Vilnius County Police Commissioners Office), Kaunas County, Klaipėda County, and Šiauliai County. One hundred eighteen officers from various places in Lithuania - Vilnius, Elektrėnai, Klaipėda, Šiauliai, Visaginas, Driskininkai, Varėna, etc. - participated in five seminars. Most of the participants evaluated the content of the seminars as excellent.

164. The department continuously publishes articles on the issues of tolerance, discrimination and human rights in the newspapers *Lietuvos žinios* and *Savivaldybių žinios* and the magazine *Ekstra*. Approximately 10 articles are published a year.

165. Many measures against discrimination are also planned while implementing the Strategy for the Development of Ethnic Minorities Policy until 2015 and the Programme for the Integration of the Romany into Lithuanian Society for 2008-2010.

166. The Strategy for the Development of Ethnic Minorities Policy until 2015 includes the following measures: annual awards to media representatives for the promotion of tolerance and formation of the image of ethnic minorities; organization of informal education for various social and professional groups about the issues of ethnic minorities; creation of educational films about ethnic minorities; provision of information to society about the harm of racial and social intolerance and discrimination; encouragement of ethnic tolerance through education, the media, and non-governmental organizations; and the issuance of two publications about organizations that perform observations in the sphere of ethnic minorities and the activities of those organizations.

167. The Programme for the Integration of the Romany into Lithuanian Society for 2008-2010 includes the following measures: the organization of seminars, conferences and discussions about the fight against xenophobia, racism and discrimination and teaching tolerance; preparation of material about the culture of the Romany in Lithuania and inclusion of the material into the curriculum of general education schools and school books; publication of a series of articles about the culture and traditions of the Romany and protection of their human rights; preparation of radio programmes about the fight against xenophobia and discrimination and teaching of tolerance; organization of training about ethnic diversity for social employees,

teachers and journalists; organization of training for police officers about the protection of human rights, the principle of non-discrimination, and investigation of criminal acts related to the violation of personal equality; and preparation and publication of an informational booklet about the Romany and a social study entitled *Profiles of Tolerance in Lithuania*.

3. Representatives of ethnic minorities in law enforcement institutions

168. Institutions within the system of internal affairs do not store data on the ethnicity of their employees.

Question 29

169. One of priorities of the Programme on prevention and control of human trafficking 2005-2008 (hereinafter referred to as the Programme on Human Trafficking) includes reintegration of victims to human trafficking in the society and labour market. State budget funds are employed to support projects of public institutions and non-governmental organizations, intended to provide social aid to the victims of human trafficking, their protection and return to society. LTL 400,000 are allocated to these projects from the state budget on a yearly basis. A total of 11 projects were financed in 2005. 76 victims to human trafficking taking part in the projects have acquired general education and/or vocational training, 63 have integrated in the labour market, and 107 have returned to society.

170. A total of 13 projects were financed in 2006. 90 victims to human trafficking taking part in the projects have acquired general education and/or vocational training, 122 have integrated in the labour market, and 149 returned to society. A total of 13 projects were financed in 2007. 137 victims to human trafficking taking part in the projects returned to society, 79 have integrated in the labour market, 48 have acquired general education and/or vocational training, and 174 have received other social aid. A total of 15 projects were financed in 2008.

171. With view to implement objective of the Programme on Human Trafficking, i.e. to improve qualification of staff members on matters of prevention and control of human trafficking and prostitution, to improve capabilities of institutions to provide adequate response to issues of human trafficking, trainings intended to improve qualification of social workers in the area of human trafficking were organized in 2005-2007.

172. Further information on instruments dealing with human trafficking is given in Annex 3.

Question 30

173. CC in effect does not define domestic violence as a crime on its own. In accordance with provisions of CC, victims to domestic violence having suffered slight bodily injury can prosecute the violator in the manner of private prosecution in accordance with Article 140 (causing of physical pain or slight bodily injury). Were the victim suffers bodily injury of a more severe degree, the act shall be qualified respectively as grievous or light bodily injury (Article 135, 136, 138). In the latter case, the violator shall be prosecuted in the manner of public prosecution. In case of domestic psychological violence, the violator can be prosecuted pursuant to Article 145 (threat to murder or inflict grievous bodily injury or human terrorising) as well as Article 148 (constriction of freedom of human acts), where criminal procedure is only initiated upon the

grievance of the victim, yet the criminal procedure thereafter takes the usual course. Notably, CC does not define psychological violence as a crime on its own, being an element to certain bodies of the crime. In case of domestic sexual violence, the violator can be prosecuted pursuant to Article 149-151 providing for criminal liability for crimes against human freedom and inviolability of sexual self-determination. Pursuant to Article 149, 150 and paragraph 1 of Article 151, criminal procedure is only initiated upon the grievance of the victim, yet the criminal procedure thereafter takes the usual course. Criminal procedure is initiated in the usual manner in case of qualified rape, sexual violence or coercion to engage in sexual intercourse.

