



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

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**Committee against Torture**

**Fourth periodic report submitted by Lithuania  
under article 19 of the Convention pursuant to the  
optional reporting procedure, due in 2018\* \*\***

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\* The third periodic report of Lithuania (CAT/C/LTU/3) was considered by the Committee at its 1230th and 1233rd meetings, held on 12 and 13 May 2014 (see CAT/C/SR.1230 and 1233). Having considered the report, the Committee adopted concluding observations (CAT/C/LTU/CO/3).

\*\* The present document is being issued without formal editing.



## Articles 1 and 4

### Paragraphs 1, 2 and 3 of the list of issues prior to reporting

1. The Criminal Code (CC) does not contain a separate article that would criminalize the crime of torture. On the other hand, in the light of the Committee's recommendations, the Ministry of Justice has prepared a draft law amending and supplementing the CC, which seeks to establish a specific provision for the composition of torture which satisfies the requirements of the Convention. Simultaneously, this draft proposes adequate, dissuasive and proportionate criminal sanctions for the commission of the crime of torture as well as a new provision in the CC on the basis of which the limitation period for conviction is not applied to the crime of torture.

## Article 2

### Paragraph 4 of the list of issues prior to reporting

2. On 27 April 2017, Amendment of the Code of Criminal Procedure (CCP) was adopted, which, by extending the rights and procedural guarantees of participants in the criminal proceedings not speaking the Lithuanian language, provides:

- Separately establishes a general norm obliging the pre-trial investigation institutions, the prosecutor or the court to determine, within the shortest possible time, during the criminal proceedings, whether the participant in the criminal proceeding speaks Lithuanian and whether, in order for him to understand the ongoing criminal proceedings, it is necessary for him to use the services of an interpreter during the proceedings;
- Clearly indicates that the defence counsel must communicate during criminal proceedings with the suspect, (accused/convicted/acquitted person) who does not speak Lithuanian in a language which he understands or, if this is not possible, the interpretation of their communication must be ensured;
- Extends the rights of the suspect (accused/convicted person) to the translation of the case documents (into their mother tongue or to another language they speak), a mechanism has been established based on which the suspect (accused/convicted/acquitted person) who does not speak Lithuanian and a defence counsel of such a person has the right to submit a reasoned request to the pre-trial investigation officer (prosecutor/court) for translation of documents in the case to which she has the right of access to, or parts thereof, into their mother tongue or into another language they speak;
- Provision has been established under which, if a person who is transferred pursuant to a European arrest warrant (EAW) does not speak the language in which EAW has been drawn up or translated by the state issuing EAW, the aforementioned EAW must be translated to the native language or the language the person speaks.

3. Amendments of the CCP, Law on the Bar Association and Law on Enforcement of Detention, were adopted in 2017. They transposed to the national law the Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and in EAW proceedings, in particular:

- Established the right to defence immediately from the moment of detention or the first questioning has been revised. Accordingly, the court, the prosecutor and the pre-trial investigation officer must ensure that the suspect (accused/convicted person) can defend themselves against charges and accusations by means and methods provided by laws, and the pre-trial investigation officer/prosecutor and the court must explain to the suspected/accused person of his right to have a defence counsel from the moment of detention or first questioning, and to grant him access to that right;

