



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

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Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention
pursuant to the optional reporting procedure**

Third periodic reports of States parties

Lithuania*, **

[8 October 2012]

The optional reporting procedure consists in the adoption of lists of issues by the Committee, which are transmitted to States parties prior to the submission of their periodic reports. Under this procedure, the present document, which contains the responses to the list of issues (CAT/C/LTU/Q/3) adopted by the Committee at its 45th session, 1–19 November 2010, constitutes the third report of Lithuania.

* The second periodic report of Lithuania is contained in document CAT/C/LTU/2; it was considered by the Committee at its 838th and 841st meetings (CAT/C/SR.838 and 841), held on 4 and 5 November 2008. For its consideration, see CAT/C/LTU/CO/2.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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I. Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Articles 1 and 4

Reply to the issues raised in paragraph 1 of the list of issues (CAT/C/LTU/Q/3)

1. The Criminal Code (hereinafter referred to as the CC) does not contain a separate article for penalizing torture. On the other side, acts specified in article 1 of the Convention by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him information or a confession, or intimidating or coercing him, or any other similar acts have been prohibited by the CC.
2. Article 99 of the CC ("Genocide") provides for criminal liability for persons targeting physical destruction of all or some individuals belonging to any national, ethnic, racial, religious, social or political group, organize, lead or participate in their killing, torturing, causing bodily harm to them, hindering their mental development, their deportation or imposing on them living conditions that cause death of all or some of them; restrict birth of individuals belonging to those groups or forcibly transfers their children to other groups.
3. Article 100 of CC (Prohibited Human Treatment under International Law) provides for criminal liability for individuals, who intentionally, by carrying out or supporting the policy of the State or an organization, attacks civilians on a large scale or in a systematic way and commits their killing or causes serious impairment to their health; inflicts on them such conditions of life as bring about their death; engages in trafficking in human beings; commits deportation of the population; tortures, rapes, involves in sexual slavery, forces to engage in prostitution, forcibly inseminates or sterilizes; persecutes any group or community of persons for political, racial, national, ethnic, cultural, religious, sexual or other reasons prohibited under international law; detains, arrests or otherwise deprives them of liberty, where such a deprivation of liberty is not recognized, or fails to report the fate or whereabouts of the persons; carries out the policy of apartheid. Article 103 of the CC (Causing Bodily Harm to, Torture or Other Inhuman Treatment of Persons Protected under International Humanitarian Law) provides for criminal liability for individuals who inflict a serious bodily harm, torture or otherwise treat inhumanly persons protected under international humanitarian law or violate protection of their property in time of war or during an armed international conflict or under the conditions of occupation or annexation.
4. It is notable that articles 100 and 103 of the CC were amended by the Seimas of the Republic of Lithuania (hereinafter referred to as the Seimas) on 22 March 2011, as a result expanding the range of the criminal acts by including more alternatives.
5. Paragraph 2 of article 145 of the CC (Threatening to Murder or Cause a Severe Health Impairment to a Person or Terrorisation of a Person) provides for criminal liability for individuals who terrorize a person by threatening to blow him up, to set him on fire or to commit another act dangerous to his life, health or property or who systematically intimidate the person by using mental coercion.
6. Article 148 of the CC (Restriction of Freedom of a Person's Actions) provides for criminal liability for the restriction of freedom of person's actions, i.e. for the demands to carry out unlawful actions or refrain from performing lawful actions or otherwise behave according to instructions of the offender by using mental coercion in respect of the victim or persons close to him. Article 228 of the CC (Abuse of Office) provides for criminal

liability for civil servants or persons equivalent thereto who abuse their official position or exceed their powers, where this incurs major damage to the State, the European Union, an international public organization, a legal or natural person. Article 294 of the CC (Self-Willed Conduct) provide for criminal liability for persons who, by disregarding the procedure established by the law, arbitrarily exercise an existing or alleged right of his own or another person which is disputed or recognized, though not exercised yet, and incurs major damage to the person's rights or legitimate interests. Paragraph 2 of this article provides for punishment by arrest or by imprisonment for a term of up to five years for using physical or mental coercion against the victim or a person close thereto.

7. It is notable furthermore that acts of torture or cruel behaviour constitute a qualifying feature of other crimes or an aggravating circumstance. Article 129(2)(6) of the CC provides for a more stringent criminal liability for killing by torturing or in other particularly cruel manner; article 135(2)(6) – for causing a serious bodily injury or illness by torturing or in other particularly cruel manner; article 138(2)(6) – for causing a bodily harm or illness which is not serious by torturing or in other particularly cruel manner, article 140(2) – for causing physical pain or inflicting a slight bodily harm by torturing. In addition, article 60 of the CC provides that torturing the victim or subjecting him to taunting is considered as an aggravating circumstance.

8. Paragraph 17 of the Resolution by Lithuanian Supreme Court Senate of 18 June 2004 on case law regarding cases of crimes against human life points out that murder, when offender's acts, due to the method of murdering or other circumstances, get extremely cruel, is qualified under article 129(2)(6) of the Criminal Code (involving torture or another particularly cruel manner). Torture means any act of certain duration by which severe pain or suffering, whether physical or mental, is inflicted on a person through direct impact on his body or providing conditions for such suffering (due to pain, hunger, thirst, cold, heat, forced performance of degrading acts, etc.)

9. Murder in another particularly cruel manner is when life is taken away in an extremely painful way (e.g., painful poisoning, burning, burying, dropping from a great height, and so on), or through numerous injuries. In this case, it does not matter how long, after the act of violence until death the victim had to feel pain. Brutal murder is when before killing or at the time of the killing the victim is subjected to bullying (he is forced to injure himself, etc.), or when the perpetrator intentionally prevents aid from being given to the injured victim, or when killing involves dismembering of the victim's body (e.g. cutting off the head, etc.), or when the victim is killed in the presence of his family, causing them severe emotional distress. Murder falls under this article when the perpetrator is aware of the extreme brutality aspect of the murder he has committed.

10. The list of crimes that are not subject to the statute of limitations of a judgement of convictions is laid down in article 95 of the Criminal Code. According to paragraph 8 of this article the following crimes shall not be subject to the statute of limitations: genocide (art. 99); treatment of persons prohibited under international law (art. 100); killing of persons protected under international humanitarian law (art.101); deportation or transfer of civilians (art. 102); causing bodily harm to, torture or other inhuman treatment of the persons protected under international humanitarian law or violation of their property (art. 103); forcible use of civilians or prisoners of war in the armed forces of the enemy (art. 105); destruction of protected objects or plunder of national valuable properties (art. 106); aggression (art. 110); prohibited military attack (art. 111); use of prohibited means of warfare (art. 112); commander's negligent performance of duty (art. 113¹).

Article 2

Reply to the issues raised in paragraph 2 of the list of issues

11. The analysis of recommendations of international human rights protection bodies as regards enhanced human rights institutional framework (as well as necessary funding) has led to Lithuania's decision to streamline the existing institutions and ensure better coordination. The Seimas Ombudsmen's Office has put forward an ambitious strategic goal of becoming an accredited national human rights institution of A-level in 2012-2014. There are draft proposals as regards the establishment of coordinating Human Rights Council at the Ombudsman's Office, which would consist of the representatives of current human rights institutions, the Seimas, and the public, and which would, among other things, carry out systematic monitoring of human rights and enforcement of human rights recommendations, and would deal with human rights issues.

12. A Draft Law Amending the Law on the Seimas Ombudsmen No XIP-4638, submitted by a working group on 3 July 2012 provides for an extended mandate of the Seimas Ombudsman, thus bringing it closer to meet the requirements of the Paris Principles. It is expected that the institution will be allocated more than LTL 600 thousand and will have nine new staff positions in 2013-2014 for its effective performance in the future and new functions and responsibilities as a national human rights institution.

Human and financial resources for the Ombudsman's Office in 2009-2012

		2009	2010	2011	2012
Human resources of the Ombudsman's Office		46.5 staff	43.5 staff	43.5 staff	43.5 staff
Financial resources of the Office	Total allocations	LTL 3 429 500	LTL 2 734 000	LTL 2 774 000	LTL 2 664 000
	Payroll	LTL 2 184 000	LTL 1 872 000	LTL 1 840 000	LTL 1 850 000

Reply to the issues raised in paragraph 3 of the list of issues

13. The Code of Criminal Procedure (hereinafter referred to as the CCP) provides for access to defence from the moment of detention and the right to have the family of the detainee to be informed about his detention. Article 10 states that the suspected, the accused and the sentenced person has the right to a defence. This right is ensured from the moment of detention or the first inquiry. The court, the prosecutor, the investigating officer must ensure a possibility for the suspected, the accused and the sentenced person to defend against allegations and complaints within the means and ways established by law, and to take appropriate steps to ensure their personal and property rights.

14. The Law of the Republic of Lithuania on Detention was adopted by the Seimas of the Republic of Lithuania on 1 July 2008, replacing previous Law on Pretrial Detention. Article 14 of this Law clearly and without reservation establishes detainee's right to meet with his defence. There are no restrictions as regards number or duration of these meetings. The procedure of the meetings is regulated by the Internal Rules of Remand Prisons approved by the Minister of Justice. These rules specify documents to be produced by the legal counsel for meeting with the detainee, as well as the procedure for the detainee's delivery to this meeting, and the rules clearly state that the meeting shall take place without the presence of the outsiders.

15. Article 21(4) of the CCP states that the suspect has the right: to know the charges; to have defence counsel from the moment of detention or first inquiry; to testify; to provide

documents and items relevant to investigation; make requests; to challenge, to have access to pretrial investigation material, to appeal against actions or decisions of a pretrial investigation officer, prosecutor or a pretrial investigation judge. Article 44(8) of the CCP provides for the right of each person, charged or accused of a criminal activity, to self-defence or legal assistance, and, failing to have sufficient means to pay for the legal assistance, it must be provided free of charge under the law governing the state-guaranteed legal aid. Article 51(1)(7) of the CCP provides that when in custody during the investigation and prosecution, the suspect or the accused must have legal defence, i.e. if suspected, the accused and the sentenced person has not arranged for the defence or the defence has not been arranged on his behalf, at his consent or request, by other persons, the investigating officer, the prosecutor or the court must notify the authority responsible for state-guaranteed legal aid, or its authorized coordinator about the fact that the suspected, the accused and the sentenced person requires legal counsel and ask the authority to arrange for defence. When the authority responsible for state-guaranteed legal aid is closed for holidays or its working ours are over, the pretrial investigation officer, the prosecutor or the court refer to the on-call list of lawyers made by the authority responsible for state-guaranteed legal aid to provide legal assistance in criminal cases.

16. Article 128 of the CCP provides for the notification of one of the family members or a close relative of the detainee by the prosecutor involved in the imposition of the custodial sentence. 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 available. 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. The suspected person must be provided with a possibility of notifying his family members or close relatives by himself. The prosecutor shall send a copy of the order of detention or extended detention to the detention place. In case of the detention of a citizen of another state, the prosecutor shall inform the Lithuanian Ministry of Foreign Affairs and – if the detainee so prefers – his diplomatic mission or the consular office. In addition, article 8(7) of the Law on Detention provides for an imperative obligation by the administration of the remand prison to inform the detainee's spouse, cohabitant, or close relatives about his detention not later than the next day from detention.

17. Admission to custody on remand is subject to the Internal Rules of Remand Prisons. Paragraph 10 of the Rules states that the detainee is admitted to the remand prison by an officer, responsible for admission, who fills out a search report of the detained (sentenced) person as well as other relevant documents. Newcomers are listed in an inmate roster (journal) in an order of sequence daily until the end of the year. The number of registration in the inmate roster (journal) is a personal file number of the new inmate. The number is entered into the remand prison cell record, the list of the detained and sentenced persons subject to isolation, and a personal record. If, on admission to a remand facility, there is no a temporary detention protocol, a protocol of admission to a remand facility is drawn up and signed by the admitting remand prison officer and head of the convoy.

18. Persons delivered to police custody are listed in the Register of Detained, Arrested, and Sentenced Persons and the Register of Persons Held in Police Custody. The above registers are approved by order of the Police Commissioner General of 29 May 2007.

19. Current health care legislation of the Republic of Lithuania provides its citizens, including those in custody, with a possibility of choosing an individual doctor. Article 45 of the Law on Detention states that persons kept in remand must be guaranteed the same quality and level of medical treatment as that for any other citizens in freedom. Each remand prison has its Health Care Service, which must ensure the delivery of outpatient health-care services and emergency assistance around the clock. Secondary (specialist) level health care is delivered to detained and sentenced persons in Central Prison Hospital.

Tertiary level health care services (which are beyond the prison hospital due to lack of competence or licenses) are delivered to detained and sentenced persons in public health care facilities to ensure the protection of detained and sentenced persons.

20. Prisons and remand prisons employ the total of 79 doctors and 145 nursing professionals, including 28 doctors and 49 nursing professionals who work at the Central Prison Hospital.

21. Article 45 of the Law on Detention has been transposed to the Internal Rules of Territorial Police Custody, approved by Order of the Police Commissioner General of 29 May 2007. Currently, there are 25.25 jobs for community nurses in police custody.

Reply to the issues raised in paragraph 4 of the list of issues

22. In order to address the issue of duration of pretrial investigation and the related long-term detention while in pretrial, amendments to article 176 of the CCP were made by Law of 21 September 2010, setting the maximum length of pretrial detention. The amended article 176 of the CCP provides for as early as possible completion of pretrial investigation, not exceeding the following maximum: (1) three months for criminal offenses, (2) six months for minor, medium and crimes through negligence and (3) nine months for serious and grave crimes. Due to the complexity of the case, its volume or other relevant circumstances, the above time limits for pretrial investigation may be extended by resolution of the public prosecutor at the request of the prosecutor responsible for the case. Pretrial investigation must be a priority in cases where suspects have been placed in custody, as well as in cases in which suspects or victims are minors. If the pretrial investigation continues for too long, the pretrial judge, upon the appeal of the suspect or his legal counsel, may terminate the investigation on the account of the excessive length of pretrial investigation under article 215 of CCP.

23. According to article 215 of the CCP, in cases where pretrial investigation fails to be completed within six months after the first interview, the suspect, his representative or legal counsel may file a complaint with the investigating judge. For the examination of the complaint, the pretrial judge holds a hearing, convening the suspect or his legal counsel and the prosecutor. Following the examination of the complaint, the investigating judge takes one of the following rulings: (1) dismiss the complaint; (2) to instruct the prosecutor to complete an investigation within the prescribed time limit, and (3) to terminate pretrial proceedings. The prosecutor is required to complete the pretrial investigation within the time-limit set forth by the pretrial judge and to draw up an indictment or a written decision on the termination of the pretrial investigation. The prosecutor may apply to the investigating judge to extend the pretrial investigation to complete the prescribed period. Extension issue is addressed in a sitting with the participation of persons specified in paragraph 2 of this article.

24. According to article 20 of the Constitution of the Republic of Lithuania (hereinafter referred to as the Constitution), a person detained in flagrante delicto must, within 48 hours, be brought before a court for the purpose of determining, in his presence, the validity of the detention. If the court does not pass a decision to arrest the person, the detainee shall be released immediately. This provision is detailed in article 140 of the CCP, setting forth the fundamentals and procedure for a detention.

25. A custodial pretrial supervision measure may be assigned only by court order and only under terms and conditions specified in article 122 of the CCP.

26. The term and its extension in pretrial custody is regulated by article 123 of the CCP. This article stipulates that detention cannot exceed six months. A specific length of detention is determined by the pretrial judge in the detention ruling, but not longer than three months initially. The applicable extension of maximum six months may be granted by

an investigating judge of the same or other district court. Where the case is complicated and large-scale, pretrial detention may be extended to a maximum of three months by a district court judge. A repeated extension may be applied, but not exceeding eighteen months in total during the investigation period for adults, and twelve months for juveniles.

27. CCP does not provide for maximum length of detention while in trial. When a case is referred to court, the extension of detention is in the hands of the court dealing with the specific case. If the court refers the case to the prosecutor, the length of detention may be extended by the court up to a maximum of three months.

28. Terms of administrative detention for administrative offences is regulated by the Republic of Lithuania Code of Administrative Breaches of Law. A person under administrative prosecution may be placed in administrative detention for no longer than 5 hours, with the exception of those cases when law provides for other terms of administrative detention when there is a particular need. A person 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. Duration of administrative detention is calculated from the moment a person is brought in for filing a report, and in case of an intoxicated person, it is calculated from the moment that person sobers up.

29. It should be noted that the new draft Code of Administrative Breaches of Law aimed to recast the current Code of Administrative Breaches of Law, currently deliberated in the Seimas, does not provide for an administrative arrest sanction. The draft also proposes tightening administrative detention terms and conditions.

30. In order to prevent ill-treatment of detainees, a control mechanism obliging officers, before placing persons in police custody, to record visually obvious bruises, abrasions, etc. For this purpose, the Security and Supervision Instructions for Detention Facilities of Territorial Police Establishments, approved by the Police Commissioner General, provide for a personal inspection record, which lists all visible personal injuries, abrasions, bruises, etc. of a person to be placed in police custody. Paragraph 18 of the Lithuanian Medical Norm MN 129:2004 "Medical Stations (Offices) of Detention Facilities of Territorial Police Establishments" provides for examination of health condition of newly arrived detainees by a nurse from a medical station with their consent. The health condition of such persons is examined if there are certain suspicions of a health impairment, illness, injury, etc. when placing a person in police custody.

31. Paragraphs 111 and 112 of the Internal Rules of Remand Prisons provide for an examination of the detainee with bodily injury by medical staff, who fills out a form on the nature of the injury, specifying the circumstances (based on detainee's story) of the bodily injury, the date, the time and the location. The medical specialist makes a record in a special registry book and notifies the remand prison director or his deputy, responsible for the security and supervision, and in their absence – the internal investigation department officer. The remand prison director or his deputy shall promptly send a written notice to a relevant prosecutor and initiate internal investigations. Bodily injuries are recorded in a special registry book.

32. Pursuant to article 10 of the Law on Detention of the Republic of Lithuania, minors must be kept separately from adults. This is transposed into ministerial regulations. Paragraph 23.2 of the Security and Supervision Instructions for Detention Facilities of Territorial Police Establishments also provide for separate placement of minors, who must be placed into cells according to age, physical and mental development. Adults shall be kept in minors' cell only in exceptional cases, and only with the written consent of the prosecutor's chamber.

33. Article 51 of the CCP provides for an obligatory legal counsel in cases where a minor is prosecuted. This article stipulates that if the suspected, accused or sentenced person has not arranged for legal defence or the defence has not been arranged on his behalf, at his consent or request, by other persons, the investigating officer, the prosecutor or the court must notify the authority responsible for state-guaranteed legal aid, or its authorized coordinator about the fact that the suspected, the accused and the sentenced person requires legal counsel and ask the authority to arrange for defence. Although article 52(1) of the CCP provides for suspect's right to waive legal counsel and opt for self-defence, paragraph 2 of the same article indicates that minor's waiver in this regard is not mandatory for a pretrial investigation officer, prosecutor and the court.

34. Articles 53-54 of the CCP define procedural status of a legal representative in criminal proceedings. Parents, foster parents, guardians of a minor or incompetent suspect, as well as suspected, accused or sentenced persons or institutions that take care of the suspected, prosecuted or sentenced person or a victim, or authorized persons can act as legal representatives. A legal representative, at his written or oral request according to the law, is allowed to participate in the process, when an investigating officer, the prosecutor adopts a decision, and the court takes a ruling in the case. A legal representative may be refused entry by the decision of the pretrial investigation officer or the prosecutor and court's ruling, where it is considered contrary to the minor's or incompetent person's interests. In this case, the investigating officer, the prosecutor or the court must ensure the participation of another legal representative, and where this is not possible – to appoint any other person as a temporary representative while the issue of a new legal representative, who can adequately represent the interests of a minor or incompetent person, is resolved. A legal representative usually participates in the process together with the represented. A legal representative has the right to participate in the process steps involving the represented person and help that person to make use of the rights conferred by the law. If the represented person is deprived of liberty, a legal representative can see him at the permission of the pretrial investigation officer, prosecutor or the judge.

35. On 1 July 2012, a new Law on Probation came into force. Probation is defined as a conditional alternative to imprisonment (suspended sentence, release on parole), carried out under supervision. Probation is aimed to ensure effective re-socialization and reduce the rate of recidivism. This law provides for promotion of alternative sanctions (instead of custodial sentences), encouragement of associations and volunteers to spend more efforts on working with prisoners individually, assessing re-offending degree on case-to-case basis and applying individually selected supervision tools (social assistance, behaviour correction programmes, etc.). The supervision of enforcement of court's rulings on probation and individuals on probation shall be carried out by the probation service. This service will cooperate with state and local authorities and agencies. The search of persons on probation, whose whereabouts are unknown, shall be carried out by the police, who shall notify probation officials about administrative offenses committed by offenders and investigations opened. Prisons Department, custodial establishments and probation services will work together to plan and organize implementation of measures on risk assessment of criminal conduct and re-socialization at detention facilities, and will subsequently evaluate their effectiveness.