174. CCP, by amendments of 9 November 2004 (Official Gazette, 2004, No 171-6307), was supplemented by Article 132.

Article 132. Obligation to reside separately from the victim

(a) The suspect can be obliged to reside separately from the victim where it can be duly considered that the former, while residing with the victim will try to unlawfully influence the same or will perpetrate new criminal acts against the victim or individuals residing with him/her. When imposing obligation to reside separately from the victim, the suspect can also be obliged to refrain from communicating and seeking relations with the victim and individuals residing with him/her as well as from visiting specific places where the victim or individuals residing with him/her may appear;

(b) Obligation to reside separately from the victim during pre-trial investigation is imposed by a ruling of a pre-trial judge upon request of a prosecutor;

(c) In case custodial measure, obligation to reside separately from the victim is imposed, the suspect is notified that where the obligation is not complied with, another custodial measure may be imposed.

175. When implementing measure 4.2 of implementing measure plan of the state strategy on reduction of violence against women 2007-2009, approved by resolution of the Government of the Republic of Lithuania No. 1330 of 22 December 2006, order of the prosecutor general of the Republic of Lithuania No. I-83, dated 13 June 2008, amended the order of the prosecutor general No I-58, dated 18 April 2003 on approval of the procedure and guidelines of registration of initiation of pre-trial investigation (Official Gazette, 2008, No 69-2645), which amended guidelines for control procedure on compliance with conditions established for the custodial measures (except for detention), when setting control procedure on compliance with obligations set under custodial measure to reside separately from the victim.

176. In 2007, territorial police institutions started collection, gathering and analysis of data related to domestic violence: including visits to domestic conflicts; requests and grievances regarding domestic violence, including violence against women, examined by officers of prevention units; instances where pre-trial investigation was refused in cases related to domestic violence against women; pre-trial examinations initiated (pursuant to Articles of CC); reports on administrative offences executed for violations of law and order, related to domestic violence.

177. In 2007, national territorial police institutions registered 33,165 calls to attend domestic conflicts, examined 9,974 requests/grievances regarding domestic violence against women and initiated 810 pre-trial investigations regarding criminal acts in case of domestic violence against women.

178. When implementing measures of the national programme on prevention of violence against children and aid to the children 2005-2007, approved by resolution of the Government of the Republic of Lithuania No 491 of 4 May 2005, the police department in 2007 equipped special interrogation rooms for children at 5 superior police commissariats (Vilnius, Kaunas, Klaipeda, Siauliai and Panevezys). These rooms were established with view to reduce the extent children are traumatized during criminal procedures as well as to reduce repeated interrogations of children and are intended for interrogations of children, victims to crimes of sexual nature as well as those who have committed such crimes themselves, or interrogations of victims, witnesses and suspects of other crimes or domestic violence, where interrogation is expedient in a special interrogation room.

179. In 2007 the Police Department together with NGO Vaiko namas prepared and published methodical guidelines intended for police officers on matters of tactics of dealing with domestic conflicts and application of legal measures applied by the police as well as an overview for police officers dealing with cases of domestic conflicts.

180. Given relevance of issue of violence against women, especially domestic one, and the need for complex services and aid for the victim, the Government by the resolution No 1330 dated 22 December 2006 approved State strategy on reduction of violence against women (hereinafter referred to as the Strategy) and the plan for measures of implementation thereof 2007-2009. The long-term Strategy has for its purpose to ensure, at a state level, steady, complex and systematic reduction of family violence against women. Top priority areas of the Strategy include: improvement of legal basis of reduction of violence against women; analysis of state of family violence against women; effective prevention of family violence against women; provision of complex aid for victims of domestic violence against women; treatment of violators; enhancement of institutional capabilities.

181. Strategy includes an objective to ensure provision of necessary temporary safe shelter for the victims to domestic violence. With view to implement the said objective, beginning 2007, aid is given for projects of organizations, providing social services for victims to domestic violence. Funds to the amount of LTL 500,000 of state budget are given to the said instrument on a yearly basis.

182. When implementing this measure, a total of 21 municipal or women nongovernmental organization project was supported in 2007, complex aid and services of various character were granted to 1,838 women, victims to violence. In 2008, aid was given to projects of a total of 29 organizations, providing complex aid to the victims of domestic violence.