- Clarified that under the procedure established by Article 140 of the CCP a detained suspect must be guaranteed the possibility to meet a lawyer representing them in private before the first questioning;
  - Reinforced the guarantees of confidentiality of communication between suspects and their defence counsels, the CCP prohibits controlling the communication between the suspect (accused/ convict/acquitted person) and the defence counsel representing them, such as meetings, correspondence, telephone conversations or other forms of communication;
  - Extended the powers of the defence counsel in criminal proceedings have been extended, specifying the following additional rights and powers of the defence counsel: to participate in the questioning of the suspect/accused, as well as to meet with the suspect/accused person in private before the hearing or before the court session; during the entire criminal proceedings, to communicate without interference and meet with the suspected/accused person in private; to take part in all actions carried out with the suspect/accused person, and, at the request of the suspect/accused person or their defence counsel; when participating in these actions, the defence counsel may ask any questions of interest to the defence, request explanations and make statements; contact a defence counsel appointed by the state issuing or executing EAW and obtain and provide documents and items necessary for the defence, etc.
  - Established the obligation of pre-trial investigating authorities or the court to explain to the suspect/accused person the consequences of refusal of defence counsel immediately in the language understood by him, including the possibility of having a new defence counsel at any time during the proceedings.
4. The Law on the Enforcement of Detention has also extended the content of the rights of detainees to communicate with their defence counsel, indicating that the restrictions on telephone calls established in Article 23(1) of this law do not apply to telephone conversations of detainees with their defence counsel.
5. The Police Department has developed a model description of internal procedures of police detention facility containing the main rights, duties, prohibitions and restrictions of persons detained in a police detention facility. This description is translated into English, German, French and Russian and provided to all police institutions. Detained persons are familiarized with their rights in a language they understand, with signature confirmation.
6. The Law on the Enforcement of Detention and the Code of the Enforcement of Sentences (CES) oblige the places of deprivation of liberty to provide written information to prisoners about the terms and conditions of detention of detainees in remand prisons and correctional institutions, their rights, duties and prohibitions. This information is provided by the administration of the places of imprisonment to the detained/sentenced person with signature confirmation in Lithuanian or in the native language of the detained/sentenced person, or in the language which he understands. The Prison Department has prepared a special package of information in English and Russian for prisoners who do not understand the state language.
7. In order to improve the possibilities for prisoners to get familiar with the existing legislation and the competences of state institutions and to enable them to effectively defend their rights, persons deprived of liberty may independently use restricted internet access and login to the legislative register or use a local computer program containing a consolidated directory of laws. In addition, a variety of legal literature, including the key legislation is available to prisoners in libraries of the places of detention.
8. The amendments of the CCP have extended and strengthened the procedural guarantees of arrested persons concerning the right of such persons to contact third parties during their arrest/detention and their right to request a third person to be informed of their deprivation of liberty. In addition, the prosecutor is obliged to immediately notify one of the family members or close relatives or other persons named by the offender of the detention or arrest of the suspected person or persons whose surrender from Lithuania is requested under EAW.

9. It is also provided that the prosecutor may, by a reasoned decision, temporarily refuse to notify the designated arrest/detention or to prevent contact with the person indicated by the detainee if this would undermine the success of the pre-trial investigation or endanger the safety of the members of the detainee's family, close relatives or other persons.

10. The amendments of the CCP have strengthened the guarantees of arrested/detained aliens regarding the right of these persons to maintain active contacts with their state representatives. The prosecutor (or the court if the arrest was imposed during the trial) must immediately notify the Ministry of Foreign Affairs and, if the arrested person requests, his diplomatic mission or consular post of the fact that the arrest/detention was imposed on a citizen of another state. In cases where a detainee has two or more citizenships, he may, if possible, choose the state of diplomatic mission or consular post to be informed of his arrest/detention. In addition, upon request of an arrested/detained foreigner, he must immediately be enabled to contact the representatives of his own diplomatic mission or consular post. A foreign citizen who is arrested/detained must be immediately notified of his right to contact the said institutions in a language he understands.

11. In accordance with the Law on the Enforcement of Detention, the administration of the remand prison must inform the spouse, domestic partner or relatives of the detained person about the arrival of the person no later than on the next day. According to the CES, the administration of the correctional institution must notify the spouse, domestic partner or close relatives of inmate about his arrival to correctional institution within three business days.

12. Persons detained in police detention facilities are entitled to all the health care services they may require. Health care services are strictly subject to licensing, therefore, these services are provided only by healthcare professionals. First medical aid in the case of an acute, life-threatening condition or in the event of an accident must also be provided to the detained person by other staff of police custody or detention facilities. All employees of these institutions are specially trained to provide such assistance.

13. Healthcare services for persons detained in police detention facilities are provided by community nurses employed by police institutions, and in the absence of these nurses (in smaller detention centres) health care services are healthcare is guaranteed through contracts concluded with public or municipal person health care institutions.

14. If a detained person requests to be examined by a healthcare professional of his choice, he must submit a relevant request to the administration of the police detention facility and the latter must organise his transportation to the healthcare professional of his choice.