36. Before releasing on parole, detention facilities, independently or in conjunction with the probation service, will carry out re-socialization measures to ensure successful re-socialization of offenders; and provide information to probators on offenders to be released on parole, re-socialization measures applied, a risk assessment carried out and other information; it will work together with the Prison Department on the findings of social survey on offenders to be released on parole. Labour exchange offices will have to develop individual plans for employment of offenders on probation, and they will have to foresee measures facilitating integration into the labour market. Health-care facilities, where the

offenders on probation will be undergoing due treatment from addictions, will provide information, at the request of probation services, on achieved progress and results. Child rights protection authorities, at the request of the probation service, will have to provide information on minors on probation, their social environment, as well as performance of parental duties of offenders to be released on parole with children, or those who have already been released. Municipal authorities will allow for performance of unpaid jobs and provide information to probation officials about the progress of work and results. As part of re-socialization measures, probation services, with a view to achieving probation goal, will also work with associations, religious communities and associations, and other legal persons or their affiliates and volunteers in accordance with agreements, and will coordinate their work with the those on probation. The Law provides that the offender shall have the right to choose a volunteer that meets the requirements to be responsible for his re-socialization. This law also defines: basic requirements for probation; legal status of those on probation; their rights and obligations; planning and execution of supervision of offenders on probation; intensive supervision of the offender on probation; change of probation conditions; legal consequences of probation and its evasion; termination of probation.

37. Together with the Law on Probation, the Seimas adopted relevant amendments to CC, CCP and the Criminal Punishment Enforcement Code, providing for milder deferred sentence conditions. A custodial sentence can be deferred for an individual convicted of one or more minor or less serious premeditated crimes for not more than four years of imprisonment (previously – three) or a maximum of six years for crimes through negligence. A custodial sentence can be deferred for a juvenile offender convicted of one or more crimes through negligence or convicted of one or more premeditated crimes for not more than five years of imprisonment (previously – four), if the court finds that there are reasonable grounds to believe that the goal will be achieved without an actual execution of the sentence.

38. Major changes have been made as regards the terms and procedure of the release on parole. In fact, according to the new law, the obligatory part of the sentence to be served before the inmate is eligible for parole, now depends on the severity of the offense and the prison term imposed. Individuals, having committed non-serious offenses, will be eligible for earlier release on parole. Inmates that have participated in individual social rehabilitation measures and whose risk of criminal behaviour, and behaviour while serving their sentence, and other important facts constitute grounds for believing that they will comply with the law, and will not re-offend, can be released from correctional facilities on parole having done the following minimum of the sentence imposed:

(a) A quarter of the custodial sentence, but not less than four months – for persons, sentenced for crimes through negligence, when the sentence term does not exceed six years, others sentenced for not more than three years in prison, as well as minors;

(b) Half of the of the custodial sentence, but not less than four months – for persons, sentenced for crimes through negligence, when the sentence term exceeds six years, others sentenced for not more than three but less than ten years in prison, as well as minors;

(c) Two quarters of the custodial sentence – for those with the imposed sentence above ten but below fifteen years in prison;

(d) Three quarters of the custodial sentence – for those with the imposed sentence above fifteen and below twenty-five years in prison.

39. Sentenced prisoners who agree to be subject to intense supervision may be released on parole from the penitentiary six months before their legitimate release on parole.

40. A decision regarding release on parole from correctional institution shall be taken by the Parole Commission established by Director of the Prison Department. The decision shall be approved by the ruling of the court. At least half of the Parole Commission consists of the members from the public. Previously, the release on parole from correctional institutions was effected by courts according to recommendations from administrations of correctional institutions.

Reply to the issues raised in paragraph 5 of the list of issues

41. Adopted in 2006, a National Strategy for Elimination Violence against Women aims at consistent, comprehensive and systematic elimination of violence against women. Its priority areas: improvement of legal framework; violence prevention; comprehensive assistance to victims of violence; sanctions to violators, public education and awareness, improved data collection; institutional capacity reinforcement. The Strategy is implemented by relevant ministries, within their jurisdiction, in cooperation with non-governmental organizations. There are annual calls for project proposals as regards provision of comprehensive assistance to women victims of violence; provision of assistance to perpetrators; prevention of violence against women; and NGO support.

42. To carry out provisions of the Law on Protection against Domestic Violence, a national programme for the provision of assistance to victims of domestic violence in 2013-2020 is currently being worked out. The programme aims to create a national system for the provision of funding and assistance to victims of domestic violence, with a view to comprehensively reducing the rate of domestic violence, and ensuring a complex, qualified, efficient and extensive violence prevention, intervention and postvention.

43. In recent years, a number of legislative proposals have been submitted for Seimas' deliberation (e.g. No. XP-1457, No. XIP-1782 (2)) as regards domestic violence amendments to the Criminal Code. However, these amendments have not been endorsed, as it was considered inexpedient to amend the Criminal Code by including domestic violence provision, since there is a specific Law on Protection against Domestic Violence.

44. The Law on Protection against Domestic Violence, which took effect on 15 December 2011, aims to protect people from domestic violence, which due to its damage to society is attributed to the category of offense of public importance; to immediately respond to the emerging threat; to take preventive measures; to apply protective measures; and to provide appropriate assistance. This law defines the concept of domestic violence, establishes rights and responsibilities of persons involved in the domestic violence, implementation of preventive measures, provision of assistance to the victim of domestic violence; application of measures to protect the victim of domestic violence; it provides definitions for the perpetrator and the victim of domestic violence, defines the basic state-funded prevention policies and measures implemented by state and municipal authorities in collaboration with non-governmental organizations, for example, by participating in organizing training and competence development courses for people involved in prevention of domestic violence and provision of assistance to victims (judges, prosecutors, police officers and other professionals) in accordance to relevant programmes developed by the government, its authorized institutions and municipalities; or by holding public awareness and education campaigns to promote non-violence; or by organizing public legal education, carrying out studies and surveys, gathering statistics on domestic violence and analysing these data, etc.

45. According to article 2 of this Law, violence is intentional physical, psychological, sexual, economic or other influence on a person by act or omission, whereby the victim suffers physical, material or non-pecuniary damage. The domestic environment consists of persons in present or past matrimonial, partnership, marriage or other close relationships, as well as persons living together and managing the same household.

46. In pursuance with article 6(1) of the Law on Protection against Domestic Violence, a police officer, having recorded a case of domestic violence, is obliged to take immediate measures to protect the abused person and, depending on the circumstances, to initiate an investigation. The person who has suffered domestic violence is no longer required to submit a complaint to begin criminal proceedings to bring the perpetrator to justice. The Law on Protection against Domestic Violence also lays down measures aimed at the perpetrator in order to ensure the protection of the victim of violence: mandating the removal of the perpetrator from the home in domestic violence cases, as well as prohibiting approaching the victim, communicating and seeking contact with the victim.

47. Article 12(1) of the Law on Protection against Domestic Violence provides for criminal liability for acts of violence. Criminal responsibility for violent actions has been specified in the Criminal Code.

48. In order to regulate the actions of police officers in relation to their functions under the Law on Protection against Domestic Violence, the following documents have been approved by order of the Police Commissioner General: Requirements Controlling Police Officers overseeing the Enforcement of the Court's Order for Perpetrator's Temporary Eviction from the Place of Residence of the Victim; Requirements for the Eviction of the Perpetrator; requirements for the Police to Respond to Reports on Domestic Violence.

49. Following the implementing by-laws (Requirements for Specialized Assistance Centres, Programme for Specialized Assistance Centres) of the Law on Protection against Domestic Violence, organizations acting as specialized assistance centres provide specialized integrated assistance services to the victims of violence, including psychological, legal and other assistance.

50. Within six months (from 15 December 2011, when the Law on Protection against Domestic Violence came into effect, until 15 June 2012) the police received 12,970 reports of alleged domestic violence. The establishment of the cases of domestic violence have led to 4335 pretrial investigations. Most of the investigations were initiated under article 140 of the Criminal Code (infliction of physical pain or minor health impairment). In its analysis of the available data, the police noted that the domestic violence call-outs have been on decrease, just like the number of pretrial investigations. In the first month, the police recorded nearly 3500 call-outs to compare with 1700 in the sixth month.

51. National Courts Administration (hereinafter referred to as the NCA), which is responsible for collection of case statistics, its analysis and evaluation, and supervision of the Judicial Information System (LITEKO), has made some system modifications and created a new category of cases – cases concerning domestic violence. This modification will allow the system to collect data on the judgments in matters of domestic violence. In addition, the Register of Crimes, handled by the Information Technology and Communications Department under the Ministry of Internal Affairs, containing details of criminal offenses and providing information for official statistics on crime in the Republic of Lithuania, was in 2012 supplemented with metadata on domestic violence crimes.

52. With a view to reducing prevalence of violence against children, and following other previous programmes, a National Programme for Prevention of and Response to Violence Against Children for 2011-2015 is being carried out, which aims to provide comprehensive measures to eliminate violence against children and its manifestations. Programme measures focus on the prevention and intervention of all types and forms of violence against children.

53. Different legislation (the Law on Fundamentals of Protection of the Rights of the Child, the Civil Code, the Criminal Code, the Law on Education, etc.) contain provisions on the prohibition of violence against children, discipline and educational sanctions, penalties, punishments, and sanctions to a child alternative to punishment. In addition, the Ministry of

Social Security and Labour is currently working on a draft law on child welfare. Child welfare law should address and implement the following objectives: to improve the Lithuanian legal protection of children, to change public attitudes to all forms of violence against children and enable upbringing, developing and educating children without resorting to violent measures.

Reply to the issues raised in paragraph 6 of the list of issues

54. On 21 June 2012, the Seimas ratified the Council of Europe Convention on Action against Trafficking in Human Beings. In order properly implement the provisions of the Convention and to increase the effectiveness of the action against trafficking in human beings, the respective amendments to the CC were adopted on 30 June 2012. Those CC amendments are also intended to implement the provisions of Directive 2011/36/EU of the European Parliament and of the Council of on preventing and combating trafficking in human beings and protecting its victims. In accordance with the said CC amendments, the actions of trafficking in humans as well as the purchase or sale of a child are now criminalized not only when committed for the purposes of prostitution, pornography or other forms of sexual exploitation, slavery, and forced labour or services but also when committed for any other purposes of exploitation, including exploitation for begging or criminal activities. In addition, as of now, the criminal law directly stipulates that the victim's consent to the purposes of exploitation does not eliminate the liability of the perpetrator of human trafficking. A new article 147² has been added to the CC, which imposes criminal liability for using the labour or services, including prostitution, provided by the victim of human trafficking, where the perpetrator was aware or had to be aware of the fact that the person was performing the work or services only because of the physical violence, threats, deceit or other methods of subjugation of a person's will used against him for exploitation purposes. The perpetrator of such acts is punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to two years. These CC amendments are expected to facilitate the work of law enforcement bodies in investigating and proving the criminal acts of human trafficking. Combating trafficking in human beings is one of the priority areas of Lithuanian law enforcement authorities. The annual increases in the registered numbers of such offences, on the one hand, demonstrates the prevalence of this criminal phenomenon (Lithuania is a country of origin, transit and destination of human trafficking) and, on the other hand, illustrates the effective cooperation between law enforcement and non-governmental organizations, as more and more victims of trafficking in humans seek help, which results in greater numbers of pretrial investigations.

Data of the Lithuanian Criminal Police Bureau on pretrial investigations and persons suspected/charged under CC article 147 'Trafficking in human beings' and article 157 'Purchase and sale of a child'

	2009	2010	2011
Number of pretrial investigations	12	8	21
Number of suspects	21	16	37

Data of the National Courts Administration on convicted persons and imposed sentences (courts of first instance) under CC article 147 'Trafficking in human beings' and article 157 'Purchase and sale of a child'

	2007	2008	2009	2010	2011
Number of persons convicted (first instance) under CC Art. 147	2	13	14	9	11

	2007	2008	2009	2010	2011
Sentence imposed		10 convicts – 2-6 years of imprisonment; 1 convict – restriction of liberty for 1 year and 9 months; 2 convicts – fines of 250 minimum living standards (hereinafter referred to as MLS) and 300 MLS	12 convicts – 2-9 year imprisonment; 2 convicts – restriction of liberty for 2 years and 1.5 years	7 convicts – 2- 11 year imprisonment; 2 convicts – fines of 200 and 300 MLS	11 convicts – 2-12 months
Average imprisonment	2 years	3 years and 11.6 months	5 months and 8.5 months	7 years	5 years and 5.5 months
Number of convicts (first instance) under CC Art. 157	1	0	0	2	0
Sentences	1 convict – fine of 150 MLS	–	–	2 convicts: imprisonment of 5 years and 6 months	–

55. When preparing a response concerning the specific case of human trafficking mentioned in the Committee's inquiry, law enforcement authorities found it difficult to identify the case referred to in the Committee's questionnaire. According to the data of the Prosecutor General's Office and the Police Department under the Ministry of the Interior, a similar case was investigated by the Panevėžys Prosecutor's Office. The investigation team formed in this case detected an organized criminal group composed of six Lithuanian nationals and one Albanian national, whose activities inflicted harm to 25 victims. A judgement by a court of first instance imposed imprisonment sentences on those persons for acts under CC article 147 ('Trafficking in human beings'), however the sentence has not taken effect for the six Lithuanian nationals as it has been appealed against and is now under examination by a court of higher instance.

56. Informational material *8 mitai apie darbą užsienyje ir prekybą (Eight myths on work abroad and trafficking in human beings)* (<http://infocentras.iom.lt/lt/informacija-isvykstantiems/mitai-ir-tikrove/>) was prepared and published by the Migration Information Centre, which was a project carried out by the Vilnius Office of the International Organization for Migration, now already completed. The purpose of the centre was to provide information and consulting to Lithuanian residents planning to leave Lithuania, Lithuanians living abroad who wish to return to Lithuania and legal immigrants to Lithuania, also to assist migrants in trouble. The said informational material warns about possible situations when persons with criminal intentions may offer a job abroad and lists the so-called eight myths on job security abroad, such as the myths that an offer from a friend or relative to work abroad is always reliable, that only legitimate companies advertise in the press, that the employer can take an employee's passport etc. The objective of that information was to warn those planning to depart for work abroad about potential

dangers, so that they could assess the risks. No data on the effectiveness of the mentioned informational material was collected.

Reply to the issues raised in paragraph 7 of the list of issues

57. On 5 November 2009, the Seimas National Security and Defence Committee opened a parliamentary investigation into the allegation that Lithuania hosted secret detention facilities of the CIA of the United States of America. Upon completion of the investigation, the Committee's findings were approved by a Seimas Resolution of 19 January 2010. The findings of the Committee state that the State Security Department (hereinafter referred to as 'SSD') had received partners' request to set up facilities to accommodate detained persons in Lithuania. In implementing Project No 1, conditions for detention were created in Lithuania, however, according to the data available to the Committee, the facilities were not used for that purpose. The people that gave testimony to the Committee deny the assumption and possibility that persons were kept and interrogated at Project No 2 facilities, yet the arrangement, the restrictedness and perimeter security of the building's premises as well as only fragmentary presence of SSD staff at the facilities allowed the partners' officers to perform actions that were not controlled by the SSD and to use the infrastructure at their own discretion. The aircraft associated with the transportation of CIA detainees in official investigations crossed the Lithuanian airspace for a number of times in the 2002-2005 period. The data collected by the Committee also show that during the period at issue CIA-related aircraft did land in Lithuania, however the Committee failed to determine whether or not CIA detainees were carried in transit over the Lithuanian territory or brought into or taken out of the Lithuanian territory, although conditions for that existed. Based on the information received, the Committee also determined that, when implementing partnership cooperation Projects No 1 and No 2, the SSD leadership of that time did not inform any of the highest-ranking national officials of the goals and content of the said projects. In view of the mentioned facts, the Committee recommended that the Prosecutor General's Office should examine whether or not the actions of the former SSD heads, M. L., A. P. and D. D., contained elements of abuse of official position or misuse of powers (the entire Committee findings can be found at http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=364097).

58. After the Seimas approved the Committee findings, the Prosecutor General's Office launched pretrial investigation No 01-2-00016-10 under CC article 228(1) ('Abuse') concerning the actions and possible abuse of official position by the former SSD heads M. L., A. P. and D. D. During the pretrial investigation, the persons related to the object of investigation and having the data of significance to the resolution of the case were questioned, the relevant documents and information were received, the facilities referred to as Project No 1 and Project No 2 in the Seimas findings were inspected. Examination of the factual evidence in the pretrial investigation material concerning intelligence cooperation between the SSD and the CIA resulted in the conclusion that, despite the exhaustion of all necessary and sufficient means to gather factual evidence on possible criminal activities, no objective evidence attesting to the fact of abuse (or other criminal activities) were obtained during the pretrial investigation. Since the data collected during the investigation and the statute of limitations do not provide grounds for criminal prosecution of the said persons, the decision of a prosecutor of the Prosecutor General's Office of 14 January 2011 terminated the pretrial investigation on the criminal acts identified in the CC. More extensive data on the decision to terminate the pretrial investigation cannot be provided here, as the main part of the information contained in the pretrial investigation file constitutes a State or official secret.

59. The decision to terminate the pretrial investigation also stated that the data collected during the investigation were completely sufficient to conclude that the working activities of the SSD officers M. L., A. P. and D. D., who coordinated and took part in the SSD-CIA

cooperation, contained elements of disciplinary violations, since the said officers had failed to notify the highest national leaders of their actions. Yet, the decision holds that the former SSD officers M. L., A. P. and D. D. are no longer employed at the said institution and that more than a year has passed since the day the violations were committed, therefore the current legislation precludes any disciplinary action due to the statute of limitations.

60. Upon familiarizing itself with the additional information presented in the press reports following the adoption of the said decision, as well as with information received from the public organizations Amnesty International, Reprieve and Human Rights Monitoring Institute on the flights of CIA-related aircraft over the Lithuanian territory, the Prosecutor General's Office re-examined the need to renew the pretrial investigation. The information presented by the public organizations was evaluated together with the circumstances established during the terminated pretrial investigation and it was found to be inessential and irrelevant for the decision in the case. The terminated pretrial investigation concluded that there was no evidence of illegal incarceration in Lithuania of any foreign citizens, while the information supplied by the public organizations did not shed any doubt on that decision. Consequently, on 21 October 2011, the Prosecutor General's Office decided not to renew the terminated pretrial investigation concerning the alleged transportation and imprisonment on the Lithuanian territory of the persons detained by the CIA.

61. It is noteworthy that CCP article 217 allows renewal of a pretrial investigation at any time on the initiative of a prosecutor where such renewal is justified, i.e. in the case of emergence of essential circumstances relevant for correct resolution of the case, which were not known at the time when the decision terminating the pretrial investigation was adopted.

Article 3

Reply to the issues raised in paragraph 8 of the list of issues.

62. Article 128(1) of the Law on the Legal Status of Aliens provides that when imposing an obligation on an alien to depart from the Republic of Lithuania or making a decision to return an alien to a foreign country or to expel him from the Republic of Lithuania, the following shall be taken into account: (1) the period of his lawful stay in the Republic of Lithuania; (2) his family relationship with persons residing in the Republic of Lithuania; (3) his existing social, economic and other connections with the Republic of Lithuania; (4) the nature and scale of gravity of the committed violation of law.

63. Article 130 prohibits an expulsion or return of an alien to a country where his life or freedom is under threat or where he may be subjected to persecution on the grounds of race, religion, nationality, membership of a certain social group or political opinion or to a country from which he may later be expelled to such country. These provisions shall not apply with respect to an alien who, for serious reasons, constitutes a threat to the security of the Republic of Lithuania or who has been convicted by an effective court judgement of a serious or grave crime and constitutes a threat to the public. However, in any case an alien cannot be expelled from the Republic of Lithuania or returned to a country where there are serious grounds to believe that in that country the alien will be tortured, subjected to cruel, inhuman or degrading treatment or punishment. An alien shall not be expelled from the Republic of Lithuania or returned to a foreign country if he has been granted the reflection period in accordance with the procedure established by the Government of the Republic of Lithuania, during which he, as a present or former victim of offences linked to human trafficking, has to make a decision on cooperation with the pretrial investigation body or the court.

64. Only the Vilnius Regional Administrative Court is authorized to adopt decisions on the expulsion of an alien in the cases where his presence in the Republic of Lithuania poses a threat to national security or public order. Expulsion orders on other statutory grounds are adopted by the Migration Department under the Ministry of the Interior (hereinafter referred to as 'MI'). In line with the Law on Public Administration, every decision taken must be based on objective data/facts and legislative provisions. Civil servants examining an issue concerning the expulsion or return of an alien use various sources of information on the country of origin, which enables them to assess the potential threat properly. It should be noted that the Law on the Legal Status of Aliens of December 2011 has been supplemented with a provision allowing the representatives of international and non-governmental organizations to monitor the expulsion of an alien from the Republic of Lithuania.