183. Objective of strategy includes improvement of alternative treatment applied to violators, encouragement of activity of organizations dealing with violators, seeking to abandon their violent behaviour. In 2007, support was given to 6 projects, during implementation whereof

individual psychological counselling and group therapy was provided to 152 violators. In 2008, projects of 9 organizations, intended to encourage male crisis centres and unite self-help groups were financed. A total of LTL 100,000 of state budget funds was given to support the projects on a yearly basis.

184. Activity of a total of 13 women organizations, acting in the field of reduction violence against women, was supported in 2007 and, in 2008 activity of 10 organizations was supported; in both cases, aid of LTL 400,000 of state budget funds was given.

185. The Government, having assessed the lack of aid provided and given proposals of women's organizations received to the fact that women suffering domestic violence were in absolute need of counselling and psychological aid, accessible both easily and on regular basis, around the clock, by resolution No 1054, dated 2 October 2007 approved a new measure having its purpose to ensure specialised, complex (psychological aid, counselling, information, mediation) telephone line for women suffering violence, available free of charge and around the clock. A total of LTL 100,000 of state budget funds is given for implementation of the measure on a yearly basis.

Miscellaneous

Questions 31 and 32

186. There is currently an analysis on an inter-institutional level underway in the Republic of Lithuania, dealing with national legislation, discussions on possibility and readiness to undertake international obligations pursuant to the additional protocol to the Convention and Article 21 and 22 of the Convention. Notably the Republic of Lithuania has acknowledged the competence of the United Nations Human Rights Committee to examine individual reports regarding violations of the International Covenant on Civil and Political Rights. Furthermore, the Republic of Lithuania is a party to the European Convention for Protection of Human Rights and Fundamental Freedoms as well as to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Question 33

187. The legislation of the Republic of Lithuania provides no special provision prohibiting manufacture, trade or export of devices, specifically intended to perform tortures or other cruel or degrading acts. No such special legislation provision is planned for adoption in the near future.

188. However, provisions contained in Article 258 of CC are relevant to legislative provision referred to by the Committee.

Article 258. Unlawful disposal of silent arms

189. (a) Whoever unlawfully manufactures, with view to sell or has sold a silent arm or other device adapted for causing harm for human beings, shall be punishable by a fine, or arrest or imprisonment of up to one year;

(b) Whoever unlawfully acquires or carries a silent arm or other device adapted for causing harm for human beings, commits criminal offence and shall be punishable by a fine or arrest;

(c) Law on the Control of Arms and Ammunition of the Republic of Lithuania (Official Gazette, 2002, No. 13-467) provides for definition and types of arms.

190. Furthermore the Republic of Lithuania has certain international obligations in the area:

(a) 1980 UN Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects (Official Gazette, 1998, No. 83-2312);

(b) 1980 UN Convention Protocol on Non-Detectable Fragments (Official Gazette, 1998, No. 83-2312);

(c) 1980 UN Convention Protocol on Blinding Laser Weapons (Official Gazette, 1998, No. 83-2312);

(d) 1980 Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (amended 1996) (Official Gazette, 1998, No. 83-2312);

(e) 1980 Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Official Gazette, 1998, No. 83-2312).

Question 34

191. The chapter XXXV of CC, dedicated to crimes against public security, provides liability for acts, considered crimes of terrorist nature.

Article 250. Act of terror

192. (a) Whoever places explosives with view to cause explosion, explodes or sets on fire in a place of residence, work, gathering or public, place shall be punishable by imprisonment of up to ten years. 2. Whoever commits acts provided by paragraph 1 herein, given it has caused bodily injury or destruction or damage to a vehicle, building or equipment therein, shall be punishable by imprisonment ranging from three to twelve years;

(b) Whoever explodes, sets on fire or otherwise destroys or damages a building or equipment, given it causes hazard to life or health of multiple people or has spread radioactive, biological, or chemical harmful substances, preparations or microorganisms, shall be punishable by imprisonment ranging from five to fifteen years;

(c) Whoever commits acts provided by paragraph 3 herein, given it was intended against an object of strategic importance or causes grave effects, shall be punishable by imprisonment from ten to twenty years or life imprisonment;

(d) Whoever develops a group of accomplices or an organized group with view to commit acts provided herein or takes part in its activity, or finances or provides aid, material or otherwise to such group, shall be punishable by imprisonment ranging from four to ten years;

(e) Whoever develops a terrorist group with view to intimidate people by the acts provided herein or unlawfully demand state, its institution or international organization to perform certain acts or to refrain there from, or takes part in its activity, or finances or provides aid, material or otherwise to such group, shall be punishable by imprisonment ranging from ten to twenty years;

(f) Legal entity shall also be liable for acts herein.