15. Primary-level (outpatient) health care services for prisoners held in the places of deprivation of liberty are provided by healthcare professionals employed there. Secondary-level health care services are provided to these persons at the Central Prison Hospital or at public health care centres, while tertiary-level services are provided by public health care centres only. First aid is provided by specially trained staff of the places of deprivation of liberty who work directly with prisoners.

16. As a general rule, only the person examined and healthcare professionals are present during the medical examination of the prisoner and the confidentiality of communication between the examined person and the healthcare professional is ensured. Only in the case of specific threats to the health or life of the health practitioner, he has the right to ask for the presence in the medical examination of an officer of the place of deprivation of liberty of the same sex as the person under examination.

#### **Paragraph 5 (a) of the list of issues prior to reporting**

17. In 2015 amendments of the CCP established the right of a judge of a pre-trial investigation to issue a ruling on the refusal for a detention and to impose another measure of restraint (at the request of the suspect or his defence counsel). This is to ensure that the pre-trial judge is able to consider the possibility of not imposing the strictest measure of restraint at the request of the suspect or his defence counsel. It provides for the right of both

the prosecutor and the detained person or his defence counsel to appeal against such decision of the pre-trial investigation judge. There is a provision allowing both the defence counsel and the prosecutor to participate in the questioning of the detained person (on the grounds of detention). The law stipulates that, when making a detention order, it is mandatory to state the facts and motives for which less lenient measures of restraint have not been imposed.

18. In order to reduce the number of detained persons, and prevent abusive use of detention, the law reduces the time limits for the duration of detention, differentiating them accordingly. It is provided that the term of detention may be renewed repeatedly, but during the pre-trial investigation the term cannot last for more than nine months, and the term of detention of minors may not be longer than six months. The maximum length of detention in criminal proceedings has been established and the detention may not last for more than two-thirds of the maximum sentence of imprisonment established by the criminal law for the most serious crime at issue in the case. On 2015 amendments to the CCP came into force, which introduced a new measure of restraint – intensive supervision. Also, the law has reconsidered the grounds for the imposition of detention and obliges courts to elaborate on why other types of measures of restraint (more lenient) would not be sufficient to achieve the objectives of the criminal proceedings, instead of detention.

19. The above changes in the legal regulation have led to a 42 % decrease in the number of detained persons in Lithuania from 1 January 2014 (1 061 persons) to 31 December 2017 (611 persons).

**Paragraph 5 (b) of the list of issues prior to reporting**

20. The Code of Administrative Offences came into force on 1 January 2017. The Code does not provide for administrative detention, but an administrative sanction (warning, fine or public service) may be imposed on a person along with an administrative penalty (for example, an obligation to participate in the programmes (courses) on the prevention of alcohol and drug addiction, early intervention, health care, re-socialisation, improvement of communication with children, violent behaviour change or other; prohibition on attending events taking place in public places).

21. During the reporting period, 9 qualification improvement events on changes in the policy of imposition/extension of detention and alternatives to detention were organised for prosecutors and judges. A total of 180 public prosecutors and 198 judges participated in this training.

**Paragraph 5 (c) of the list of issues prior to reporting**

22. In all children’s socialisation centres, the “relaxation” rooms have been abolished as of 2016.

**Paragraph 5 (d) of the list of issues prior to reporting**

23. Having carried out a state audit in 2013, the National Audit Office found insufficient effectiveness of the children’s socialisation centres and stated that the individualised education of the child was not ensured, educational assistance and other services did not correspond to the needs of the child.

24. In 2017, the Law on Minimal and Medium Child Care was adopted. It provides that children will be placed in children’s socialisation centres in exceptional cases and for the shortest period of time, thus significantly reducing the number of pupils in the children’s socialisation centres.

25. While implementing the recommendations issued by the State Audit Office during the audit, and in order to create suitable conditions for the re-socialisation of children with behavioural problems and their integration into the community and improving the child’s medium care system, the Government of Lithuania decided to terminate the activities of the children’s socialisation centres in Vilnius and Kaunas. From 2018, there are no pupils in these children’s socialisation centres and the education of children is not carried out.

26. During 2017, the number of pupils in children's socialisation centres was reduced by 27%, enabling the communities in these centres to improve their children's education and upbringing activities, while educators could focus more on satisfying the children's personal needs and on the more effective provision of educational support for the child.