65. An alien who is the subject of an expulsion or return order is informed about the appeal procedure in writing. This requirement is laid down in the Law on Public Administration. Moreover, the Law provides the alien with access to State-guaranteed free legal assistance. The Law on the Legal Status of Aliens stipulates that an alien may lodge an appeal against the adopted decision with the respective regional administrative court within 14 days after the date the decision was served. An appeal against the decision may be lodged with the Supreme Administrative Court of Lithuania (hereinafter referred to as 'SACL') within 14 days after the date of the announcement of the decision.

66. Since 2008, the SACL has adopted a substantial number of decisions on the issues of the legal status of aliens. Several procedural decisions concerning possible expulsion of an alien from Lithuania as well as the rights of refugees and asylum seekers are worthy of note.

67. In its ruling of 12 September 2008 in the administrative case No A146-1465/2008, SACL noted that the expulsion of a third country resident or person without citizenship is legal if it meets all of the following criteria: (1) the expulsion is justified, i.e. the expulsion order was adopted on the grounds specified by the law; (2) the expulsion order was adopted without infringing human rights and fundamental freedoms: the alien concerned enjoys certain guarantees, i.e. the protection of human life enshrined by article 2 of the European Convention on Human Rights and Fundamental Freedoms, the prohibition of torture and degrading or cruel treatment and punishment of human beings laid down in article 3 of the Convention, and the right to the protection of privacy and family life enshrined in article 8 of the Convention; the infringement of the listed articles may also be established together with the infringement of article 13, which provides for access to effective legal defence; (3) the expulsion order does not violate the principle of proportionality; (4) the expulsion does not violate procedural rules, as laid down in both international and national legislation, such as the ones set out in article 13 of the International Covenant on Civil and Political Rights or articles 1(1) and (2) of Protocol No 7 of the European Human Rights Convention; (5) the expulsion is impossible if the person has lodged an asylum request; (6) the expulsion is prohibited due to humanitarian reasons and in cases where the expulsion would infringe other international commitments; (7) other cases specified in the law, e.g. an alien is not expelled from the Republic of Lithuania or is given a period for deciding whether or not he will cooperate with a pretrial investigation authority or a court as a current or former victim of crime related to trafficking in human beings.

68. The SACL ruling of 22 May 2008 in the administrative case No A-146-821-08 ordered the Migration Department to re-examine and issue a new decision in a case concerning granting of the refugee status to an applicant, because the applicant's individual circumstances set out in his asylum request were not thoroughly examined under article 87(1) of the Law on the Legal Status of Aliens, which provides an asylum seeker with additional protection where he is outside the territory of his country of origin and cannot

return there due to an absolutely reasonable fear: (1) of torture or cruel, inhuman or degrading treatment or punishment; (2) of a threat of violation of his human rights and fundamental freedoms; (3) of a threat to his life, health, safety or freedom due to widespread violence, which occurs at the time of a military conflict or enables systematic violations of human rights.

69. In the ruling of 8 December 2010 in the administrative case No A-756-686-10 the SACL noted that an additional protection under the Law on the Legal Status of Aliens may be granted either due to an individual threat to a particular person or due to the general critical situation in the country of origin (or due to both of these grounds). The court also held that the civil servant of the Migration Department failed to examine the possibility that upon the return to the country of origin the applicant may be tortured, treated or punished in a cruel, inhumane or degrading manner, face the threat of a death penalty or execution, a threat that his human rights and fundamental freedoms will be infringed by the perpetrators of violence or a threat to his life, health, safety or freedom due to the widespread violence, which occurs at the time of an armed conflict or enables systematic violations of human rights. The Migration Department was obliged to re-examine the issue concerning the granting of additional protection and temporary permit to reside in the Republic of Lithuania to the applicant.

Reply to the issues raised in paragraph 9 of the list of issues

70. See the response to the issues raised in paragraph 7 of the list of issues.

Articles 5, 7 and 8

Reply to the issues raised in paragraph 10 of the list of issues

71. Since the previous recommendations of the Committee, the Republic of Lithuania has not received any requests from other states for extradition of an individual suspected of the offence of torture.

Article 10

Reply to the issues raised in paragraph 11 of the list of issues.

72. As of 1 January 2008, the positions of social worker and psychologist were established at the Alien Registration Centre of the State Border Guard Service under the Ministry of the Interior. The purpose of these positions is to improve the standards of the receipt and accommodation of the persons admitted to the Alien Registration Centre, to assess their special needs and psychological status, to identify and classify vulnerable persons, to compile the list of vulnerable residents and to manage their files, to facilitate adaptation, to solve the social and employment issues of vulnerable persons, and to conduct various psychological and social surveys. The employees occupying these positions regularly improve their qualifications and deepen their knowledge both independently and in various training courses. On 1 December 2009, they attended the seminar on ‘Working with asylum-seekers having special needs’, where one of the topics discussed was ‘Working with the victims of impairment and torture in Lithuania.-Identification and assistance’.

73. The order of the commander of the Alien Registration Centre of 24 February 2010 approved the Procedure for the identification and accommodation of asylum seekers with special needs and for the provision of assistance to them at the Centre.

Reply to the issues raised in paragraph 12 of the list of issues

Educational programmes for prison personnel

74. The Prison Department has its own departmental training body, the Prison Department Training Centre, which conducts the introductory training for new officers admitted to the penal system and qualification advancement for the entire personnel of the penal system.

75. A new three-month introductory training programme for junior officers (which replaced the previous two-month programme) was launched as of the year 2011. In the introductory training programme, 16 hours have been devoted to topics related to the protection of human rights at places of imprisonment. The following subjects are covered:

(a) The European Convention on Human Rights and Fundamental Freedoms and the judgements of the European Court of Human Rights in the proceedings against Lithuania;

(b) The implementation in Lithuania of the European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

(c) Special international legislation on the issues of the implementation of penalties;

(d) The implementation of imprisonment sentences in European countries; securing of the rights and legitimate interests of the officers of the penal system.

76. In implementing the qualification advancement plans for the personnel of the penal system, approved by the Director of the Prison Department, the Prison Department Training Centre regularly holds qualification improvement events, including the ones aimed to ensure human rights and proper behaviour of officers in places of imprisonment.

<i>No</i>	<i>Training topic</i>	<i>Date</i>	<i>Duration (classroom hrs.)</i>	<i>Number of participants</i>
2010				
1.	Ensuring of human rights and fundamental freedoms in the penal system	10.03.2010	8	50
2.	International standards of the protection of human rights	13.05.2010 – 14.05.2010	12	11
3.	General rights, freedoms and duties of convicts. Special rights and duties of convicts. Prohibitions imposed on convicts. Release of convicts from places of imprisonment	05.10.2010	8	27
4.	Judgements of the European Court of Human Rights and their effect on the national penal policy	09.11.2010	8	17
5.	Application of European Union and national legal acts prohibiting discrimination	18.11.2010	8	15
6.	Legal acts of the United Nations and the Council of Europe on the issues of implementation of penalties and their significance for	22.11.2010	8	13

<i>No</i>	<i>Training topic</i>	<i>Date</i>	<i>Duration (classroom hrs.)</i>	<i>Number of participants</i>
national law				
			Total	133
2011				
7.	International standards of human rights protection	17.02.2011 – 18.02.2011	12	19
8.	Legal status of inmates. General and special rights and duties of inmates	24.03.2011	6	7
			Total	26
2012				
9.	Protection of human rights in the Lithuanian penal system	03.04.2012	6	13
10.	Practical application of international legislation governing the protection of human rights	12.06.2012	6	22
11.	Legal status of inmates (detainees) aliens; the procedure for handing them over to or taking them over from foreign States	To be held in 2nd half of 2012	6	–
			Total	35
TOTAL in 2010–2012				194

77. Each prison or remand prison draws up an annual training plan. The recommendations of the Prison Department regarding personnel training stipulate that the minimum duration of the training of the prison personnel should be 16 hours per year and the training course should include a topic on the prohibition of and liability for any type of torture. The training is completed by passing a knowledge test.

78. In addition, the middle and high-ranking officers of the penal system are offered Bachelor and Master degree study programmes in law and penitentiary activities at the Mykolas Romeris University. The international standards of treating inmates is a compulsory discipline taught to first-year students in the Master's Programme of law and penitentiary activities as well as those majoring in restorative justice and mediation during the first semester. A course in international protection of human rights is also taught to students in the social work programme (48 classroom hours) as well as those in the child rights protection programme (48 classroom hours).

Educative programmes for border guard officers

79. The human rights competencies of State border guard officers are enhanced at the Border Guard Officers School under the Human Rights Qualification Advancement Programme (approved in 2009, updated in 2010). The programme's tasks include the familiarization of officers with the essential international and European Union standards of the protection of human rights; development of officers' practical skills of solving border incidents; and analysis of the problems encountered in communicating with people of different cultures. Qualification advancement courses under this programme were attended by 38 State Border Guard officers in 2009, 38 in 2010, and 26 in 2011; another 36 are scheduled to attend the courses in the second half of 2012. In 2010-2011, seminars on the topic of 'Asylum seekers at the border. Standards and practice' were organized in Lithuania

in cooperation with the Lithuanian office of the United Nations High Commissioner for Refugees. 39 officers attended the seminar in 2010 and 46 in 2011.

Educative programmes for police officers

80. Introductory training for police officers is carried out by the Lithuanian Police School. An introductory training course of 240 classroom hours (6 weeks) is conducted under two programmes approved by an order of the Commissioner General of the Lithuanian Police of 2011. The topics of the introductory training programme for police officers (first tier) include a four-hour course on the 'Protection of human rights and freedoms', which introduces the trainees to the following sub-topics:

- (a) The content of the fundamental human rights and freedoms in Lithuanian legislation and international instruments;
- (b) Human rights and police activities;
- (c) Violations of human rights;
- (d) The main Lithuanian and international authorities ensuring human rights and freedoms;
- (e) Human rights protection in police activities (in the context of the European Human Rights Convention and in the case-law of the European Court of Human Rights).

81. The main reference is the European Convention on the Protection of Human Rights and Fundamental Freedoms as well as the case-law of the European Court of Human Rights. The pedagogues giving lectures on the said topics provide the trainees with independent study references to other conventions, protocols and other legal acts relating to the protection of human rights and freedoms (including the Istanbul Protocol). The introductory training programme for police officers was attended by 44 officers in 2011 and 58 in 2012.

82. The qualification improvement process relies on the general professional skills development programmes, approved by orders of the Police Commissioner General, which also analyse, under separate topics, the practical examples and case-law concerning human rights violations when applying physical coercion and special police measures as well as involving the use of firearms. The aforesaid training was attended by 1 168 police officers in 2010, 561 in 2011 and 333 in the first half of 2012.

83. Human rights issues within the context of the application of procedural coercive measures are also analysed in the qualification advancement programme 'Tactics of pretrial investigation actions' (target group: pre-trial investigation officers; the programme consists of 40 classroom hours). 93 police officers received training under this programme in 2010, 67 in 2011 and 8 in the first half of 2012.

84. In 2010, the Lithuanian Police School developed and is applying a 16-classroom hour programme 'Table training for the commanders of detention facilities and convoy units'. The programme is intended to enhance officers' abilities of communicating with persons transported under police convoy or kept in detention facilities, covers human rights issues and includes an overview of international and national legislation as well as recommendations concerning detainee transportation under convoy and housing in police detention facilities. 30 police officers attended this training in 2010.

Reply to the issues raised in paragraph 13 of the list of issues

85. An international conference 'Prevention and control of human trafficking – regional aspects' was organized in Vilnius on 20-21 May 2010 (over 90 people attended). Major

attention was devoted to trafficking in humans for the purposes of sexual exploitation and forced labour.

86. During the European basketball championship Eurobasket 2011, the Missing Persons' Families Support Centre with partners organized a preventive campaign 'No to prostitution and human trafficking during Eurobasket 2011' in the country's major cities. During the campaign, informational posters were put up, informational booklets were distributed to foreign fans, and several interviews and press articles were initiated in the mass media for preventive purposes.

87. In 2011, employees of the Ministry of the Interior, prosecution service, police, local authorities and non-governmental organizations took part in roundtable discussions on human trafficking issues organized in the five major cities by Caritas Lithuania.

88. On 20 October 2011, the Institute of Law held a scientific-practical seminar 'Problems in the application of criminal liability for trafficking in human beings' in Vilnius, which was intended for legal practitioners (judges, prosecutors, police investigators), the academic community and civil servants working for public authorities.

89. On 14-16 March 2011, the National Courts Administration held a training course 'Trafficking in human beings' for district court judges with a judicial work record of up to five years (two classroom hours, 38 participants), and on 4-6 April 2011 it organized the same training course for district court judges with a judicial work record above five years (two classroom hours, 46 participants).

90. In 2008-2012, representatives delegated by the Prosecutor General's Office took part in various international conferences to enhance their knowledge on the consequences of trafficking in or other forms of exploitation of human beings as well as the causes and prevalence of such criminal activities, which was later put to use in the national system, e.g. the international conference 'Cooperation to combat human trafficking in the Baltic States, 4-5 February 2008 (Liepaja, Latvia), one delegated participant; strategic meetings 'Trafficking in human beings and witness protection', 18-20 May 2008 (Portorož, Slovenia), one delegated participant; conference 'Trafficking in human beings', October 5-8, 2008 (Gdynia, Poland), one delegated participant; seminar 'Trafficking in human beings', 10-13 May 2009 (Glasgow, United Kingdom), one delegated participant; coordination consultation on cooperation in conducting investigations into trafficking in human beings, 3-5 March 2010 (Oslo, Norway), three delegated participants; strategic consultation on criminal activities relating to trafficking in human beings, 26-27 April 2012 (the Hague, the Netherlands), one delegated participant; a roundtable discussion 'Child trafficking and exploitation for criminal purposes' held by the experts of the Council of the Baltic Sea States, 13-16 June 2012 (Oslo/Bergen, Norway), one delegated participant.

91. Order No 5-V-977 of the Commissioner General of the Lithuanian Police of 8 November 2011 approved the qualification advancement programme 'Prevention and investigation of human trafficking', developed based on the provisions of the general training programme 'Trafficking in human beings' of the European Police College (CEPOL). The objective of the programme is to provide public police officers with theoretical knowledge of the phenomenon of trafficking in human beings, its forms, investigation peculiarities and prevention opportunities, and to develop their practical skills of investigation and prevention of human trafficking as well as their abilities to cooperate with regional and international institutions in the area of investigation and prevention of trafficking in human beings. The training course consists of 16 classroom hours. 26 police officers completed the programme in 2011, and 22 in the first half of 2012. Another 20 police officers are scheduled to complete the programme by the end of 2012. Officers of the State Border Guard under the Ministry of the Interior were also invited to attend the training.

92. Order No 4-290 of the Commander of the State Border Guard under the Ministry of the Interior of 14 April 2011 approved the Methodological Guidelines for early prevention actions to preclude illegal taking of children out of the country to non-Schengen States with the aim of selling them or in other cases. These guidelines are included in the border guard officer training programmes. Additionally, pursuant to the human trafficking training programme for border guard officers developed by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), the State Border Guard organized training on the said topics in March 2012.

Article 11

Reply to the issues raised in paragraph 14 of the list of issues

Renovation of imprisonment facilities

93. In implementing the Strategy for the Renovation of Places of Imprisonment, approved by the Government Resolution of 30 September 2009 and its Plan of Implementing Measures 2009-2017, reorganization of the entire system of places of imprisonment is now in progress in order to ensure efficient, safe and economic operation of such establishments. Implementation of the strategy is expected to produce the following results from 2009 to 2017: the number of modern imprisonment facilities will increase from 1 to 6; the living area per inmate will grow from 3.65 sq m to 5 sq m. By the year 2017, modern imprisonment facilities will be erected in Vilnius, Klaipėda, Šiauliai and Panevėžys regions and in Pravieniškės (prison), the Kybartai, Alytus and Pravieniškės correction houses as well as the Kaunas Juvenile Remand Prison – Correction House will be modernized, and the currently operating Lukiškės Remand Prison, Central Prison Hospital, Vilnius Correction House, Panevėžys Correction House, Marijampolė Correction House and Šiauliai Remand Prison will be closed (moved).

94. On 18 May 2011, the Government approved the project for moving the Lukiškės Prison into a newly established prison in Pravieniškės, which will be implemented through a partnership between the public and the private sectors. Under the said project, a prison for 320 inmates will be constructed and furnished in Pravieniškės by 2014 (the construction of the buildings of the new prison has already begun using State budget funds, yet it has been suspended due to funds shortage).

95. To address the issue of congestion of remand prisons and correction institutions as well as to improve the living standards for inmates, four new remand prisons/correction houses will be built by 2017, while the Central Prison Hospital and the Lukiškės Remand Prison will be moved to Pravieniškės, pursuant to the Strategy for the Modernization of Places of Imprisonment (hereinafter referred to as ‘the Strategy’). The capacity of remand prisons will be increased from the current 1 334 to 2 107 places and in the Central Prison Hospital – from the current 119 to 195 beds. The existing imprisonment facilities will also be renovated in accordance with the Strategy.

96. In line with the Strategy, in 2010-2011 LTL 11 266 000 were spent to furnish the facilities of the Central Prison Hospital, also to renovate the Kybartai, Alytus and Pravieniškės correction house as well as the Kaunas Remand Prison-Correction House. It should be noted that the projects for the construction and furnishing of five new imprisonment facilities will be implemented through a partnership between the private and public sectors, without an immediate need to allocate for the projects huge amounts of funds from the State budget (payments will be distributed over a 25-year period).

Renovation of police detention facilities

97. In 2008, the condition of only 9 of the 46 police detention facilities active at that time was evaluate as good, while others failed to meet the police detention facility furnishing and use standards laid down by international legal acts, recommendations issued by international organizations and the requirements set out in the national legislation of Lithuania. To address this issue, the Police Commissioner General issued an order on 1 July 2009 approving the Programme for the Optimization of the Operations of Police Detention Facilities 2009-2015, which was primarily aimed at establishing the optimum number of police detention facilities and creating an efficient network of police detention facilities in the country in line with the furnishing and hygiene standards. One of the central objectives under the programme is to ensure the human rights and freedoms as well as safe and healthy living conditions for the persons held at police detention facilities. Out of the 46 police detention facilities that operated until 1 January 2008, 20 facilities of the poorest condition and having the worst non-compliance record with regard to the furnishing and hygiene standards applicable to police detention facilities have already been closed in implementing the said programme. The detention facilities of the Jonava District Police Department (hereinafter referred to as 'PD') and Trakai District PD were closed on 1 March 2009, while the detention facility of the Kupiškis District PD was closed on 1 March 2010. Three police detention facilities of the PDs of Radviliškis, Pasvalys and Plungė districts were closed on 1 July 2012. The country now has 26 police detention facilities. Another two police detention facilities (at the Šalčininkai and Šakiai district PDs), will be closed on 1 January 2013. The operation of the Šilutė District PD detention facility was suspended on 1 May 2012 for an unlimited period of time. The programme also addresses the issues of repair and renovation of the remaining police detention facilities. For instance, major repairs of the Kelmė District PD detention facilities are planned in 2013-2014.

98. It is noteworthy that the Health Care Service under the Ministry of the Interior is authorized to carry out, in accordance with the procedure prescribed by the legislation, evaluations of the health care activities performed by the bodies under the Ministry of the Interior and other statutory bodies of the interior system that are engaged in health care activities. In implementing this task, since 2007 the Service has been performing annual inspections of the living conditions and health care access and adequacy available to persons detained by the police or court at local police detention facilities. In 2011, for instance, such checks were performed at nine detention facilities. The findings of the inspections are discussed with the heads and other responsible staff of the institutions. The inspection statement with evaluations and recommendations is submitted to the institution inspected, to the central police department of the county and the Police Department under the Ministry of the Interior. The annual inspection report is presented to the Ministry of the Interior.

99. The Lithuanian hygiene norms HN 37:2009 'Police detention facilities: general health safety requirements', approved by the Order of the Minister of Health of 29 September 2009, stipulate that cells at police detention facilities must have transparent glass windows, while the natural lighting coefficient should be 0.5 per cent. The artificial lighting of a detention facility cells and punishments rooms must be at least 200 lx. The artificial night lighting in a cell or punishment room of a police detention facility must be at least 10 lx but not above 20 lx. Police detention facility cells must be ventilated through windows (air vents), except for premises equipped with a functioning mechanic ventilation or conditioning system. The cell air temperature must be 18–28° C during the warm period of the year and 18–26° C during the cold period of the year. Each cell of a police detention facility must have a sanitation unit, the fittings and furniture must be clean, windows and doors tight, and the detainees must maintain order and cleanliness in the cells.