Article 250. Instigation of terrorism

193. (a) Whoever by public statements, whether oral, written or employing media induces or instigates act of terror or other terrorism-related crimes or stigmatises victims to terror, shall be punishable by a fine or restriction of liberty, or arrest or imprisonment of up to three years;

(b) Legal entity shall also be liable for acts herein.

Article 251. Hijack of airplane, vessel or fixed platform in continental shelf

194. (a) Whoever hijacks airplane, vessel or fixed platform in continental shelf, shall be punishable by an arrest or imprisonment of up to five years;

(b) Whoever, upon employment of physical violence or threat to use violence hijacks airplane, vessel or fixed platform in continental shelf, shall be punishable by imprisonment ranging from three to eight years;

(c) Whoever, upon employment of fire arm, explosive physical violence or other measure posing hazard to life or health to crew or passengers of an airplane or a vessel or persons in fixed platform in continental shelf, hijacks airplane, vessel or fixed platform in continental shelf, shall be punishable by imprisonment ranging from five to ten years;

(d) Whoever hijacks airplane, vessel or fixed platform in continental shelf, causing incident, emergency or other extremely grievous effects, shall be punishable by imprisonment ranging from ten to twenty years or life imprisonment;

(e) Legal entity shall also be liable for acts herein.

Article 252. Taking human hostage

195. (a) Whoever takes or holds kidnapped person and demanded international public organization, state or institution, in return for his / her release performance of any act or refrain from act, or whoever threatens to immediately murder or injure person kidnapped and demands to set up conditions to evade detention, shall be punishable by imprisonment ranging from three to ten years;

(b) Whoever commits act provided by paragraph 1 herein, when kidnapping or holding kidnapped two or more persons, shall be punishable by imprisonment ranging from five to fifteen years;

(c) Legal entity shall also be liable for acts herein.

196. As far as crimes of terrorist nature, not covered by the articles aforesaid, persons can be prosecuted in the usual manner, pursuant to other articles of CC, e.g. murder, grievous bodily injury, and damage to vehicles or roads, equipment therein etc.

197. Paragraph 4 of the Article 25 of CC equates terrorist group to most severe form of accompliceship, i.e. criminal syndicate. Article 7 of CC provides for universal criminal jurisdiction of the Republic of Lithuania with regard to crimes of terrorist nature.

198. The Lithuanian State, member of the European Union, United Nations and NATO, and implementing common international agreements, has ratified key conventions on fight against terrorism. Below are some of the key ones:

(a) 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft;

(b) 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;

(c) 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Personnel;

(d) 1977 European Convention for the Suppression of Terrorism;

(e) 1979 Convention Against the Taking of Hostages;

(f) 1988 Convention for the Suppression of unlawful Acts Against the Safety of Maritime Navigation and Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf;

(g) 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;

(h) 1997 UN Convention for the Suppression of Terrorist Bombings;

(i) 1999 UN Convention for the Suppression of Financing of Terrorism;

(j) 2000 United Nations Convention against Transnational Organized Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

(k) 2005 International Convention for the Suppression of Acts of Nuclear Terrorism.

199. The following acts of legislation also contribute to enhancement of national security and neutralisation of terrorism threats: the Law of the Republic of Lithuania on the Basics of National Security of Lithuania, National Security Strategy, approved by the resolution of the Parliament of the Republic of Lithuania of 28 May 2002 No. IX-907 and revised in 2005, the Programme on counter terrorism of the Republic of Lithuania, approved by the Resolution of the Government of the Republic of Lithuania of 26 October 2005 No. 1139-14. The Counter terrorism committee coordinates the implementation of the programme. It is headed by the director general of the State Security Department. Other authorities, responsible for respective areas of state security, are also involved in the work of the committee, just like in case of implementing the programme.

200. With view to ensure more effective terrorism prevention, meeting international standards, a special counter terrorism subdivision was established in the State Security Department in 2005; it engages in active cooperation with respective foreign services.

201. Police measures in course of performing the programme relate to the analysis of information on terrorism threats, coordination of police system institutions, enhancement of operational activity and technical basis and improvement of qualification of operational staff members.

202. The above effective legislative measures facilitate dynamic and effective reaction of the Republic of Lithuania to possible terrorism threats and ensure the protection of human rights and freedoms.

203. Notably, no one has ever been convicted for terrorism crimes in the Republic of Lithuania.