27. From 2017, the participation of children in preventive programs is compulsory, which is why schools are offered over 20 preventive programs in various fields designed to develop pupils' social and emotional competencies. School Violence Prevention Guidelines have been developed, including specific steps on how to create a safe school environment. An algorithm for responding to violence and bullying has been presented; specific agreements on pupil behaviour, responsibility of school staff for responding to bullying and specific steps to create a positive school microclimate have been developed, and ways to involve parents have been provided for.

28. Legitimate support measures for parents have been introduced. When parents lack positive parenting, social or other skills, or there are other social risk factors or circumstances, the parents and children receive coordinated services (educational, social and health care services). Other means of assistance for the parents of a child who is under minimum or medium care measures have also been introduced.

29. The Procedure for the formation of the school child's welfare commission and organisation of its work has been updated: individual assessment of each child's situation and provision of assistance has been introduced. An assistance plan for a particular child is drafted, a person coordinating its implementation is appointed, the effectiveness of assistance provided, involving the parents, is evaluated. The Procedure elaborates the strategy for developing a safe school environment and identifies the development of preventive programs, prevention and intervention measures and a positive microclimate.

30. The availability of psychological support services in schools has been improved; the use of the method of mediation is expanding through the provision of social and pedagogical support.

#### **Paragraph 5 (e) of the list of issues prior to reporting**

31. On 23 June 2015, amendments to the Law on Enforcement of Detention was adopted. Its provisions, which came into force on 1 April 2016, imposed the restrictions on the possibility of detention of persons in police detention facility where the detention has been imposed on them, and reduced threefold (from 15 to 5 days) the time limit for temporary transfer of detainees from remand prisons to the police detention facility under certain circumstances.

32. Under the new legal regulation, persons detained at a police detention facility for the first time are kept in them only to the extent necessary for the initial conduct of pre-trial investigation actions and only if such actions cannot be carried out by keeping the said persons in the remand prison. Consequently, the said persons are immediately transferred to a remand prison upon completion of the initial pre-trial investigation procedures.

33. Accordingly, detainees may be transferred from a remand prison to a police detention facility for a maximum period of up to 5 days only if the pre-trial investigation actions cannot be carried out in the remand prison or because of the pending court proceedings. The decision on the transfer of a detainee to a police detention facility may be made only by the prosecutor or the judge or the court by a reasoned decision or ruling, respectively.

#### **Paragraph 5 (f) of the list of issues prior to reporting**

34. CCP's amendments which took into force in 2015, provides for the possibility of conducting remote questioning for all participants of the criminal proceedings (not only witnesses, victims, but also suspects/defendants) by means of audio and video remote transmission. The provisions are not binding if the suspect/accused person cannot arrive to the questioning/court hearing or is held in detention in a remand prison or in correctional institution. Remote participation of process participants and witnesses is also ensured in administrative proceedings before administrative courts since 2015.

35. A remote court hearing can take place in Lithuania and foreign countries. Remote court hearings can be held at all national courts. All regional administrative courts also have mobile video conferencing equipment, which can be delivered, as needed, to any court in the district or another place, if necessary, if the participant of the proceedings cannot appear at the court hearing for important reasons.

36. Video and audio remote transmission systems have been installed and used in all places of deprivation of liberty.

#### **Paragraph 6 of the list of issues prior to reporting**

37. In 2016, the amendments to the Law on the Police and the Law on the Public Security Service were adopted. According to them, physical coercion can only be used when mental treatment has been ineffective or where any delay is endangering the life or health of an official or other person. The amendments to the laws also stipulate that officers must be specially trained and regularly checked for their ability to act in situations involving the use of mental or physical coercion. In 2016 the Government has regulated the specification of special measures and the procedure for their use.

38. Officers working in police detention facilities do not carry electrical shock devices (tasers) with themselves. These devices, where necessary (cases of self-injuring, riots, etc.), are issued to authorised police officers and are used in accordance with the Description approved by the Lithuanian Police Commissioner General.

39. Officials of the Public Security Service are issued with special measures only for the tasks assigned to them (assurance and restoration of the public order, convoy of persons, protection of important state objects, and etc.). Officials of the Service use electrical shock devices (tasers) in accordance with the Procedure, approved by the Head of the Service.