100. In response to the question regarding food quality and the Rokiškis Psychiatric Hospital, it must be noted that on 3 April 2012 the State Food and Veterinary Service inspected the weight and quality of the food served to patients at the Rokiškis Psychiatric Hospital. The inspection found that the actual weights of the dishes and food products listed on the menu were higher than specified in the menu, while the organoleptic characteristics of the prepared food as well as the food preparation technologies were in compliance with the legislation.

101. Regarding alternatives to incarceration see the information provided in the reply to the issues raised in paragraph 4 of the list of issues.

Reply to the issues raised in paragraph 15 of the list of issues.

102. In places of imprisonment, in 2009, 38 criminal acts due to violence of prisoners were registered, while this number in 2010 reached 50 and in 2011 stood at 33.

103. Inter-prisoner violence is addressed in a number of ways:

(1) As it was noticed by the delegation of the European Committee against Torture (CAT) in 2008, residential premises of a hostel type, as far as possible, are reorganized so that one room is shared by, on average, six persons.

(2) In places of imprisonment, the following preventive measures are implemented:

- In 2008, the Methodology for HCR-20 Assessing Risk for Violence (Historical, Clinical, Risk Management – 20) was acquired and launched; this methodology has wide possibilities of prognosis of violence breakthrough. All specialists of psychological services of places of imprisonment have completed special training intended for those who apply this methodology. On 20 January 2009, the Director of the Prison Department approved a Programme for Prevention of Manifestations of the Criminal Subculture in Places of Imprisonment (hereinafter, the Programme). The aim of the Programme is to reduce, in a consistent, integrated and systematic manner, the influence of the criminal subculture on the process of the implementation of the penalty of imprisonment in order to get rid of the convicts' relations of criminal nature of determined by the subculture. The tasks of the Programme are monitoring of the situation and sociological studies; improvement of the legal framework; strengthening of the convicts' supervision; improvement of residential conditions of convicts and the detainees; provision of work to convicts; improvement of social rehabilitation; strengthening of the motivation and upgrading of the qualification of staff of places of imprisonment; and public information. In order to achieve the aims and implement the tasks of the Programme, a plan is drawn up every year with concrete measures. The implementation of measures must be reported by places of imprisonment to the Prison Department every year.
- In 2008, a cognitive-behavioural corrective programme "One-to-one" was acquired. One module of the programme is aimed at therapy of violence-prone behaviours. Currently the programme is already implemented in probation services.
- Specialists of psychological services of places of imprisonment conduct targeted programmes geared towards the prevention of violent behaviour, for instance, Identification and Management of Emotions, Management of Stress and Crises, Conflicts and the Ways to Resolve Them, Development of Communication Skills, etc.

- Individual psychological support is provided to convicts who were violent before imprisonment and are prone to violence in corrective institutions. In Pravieniškės Correction House No 3 (this experience is taken over by other places of imprisonment, too), by Order No 1-115 of 1 July 2008, the Director approved a Model Programme of Individual Work with the Convict Who Follows the Traditions of the Criminal Subculture, which is adapted for the needs of a specific place of imprisonment and whose purpose is to motivate convicts to reject the damaging traditions of the criminal subculture.

(3) Training programmes for the staff of places of imprisonment are under improvement.

(4) The director of the Prison Department, by Order No V-180 of 21 May 2012, approved a Procedure for the Prevention and Investigation of Injuries of the Detainees and Convicts in Places of Imprisonment, which describes in detail the actions of the staff of places of imprisonment should they notice an injured detainee or an injured convict as well as the specific features of preventive and analytic work.

104. We believe that the implementation of the said programmes and other measures in places of imprisonment will help identify the main causes of inter-prisoner violence and reduce the number of cases of violence.

105. The Seimas (Parliament), by Resolution No XI-1078 of 4 November 2010, approved a National Programme for Drug Control and Drug Addiction Prevention in 2010–2016 and the measures for implementation thereof. The Programme also provides for measures for the Prison Department which could be grouped in the following manner:

- Reduction of drug supply;
- Reduction of drug demand;
- Improvement of material and technical facilities of units fighting illegal drug turnover;
- Improvement of upgrading of qualifications of civil servants, officials, and staff in the areas of drug control and drug addiction prevention.

106. Places of imprisonment, every year, prepare plans for the prevention of gaining access by prohibited items and drug addiction prevention which provide for organizational and technical measures for the reduction of drug supply and demand.

107. In accordance with item 100.3 of an Instruction of Protection and Maintenance of Places of Detention of Territorial Police Institutions, which was approved by Order of 29 May 2007 of the Police Commissioner General of Lithuania, persons kept in places of detention of territorial police institutions are constantly watched by post officers working in police places of detention. A post officer may not leave the post or stop supervision of persons kept in the cells of police places of detention until the officer is replaced by another shift, must constantly watch persons in the cells of police places of detention through a door observation opening, and must silently walk along the corridor of a police place of detention. Taking into account that persons kept in police places of detention are constantly watched and supervised, cases of violence between the arrested persons are especially rare. In the period from 2008 to 2012, such cases in police places of detention have not been registered.

Reply to the issues raised in paragraph 16 of the list of issues.

108. Currently, there are 109 life-sentence prisoners in Lithuania: 1 woman and 108 men. Out of that number, 21 prisoners serve their sentence in the Pravieniškės Correction House and 88 prisoners – in the Lukiškės Remand Prison.

109. Prisoners, who serve their sentence in the Pravieniškės Correction House, live in hostel-type accommodation, may communicate among themselves without restrictions, may participate in social rehabilitation programmes and other events, and during the day may go into the courtyard, exercise and do sports without restrictions.

110. In the Lukiškės Remand Prison, life-sentence prisoners are kept in lockable cells, one in each cell, and if the prisoners agree, two in each cell. The Penal Code provides that life-sentence prisoners must serve 10 years of their sentence under prison conditions and then, by a court judgement, they may be transferred to a correction houses.

111. Life-sentence prisoners kept in the Lukiškės Remand Prison are engaged in the following activities:

- 34 prisoners work in the areas of wood processing and sewing;
- Opportunities are provided for the prisoners to take part in the following programmes run by the Social Rehabilitation Division of the Lukiškės Remand Prison: programmes of adaptation, re-socialization, artistic development, leisure activities, and computer literacy, programmes of drug addiction and HIV prevention, programmes of suicide prevention, a programme of transformation of personality of life-sentence prisoners and change of the public attitude towards prisoners, a Programme of Prevention of Manifestations of the Criminal Subculture, a Programme of Emotional Support and Stability of Long-term Prisoners and Life-sentence Prisoners, etc.;
- The residential complex has been equipped with a place for showing video films;
- Conditions have been provided for meeting the prisoners' religious needs; a chapel has been installed.

112. Volunteers of the project "Care for Prisoners and Their Re-integration" of Caritas Lithuania meet with prisoners and provide spiritual guidance to them. Meetings take place twice a week. 23 prisoners participate in this programme; they communicate in groups.

113. Life-sentence prisoners once a week are visited by members of the association of Lithuania's Prison Chaplains.

114. The parish priest of one Vilnius parish has been assigned with the obligation of the chaplain of the Lukiškės Remand Prison. He organizes Bible studies for life-sentence prisoners on the second Friday of each month. Life-sentence prisoners take part in the Bible studies and the Holy Mass in groups of up to 20 persons.

115. Two ministers of the Lithuanian orthodox archdiocese visit prisoners who profess orthodox faith. Upon the request of all representatives of religious confessions who visit prisoners of the Lukiškės Remand Prison, premises for individual conversations with prisoners have been installed in residential complex No 1.

116. Prisoners have also been provided conditions for doing sports in their leisure time no more seldom than two times a week and a possibility to take part in competitions of active sports outside and in premises. Prisoners who wish so may go to a communication room and participate in organized logical games which develop thinking (checkers, chess, dominoes, etc.), seldom, no more than once a week. There is also a possibility to study at the Vilnius centre of consultative general education of youth and adults and in two computer literacy training classrooms of the Lukiškės Remand Prison intended for the arrested persons and convicts.

117. The President of the Republic, by Decree No 1K-852 of 11 November 2011, amended the Regulations for Examination of Requests for Pardon. The amended Regulations provide that requests for pardon of life-sentence prisoners may be considered

not earlier than following the service of 10 years of the sentence. Previously, the Regulations provided that requests for pardon of such prisoners might have been considered not earlier than following the service of 20 years of the sentence. By pardon of the President of the Republic, a prisoner may be exempt from serving all or part of the sentence. The sentence of a life-sentence prisoner may be replaced by a sentence of fixed-term imprisonment and then the prisoner acquires the right to release on parole from a corrective institution under a general procedure laid down in the laws.

118. In 2012, the President of the Republic granted pardon to one life-sentence prisoner and replaced the life sentence with a sentence of fixed-term imprisonment, namely, imprisonment of 25 years.

Reply to the issues raised in paragraph 17 of the list of issues

119. We would like hereby to inform you that no new interrogation rules, instructions, methods or practices have been introduced by the Republic of Lithuania since the last periodic report because the existing rules and methodologies fully ensure the protection of human rights and freedoms.

120. None of the effective legal acts regulating the activities of places of imprisonment provide for a requirement obliging prisoners to face the wall when staff pass by and such practice is not used. It is noteworthy that the practice obliging prisoners to face the wall could have been used previously when the detainees were led and two groups met. Then, in order to prevent possibilities of inadmissible communication or even violence, one group of detainees possibly was told to stand facing the wall until the other group passed by. We would like to inform you that while implementing a similar recommendation provided in the CPT report after the visit in Lithuania on 14–18 June 2010, the administration of the Kaunas Juvenile Remand Prison and Correction Home received an instruction not to use the requirement obliging the convicts (detainees) to face the wall and such practice is not used.

Reply to the issues raised in paragraph 18 of the list of issues.

121. Ensuring the security of a convict or a detainee in case of danger to his/her health or life in a large part depends on the convict's or detainee's willingness to cooperate with the administration of a place of imprisonment. An important factor is addressing, in a timely manner, the administration upon emergence of the first signs of such danger and the determination, as thorough as possible, of the scale of the emerged danger (emerged problem).

122. Legal acts regulating the implementation of penalties provide for the following measures to ensure the security of prisoners:

123. **Division of prisoners into separate local sectors (article 70 of the Criminal Punishment Enforcement Code and Section VIII of the Rules of Procedure of Correction Institutions).** For the purposes of security, management and regime, prisoners are divided into separate local sectors. Staff of various services perform investigative-explanatory work with newly arrived prisoners in quarantine premises; the division of prisoners is made taking into account the recommendations of a psychologist and the staff of various services, including those of social rehabilitation, internal investigation, supervision, health care, registration and others.

124. **Isolation of a prisoner upon his/her request when there are important reasons for that (article 70, paragraph 6, of the Criminal Punishment Enforcement Code).** If a prisoner serving the sentence in a correction institution asks the administration, in writing, to keep him/her isolated from other prisoners for important reasons, the director of a correction institution has the right, by a resolution, to transfer such a prisoner to cell-type premises and keep him/her in a cell by him/herself or together with other prisoners kept in cell-type premises on the same grounds. How long a prisoner will remain transferred to

cell-type premises is determined by the director of a correction institution. Such transfer of a prisoner to cell-type premises is not a penalty.

125. **Transfer of a prisoner from one correction institution to another due to exceptional circumstances (article 69, paragraphs 2 and 3, of the Criminal Punishment Enforcement Code and item 72.2 of the Rules of Procedure of Correction Institutions).** In case of exceptional circumstances which prevent keeping a prisoner further in a concrete correction institution (danger to a prisoner's life or health certainly belongs to this criterion too), the prisoner may be transferred to another correction institution. This process may be initiated by the administration of a correction institution whose prisoner is in danger or by officials of the Prison Department. Due to exceptional circumstances, in 2009, 34 persons were transferred from one place of imprisonment to another, in 2010, this figure reached 36 persons, and in 2011, it stood at 31 persons.

126. **Prohibition for the detainees and convicts to use mental or physical violence against other persons.** In accordance with article 110, paragraph 2, item 8, of the Criminal Punishment Enforcement Code and article 32, paragraph 2 item 8, of the Law on Performance of Arrest, it is prohibited for inmates to use mental or physical violence against any person. The violation of this prohibition is subject to penalties prescribed by laws, and if the features of a criminal act are identified, a pretrial investigation is started and guilty persons are prosecuted.

127. In 2010, article 70 of the Criminal Punishment Enforcement Code was supplemented by item 7 whereby prisoners kept in correction houses may be locked in residential premises at night. Thus the movement of prisoners is restricted and more vulnerable prisoners may feel safer.

128. All those provisions are applied in practice uniformly in all places of imprisonment.

Articles 12 and 13

Reply to the issues raised in paragraph 19(a) of the list of issues

129. Having received data about possibly unlawful use of physical coercion by a police officer who was on official duty, the police institution starts an official investigation in accordance with item 6 of the Procedure for Performance of Official Investigations and Imposition and Lifting of Official Penalties approved by the Order of 27 August 2003 of the Minister of the Interior and, following the completion of the investigation, draws up a conclusion of the official investigation. According to the data of the Police Information System, in 2011, following official investigations, two police officers who unlawfully used physical coercion were identified. In 2008–2010 and within the first half of 2012, no such cases were identified.

130. In cases when a police officer, while on official duty, unlawfully uses physical coercion and such use causes relevant consequences, a pretrial investigation is. In such cases, unlawful actions of a police officer are usually categorized according to article 228 of the Criminal Code ("Abuse").

131. Below follow several examples of criminal cases where police officers have been found guilty of criminal acts in question.

132. The prosecutor office of Vilnius district completed the pretrial investigation wherein Mr V. B., who was working as a police investigator, was accused that he, while on duty as a police investigator, on 31 January 2011, at about 9.00 o'clock, in his office, deliberately, abusing his official position, exceeding the obligations, rights, and powers of a police officer, violating article 5, paragraph 3, and article 21 of the Constitution, article 23, paragraphs 1 and 2, and article 24, paragraph 1, of the Law on Police Activities, and items

4.1, 4.3, and 4.4 of the Code of Ethics of Police Officers, using unlawful measures, and using mental coercion and physical violence, was forcing two individuals to confess to having committed a crime, and thus committed a criminal act provided against in article 228, paragraph 1, of the Criminal Code.

133. The prosecutor office of Šiauliai county completed the pretrial investigation wherein Mr R. Z. was accused according to article 138, paragraph 1, and article 228, paragraph 1, of the Criminal Code. On 28 October 2010, at about 21 o'clock, in Šiauliai, in a driveway to courtyards located among houses Mr R. Z., while on duty as a patrol of the mobile platoon of the patrol unit of the Chief Police Commissioner Office of Šiauliai county and while performing the duties assigned of keeping public order, used physical force against Mr K. P. without sufficient lawful grounds and disturbed his health, causing serious damage to Mr K. P. . With such actions, Mr R. Z. exceeded his powers and committed a criminal act provided against in article 228, paragraph 1, of the Criminal Code.

134. Also, there are a few examples of criminal cases where police officers were suspected of having committed criminal acts in question, however, the investigations were terminated concluding that an act having features of a crime was not committed:

135. Upon receipt of a complaint from Mr J. P., the prosecutor office of Druskininkai district started a pretrial investigation in accordance with article 228, paragraph 1, of the Criminal Code. Mr J. P. submitted the complaint because on 3 March 2009, at about 11 o'clock, when Mr J. P. arrived at the police commissioner office of Druskininkai for interrogation, at least 4 unfamiliar police officers, demanded his confession on commitment of crime (a theft of finishing parts of a car Golf) which he, in fact, had not committed. As Mr J. P. refused to confess, he was punched in the side of the chest, head, and legs. The facts provided by Mr J. P. during the pretrial investigation have not been proved, and his evidence raised doubts. Namely, Mr J. P. indicated that police officers hit him no less than 21 punches in total with hands and feet in the head, chest, legs, and other body parts, however, no injuries have been identified in the body parts indicated by Mr J. P.. The pretrial investigation was terminated because an act having features of a crime was not committed.

136. The prosecutor office of Vilnius district completed a pretrial investigation which had been started in accordance with article 228, paragraph 1, of the Criminal Code because on 3 March 2011, at 21.20 o'clock, in a courtyard of a house and in the street next to the house in Zujūnai village of Vilnius district, police officers used physical violence towards Mr A. S. causing light health disturbances and thus exceeding their powers. Subject to article 18(4) of the Law on Police Activities, police officers may use physical violence in the case of existence of grounds provided for under article 24 of the same Law. According to the evidence provided by witnesses, Mr A. S. did not comply with lawful demands of the officers, that is, did not allow the officers to detain a person who had probably committed a violation of the Traffic Regulations. The court of Vilnius district also held that, by his actions, Mr A. S. committed a violation provided against in article 187(1) of the Code of Administrative Breaches of Law, namely, resisted police officers who were performing their duties of protecting public order. The court terminated the pretrial investigation, stating that physical coercion was only used to the degree necessary to detain Mr A. S. who had committed an administrative law violation, that is, without exceeding the powers granted by the laws or other legal acts.

Reply to the issues raised in paragraph 19(b) of the list of issues

137. The effective provisions of the Criminal Procedure Code prescribe the obligation of prosecution offices and pretrial investigation institutions to register each notification about a criminal act committed and start a pretrial investigation immediately.

138. In accordance with articles 166–169 of the Criminal Procedure Code, each case of the start of a pretrial investigation is registered pursuant to the procedure established by the Prosecutor General and reported to the applicant who submitted a complaint, statement, or notification. Having received a complaint, statement, or notification about a criminal act committed or having identified the features of a criminal act, a prosecutor must start a pretrial investigation immediately.

139. In accordance with the said provisions of the Criminal Procedure Code, a prosecutor or a pretrial investigation official, having received a complaint, statement, or notification and, where appropriate, its clarification, may refuse to start a pretrial investigation only in case the indicated data about a criminal act are obviously incorrect or in case of clear presence of circumstances specified in article 3, paragraph 1, of the Criminal Procedure Code (“Circumstances due to Which a Criminal Procedure Is Not Possible”). In order to clarify the data of the complaint, statement, or notification received, actions which are not related to procedural coercion measures may be performed, namely, an inspection of the place of the event; an interrogation of witnesses of the event; data or documents demanded from state or municipal companies, institutions, or organizations, or an applicant or a person, in whose interests a complaint, statement, or notification has been submitted; or interrogations of the applicant or a person, in whose interests a complaint, statement, or notification has been submitted. Such procedural actions must be performed within deadlines as short as possible but within no longer than ten days. Refusing to start a pretrial investigation, a prosecutor or a pretrial investigation official draws up a reasoned resolution.

140. A pretrial investigation official may refuse to start a pretrial investigation only with the consent of the head of a pretrial investigation institution or a person authorized by him/her. A copy of the resolution to refuse starting a pretrial investigation is sent to the person who submitted a complaint, statement, or notification. A pretrial investigation official must dispatch a copy of the resolution to a prosecutor within twenty-four hours.

141. The resolution of a pretrial investigation official to refuse starting a pretrial investigation may be appealed against to a prosecutor, and the resolution of a prosecutor may be appealed against to a pretrial investigation judge. If a prosecutor does not revoke the resolution, his/her decision may be appealed against to a pretrial investigation judge. The decision of a pretrial investigation judge is appealed against in accordance with the procedure prescribed in Section X of the Criminal Procedure Code. Appeals may be submitted within seven days as of the date of receipt of a copy of the resolution or judgement. Persons, who have the right to submit an appeal and who missed the deadline for submitting an appeal for important reasons, have the right to ask a prosecutor or a pretrial investigation judge, who has the powers to examine the appeal, to renew the missed deadline. A request to renew the said deadline may not be submitted upon a lapse of more than six months as of the adoption of the decision which is appealed against.

142. Upon the refusal to start a pretrial investigation and in the case of presence of data about an administrative law violation or an offence provided against in other legal acts, a prosecutor or a pretrial investigation official, by his/her resolution to refuse starting a pretrial investigation, passes on this complaint, statement, or notification and its clarification for resolution in accordance with the procedure prescribed in the Code of Administrative Breaches of Law or other legal acts.

143. If a pretrial investigation is started, it then may be terminated only by a resolution of a prosecutor (in separate cases, an approval by a pretrial investigation judge is also required), and only on the grounds provided for in article 212 of the Criminal Procedure Code, whose list is finite. A decision to terminate a pretrial investigation may be appealed against to a more senior prosecutor or a more senior court in accordance with the procedure prescribed in article 214 of the Criminal Procedure Code.

144. According to the Prosecutor General Office, about 90 per cent of the commenced investigations with regard to a complaint on torture or ill-treatment are terminated for the following reasons:

- The complaint about torture or ill-treatment is found ungrounded;
- A fact of physical coercion is established, however, the performance of this coercion is lawful (when a person him/herself resists, etc.);
- There is not enough data to prove the guilt.

Reply to the issues raised in paragraph 19(c) of the list of issues

145. Article 28 of the Interior Service Statute and article 28 of the Statute of Service in the Prison Department under the Ministry of Justice provide that an official may be removed from office if he/she: (1) Is suspected of having committed an official offence, until an investigation of the official offence is completed; (2) Is suspected of or accused with the commitment of a criminal act, until criminal proceedings are terminated or until the acquitting court judgement becomes effective. An official may be removed from office by the person who appoints him/her for the office or by a prosecutor (if an official is suspected of or accused with the commitment of a criminal act).

146. It is noteworthy that officials who are recognized by a court as having committed a criminal act are dismissed from service. An official may be dismissed from service if, during an official investigation, it is established that an official offence has been committed and an official penalty is imposed on him/her, namely, dismissal from office, or it is recognized that, by his/her behaviour, an official humiliated the official's name.

147. An aggrieved person has the right to address a court asking to compensate for the property and/or non-property damage made to him/her by officials. This damage, under the procedure of recourse, may also be enforced from officials who committed violations.

Reply to the issues raised in paragraph 19(d) of the list of issues

148. In 2011, the Seimas (Parliament) Ombudsmen's Office received 1,310 complaints regarding abuse by the officials of state institutions and agencies, bureaucracy, or other violations of human rights and freedoms in the area of public administration. The majority of complaints which were examined were about possible violations of rights of the persons whose freedom was restricted: in 2011, 378 complaints of prisoners were received, which comprised 44 percent of the complaints regarding state institutions and 34 percent of the overall volume of complaints received by the Seimas (Parliament) Ombudsmen's Office.

149. That year, the majority of complaints of the detainees and convicts, which were examined, were concerning the following human rights' violations: officers' actions (use of special measures, inappropriate examination of a complaint or request, or inappropriate implementation of legal acts), regime (searches, meetings, isolation from other prisoners, announcement of starvation, etc.), prisoners' keeping conditions and the compliance of these conditions with hygiene standards, and health care availability and quality. 29 percent of complaints of the detainees and convicts were recognized as grounded.

150. In 2011, 44 complaints were received regarding the use of special measures in places of imprisonment, out of which 42 were examined on the merits, and the other two are still under examination. With regard to these complaints, the Seimas (Parliament) Ombudsman passed 76 decisions out of which 72 – to reject a complaint (or its part) as ungrounded and 4 – to terminate the investigation. Following the examination of the aforesaid complaints, a number of recommendations were issued on improvement of legal acts:

151. Upon the examination of a complaint of one convicted person, it was noted that until 1 March 2010, article 120(5) of the Criminal Punishment Enforcement Code provided that in case the special measures were used, and as a consequence a person's health was disturbed, the situation is to be immediately reported to a prosecutor, followed by an official investigation. As of 1 March 2010, the amendments to this provision provide that in case the special measures are used, and as a consequence a person is injured, the situation is to be immediately reported to a prosecutor, followed by an official investigation. However, item 179 of the Instruction for Protection and Supervision of Places of Imprisonment approved by the Order of 4 July 2005 of the Prison Department under the Ministry of Justice provides that, a definition was used *a person's health was disturbed*, that is, the provisions of the Instruction were not in line with the provisions of the Criminal Punishment Enforcement Code. The director of the Prison Department was provided with a recommendation to bring into line the provisions of the Instruction for Protection and Supervision of Places of Imprisonment with the provisions of the Criminal Punishment Enforcement Code, in accordance with the procedure laid down in legal acts. The recommendation of the Seimas (Parliament) Ombudsman has been implemented.

152. The Seimas (Parliament) Ombudsmen's Office received 33 complaints of convicts regarding the actions of officers of the Pravieniškės Correction Home and Open Colony and the Public Security Service under the Ministry of the Interior as they conducted searches after the morning inspection. The prisoners complained that officers of the Public Security Service used coercion against them. The prisoners also complained to the Seimas (Parliament) Ombudsman that they had filed requests to film the searches which took place on that day providing their arguments that they were in a similar situation a number of times before and subsequently they were not able to prove their complaint, but the requests were not taken into consideration. The administration of the Pravieniškės Correction Home and Open Colony provided the prisoners with an explanation about the procedure of keeping the records of video surveillance system and stating that these records are kept no longer than nine days and are deleted from the storage device automatically. The administration also provided information about the procedure of appeals of these replies. After an investigation, the Seimas (Parliament) Ombudsman recognized that prisoners' complaints regarding the actions of the officers during searches were ungrounded. However, the Seimas (Parliament) Ombudsman noted that, in his opinion, the duration of keeping video records (no longer than nine days), as it is provided, is not sufficient. Taking that into account, the Seimas (Parliament) Ombudsman suggested considering a possibility to extend the duration for keeping surveillance video records of the territory of the Pravieniškės Correction Home and Open Colony. As the Seimas (Parliament) Ombudsman has been informed by the Prison Department, funds for replacing video recording devices and renewing the video recording system have been included into the 2012 requirement for repairs of fixed assets of the Prison Department and its subordinate institutions and, if possible, will be allocated in 2012.

153. In 2011, the Seimas (Parliament) Ombudsmen's Office received 34 complaints regarding the use of special measures by police officers, out of which 33 were the aforesaid complaints of prisoners regarding the actions of officers of the Pravieniškės Correction Home and Open Colony and the Public Security Service under the Ministry of the Interior); all those complaints have been examined on the merits, however, they have been rejected as ungrounded.

154. Regarding the humiliation of dignity in places of imprisonment, the Seimas (Parliament) Ombudsmen's Office received five complaints out of which one was examined on the merits and rejected as ungrounded, two are currently under investigation, and the last two were refused to be examined. Recommendations in this area have not been provided. No complaints about the actions of police officers with regard to the humiliation of dignity have been received.

155. Regarding physical or psychological violence in places of imprisonment, the Seimas (Parliament) Ombudsmen's Office received five complaints out of which two were examined on the merits, two are currently under investigation, and one was refused to examine. Recommendations in this area have not been provided. Regarding police officers' physical or psychological violence in places of imprisonment, the Seimas (Parliament) Ombudsmen's Office received five complaints out of which three were examined on the merits, one is currently under investigation, and one was refused to examine. Recommendations in this area have not been provided.

156. The Seimas (Parliament) Ombudsmen's Office examines the complaints received and if the Office determines possible elements of a criminal act, it informs law enforcement authorities thereof in writing. In 2008–2012, there were no cases when Seimas (Parliament) Ombudsmen's Office would address law enforcement authorities regarding a possibly criminal act related to torture or other cruel behaviour. The Seimas (Parliament) Ombudsmen's Office do not have any data on how many complaints, after the investigation was carried out by Seimas (Parliament) Ombudsmen, were later on submitted to the pretrial investigation institutions on the initiative of applicants.

157. Investigations regarding violation of a child's rights or his/her rightful interests on the basis of a person's complaint, or investigations on the initiative of the Ombudsman for Children's Rights on the basis of the noticed features of violation of a child's rights or his/her rightful interests is one of the areas of activity of the Ombudsman for Children's Rights.

158. In 2010, the Institution of the Ombudsman for Children's Rights received 110 complaints regarding possible use of violence against children (physical, psychological, or sexual), including:

- Regarding physical violence – 49 complaints (in the family – 23, in a foster family or a care institution – 7, in an educational establishment – 10, and in other places – 9);
- Regarding psychological violence – 51 complaints (in the family – 19, in a foster family or a care institution – 5, in an educational establishment – 19, and in other places – 8);
- Regarding sexual violence – 10 complaints (in the family – 3, in a foster family or a care institution – 4, in an educational establishment – 1, and in other places – 2).

159. In 2011, the Institution of the Ombudsman for Children's Rights received 38 complaints regarding possible use of violence against children (physical, psychological, or sexual), including:

- Regarding physical violence – 15 complaints (in the family – 4, in a foster family or a care institution – 7, in an educational establishment – 4);
- Regarding psychological violence – 19 complaints (in the family – 10, in a foster family or a care institution – 2, in an educational establishment – 7);
- Regarding sexual violence – 4 complaints (in the family – 2, in a foster family or a care institution – 1).

160. The Ombudsperson for Children's Rights, having received complaints regarding sexual or physical violence used against children, passes on the information about possible cases of violation of children's rights to law enforcement institutions.

Reply to the issues raised in paragraph 19(e) of the list of issues

161. The Law on Performance of Arrest (art. 15) and the Criminal Punishment Enforcement Code (art. 100) ensure the right of the detainees and convicts to address,

unhindered, with suggestions, requests (applications), petitions, and complaints officials and employees of the state and municipalities of Lithuania, non-governmental organizations, and international institutions. Such suggestions, requests (applications), petitions, and complaints of the detainees and convicts may not be checked before dispatching them under any circumstances. Therefore, the detainees and convicts choose themselves whom to address with a complaint regarding possibly inappropriate behaviour of an official of a place of imprisonment. If an authority or an official, which a detainee or a convict addressed with a complaint regarding possibly inappropriate behaviour of an official of a place of imprisonment, is not competent to examine such a complaint, the complaint must be forwarded to a competent authority or official. It happens that authorities or officials, which are incompetent to examine complaints of the detainees and convicts, forward such complaints for examination to the Prison Department.

162. Thus directors of places of imprisonment examine complaints addressed to them by detained and convicted persons regarding possibly unallowable behaviour of officials, and the Prison Department examines complaints addressed to it by arrested and convicted persons as well as complaints forwarded to it by other authorities and officials regarding possibly unallowable behaviour of officials of places of imprisonment.

Complaints of the arrested (convicts) to the Director of the Prison Department regarding possibly inappropriate behaviour of the staff of places of imprisonment

<i>Name of a place of imprisonment</i>	<i>Year</i>	<i>Com-plaints received</i>	<i>Pretrial investigations started</i>	<i>Disciplinary measures applied</i>	<i>Penal measures applied</i>
Alytus Correction House	2009	0	0	0	0
	2010	1	0	0	0
	2011	3	0	0	0
Kybartai Correction House	2009	1	0	0	0
	2010	1	0	0	0
	2011	1	0	0	0
Marijampolė Correction House	2009	2	0	0	0
	2010	1	0	0	0
	2011	7	0	0	0
Panevėžys Correction House	2009	0	0	0	0
	2010	2	0	0	0
	2011	1	0	0	0
Pravieniškės Correction House and Open Prison Colony, Facility No 1	2009	17	0	0	0
	2010	5	0	0	0
	2011	0	0	0	0
Pravieniškės Correction House and Open Prison Colony, Facility No 2	2009	0	0	0	0
	2010	0	0	0	0
	2011	1	0	0	0
Pravieniškės Correction House and Open Prison Colony, Facility No 3	2009	1	0	0	0
	2010	0	0	0	0
	2011	0	0	0	0
Vilnius Correction House	2009	3	0	0	0
	2010	0	0	0	0

<i>Name of a place of imprisonment</i>	<i>Year</i>	<i>Com-plaints received</i>	<i>Pretrial investigations started</i>	<i>Disciplinary measures applied</i>	<i>Penal measures applied</i>
Kaunas Juvenile Remand Prison and Correction House	2011	2	0	0	0
	2009	0	0	0	0
	2010	0	0	0	0
Kaunas Remand Prison	2011	2	0	0	0
	2009	0	0	0	0
	2010	2	0	0	0
Lukiškės Remand Prison	2011	7	0	0	0
	2009	3	0	0	0
	2010	4	0	0	0
Šiauliai Remand Prison	2011	9	0	0	0
	2009	0	0	0	0
	2010	0	0	0	0
Central Prison Hospital	2011	10	0	0	0
	2009	1	1	0	0
	2010	0	0	0	0
Total:	2011	0	0	0	0
	2009	28	1	0	0
	2010	16	0	0	0
	2011	43	0	0	0

Reply to the issues raised in paragraph 19(f) of the list of issues

163. See above the replies to the issues raised in paragraph 19 (a), (c), (d), and (e) of the list of issues.

Reply to the issues raised in paragraph 20 of the list of issues

1. Information about inappropriate behaviour of law enforcement officials, related penal sanctions, and compensation for damages granted to the victims

164. Taking into account the Committee's recommendation No 14, case law demonstrates that in case of inappropriate behaviour of law enforcement officials (violations of the prohibition of torture), proper implementation of the state's obligation to investigate such violations can be, in fact, ensured by courts in accordance with the effective provisions of legal acts. Below are provided examples of judgements of the Supreme Administrative Court of Lithuania regarding unlawful use of coercion measures by police officials.

165. In administrative case No A858-2457/2011, the Supreme Administrative Court of Lithuania recognized the liability of the state of Lithuania with regard to unlawful use of coercion measures by police officials. The applicant, which due to unlawful use of a special measure (pain causing ammunition fired from a gun), suffered a serious and light disturbance of health, was awarded LTL 737,34 in property damages and LTL 30 000 in non-property damages. The panel of judges noted that article 23, paragraph 1, of the Law on Police Activities and article 12, paragraph 3, of the Law on the Public Security Service provide that coercion, which may cause bodily injury or death, may be used only with regard to a particular offender of law. Such conclusion results from a linguistic interpretation of the legal rules because both article 23, paragraph 1, of the Law on Police

Activities and article 12, paragraph 3, of the Law on the Public Security Service provide that, before using measures of coercion, it is required to take into consideration inter alia individual features of the offender.

166. Besides, the panel of judges in the case in question highlighted the importance of the principle of proportionality provided for in article 23, paragraph 1, of the Law on Police Activities and article 12, paragraph 3, of the Law on the Public Security Service. Even if coercion measures are used against a particular person, the use of such measures must comply with the principle of proportionality, that is, before using them, account should be taken of a concrete situation, the nature of a violation of law as well as consequences which may be caused by the use of a concrete coercion measure. This is, in particular, important in cases when the measures of coercion used may cause serious consequences, that is, death or harm to health. Even though in accordance with the specified legal provisions, officials have certain discretion to choose concrete measures of coercion in concrete situations, such discretion is not unlimited.

167. In accordance with the Law on Police Activities and the Law on the Public Security Service, it is a concrete official who must assess the situation, including the individuality of the use of a measure and the proportionality of such use. Thus in this event the respondent (officials at the respondent's disposal) has the obligation to ensure that the use of force is lawful and grounded, including its compliance with the principle of proportionality. Thus it is the respondent, taking into consideration the importance of the violated value (a person's health), which has a positive obligation to thoroughly investigate such an event and determine all significant circumstances and the obligation to prove that the use of a coercion measure was lawful and proportionate taking into account the behaviour of the applicant.

168. In another administrative case No A261-2679/2011, the Supreme Administrative Court of Lithuania recognized the applicant's right to the compensation of non-property damage, which was assessed at LTL 10 000, and approved the previous decision's *ratio decidendi* regarding the use of coercion measures provided in article 23, paragraph 1, of the Law on Police Activities. The panel of judges determined that the police had used measures of coercion, which slightly disturbed the applicant's health, unjustifiably. Once again it was highlighted that a police official has the right to use coercion, when it is necessary to prevent violations of law, detain individuals who committed violations of law and in other cases, protecting and defending lawful interests of a person, the society, and the state. Coercion, which may cause bodily injuries or death, may be used only to the extent required to perform an official duty and only after all possible measures of persuasion or other measures proved ineffective. The type of coercion and the limits of its use are chosen by a police official, who takes account of a concrete situation, the nature of a violation of law, and individual features of an offender. However, using coercion, police officials must try to avoid serious consequences.

Statistical data of the Information Technology and Communications Department under the Ministry of the Interior

169. Statistical data of the departmental register of criminal acts on crimes related to abuse of an official position when harm was done to a person's health (crimes registered in accordance with article 228 of the Criminal Code), is set out in the table below.

	2007	2008	2009	2010	2011
Crimes registered	21	16	10	5	4
Transferred to a court	3	6	2	1	0

170. Data of the register of suspects, persons charged, and convicts on persons charged and persons recognized guilty because of abuse of an official position art. 228 of the Criminal Code) when harm to health was done, is set out in the table below.

	2007	2008	2009	2010	2011
No of persons charged	0	1	2	1	1
Recognized as guilty	0	0	0	0	0

2. Statistical data on registered criminal acts, results of their investigation and adopted judgements of conviction relating to domestic violence, trafficking in human beings as well as physical or sexual abuse of children

171. Data from the Departmental Register of Criminal Acts on criminal acts relating to physical and sexual domestic violence (i.e. crimes where a person was harmed by a family member, registered under article 129 ("Murder"), article 135 ("Severe Health Impairment"), article 138 ("Minor Health Impairment"), article 140 ("Infliction of Physical Pain or Insignificant Health Impairment"), article 145 ("Menace to Murder or Threatening to Impair Persons' Health or Harassment"), article 146 ("Illegal Deprivation of Liberty"), article 148 ("Illegal Restraint of Action"), article 149 ("Rape"), article 150 ("Sexual Assault") and article 151 ("Sexual Abuse") of the Criminal Code.

	2007	2008	2009	2010	2011
Number of offences registered	806	694	669	664	1141*
Number of offences referred to court	313	291	282	303	471
Number of registered offences involving harm to children	299	239	248	257	356
Cases referred to court	137	117	118	123	180

* As from 15 December 2011, the Law on Protection against Domestic Violence came into force

Data from the Register of Suspects, Accused and Convicts on convicted persons and persons found guilty of physical and sexual violence against children (under 18 years old)

	2007	2008	2009	2010	2011
Number of accused persons	41	43	101	117	131
Found guilty	42	40	81	90	102

172. Concerning marital rape, it should be noted that, according to the practice of Lithuanian courts, both men and women who have reached the age of 14 shall be held liable for committal of the offences under articles 149 ("Rape") and 150 ("Sexual Assault") of the Criminal Code. They may be a person who has had sexual intercourse with the victim or a person who is related with the victim by friendship or blood (e.g. father, daughter, brother) or even by marriage (husband or wife). Being married is not a circumstance for exemption from criminal liability for forced sexual intercourse or satisfaction of sexual desire (refer to Ruling of the Senate of the Supreme Court of Lithuania of 30 December 2004 on "Court Practices in Relation to Criminal Cases of Rape and Sexual Assault").

173. Statistical data on initiated pretrial investigations into human trafficking (arts. 147 and 157 of the Criminal Code) are provided in the reply to the issues raised in paragraph 6 of the list of issues.

3. Information on the effectiveness of the “Child Line” and “Youth Line” hotlines

174. People’s phone calls to psychological support telephone helplines as well as part of administration costs of these services are paid with the state budget funds. In 2011, an amount of LTL 635 000 was paid, of which LTL 413 000 for people’s telephone calls and LTL 222 000 for administrative expenses.

175. The State budget currently pays for phone calls to 12 services, which function under the Lithuanian Association of Telephone Emergency Services and operate via a network of 5 helplines, such as *Youth Line*, *Child Line*, “*Viltis*” (*Hope*), “*Linija doverija*” (*Trust Line* (in Russian)) and *Women’s Line*.

Data on phone calls answered by psychological support telephone helplines

<i>Year</i>	<i>Number of phone calls, thousand</i>
2006	223
2007	262
2008	246
2009	349
2010	349
2011	304

176. Phone calls to the *Youth and Child* hotlines make up nearly 80 per cent of total answered calls. Psychological support services via telephone are provided by trained volunteers (totalling 230 counsellors in Q1 of 2012), on an anonymous and confidential basis. The *Youth Line* comprises three support services, which are available 24 hours per day. The *Child Line* operates through four services available 10 hours per day. The *Child Line*’s short phone number is 116111. The *Child* and *Youth* helplines provide support not only by telephone, but also by letter and over the internet.

4. Information regarding children in street situations

177. According to the Law on Social Services, children (under 18 years old) who live and beg on the streets and do not attend schools shall be regarded as children at social risk. The children at social risk and children without parental care shall be provided with social services by creation of a safe and healthy environment for the child’s education and development, provision of independent living skills, recreation, maintenance and strengthening of social ties with the family, relatives, and society, the provision of coordinated support in terms of education and development as well as exploring all possibilities to enable the child to live in the family. The children at social risk who can live with their family are provided with general social services (sociocultural services, organization of meals, provision of essential clothing and etc.) by social child day care centres, psychosocial support institutions and other social services.

178. If the child is not safe in the family home, he or she may be placed under temporary or permanent care and provided with social care in child care institutions, group residential homes, family-type foster homes and foster families.

179. The provision of social care services to a child living in the family or a care institution also includes working with the child’s family. Since 2007, the municipalities have been awarded special target grants in the state budget to be paid as salary to social workers working with social risk families. In 2011, the state grants went to fund 630 positions occupied by social workers working with 10,700 families at social risk.

180. Children lose parental care due to various reasons. A survey conducted in 2011 revealed the two main reasons: the first reason is that parents or the only parent did not take care of or did not show any interest in the child, neglected or improperly parented the child, used physical and psychological violence against the child which resulted in the risk to the child's physical, mental, spiritual, ethical development and safety, and therefore, in accordance with the procedure prescribed by laws, the child was taken from the family (until the court decided on the child's separation from parents). Owing to this reason, 1,700 children were deprived of parental care in 2011. The other reason is when parents or the only available parent was not temporarily able to take care of the child due to illness, arrest or imprisonment of both or one of the parents or other important reasons. Due to this reason, 338 children were deprived of parental care during the reporting year.