40. Correctional officers use the electrical shock devices (tasers), truncheons or other special equipment in accordance with the procedure for the use of special measures prescribed by legal acts. Amendments to the Statute of the Service in Prison Department became effective on 1 September 2017 and has tightened the procedure for the use of special means against prisoners, set out clear and unequivocal criteria when these means could be used, i.e. for protection of the custodial staff or other persons against imminent danger to life or health; resisting assaults of prisoners or preventing them from committing criminal offenses; in case of riots of prisoners, group resistance to the authorities of the places of deprivation of liberty or illegal group activities that seriously violate the internal order in the places of deprivation of liberty; and cases of hostage-taking.

41. Custodial staff does not carry electrical shock devices (tasers) with themselves, and carry concealed truncheons, depending on the level of danger of persons under custody and other circumstances (for example, when carrying out the supervision of persons convicted for dangerous or grave crimes, as well as persons listed as posing a risk of assault).

#### **Paragraph 7 (a) of the list of issues prior to reporting**

42. In 2017, the draft Law on Amending of Articles 51 and 97 of the CC, the Law on Supplementing the CCP with Article 3601 and the Law on Amending the BVK with article 158 and supplementing the Code with Article 1671 were prepared. The aim of these drafts is to establish legal preconditions for life-sentence prisoners for the imposition of a punishment review mechanism – the possibility of judicial change of the sentence to a more lenient imprisonment sentence, if they have implemented the relevant statutory requirements and the fulfilment of which makes it possible to reasonably presume that the risk of their conduct to the society has disappeared or has been maximally reduced, and at the same time, to provide the possibility for applying the release on parole from correctional institutions for the said persons. It is expected that by the end of 2018 the said draft laws will be adopted by the Seimas.

43. It should be noted that until the adoption of the aforementioned amendments, the more lenient means for lifelong imprisonment sentences is ensured through the application of the grace institute. In practice, such a sentence has already been replaced by a term of imprisonment to a person who has been released after servicing it.

**Paragraph 7 (b) of the list of issues prior to reporting**

44. In 2015, Amendment of the CES entered into force which established the rule that all life-sentenced inmates are subject to an identical process of resocialisation as other inmates:

- Social rehabilitation of life-sentenced inmates is carried out in accordance with the plan of individual social rehabilitation concluded for the inmate, which is drafted with the involvement of the inmate;
- The operation of the customised social rehabilitation plan may also involve state and municipal institutions, non-governmental organisations, religious communities and societies, volunteers and other natural and legal persons whose participation in the implementation of the means of the plan of social rehabilitation may help the social rehabilitation of the life-sentenced inmate;
- An individual social rehabilitation plan is drawn up by taking into account the degree of risk of the inmate's criminal conduct, measures for removal of criminogenic factors, and the regime of the correctional institution where the inmate is serving the sentence;
- The individual plan of social rehabilitation includes the assessment of the risk of the inmate's criminal conduct and criminogenic factors, measures for the elimination of criminogenic factors and their implementation terms, measures helping the inmate to comply with the regime of the correctional institution, forms of the inmate's leisure, forms of supporting (development) the inmate's social relations and their implementation, other measures, the implementation whereof would help the social rehabilitation of the inmate.

45. Life-sentenced inmates participate in behaviour correction programmes and other resocialisation measures together with the general prison population.

46. After serving a 10-year prison sentence, life-sentenced inmates may be transferred to a correctional house to serve the sentence together with persons sentenced by a time-limited prison sentence. In the correctional house, they are treated in the same way as other inmates of this institution: they can communicate with each other, study, work, participate in group activities, exercise in the prison yard, engage in outdoor sports 3 hours a day, receive visitors, etc.

**Paragraph 8 (a) of the list of issues prior to reporting**

47. In 2013, amendments of the CC harmonized the Law on Protection against Domestic Violence and the provisions of the existing criminal laws, enabling the law enforcement institutions to more quickly investigate criminal acts occurring in the form of domestic violence and to strengthen the protection of individuals who suffer from domestic violence. These amendments to the CC provide that the person is liable for the acts specified in Article 140, 145, 148, 149, 150, 151, and 165 in all cases when the pre-trial investigation is initiated upon the identification of the signs of domestic violence.