181. Police officers, within their competence, keep in touch with juveniles who live and beg on the streets, run away from homes or child care or socialization institutions or do not attend school. To prevent the above-mentioned juveniles from becoming delinquent, both general and individual preventive measures are being implemented and issues relating to the occupation of these children are being addressed together with the institutions concerned.

182. Police officers shall inform in writing the municipal administration divisions for the protection of the rights of the child about:

- (a) Facts of violation of the rights of the child;
- (b) Children who have lost parental or foster (caregiver) care, the children in urgent need of help due to health condition or other reasons;
- (c) Children who do not attend school or have irregular attendance;
- (d) Children who have been expelled from school;
- (e) Parents or other representatives of a child who:
 - (i) Show violent or sexually abusive behaviour with children;
 - (ii) Do not properly parent or take care of children as prescribed by laws;
 - (iii) Abuse their rights or duties and their behaviour has a negative influence on children.

183. In cases when due to violation of the child's rights and legitimate interests an urgent decision is required for separating the child from his or her legal representatives, the police without delay should notify the specialists for the protection of the rights of the child and coordinate mutual actions regarding this issue.

Statistical data on protocols of administrative violation of law compiled against children's legal representatives or other adults

<i>Article of the Code of Administrative Breaches of Law</i>	<i>2010</i>	<i>2011</i>
Art. 181 "Failure to exercise parental authority or using it against the child's interests"	7 352	7 527
Art. 181 ¹ "Failure to perform the duties of a foster parent (caregiver) or their performance against the child's interests"	343	246
Art. 181 ³ "Violation of the rights of the child"	541	796

Article 14

Reply to the issues raised in paragraph 21 of the list of issues

184. Presently, the Republic of Lithuania has no specific programme of assistance and support for victims of torture or other ill-treatment. Such persons may benefit from general victim assistance and support schemes (e.g. according to the Law on Social Services, Law on the Compensation for the Damage caused by Violent Crimes, Law on State-Guaranteed Legal Aid and etc.) or other existing specialized programmes designed for victims of domestic violence as well as child victims of violence, etc.

185. The rights of torture victims to compensation for damage are laid down in article 30 of the Constitution, stating that compensation for material and moral damage inflicted upon a person shall be established by law, article 6.271 of the Civil Code which establishes liability for damage caused by unlawful actions of institutions of public authority, Article 6.272 of the Civil Code which prescribes liability for damage caused by unlawful actions of pretrial investigation officials, prosecutors, judges and the court, and also by the Law on Compensation of Damage Resulting from Unlawful Actions of Institutions of Public Authority and the Representation of the State.

186. The Law on Compensation of Damage Resulting from Unlawful Actions of Institutions of Public Authority and the Representation of the State provides for compensation of damage resulting from unlawful application of procedural enforcement measures by way of an extra-judicial procedure as well as enforcement of decisions passed by the European Court of Human Rights and the United Nations Human Rights Committee, other international institutions, whose jurisdiction or competence to decide on matters related to violation of the rights of persons under the jurisdiction of the Republic of Lithuania has been recognized by the Republic of Lithuania.

187. The persons concerned shall have the right to claim for compensation of damage resulting from unlawful actions of public authorities pursuant to extra-judicial procedure no later than within 3 years from the date on which they had or should have had knowledge of the fact that the conviction, remand detention (arrest), detention, application of procedural enforcement measures or the administrative penalty of arrest were found to be unlawful in accordance with the procedure prescribed by laws. The amount of compensation for damage payable by legal process is determined according to the provisions of the Civil Code, while the amount payable by way of extra-judicial procedure – in accordance with the Law on Compensation of Damage Resulting from Unlawful Actions of Institutions of Public Authority and the Representation of the State. The amount of compensation for damage available pursuant to judicial proceedings is established as follows: for pecuniary damage – LTL 10 000, for non-pecuniary loss – LTL 5000.

188. Appropriations for compensation of damage due to unlawful actions of public authorities are managed by the Ministry of Justice. These appropriations are used by the Ministry of Justice for implementation of court decisions on damage resulting from unlawful actions of pretrial investigation officers, prosecutors, judges or courts or other institutions of public authority, as well as the decisions by the European Court of Human Rights and amicable agreements between parties that have received a preliminary approval of the Government.

189. The system of compensation for damage resulting from crimes of violence in the Republic of Lithuania is regulated by the Law on the Compensation of Damage Resulting from Crimes of Violence as amended by Law No X-1843 of 14 November 2008, adopted on 30 June 2005. The government shall compensate from the Crime Victims Fund established pursuant to the said Law for pecuniary and/or non-pecuniary damages that occurred due to crimes of violence committed after 1 July 2005. There is a possibility of

advance compensation of pecuniary/non-pecuniary damage while criminal proceedings are pending or following adoption of effective procedural decision on the committal of the crime of violence.

190. According to the Law on the Compensation of Damage Resulting from Crimes of Violence, a crime of violence shall mean an activity having elements of a criminal act as set forth in the Code of Criminal Procedure which results in deliberate deprivation of human life or severe or moderate damage to a person's health or an activity having elements of an average gravity, grave or especially grave offences against human freedom, freedom of sexual determination or inviolability. The complete list of violent crimes subject to compensation for damage has been approved by the Order of the Minister of Justice. The list includes such crimes as murder, severe health impairment, rape, human trafficking, terrorist act, unrest, genocide and etc. However, the activity having elements of a criminal act as set forth in the Code of Criminal Procedure which inflicted physical pain, minor injury or short-term illness upon a person, such as theft, infliction of bodily pain, destruction of property, etc. shall not be regarded as a crime of violence. Pursuant to article 46 of the Criminal Code, during criminal proceedings all victims of violent crimes shall be advised of the possibility of compensation.

191. Article 7 of the Law on the Compensation of Damage Resulting from Crimes of Violence provides for the maximum amounts of damage subject to compensation, which are determined with regard to gravity of the committed crime. The maximum amount of compensation payable for pecuniary damages shall be for murder and may not exceed 100 MSL (minimum standard of living) (currently, LTL 13 000 (~ EUR 3 770)), while the maximum amount of compensation for non-pecuniary damages – 120 MSL (LTL 15 600 (~ EUR 4 520)). If the crime of violence caused a severe health impairment, pecuniary damages may not exceed 80 MSL (LTL 10 400 (~ EUR 3 015)), while non-pecuniary damages – 100 MSL (LTL 13 000 (~ EUR 3 770)). In all other cases pecuniary damages may not exceed 60 MSL (LTL 7 800 (~ EUR 2 260)), non-pecuniary damages – 80 MSL (LTL 10 400 (~ EUR 3 015)). If the person concerned received payments or compensations from municipal or state budget or competent institutions of foreign states or he/she was reimbursed for the damage in advance, the compensation to be paid shall be reduced accordingly, unless the court decision considered this circumstance.

192. In 2010, 250 claims for compensation of damage arising from crimes of violence were filed, of which 195 were awarded and LTL 1 900 000 (EUR 550 724) was paid in compensation; during 2011, 290 claims for compensation for damage resulting from crimes of violence were received, LTL 2 000 000 (EUR 588 235) was paid.

Reply to the issues raised in paragraph 22 of the list of issues

193. There are two types of legal aid available in Lithuania: primary legal aid¹ and secondary legal² aid which is regulated by the Law on State-guaranteed Legal Aid.

¹ Primary legal aid is the provision of legal information, legal consulting and preparation of documents, other than procedural documents, for state and municipal authorities in accordance with the procedure laid down in the Law on State-guaranteed Legal Aid. Moreover, this type of legal aid covers advice on extra-judicial settlement of disputes, activities aimed at an amicable settlement of disputes, and drafting of a settlement agreement. Primary legal aid does not include filling declarations to be submitted to a tax administrator.

² Secondary legal aid includes drafting of documents, defence and representation in court, including the enforcement procedure, representation in preliminary out-of-court dispute settlement, if such a procedure is established by law or by a court judgement. This type of legal aid also covers compensation for litigation costs incurred in civil proceedings, the costs incurred in administrative proceedings and the costs related to a hearing of a civil action brought in a criminal case.

194. Primary legal aid shall be provided to all citizens of the Republic of Lithuania, citizens of other European Union Member States as well as other natural persons who are legal residents of the Republic of Lithuania and other European Union Member States, and also other persons specified in the international agreements of the Republic of Lithuania. According to article 11 of the Law on State-Guaranteed Legal Aid, secondary legal aid shall be provided only to applicants whose property and annual income are within the legally prescribed limits for secondary legal aid. The Law on State-guaranteed Legal Aid also provides that the aggrieved parties in the cases concerning compensation for damage incurred through criminal actions, including the cases when the issue of compensation for damage is heard as part of a criminal case, shall be eligible for secondary legal aid regardless of the property and income limits established by law. Pursuant to this article, in 2011, legal aid was guaranteed in 697 cases, however, it is difficult to specifically identify cases when legal aid was granted to victims of domestic violence. In 2011, the Ministry of Justice conducted training on the topic of “Violence against Women”, aimed at lawyers and public servants working in the sector of the state-guaranteed legal aid.

195. The Government, pursuant to paragraph 3 of its Resolution of 14 September 2011, authorized the Ministry of Social Security and Labour together with the Ministry of Health, the Ministry of Justice and the Ministry of the Interior to develop and present to the Government the National Programme for Assistance and Funding for the Victims of Domestic Violence for 2013–2020, in accordance with the procedure prescribed by legal acts.

196. On 5 April 2012, a working group to prepare the Programme was established by Order of the Minister of Social Security and Labour, and currently, the Programme is under development.

197. Presently, in Lithuania complex assistance for female victims of domestic violence is accessible in more than a half of sixty Lithuanian municipalities. Attention is paid to the activity of women non-governmental organizations in the area of reduction of violence against women – in many regions assistance is provided by crisis centres that have been set up by women non-governmental organizations. Particular emphasis is given to working with perpetrators of domestic violence – not only to imposition of sanctions, but also the development of alternative measures of impact as well as encouragement of the activity of organizations working in this field.

198. From 2007, municipalities started to create state-funded job positions in social work, with a view to strengthening work with families at social risk. In 2012, 630 social workers provided social work services to some 10,500 families at social risk, about 8,000 children from such families were receiving social care services in day care centres.

199. In 2010, 1,900 persons were sheltered in crisis centres and temporary accommodation establishments. Another 5,200 individuals received social work services without accommodation in crisis centres (psychological support, counselling, etc.)

200. In 2010, in-home services of social skills development and maintenance were provided to 5,500 families in difficult social circumstances. There were 56 family support centres.

Temporary housing institutions

<i>Crisis centres and temporary mother and child homes</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Number of people	1337	1698	1727	1529	1590	1482	1806	1880

<i>Crisis centres and temporary mother and child homes</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Number of institutions	10	15	17	18	21	29	27	26
Number of beds	231	203	225	275	308	416	379	409

201. For further information on compensation of domestic violence victims for damage and payment of compensations to the victims, please refer to the reply to the issues raised in paragraph 21 of the list of issues.

Reply to the issues raised in paragraph 23 of the list of issues

202. In view of implementation of the Programmes for the Prevention and Control of Trafficking in Human Beings, since 2002, state financial support has been granted to projects selected through competition, aimed at social support to victims of human trafficking and forced prostitution.

203. During the period of 2008–2012, competitions to select among 4 projects were organized, 31 projects were financed, of which 29 projects were bid by non-governmental organizations. The following amounts were allocated for implementation of the projects: LTL 400 000 in 2008, LTL 87 000 in 2010 and LTL 150 000 in 2011. Overall, in the period of 2008–2012, social support was provided to 500 victims and possible victims of trafficking in persons or forced prostitution.

204. In 2011, the government funded 6 projects selected by means of a tender, the overall amount of funds used to support the projects totalled LTL 149 400 (of which LTL 44 000 was granted for the Caritas Lithuania, LTL 36 500 for the public institution “Klaipėda Social and Psychological Support Centre”, LTL 31 400 for the Missing Persons Families’ Support Centre, LTL 22 000 for the Association of HIV and AIDS Affected Women and their Intimates, LTL 8 500 for the public institution “Woman for Woman” (*VšĮ Moters pagalba moteriai*), and LTL 7 000 for the Women Crisis Centre of the Kaunas county).

205. During the implementation of these projects social assistance was provided to 128 persons, among them 3 men and 16 persons under 18 years of age. Support was offered to 76 victims of trafficking in human beings and 52 persons who belong to at-risk group. There were 21 cases of temporary accommodation provision, 60 cases of assistance in integration to the labour market, 56 cases of psychological counselling, 19 cases of legal aid, 99 cases of provision of social services (including information, consultation, intermediation, representation, development of social skills, organization of meals, provision of essential items, home visiting), 24 cases of professional consultation and 38 cases of medical aid.

206. Municipalities also offer financial support to such projects. For example, in 2011, the Kaunas City Municipality awarded LTL 4 200 in support for the Caritas Lithuania project “Aid to the Victims of Prostitution and Trafficking in Human Beings”. 17 clients were consulted by social workers, 12 clients received food aid, 6 clients were offered psychological counselling, 11 clients were encouraged to have a medical check-up, and 3 clients were placed in a safe refuge. Of the 17 clients who received support, 14 clients stopped to engage in prostitution.

207. The Šiauliai City Municipality granted LTL 2 500 for the Caritas Lithuania project “Aid to the Victims of Prostitution and Trafficking in Human Beings”. Psychosocial support was provided to 16 girls and women who were exploited in prostitution in Lithuania and abroad. The affected girls and women as well as their children received

personal social counselling both in the main project office and in their place of residence. The assistance provided also included temporary housing, medical (consultations with a general practitioner, gynaecologist, psychologist, psychiatrist, and blood tests for sexually transmitted diseases), material (food, hygiene items, medicines), educational, employment, legal and other appropriate assistance. 7 residents of Šiauliai city have successfully entered into society, and the rest will continue their rehabilitation programme in 2012.

208. In 2011, the Vilnius City Municipality allocated LTL 1 500 for the provision of safe housing and general social care services to 10 persons and LTL 11 100 for the provision of short-term social care services (temporary safe housing, social worker, psychologist, legal advice, information services and 13 services of mediation in other institutions as well as support in establishing relations in their domestic environment) to 4 persons placed in the Vilnius Mother and Child Shelter Crisis Service.

Article 15

Reply to the issues raised in paragraph 24 of the list of issues

209. Collection of evidence is regulated by article 20 of the Code of Criminal Procedure. According to this article, evidence in criminal proceedings shall mean the data obtained in accordance with the procedure prescribed by legislation. Whether or not the data obtained are to be regarded as evidence shall be decided in each individual instance by a judge or a court presiding over the case. Only such data may be regarded as evidence that confirm or deny at least one circumstance relevant for a fair disposition of the case. Only legally obtained data, which can be verified by procedural acts specified in the Code of Criminal Procedure may be considered as evidence. Judges shall evaluate evidence according to their inner conviction, based on a comprehensive and impartial consideration of all the circumstances of the case, in accordance with the law.

210. Article 11 of the Code of Criminal Procedure providing for the proportionality principle in the application of procedural coercive measures and investigative actions should also be mentioned in this regard. Under paragraph 2 of the said article, the use of any acts of violence, intimidation or other degrading and health-damaging measures while applying enforcement measures and carrying out investigation under this Code is prohibited. Physical force may be used only to the extent necessary to eliminate prevention of performance of a procedural step. In this respect, one example from court practice, which is partly relevant to the question under consideration, may be given:

211. On 2 December 2009, the Criminal Division of the Klaipėda District Court passed a judgement of acquittal in a criminal case No 1-97-462/2009. The judgement provided clarification of paragraph 4 of article 20 of the Code of Criminal Procedure, indicating that only legally obtained data, which can be verified by procedural acts specified in the Code of Criminal Procedure may be considered as evidence. There was an open confession of a minor offender S. M. about the circumstances of the crime known to him. The minor S. M. admitted at a trial hearing that he had been forced and threatened to sign the open confession by the Skuodas Police investigator V. L. and that his interrogation was conducted not in the investigator's room and in presence of other police officers. The investigator V. L. confirmed the above-mentioned facts at the hearing: the minor S. M. wrote his confession not in his room, but in another room, with other officers present. The minor offender's words have been supported by information from the Šiauliai County Hospital where the minor S. M. sought medical treatment at the Child Psychiatry Division of the Children's Department after suffering heavy psychological and physical trauma in the Skuodas territorial police unit. S. M. complained about his deteriorated psychological condition: anxiety, insomnia, fear, inability to concentrate on any activity. He was diagnosed with a post-traumatic stress disorder and a moderate episode of depression.

These circumstances of the minor's S. M. injury were also confirmed at the hearing by witness V. G.

212. The court noted that the court judgement must state whether the collected evidence is sufficient or whether it allows a precise determination of all the circumstances involved in the substance of evidence. The conclusions made by the court in a judgement may not be founded solely on the confession of committing a crime or misdemeanour by an accused, unless they are confirmed by other evidence. The accused was acquitted due to finding that there was no evidence to confirm his guilt in criminal proceedings, therefore, he was found not guilty of the charges against him after his involvement in criminal acts was not established.

Article 16

Reply to the issues raised in paragraph 25 of the list of issues

213. From 2008 to 1 September 2011 (i.e. until the new version of the Law on Military Service came into force) the conscription to mandatory primary military service was suspended. According to the version of this Law in force since 1 September 2011, the mandatory primary military service can be performed in one of the following ways:

- By performing a permanent mandatory primary military service (duration – 9 months);
- By participation in basic military training (duration – from 70 to 90 days);
- By participation in junior military personnel training (duration – from 160 to 200 days).

214. Currently, persons subject to conscription are invited to perform the mandatory primary military service only during basic military training and junior military personnel training.

215. Article 48 of the Law on the Organization of the National Defence System and Military Service provides that disputes over military service shall be settled in accordance with the mandatory advance extrajudicial procedure set forth by the Statute on Military Discipline. The complaints of conscripts' shall be filed, according to their subordination, to officers who are senior in command or directly to the Inspector-General of National Defence. Senior officers shall be prohibited from preventing conscripts from making complaints, and also, the prosecution for lodging a complaint shall be prohibited as well as forwarding the complaint for consideration to a commander against whose actions the complaint has been made.

216. If the violation of the conscript's rights alleged in the complaint is obvious or non-disputable and does not require an additional investigation, the Inspector-General of the National Defence shall, not later than five working days from the receipt of the complaint, adopt a decision and notify in writing the conscript concerned, and then refer the complaint to a commander authorized to take appropriate decisions. The commander, upon receipt of the decision of the Inspector-General of the National Defence, shall implement it within 10 working days from the date of its receipt and notify in writing the complainant and the Inspector-General of the National Defence. If the violation of the conscript's rights is not obvious or non-disputable and has elements of a breach of discipline as specified in this Statute, the commander or the Inspector-General of the National Defence should authorize an internal investigation. Internal investigations shall be conducted by designated officers, in accordance with the procedure laid down in the Statute on Military Discipline. An officer performing an internal investigation must conduct a full, comprehensive and objective

examination of the circumstances, explain to the participants of the incident their rights and duties and inform, without delay, the commander who had authorized him to perform an internal investigation of the acts identified during the investigation that have elements of a criminal act or an administrative violation of law. An officer shall be prohibited from conducting an internal investigation, if he has participated in the incident under investigation, is a participant's spouse (cohabitant) or if they are related by blood kinship or kinship by law, or if he is subordinate to the participant of the incident under concern or there are other circumstances due to which the investigator may not be objective. Participants of the incident under investigation towards whom the violation of discipline was directed or whose rights had been otherwise violated shall have the right, while the internal investigation is conducted: to provide explanations, submit requests and evidence, submit to a commander who authorized the internal investigation a motivated written request for the removal of the officer conducting the internal investigation; to get familiar with the material of the internal investigation; to make an appeal against the actions of the officer performing the investigation as well as the results of the internal investigation.

217. Investigations into the breach of discipline as well as complaints shall be controlled by senior military personnel and the Inspector-General of the National Defence who are authorized to give orders for the rectification of faults in the internal investigation. Internal investigations conducted by the Inspector-General of the National Defence shall be controlled by the Minister of National Defence.

218. When a conscript does not agree with the commander's decision adopted after an internal investigation, he has the right to appeal to an immediate superior in command of the officer who made the decision or the Inspector-General of the National Defence, while the conscript who does not agree with the decision of the Inspector-General of the National Defence has the right to appeal to the Minister of National Defence. If a conscript is not satisfied with the final decision adopted under the advance extra-judicial dispute settlement procedure specified in the Statute on Military Discipline, the decision may be appealed to a regional administrative court within 20 days from the receipt of the decision or notification, in accordance with the procedure prescribed by laws.