48. In 2017 amendments of the CCP abolished the private prosecution institute, i.e. victims of certain criminal offenses are no longer required to bring charges on their own behalf and to act as private accuser. Under the conditions provided for in the CCP the pre-trial investigation is always started be carried out and it would be up to the prosecutor to support state prosecution in court.

49. It should be noted that the criminal liability for rape, sexual assault and forced sexual intercourse arises for a person, regardless of his existing or former family relationships with the victim. In addition, it should be noted that when the pre-trial investigation is initiated for these acts upon identifying the signs of domestic violence, or where there are qualifying attributes, the person is liable in all cases.

50. The marital relationship between the offender and the victim is not a circumstance that eliminates criminal liability for forced sexual intercourse or sexual gratification, therefore, criminal liability for rape in a marriage arises from the general grounds provided for in the CC.

51. Thus, although domestic violence is not provided as an independent criminal offense in the CC, criminal liability for all types of domestic violence is provided for in separate articles of the CC and, in the light of case-law, such a framework of the CC makes it possible to effectively ensure that domestically violent persons do not escape criminal liability.

**Paragraph 8 (b) of the list of issues prior to reporting**

52. Municipalities responsible for ensuring the provision of social services to their inhabitants are responsible for assessing and analysing the needs of local people, determining the scope and types of social services, planning, funding and organizing social services, establishing social service institutions.

53. The state budget is funding social care provided in municipalities for families at risk – funds are allocated to establish and maintain positions for social workers to work with such families. State budget funds are also used to finance childcare at day care centres for children, complex services for families, children victims of violence, etc.

**Paragraph 8 (c) of the list of issues prior to reporting**

54. The forms of criminal procedure documents, including the decision to recognise a person as the victim, imposing the requirement in each case to familiarise the person recognized as a victim with his rights as a victim, were approved by the Prosecutor General in 2014. In the annex to the record on the disclosure of the victim's rights, the person recognised as a victim is informed about his rights, including the right to compensation for the damage caused by the criminal act.

55. To ensure the prompt and effective protection of victims of domestic violence, the Recommendations on the procedure for imposition of remand measures except for arrest and compliance with established conditions were amended in 2017 by providing that upon establishing the basis for the obligation to live separately from the victim and not approach the victim closer than the specified distance, and assuming that other measures of restraint may not achieve the objectives of Article 119 of the CCP, also to complete the criminal proceedings under the accelerated procedure, the prosecutor may immediately, but no later than within 48 hours, request the pre-trial investigation judge to impose this measure of restraint regardless whether the suspect does not have another place of residence.

56. Amendments of CCP of 1 March 2016, provides that during the first questioning of the victim at the latest, the pre-trial investigation officer or the prosecutor shall conduct an assessment of the victim's special protection needs. The data collected during the assessment of the victim's special protection needs are taken into account by organising the criminal procedures and in cases determined by the CCP, when deciding whether the victim, because of his special protection needs, needs one or more guarantees established by the CCP. Pursuant to Article 36<sup>2</sup> of the CCP, special protection needs are the victim's needs determined by his personal traits, the nature and circumstances of the criminal act, to use the guarantees provided by the CCP in order to protect the victim from mental trauma, criminal or other negative consequences.

57. In implementing the provisions of Article 186<sup>1</sup> of the CCP, the Recommendations on the assessment of victims' special protection needs were approved in 2016 of the Prosecutor General, which set forth the procedure for assessing victims' special protection needs, as provided for in Article 36<sup>2</sup> of the CCP, and the factual basis for the application of special protection measures.

58. In order to ensure a qualified control of pre-trial investigation and a high-quality public prosecution in criminal cases of domestic violence, the system of specialisation of prosecutors is being developed. The Recommendations on the specialisation of prosecutors in criminal proceedings, distribution of pre-trial investigations, criminal proceedings and redistribution of complaints, were approved in 2017 of the Prosecutor General, providing for the specialisation of prosecutors in pre-trial investigations related to domestic violence.

59. One of the more effective measures to ensure the reduction of domestic violence is the criminal measures applied to convicts, namely the obligation to participate in violent

behaviour adjustment programs and the obligation to live separately from the victim and/or not to approach the victim closer than within a prescribed distance. Prosecutors are advised to consider, in any case, the possibility of advising the court to impose not only a specific punishment but also the measures specified above.

60. Prosecutors, when organizing and conducting pre-trial investigations, take measures to ensure that victims are informed, properly and in time, about the right to redress for damage caused by a criminal act, established in the CCP, and in the cases provided for by law, also compensation from the Fund for Victims of Crime.

61. Criminal liability for domestic violence is established in articles of the CC: “Killing of close relative or family member”, “Serious health impairment of a close relative or family member”, “Minor health impairment of a close relative or family member”, “Causing physical pain or minor disruption of health to a close relative or family member”, “Abuse of the rights or duties of parents, guardians, custodians or other lawful representatives of a child”. Criminal liability for domestic violence against minors is also regulated by Article 140 (3) of the CC.

#### **Information about reports of domestic violence received in 2014–2017 and pre-trial investigations initiated on the basis of these reports<sup>1</sup>**

	<i>Recorded reports of domestic violence</i>	<i>Number of pre-trial investigations started due to domestic violence</i>	<i>Number of pre-trial investigations terminated</i>	<i>Number of cases transferred to the court</i>
2014	29 339	10 071	2 915	3 461
2015	38 510	9 605	2 835	3 325
2017	47 941	13 931	6 891	5 018

#### **Criminal cases related to domestic violence examined by the courts of first instance in 2014–2017**

<i>Year</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Number of cases examined	2 504	3 063	1 076	4 263

62. According to the data of the Integrated Criminal Procedure Information System (IBPS), during the period from 2014 to 2017, 119 persons were sentenced under Article 129(2) (3), 121 persons under Article 135(2) (3), 232 persons under Article 138(2) (3), 12 711 persons under Article 140(2), and 29 persons under Article 163 of the CC.

#### **Paragraph 9 (a) of the list of issues prior to reporting**

63. The Panevėžys Regional Court in its judgement of 5 August 2011 in criminal proceedings found the citizens of Lithuania V. M., R. G., L. B., R. L., V. A., T. G. guilty for committing the crimes specified in Article 147(2) or Article 147 of the CC, and sentenced: 1) V.M. to twelve years of imprisonment to be served at the correctional house; 2) R. G. to eight years of imprisonment to be served at the correctional house; 3) R. L. to seven years of imprisonment to be served at the correctional house; (4) L. B. to seven years of imprisonment to be served at the correctional house; (5) V. A. to two years and six months of imprisonment to be served at the correctional house; (6) T. G. to five years of imprisonment to be served at the correctional house.

64. The panel of judges of the Criminal Case Division of the Lithuanian Court of Appeal examined criminal case according to the appeals of the prosecutor and convicts R.

<sup>1</sup> In 2016, the change in the method of collection of crime statistics, i.e. the implementation of the Integrated Criminal Procedure Information System (IBPS), has revealed major gaps in the collection of statistics that distorted the data, in particular the data related to domestic violence, because a relevant mark was not always placed in the records of a criminal act. Accordingly, the statistics for reports of domestic violence received in 2016 and pre-trial investigations initiated on the basis of these reports is not provided.

L., L. B., V. M., R. G. and adopted the judgement of 20 November 2014 partly changing the judgement of Panevėžys Regional Court of 5 August 2011: 1) imposing the sentence of eight years of imprisonment to the convict V. M.; 2) the sentence of six years of imprisonment to the convict R. G.; 3) the sentence of three years and six months of imprisonment to the convict R. L.; 4) acknowledged the confession of the convict R. L. and her sincere repentance for committing the crimes provided for in the criminal law, and helping to investigate the criminal acts and the persons involved as a mitigating circumstance (Article 59(1)(2) of the CC) and imposed the sentence of 1 year and six months, by prohibiting her from visiting gambling houses and nightclubs and obliging her to be at home from 22:00 to 6:00 and to work 200 hours free of charge in health care, care facilities and hospices or non-governmental organisations that care for people with disabilities, old people or other people who need help. The appellate court left the other part of the judgement of Panevėžys Regional Court of 5 August 2011 unchanged.

65. Disagreeing with the judgments of the courts of first instance and appellate courts, the convicts R. G. and V. M. lodged cassation appeals, which were dismissed by the panel of judges of the Criminal Case Division of the Lithuanian Court of Appeal in the final ruling in criminal proceedings.