219. In order to facilitate the lodging of anonymous complaints by conscripts concerning violation of their rights, the Inspectorate General of the Ministry of National Defence has established an anonymous hotline (i.e. a telephone line and an e-mail address) for anonymous reports of allegations to the Inspector-General of the National Defence. All the information received via the hotline is subject to verification, while the complaints – to investigation.

Reply to the issues raised in paragraph 26 of the list of issues

220. In 2008, the Lithuanian Police Training Centre organized two training programmes: "Improvement of Qualification of Pretrial Investigation Officers Conducting Interrogations of Children", dealing with the essentials of the child's rights, duty and responsibility as well as representation of the child's interests in law enforcement institutions (36 officers received training) and "Communication with Victims", which focused on possible manifestations of discrimination in Lithuania (discrimination on the grounds of age, disability, sexual orientation, racial and ethnic origin, religion and opinions) (140 officers completed training).

221. Police officers were also offered a series of seminars: "Domestic Violence Against Women" (8 academic hours, in 2011, 211 police officers participated, in 2011 – 69), "Implementation of the State Policy Concept of the Child's Welfare in the Work Practice of Police Officers" (16 academic hours, attended by 46 officers in 2010, 13 in 2011 and 33 in QI of 2012), "Prevention of Violence Against Children and Aid for Children" (16 academic hours, in 2010, 228 officers participated, in 2011 – 59, and in QI of 2012 – 66 officers) and

“Protection from Violence in Domestic Environment” (16 academic hours, attended by 43 officers in QI of 2012).

222. A training programme “The Problem of Violence Against Women” was organized for district court judges whose term of service is under five years (attended by 46 judges), and on 9–13 June 2008, – for district court judges whose term of service is over 5 years (37 judges attended).

223. On 12–13 and 14–15 April 2011, the National Court Administration Training Centre held a seminar for judges, prosecutors and police officers, which included the following topics: “The Best Practices of Legal Reform (international principles and standards of legal reform on domestic violence, aims of government intervention and response of the law enforcement system, restraining orders and their purpose)”, “Consequences for Perpetrators of Domestic Violence (practical class No 1. What measures should be imposed on an offender who disobeyed the domestic violence order)”, “Facts and Misinterpretations about Domestic Violence“, “The Theory of Violence, Power and Control Circle“, “Police Response to Domestic Violence (practical class No 2 on police intervention on receiving a domestic violence call)“, “Application of the Duluth Model of Coordinated Community Response (inter-institutional communication, application of civil, administrative and penal sanctions, the role of judges and prosecutors, ensuring the protection of the victim and responsibility of the perpetrator)“, “Evaluation of Risk and Latency of Domestic Violence (investigation of cases on physical violence, threat to murder, long-term violence; case study No 1)“, “Identification of an Aggressor (lecture and discussion: self-defence injury, models of laws, experience of other countries)“, “Repetitive Perpetrators of Violence and Violation of Protection Measures (lecture and discussion on recurrent cases of violence and violation of protection measures; case study No 3)“, “Mediation in Domestic Violence Cases“ (total 18 academic hours, 52 participants).

224. On 7–9 May 2012, the National Court Administration Training Centre organized a seminar for district court judges whose term of service is over 5 years on the topic of “Practical Application of the Law of the Republic of Lithuania on Protection against Domestic Violence” (2 academic hours, 45 participants).

225. The Prosecutor’s Office developed Guidelines and an Explanatory Note on the practical application of the provisions of the Law on Protection against Domestic Violence, in force since 15 December 2011, and circulated them to the institutions concerned.

226. The Ministry of Social Security and Labour implemented trainings for social workers on the following topics: “Social Work with Clients Who Have Been Exposed to Violence” in 2010, and “Provision of Complex Aid to Victims of Trafficking in Human Beings and Forced Prostitution” in 2011.

Reply to the issues raised in paragraph 27 (a) of the list of issues

227. The Law of the Republic of Lithuania on National Minorities adopted as long ago as 1989 is not in force as of 1 January 2010. In 2010, an inter-institutional working group coordinated by the Ministry of Culture drafted a conceptual framework of legal regulation intended for the Law on National Minorities. While drafting, the working group held consultations with national minority organizations whose representatives participated in the activities of the working group. Following approval by the Government, this document will serve as a basis for drafting the Law on National Minorities, which will define the notion of the national minority as well as envisage the option of using a national minority language alongside the state language in local government institutions and organizations and also in informational signs in residential areas highly populated with an ethnic minority group.

228. Until 1 January 2010, the Lithuanian state policy of harmonization of ethnic relations had been shaped and implemented by the Department of National Minorities and

Lithuanians Living Abroad under the Government of Lithuania, whose reorganization resulted in the transfer of functions related to the formation, coordination and implementation of ethnic minority policy to the Ministry of Culture. To involve the ethnic minority communities into shaping and decision-making of ethnic minority policy, an advisory body, the Council of National Minorities was set up in 1990. After the Council of National Minorities has become an advisory body under the Ministry of Culture in 2010, its regulations and composition were renewed. (In 2011, the Council of National Minorities was composed of 29 representatives elected by different national minorities NGOs). In addition, there is a Commission for Co-ordination of National Minority Affairs set up under and co-ordinated by the Prime Minister, which deals with issues relevant for national minorities on the top national level.

229. To ensure efficient integration of various national minorities into the Lithuanian society, public and municipal programmes targeted at national minorities are implemented. The Ministry of Culture coordinates measures set out in the Strategy for the Development of the National Minority Policy until 2015, which provides for three priorities: 1) ensuring integration of individuals belonging to national minorities into the Lithuanian society; 2) enabling them to preserve identity; 3) fostering tolerance in the society and reducing manifestations of discrimination.

230. One of the greatest challenges faced by Lithuanian public authorities in implementing the policy of national minorities is the integration of Roma. Lithuania is a home to nearly 2,500 Roma whose most numerous community lives in Kirtimai settlement near Vilnius (with about 500 Roma). To date, Lithuania has implemented two national programmes for Roma integration and a separate Roma Integration Programme run by the Vilnius City Municipality. Preparation of Roma integration programmes involved consultations with representatives of Roma NGOs and organizations dealing with Roma people.

231. The 2013-2021 Programme for Developing the National Minority Policy drafted by the Ministry of Culture will replace the currently effective document, the Strategy for Developing the National Minority Policy until 2015, and will ensure continuity of existing measures. The programme will be supplemented by two inter-institutional action plans (for national minorities and separately for Roma). The draft Inter-institutional Action Plan for Roma Integration into the Lithuanian Society for 2013-2015 provides for a set of integrated and continuous measures focusing on fostering national identity, integration, reduction of social exclusion (developing education for Roma children, youth and adults; including Roma into the labour market; pooling of information on the living environment of Roma; raising Roma's awareness about healthy lifestyles), promoting public tolerance and implementing anti-discrimination measures.

232. Furthermore, according to the Law on Support of Employment, government support shall be provided for persons seeking employment who are registered in the territorial labour exchange offices in the framework of application of active labour market policy measures. Under this Law, active labour market policy measures are available equally to Roma as to other individuals seeking employment.

233. Regardless of the support provided from the state for employment of job seekers, the problem of integration of members of the Roma community into the labour market remains an issue of concern, since people of the Roma community do not always have appropriate and valid personal identification documents and the vast majority of Roma lack qualifications required for the labour market, moreover, Roma people usually do not register in the territorial labour offices as unemployed. Under the Human Resources Development Operational Programme, in the 2007-2013 programming period, the Roma community is provided with the opportunity to participate in the implementation of

projects; Roma have been identified as a separate target group for support to integration of persons at social risk into the labour market.

234. As from 2007, the Ministry of Social Security and Labour has started to respond to calls for proposals for funding of public institutions' projects under the European Union Programme for Employment and Social Solidarity – PROGRESS. This Programme has been developed to provide financial support to EU Member States for the implementation of the objectives of the European Union in employment, social affairs and equal opportunities. One of priority areas financially supported by the Programme focuses on effective implementation of the principle of gender equality and promotion of its mainstreaming in all EU policies. 4 projects to reduce discrimination on all the grounds specified in the Law on Equal Treatment, including the project targeting Roma national minority, have been implemented.

235. In the framework of implementation of the Strategy for the Reorganization of the Child Guardianship/Care System and its action plan for 2007–2012, the Ministry of Social Security and Labour organizes annual contests for evaluation and selection of projects of child day care centres. The amount allocated for this purpose from the state budget in 2011 was LTL 7 400 000. In total, 176 projects were financed. Services provided at day care centres to children living in families with social difficulties and their family members are very important. These centres also offer integrated assistance for the parents to encourage their better integration into the community and prevent the children of these families from being raised in guardianship institutions. The Roma Public Centre has successfully participated for many years in the contest and received co-financing grants. In 2011, it received LTL 66 400.

Reply to the issues raised in paragraph 27(b) of the list of issues

236. Investigations into acts of discrimination or ill-treatment, including hate-speech and hate-crimes, of ethnic minorities are carried out pursuant to general procedure established in the CCP. It should be noted that, according to article 2 of the CCP, in each case of the presence of features of criminal act, the prosecutor and a pretrial institution, within the scope of their competence, must assume all measures provided by law, to ensure that the investigation is carried out and the criminal act is disclosed within the shortest period of time.

237. Pursuant to article 15 of the Law on Equal Treatment, persons have the right to file complaints relating to violations of the provisions of the Law on Equal Treatment with the Equal Opportunities Ombudsman. A complaint must be investigated and the complainant must be given a reply within one month from the day of the receipt of the complaint. Where necessary, the Equal Opportunities Ombudsman may extend the time limit for investigation for up to two months. The complainant must be notified about it. Upon the completion of the investigation of the complaint, a statement shall be drawn up stating the circumstances disclosed and evidence collected in the course of the investigation, as well as legal evaluation of the actions. The results of the investigation shall be communicated to the complainant, the head of the institution where the investigation has been conducted, and the person whose actions have been investigated. In the course of the investigation or upon completion of the investigation, the Equal Opportunities Ombudsman may take a decision:

- (1) To refer the investigation material to a pretrial investigation institution or the prosecutor if features of a criminal act have been established;
- (2) To address an appropriate person or institution with a recommendation to discontinue the actions violating equal rights and to amend or repeal a legal act related thereto;
- (3) To hear cases of administrative offences and impose administrative sanctions;

- (4) To alert on a violation committed;
- (5) To make other decisions provided by law.

238. It should be noted that article 4 of the Law on Equal Treatment provides that where in the course of the hearing of complaints, petitions, applications, notifications or claims of natural or legal persons about discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion before a court or other competent authority, the complainant establishes facts from which it may be presumed that there has been direct or indirect discrimination, it shall be presumed that direct or indirect discrimination, harassment or instruction to discriminate has occurred. The respondent shall have to prove that there has been no breach of the principle of equal treatment.

239. A person who has suffered discrimination on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views, age, sexual orientation, disability, ethnic origin or religion shall have the right to claim compensation for economic and non-economic damages from the persons guilty thereof in the manner prescribed by the CC.

Reply to the issues raised in paragraph 27(c) of the list of issues

240. The European Commission against Racism and Intolerance of the Council of Europe adopted a third Report on Lithuania in 2005, thereby recommending that the Lithuanian authorities introduce a provision which expressly considers the racist motivation of an offence as a specific aggravating circumstance. Taking the above into consideration, by the proposal of the Government, on 16 June 2009 the Seimas adopted the Law supplementing the CC No XI-303, thereby making the criminal liability for the so-called “hate crimes” more stringent. Thereby this law, second parts of article 129 (“Murder”), article 135 (“Severe Health Impairment”), and article 138 (“Non-Severe Health Impairment”) of the CC were supplemented with a new item providing for new features qualifying these crimes, where the act has been committed in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views. In this case the offender is subject to the part of the article of the CC which provides for a more severe sanction for a graver crime. Article 60.13 of the CC lays down that other acts committed with the above motives are considered as an aggravating circumstance for the offender, and the court shall take it into account in the adoption of a ruling as to the type and scope of punishment to be imposed.

241. Article 170 of the CC is equally important in the fight against incitement, which prohibits incitement against any national, racial, ethnic, religious or other group of persons. In addition, in 2009 a new article 170¹ was included in the CC, providing criminal liability for creation and activities of the groups and organizations with the aim of discriminating a group of people or inciting against it.

Data from the Information Technology and Communications Department

	2008	2009	2010	2011
Number of registered criminal acts pursuant to Article 170 of the CC	99	37	158	328
Number of registered criminal acts pursuant to Article 170 ¹ of the CC	-	0	0	0

Data from the National Courts Administration

<i>Criminal cases (1st instance) pursuant to Article 170 of the CC ("Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons")</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Cases forwarded to courts	14	7	21	94
Cases examined by courts	25	17	19	95
Number of convictions	21	16	14	91
Number of convicted persons	21	16	14	95

242. The recent trend indicates a growing number of registered offences against personal equality and freedom of conscience. However, this is also related to a more active work of the law enforcement authorities in the establishment and investigation of these offences, as well as public sensitization of such offences, i.e., victims more often turn to the law enforcement authorities.

243. According to the data provided by the Prosecutor General's Office, the majority of pretrial investigations concern offences committed online. The total number of offences committed online and criminal cases of this category account for approximately 95 per cent of all offences of the above category. The Cyber Crime Investigation Board, set up under the Lithuanian Criminal Police Office in 2001, has contributed to the success in the investigation of cyber-crimes.

244. In 2009, the Prosecutor General's Office drew up methodical recommendations for regional prosecutor's offices and pretrial institutions regarding the organization, leading and carrying out of pretrial investigations of offences committed with racial, national, xenophobic motives, incited by religious hatred or any other motives of discriminatory nature. The objective is to investigate offences related to incitement to hatred in a professional manner and as promptly and thoroughly as possible.

245. In 2010, prosecutors forwarded 24 criminal cases regarding incitement to hatred against certain groups of people to courts (22 criminal cases pursuant to parts 2 and 3 of article 170 of the CC). In 2010, district courts convicted 14 persons for incitement to hatred and discrimination. There were no acquittals, and 21 pretrial investigation of this category were discontinued. An example from judicial practice is provided below:

246. On 27 May 2009, Vilnius District Court No 3 convicted V. I. for the display of disrespect to others and the surroundings, the use of foul language, public mockery of B. C. C., humiliating statements in respect of the victim and incitement to hatred because of her race that took place on 9 April 2008. Moreover, the perpetrator punched the victim B. C. C. at least once each time with her fist and the belt on the head, inflicting the victim physical pain. Such offensive behaviour and bullying displayed by V. I. disrupted public peace and order; she mocked and humiliated B. C. C., and incited hatred against her as a person belonging to a different race. V. I. was convicted pursuant to part 1 of article 284 of the CC and part 1 of article 170 of the CC and received cumulative punishment, i.e. 43 days of arrest. The subsequent appeal and an appeal in cassation filed by the convicted were rejected by courts of higher instance as groundless, and the conviction upheld.

Reply to the issues raised in paragraph 27(d) of the list of issues

247. Thirty-one measures were envisaged for the implementation period of the National Antidiscrimination Programme for 2009–2011. A portion of these measures were not implemented due to reduced funds from the state budget. Several examples of implemented measures are listed below.

248. In 2011 the Ministry of Social Security and Labour called for tender seeking to select projects that would contribute to growing tolerance, raising respect for others, reducing discrimination and ensuring equal opportunities. There were 13 competing applicants. LTL 70 000 was used for the implementation of the measure. The funds were allocated to the following non-governmental organizations, involved in the field of human rights protection: association “Women’s Issues Information Centre”, public organization “Women’s Innovation Centre”, Lithuanian Gay League, public enterprise “Bernardinai”, Kaunas county Women Crisis Centre.

249. In 2011 the Department of Youth Affairs implemented a measure “To organise non-formal education of members of youth associations on the issues of antidiscrimination and fostering tolerance and respect for people”. LTL 33 000 was allocated and used for the implementation of the measure. A methodical measure, titled “Teaching Antidiscrimination, Tolerance and Respect for Others”, was drawn up, training was held on the topic of “Prevention of Discrimination and Bullying amongst the Youth”, meetings were organized to discuss the issues of implementation of the National Antidiscrimination Programme for 2009–2011. In total, 98 people took part in the training and other organized activities.

250. The Government, seeking to ensure the continuity of the National Antidiscrimination Programme for 2009–2011, approved an Inter-institutional Action Plan for the Year of Promotion of Non-Discrimination for 2012–2014 by its resolution of 2 November 2011, which aims at ensuring the implementation of provisions of legal acts, establishing the principle of non-discrimination and equal opportunities, improving the carrying out of educational measures of promoting non-discrimination and equal opportunities, as well as increasing legal awareness, mutual understanding and tolerance with respect to sex, race, nationality, language, origin, social status, belief, convictions and views, age, sexual orientation, disability, ethnic background, and religion, and informing the public about expressions of discrimination in Lithuania and their negative impact on the opportunities for certain groups of the society to actively participate in public activities on equal terms.

Reply to the issues raised in paragraph 27(e) of the list of issues

251. In 2008 the Lithuanian Police Training Centre organized training “Discrimination. Implementation of the Principle of Equal Opportunities”. 43 police officers were provided with the lectures on causes for and effects of discrimination, potential expressions of discrimination in Lithuania (discrimination by age, disability, sexual orientation, racial and ethnical background, religion and convictions). In addition, a lecture was organized on the topic of “Integration of the Roma into Society”, which focused on the problems of Roma’s integration into Lithuanian society (for example, lack of education, inadequate participation in the labour market, poor living conditions, drug abuse, discrimination of the Roma). During this lecture, the participants were asked to fill in the test “How tolerant are you?”, legal acts of the European Union and the Republic of Lithuania on anti-discrimination and their application were analysed, as well as aims, objectives and implementation of the programme “Integration of the Roma into Lithuanian Society” for 2008 – 2010 were discussed. 20 police officers participated in this training session.

252. Since 2010 the Lithuanian Police School has been arranging seminars on “Peculiarities of Communicating with Victims” (eight academic hours), during which police officers are taught about human rights and discrimination on the grounds of age, disability, sexual orientation, racial and ethnical background, religion and convictions (topic “Potential Expressions of Discrimination in Lithuania”). Moreover, the seminars aim at familiarizing police officers with the process of suffering from the consequences of an incident and overcoming these consequences, explaining the importance of assistance provided to victims and improving police officers’ practical skills of communication with

victims. In 2010, 223 police officers received the training, in 2011, 120 police officers were trained, while during the first half of 2012, 99 police officers were trained.

253. On 15–16 April 2009, the training centre of the National Courts Administration organized seminars for judges and prosecutors on the following subject matters: “European Union Legislation on the Prohibition of Discrimination. European Union Directives and their Transposition into the National Legislation. Practical Application of Law and Arising Problems”, “System and Principles of Operation of International Legislation on the Prohibition of Discrimination”, “Principle of Equality. Constitutional Doctrine and the Practice of the European Court of Human Rights”, “National Legislation on the Prohibition of Discrimination, Problems with Practical Application of the Law on Equal Treatment and the Law on Equal Opportunities for Women and Men. The Equal Opportunities Ombudsman” (in total, 12 academic hours, 39 participants).

254. On April 11–12 2012, the training centre of the National Courts Administration organized seminars for judges and prosecutors on the following subject matters: “National and International Legislation Prohibiting Discrimination, their Application in Practice”, “Multiple Discrimination: Cultural Norms and Social Consequences”, “Prevention of Ethnical and Racial Intolerance and Xenophobia. Public Discourse and Construction of Stereotypes” (in total, 12 academic hours, 52 participants). These seminars aim at teaching officers about the process of suffering from the consequences of an incident and overcoming these consequences, explaining the importance of assistance provided to victims and improving police officers’ practical skills of communication with victims.

Reply to the issues raised in paragraph 28 of the list of issues

255. According to the data provided by the Lithuanian Criminal Police Bureau, 42 pretrial investigations concerning trafficking in human beings were carried out in the country in 2011. The same year 21 investigations were registered, in which 29 persons received status of victims of trafficking in human beings in criminal proceedings, 37 persons came under suspicion of committing this crime. In total, in 2011 the police established that 45 individuals might have been victims of trafficking in human beings. In 2011, one victim of Polish nationality was established and she was provided with temporary assistance (the victim requested to be immediately sent to her country of origin).

Data of the Lithuanian Criminal Police Bureau regarding victims of crimes, registered pursuant to article 147 of the CC “Trafficking in Human Beings” and article 157 of the CC “Purchase or Sale of a Child”

	2009	2010	2011
A number of victims established as a result of a police investigation of cases of human trafficking, launched that year	22 (all Lithuanians)	10 (all Lithuanians)	29 (1 Polish, the rest Lithuanians)

256. As it has been indicated in the reply to the issues raised in paragraph 23 of the list of issues, in 2008–2012, the Ministry of Social Security and Labour financed 31 projects, 29 of which concerned non-governmental organizations. In 2008–2011, approximately 500 individuals who are victims or potential victims of trafficking in human beings and forced prostitution received social assistance under these projects.

Reply to the issues raised in paragraph 29 of the list of issues

257. Articles 16 and 27 of the Law on Mental Health Care regulate involuntary placement in a psychiatric institution and procedures of involuntary psychiatric treatment. This law stipulates that the patient may be subjected to involuntary treatment only if he has been hospitalized in a compulsory manner in an inpatient mental health facility. Thus, the issues

of involuntary placement in a psychiatric institution, involuntary psychiatric treatment, continuation and termination of the treatment are dealt with together.

258. It should be noted that currently amendments to the Law on Mental Health Care are being drafted, which will lay down the requirement to examine the above issues at the court hearing; the patient shall be represented by a lawyer, and if the patient is unable to hire a lawyer, he shall be provided with the state guaranteed legal assistance. The draft law amendments will better ensure the patient's right to legal assistance and the right to be heard at a fair trial if there are considerations as to his involuntary placement in a psychiatric institution and the procedures of involuntary psychiatric treatment. In addition, a draft law amendment regarding a possibility and necessity of precise formulation and separation of the concepts of involuntary placement in a psychiatric institution and the procedures of involuntary psychiatric treatment is under consideration.

Reply to the issues raised in paragraph 30 of the list of issues

259. Provision of accommodation for vulnerable persons at the Foreigners' Registration Centre is regulated in the Rules of Procedure for the Identification of Special Needs of Asylum Seekers, their Accommodation, and the Provision of Assistance to Such Persons at the Centre, approved by the Order of the Head of the Foreigners' Registration Centre of 24 February 2010. Pursuant to these Rules, if a social worker identifies a vulnerable person, he/she shall prepare a communication note thereby proposing the provision of special accommodation for the vulnerable person at the Foreigners Registration Centre. As far as it is possible, vulnerable persons are accommodated separately from the other individuals accommodated in the premises specially designed for asylum seekers (on the second floor of the dormitory of asylum seekers).

260. It is worth mentioning that a project of the reconstruction of the Foreigners Registration Centre has been prepared, according to which vulnerable persons will be offered separate accommodation.

261. As of 26 August 2011, all unaccompanied foreign minors in the territory of the Republic of Lithuania are accommodated at the Refugees Reception Centre.

II. Other issues

Reply to the issues raised in paragraph 31 of the list of issues

262. The State Security Department, within the scope of its competences, is in charge of general assessment of threats of terrorism in Lithuania. Presently, a threat of an act of terrorism is considered to be the "lowest". As a result, at the moment, there are no specific measures aimed at the fight against terrorism.

263. A detailed list of operational activities employed by the State Security Department in its daily work of preventing and deterring terrorism is provided in the Law on Operational Activities (a full text of the law is available here: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=418795). The law imperatively stipulates that human and citizens' rights and freedoms may not be violated in the course of operational activities. Specific restrictions of these rights and freedoms shall be temporary and may be applied only in accordance with the procedure laid down by law in order to defend another individual's rights and freedoms, property and the security of the property and the State.

264. Covert operational activities that may restrict human right to privacy (for example, the monitoring of the content and recording of the personal information transmitted by electronic communications networks) shall be subject to a court authorization. Upon the

completion of an operational investigation and where operational intelligence concerning the target of operational activities has not proved to be true, the information collected about the private life of a person must be destroyed within three months. A person who considers that the actions of entities of operational activities have violated his rights and freedoms may appeal against these actions to the head of the entity of operational activities, a prosecutor or a court.

265. Fight against terrorism and its prevention are also carried out by other Lithuanian authorities within the scope of their competence. The police is in charge of pretrial investigations of acts of terrorism and terrorism-related crimes. The Prosecutor's Office controls and organizes pretrial investigations and ensures public prosecution in courts. The Financial Crime Investigation Service under the Ministry of the Interior fights against money laundering and the financing of terrorism within the scope its competence. Pretrial investigation into acts of terrorism and criminal proceedings are carried out in accordance with the procedure established by CCP provisions, including the provisions regulating protection of human rights during the criminal proceeding.

266. Criminal liability for acts of terrorism or terrorism related crimes is provided for in article 250 of the CC ("Act of Terrorism"), article 250-1 ("Incitement of Terrorism"), article 251 ("Hijacking of an Aircraft, Ship or Fixed Platform on a Continental Shelf"), article 252 ("Hostage Taking"), as well as in other articles. It is worth mentioning that draft amendments to the CC are being considered at the Seimas, seeking to review provisions providing for criminal liability for acts of terrorism in view of creating legal prerequisites for the ratification of the Convention on the Prevention of Terrorism of the Council of Europe.

Data from the Information Technology and Communications Department under the Ministry of the Interior

<i>Criminal acts pursuant to Article 250 of the CC ("Act of Terrorism")</i>	2006	2007	2008	2009	2010	2011
Crimes registered	0	1	0	3	0	0
Suspects registered	0	4	5	2	0	0
Cases forwarded to a court	2	4	0	1	0	0

Data from the National Courts Administration

<i>Criminal cases (of first instance) pursuant to Article 250 of the CC (Act of Terrorism)</i>	2006	2007	2008	2009	2010	2011
Number of cases forwarded to a court	1	1	0	2	1	2
Number of cases heard by a court	1	0	1	2	0	3
Number of judicial convictions	1	0	1	2	0	1
Number of convicted persons	3	0	4	2	0	1

267. All officers starting their work at the State Security Department, as well as other officers who are improving their qualifications or taking part in any kind of training are familiarized with legal acts of the Republic of Lithuania and the European Union, prohibiting discrimination, hatred on the basis of religion, nationality and race, ensuring human rights and freedoms, equality and other principles in respect of any persons.

However, no specialized training regarding protection of human rights during the investigations of crimes of terrorism was organized for law enforcement officers.

268. Information on training of law enforcement officers of other institutions on the issues of the protection of human rights is available in the reply to the issues raised in paragraph 12 of the list of issues.

269. According to the information of the Prosecutor General's Office and the State Security Department, there have been no complaints filed regarding failure to comply with international standards in investigation of and deterring crimes of terrorism.

Reply to the issues raised in paragraph 32 of the list of issues

270. The Republic of Lithuania ratified the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 18 August 2010.

271. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) was ratified on 23 June 2003.

272. At present preparation is in process for the ratification of the International Convention on the Protection of All Persons from Enforced Disappearance (the Convention was signed on 6 February 2007).

273. During the first cycle of the Universal Periodic Review of the United Nations Human Rights Council the Republic of Lithuania agreed to the recommendations to become a State party to the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). On 18 April 2012 a meeting of the Seimas Committee on Human Rights took place, which discussed a possibility to ratify the aforementioned Optional Protocol by Lithuania. During the meeting the Committee heard opinions by the Seimas Ombudsman's Office and the Ministry of Justice, got acquainted with the position of the public institution Global Initiative on Psychiatry, and expressed its agreement to the ratification of the aforementioned Protocol.

274. Currently Lithuania does not have intentions to become a State party to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. According to the national law of Lithuania, the European Union law, as well as the United Nations human rights legal acts legally binding Lithuania, migrant workers and members of their families are guaranteed certain rights; however, extension of these rights as required by the said Convention, especially as regards the broad and unconditional application of the principle of equal treatment in areas like education, provision of accommodation, social services, and health care services, is not foreseen at present. Currently Lithuania is not able to undertake such extensive commitments.

Reply to the issues raised in paragraph 33 of the list of issues

275. Lithuania's decision on the submission of the core document will depend on the outcome of the ongoing process of the strengthening of the treaty bodies.

III. General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

Reply to the issues raised in paragraph 34 of the list of issues

276. New developments on the legal and institutional framework with a view to ensuring respect for and protection of human rights in various sectors of the State have been rapidly taking place in Lithuania since the last periodic report.

277. The new Law on Fundamentals of Legislation lays down an obligation to assess legal acts in the process of drafting by state institutions or agencies thereof, as to whether they are in compliance with the European Union law, international agreements, the European Convention on Human Rights, and jurisprudence of the European Court of Human Rights. This exercise is foreseen for legal acts to be in compliance with human rights standards.

278. Since the occurrences of violations of human rights have been observed at the places of imprisonment, special focus is given to the reform of detention facilities. Since 2008, a number of court decisions were issued in favour of prisoners, which recognized civil liability for damage caused by unlawful acts of state institutions, and which ordered to pay moral damages caused by violation of human rights. For example, on 16 April 2008 the SACL rendered a decision (case No A-444– 619-2008), which was directly based on article 3 of the European Convention on Human Rights. The SACL held that “Article 3 of the European Convention on Human Rights, which is directly applicable in the Republic of Lithuania, states that no one shall be subjected to torture or to inhuman or degrading treatment or punishment. The requirements of article 3 are also binding to pretrial facilities and bodies ensuring the order thereof. If a person is kept under conditions that violate article 3 of the Convention, this constitutes an obvious breach of law, which cannot be justifiable. Breach of the Convention provisions by the officials of State government institution can also constitute a basis for the rise of liability of the State, because an unlawful action in the sense of application of article 6.271 of the Civil Code can arise in the event of failure to comply not only with the national, but also with the international legal acts. Detention under conditions where an extremely small living area is provided for inmates can in itself give rise to a question regarding a breach of article 3 of the Convention. The case-law of the European Court of Human Rights does not determine the size of a living space for an inmate which would be in compliance with the Convention. It depends on a number of circumstances, including the term of detention under certain conditions, a possibility to make exercises outside, physical and mental characteristics of an inmate, his/her age, gender, health, a possibility to freely move within the territory of the detention facility, etc.”

279. Subsequent court decisions have confirmed the case-law formed by the SACL in this regard.

280. As it has been indicated in the replies to the issues raised under article 4, currently places of imprisonment are being modernized in Lithuania, and efforts are being made to reduce the number of prisoners, a more efficient probation system is being developed, and a broader application of alternative measures of punishment, as opposed to deprivation of freedom, is being promoted.

281. A Group for Monitoring Human Rights Situation in Closed Detention Institutions has been created as a separate unit at the Seimas Ombudsmen’s Office, the major function

of which is to exercise pre-emptive monitoring of closed detention institutions with a view to ensuring protection of the rights of inmates.

Reply to the issues raised in paragraph 35 of the list of issues.

282. Since the last periodic report by the Committee, the Republic of Lithuania has taken measures and has been carrying out programmes with a view to ensuring promotion and protection of human rights in various fields:

Promotion of gender equality

283. With a view to ensuring consolidation of legislation on equality between women and men as well as specific problems encountered by women, the Law on Equal Treatment, regulating anti-discrimination on various grounds, was supplemented with a notion of discrimination on the grounds of gender in 2008, thereby creating legal preconditions to eradicate multiple discrimination, gender being the major part thereof;

284. As of 2003, National Programmes on Equal Opportunities for Women and Men have been consistently pursued. In 2009, with a view to assessing the impact of the Programme for 2005–2009, the Women's Issues Information Centre carried out an extended comparative analysis and assessment of changes as regards the status of women and men in all areas. The conclusions of the analysis state that Programmes on Equal Opportunities for Women and Men are well-known to the public, that the topics of the Programmes have been selected purposefully, and the results of implementation thereof have an impact on positive changes in respective areas to the status of women and men.

285. The European Institute for Gender Equality was opened in Vilnius in 2009; it is the first agency of the European Union designated for gender equality issues, and the first agency established in Lithuania.

286. With regard to measures for fighting violence against women, please see the reply to the issues raised in paragraph 5 of the list of issues.

Ethnic minority rights

287. In compliance with the provisions of the Constitution, national and international legal acts, equal political, economic, social, and cultural rights and freedoms are guaranteed for individuals belonging to ethnic minorities, ethnic identity and cultural succession are recognized and ethnic consciousness and its expression is promoted. The right and freedom to establish non-governmental organizations for cultural activities and to develop cultural relations with compatriots living beyond Lithuania is guaranteed for ethnic minorities in Lithuania. This ensures ethnic minority cultural integration and complies with the EU *unity in diversity* concept. For more on the programmes and projects for the protection and fostering of ethnic minority rights, please see the reply to the issues raised in paragraph 27 (a) of the list of issues.

Rights of the child

288. The National Programme for Prevention of Violence against Children and Aid thereto for 2011–2015 is under implementation; please see the reply to the issues raised in paragraph 5 of the list of issues.

289. Possibilities to ratify the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse adopted by the Council of Europe in 2007 are being analysed. Seeking to ascertain possibilities for Lithuania to ratify the Convention, the Ministry of Social Security and Labour has organized an official translation into the Lithuanian language and carried out editing of the official translation of the Convention. Also, the Ministry formed an institutional task force to analyse possibilities for ratification

of the Convention and implementation of the provisions thereof in Lithuania. The Ministry of Justice has drafted the corresponding amendments to the CC and the CCP.

Rights of persons with disabilities

290. The Law on Equal Treatment and the Law of Social Integration of the Disabled provide for the protection of the disabled against direct and indirect discrimination, harassment, and instruction to discriminate, and are implemented in compliance with the National Programme for Social Integration of the Disabled for 2010–2012. The aim of the Programme is to seek equal opportunities and better living conditions for the disabled by means of planning and implementation of social integration actions thereof in compliance with international and national objectives and obligations of the State. The Programme has been drafted on the basis of the United Nations Convention on the Rights of Persons with Disabilities, and encompasses the rights of and equal opportunities for persons with disabilities, which are anchored in the EU directives.

291. On 27 May 2010 Lithuania ratified the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol. With the ratification of this international instrument Lithuania has taken an obligation to protect and to defend the rights of persons with disabilities. Resolution of the Government of 8 December 2010 has established an institutional structure for implementation of the Convention. In consideration of proposals submitted by interested bodies and non-governmental organizations, the Plan of Implementation Measures for National Programme for Social Integration of the Disabled for 2010–2012 has been revised.

Rights of refugees and asylum seekers

292. Integration of aliens who have been granted asylum in Lithuania means the process of adaptation of a particular person (family) in the foreign environment, which starts at the Refugees Reception Centre and continues in the territory of municipalities; during this process, education, medical, social and other types of services are provided to the person (family) according to their needs, so that the person (family) could join a community and the labour market. An alien who has been granted asylum can receive support for integration only once. The Refugees Reception Centre provides support during the period of up to 18 months. If during the set period the integration of an alien, who has been granted asylum, failed due to objective reasons, the period can be extended up to 12 months. If aliens who have been granted asylum belong to vulnerable groups, this period can be extended up to 18 months. In consideration of the best interests of the child, the period of provision of support by the Refugees Reception Centre to unaccompanied alien minors can be extended until the child turns 18 years old.

293. After the integration period at the Refugees Reception Centre comes to an end, integration support is provided in the municipal territory and lasts for up to 12 months, starting from the day when aliens who have been granted asylum leave the Refugees Reception Centre, but no longer than the validity period of the temporary residence permit in Lithuania, or until the person leaves Lithuania. If an alien falls under the group of vulnerable persons, the municipality can extend the social integration programme for up to 60 months.

294. Seeking to implement the provision of the Law on Legal Status of Aliens, which states that an alien shall not be expelled from the Republic of Lithuania or returned to a foreign country if he/she has been granted the reflection period, during which he/she, as a present or former victim of offences linked to human trafficking, has to make a decision regarding the cooperation with a pretrial investigation body or a court. The Government Resolution No 430 of 18 April 2012 has approved a procedure for granting of the aforementioned period.

Human trafficking

295. Resolution No 1104 of 9 September 2009 of the Government of the Republic of Lithuania has adopted the third national programme for fight against human trafficking: Programme for the Prevention and Control of Trafficking in Human Beings for 2009–2012. The Programme lays down measures aimed at improvement of legal regulation of prevention and control of trafficking in human beings; strengthening of inter-institutional cooperation at the municipality-level on matters related to prevention and control of trafficking in human beings; improving prevention of human trafficking and forced prostitution; continuous training of experts providing social services as well as specialized law-and-order officials, judges, and other experts on matters related to prevention and control of trafficking in human beings; development of complex aid provision to victims of human trafficking; and development of regional and international cooperation as well as exchange of best practice in the field of prevention and control of trafficking in human beings.

296. The Ministry of the Interior, seeking to maintain continuation of the National Programme for Crime Prevention and Control, and Programme for Prevention and Control of Trafficking in Human Beings for 2009–2012, has drafted an Inter-Institutional Action Plan for Implementation of the National Programme for Crime Prevention and Control for 2013–2015, which is currently under consideration by the Government. The draft provides for measures aimed at prevention against human trafficking-related crime, training of experts working within the field, provision of complex aid to victims of human trafficking and protection of the rights thereof, and ensuring efficient international cooperation in the fight against trafficking in human beings.

297. This year Lithuania is going to start implementation of a 24-month-length international project ADSTRINGO (Addressing trafficking in human beings for labour exploitation through improved partnerships, enhanced diagnostics and intensified organizational approaches) aimed at prevention of trafficking in human beings for labour exploitation in 9 states of the Baltic Sea Region. The European Commission has provided financial aid for the project (the total budget amounts to EUR 343,818). It is estimated that more than 200 participants from 9 countries will take part in the project, and will include representatives of employers, employment agencies, employment and tax inspectorates, law and order bodies, education establishments, trade unions, non-governmental organizations, social security and other services. Major objectives of the project are as follows: dialogue among responsible partners on a national and regional level in the area of prevention of trafficking in human beings for labour exploitation; awareness-raising in the region; a sociological survey on methods employed for recruitment of people for trafficking in human beings for labour exploitation, and the role of employment agencies and employers in the field.

Patient rights

298. The principal law regulating patient rights is the Law on the Rights of Patients and Compensation for the Damage to their Health. The amended law, which entered into force on 1 March 2010, has radically changed implementation of patient rights in Lithuania.

299. The law has regulated the notion of informed consent of the patient: conditions have been established with a view to ensuring accessibility of information to the patient prior to the provision of health care services, and procedure for cases of expression of consent in actions of agreement or in the written form has been set. Detailed provisions have been set to regulate patient rights to access his/her medical records, conditions for access of information to patient representatives, institutions, and other individuals, and protection of inviolability of private life has been significantly improved. A mandatory advance dispute resolution procedure has been established, under which the patient must firstly lodge

complaint with the health care institution in which their rights might have been violated, and only then he/she may apply to the institutions hearing patients' complaints. This procedure creates a sequence between the dispute resolutions at the health care institutions and the public administration institutions hearing patients' complaints. Detailed regulation has been set for the procedure for the formation and competence of the Commission on Evaluation of the Damage Caused to the Health of Patients, operating under the Ministry of Health as a non-judicial body handling the questions of patient rights.

Promotion of respect for human rights

300. It should be noted that the topic of human rights has been integrated into the general educational programmes of primary, secondary, and high schools of Lithuania. Civic education, which forms the basis for education on human rights, is provided through formal (teaching activities) and informal (social activities) education. Furthermore, the Government has approved the National Educational Programme on Sustainable Development for 2007–2015, which aims at improving the functioning of various public institutions and bodies in the field of awareness-raising on sustainable development and its importance to citizens, organizations, enterprises, communities, and the public. The Programme also aims at developing skills, values, and motivation of the society to act in a democratic and responsible way, thereby contributing to the implementation of sustainable development objectives. Implementation of the Programme covers schools of all levels. The Programme encompasses such topics as: citizenship, democracy and power, human rights, poverty reduction, peace and conflicts, etc. The Minister of Education and Science and the Minister of Social Security and Labour have approved the Strategy for Securing Lifelong Learning, which provides for specific measures for development of general as well as active civic competences of adults. Topics on human rights have been included into the university programmes of legal studies as well as training programmes for lawyers, prosecutors, and police officers. Lithuania's international obligations and the implementing legal acts, their interpretation and application practice have been taken into account while drafting training programmes for experts working in the field of protection of human rights. The Ministry of Justice has drafted the Public Legal Education Programme for 2009–2012, which aims at creating opportunities for the public to acquire legal knowledge and skills by providing information to the public on the current legal regulation and legal system as well as the fundamental human rights and freedoms, protection thereof, and enforcement of duties.

Reply to the issues raised in paragraph 36 of the list of issues.

301. Among the developments that are significant for the implementation of the Convention, we should note Lithuania's Chairmanship of the OSCE in 2011 and the fact that one of the major strategic objectives of Lithuania's Chairmanship was the focus on the promotion and protection of human rights, fundamental freedoms, the rule of law, and democracy, which are at the core of OSCE's comprehensive concept of security. While seeking OSCE objectives, Lithuania has closely cooperated with the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights, has established close ties with the NGO community, and the Chairperson-in-Office was frequently meeting with the representatives of the international non-governmental human rights organizations. He has also opened the House of United Belarus and Vilnius Office of Freedom House. Furthermore, on 13 July 2011 an international conference for national human rights agencies took place, which was organized by the Lithuanian OSCE Chairmanship together with the OSCE's Office for Democratic Institutions and Human Rights.