#### **Paragraph 9 (b) of the list of issues prior to reporting**

66. The relevant amendments to the CC were adopted, according to which the actions of trafficking and the purchase or sale of children were criminalised for any purpose of exploitation, including exploitation for begging or criminal acts. In addition, the CC was supplemented with a provision that the consent of the victim for the purposes of exploitation did not eliminate the liability of the person liable for human trafficking. In addition, criminal liability was provided for the use of human trafficking for work or services, including prostitution, where the perpetrator knew or ought to have known that the person was performing such work or providing such services because of his physical exploitation, threats, deception or other forms of coercion.

67. In 2015, the recommendations to improve the quality of pre-trial investigation of human trafficking and assistance to victims of human trafficking were approved by a joint Order of the Ministers of the Interior and Social Security and Labour and the Prosecutor General.

68. In 2016–2017, preconditions for strengthening the fight against human trafficking were created, ensuring more effective involvement of responsible institutions and NGOs, towards the formation of new practices: an interdepartmental and cross-sectoral commission for the coordination of human trafficking was set up; the Inter-institutional Action Plan on Combating Human Trafficking for 2017–2019 was approved; it provides for measures for the strengthening, monitoring, prevention of inter-agency and cross-sectoral cooperation and coordination between national and municipalities, enhancement of criminal persecution, assistance to victims and potential victims of human trafficking, training for specialists, conducting such investigations, assisting the victims of this crime, etc.; the National Rapporteur of Lithuania on human trafficking was appointed.

69. In order to achieve a systemic impact, the Prosecutor General has approved the plan for the implementation of the measures under the Action Plan, which sets out measures for the strengthening of inter-institutional cooperation and coordination, monitoring and prosecution, training for specialists from various fields dealing with human trafficking.

70. In implementing the measures set out in the Plan, in 2017, the Prosecutor's Office, in collaboration with the representatives of the Ministry of the Interior, the Ministry of Social Security and Labour, the State Child Rights Protection and Adoption Service, the State Labour Inspectorate, carried out an assessment of the practical application of the Recommendations; initiated bilateral meetings between specialists from Lithuania and the United Kingdom to share information and exchange experiences on the fight against human trafficking.

71. Ministry of Social Security and Labour is providing financial support to the projects of NGOs for the provision of social assistance to people who have suffered and who could have been victims of human trafficking. During 2002–2017 more than 1 million euro has

been allocated for the implementation of projects. Social assistance was provided for about 2.5 thousand persons who have suffered and could have suffered from human trafficking.

72. In 2016–2018, in implementing the Public Security Development programme for the 2015–2025, the state budget provides funding for 5 NGO projects aimed at providing social assistance to victims of human trafficking, 4 of which provide social assistance for women and men, 1 – for men only.

73. According to Procedure for accommodation in the Refugee Reception Centre of aliens who are or have been human trafficking-related victims, the victims of human trafficking are given a safe reflection period. This Procedure establishes the conditions and procedures for physical, psychological and social recovery of victims of human trafficking and establishes their rights and responsibilities while residing in the Refugee Reception Centre. During the reflection period, the victims of human trafficking are offered housing, personal health care, social services, psychological assistance and translation services.

74. In 2016–2017 the plan for combating human trafficking and the international project “STROM – Strengthening the role of Municipalities in the work Against Human Trafficking (STROM II)” was implemented. During the project implementation, the public was informed about human trafficking for four forms of exploitation. In addition, during the information campaign 18 000 folded brochures were distributed about human trafficking and assistance provided in the Lithuanian.

75. The Lithuanian police also carried out joint activities of criminal police and public police officers to prevent human trafficking. In 2017 the Lithuanian police, together with the State Labour Inspectorate, coordinated by Europol, undertook a joint operation to combat human trafficking and illegal migration: 314 persons, 118 personal ID documents and 59 economic entities were inspected, 27 administrative offenses were registered on illegal work, violations of labour safety regulations, violations of the Law on the Guarantees for Posted Workers, procedure for commercial or economic activities, prostitution and presence of persons under the influence of narcotic, psychotropic substances or alcohol in the workplace.

76. In 2017 the Lithuanian police, in co-ordination with Europol, together with the law enforcement agencies of Europe, carried out a joint international action to detect crimes related to human trafficking for sexual exploitation.

77. In 2013–2015, 3 projects for the prevention of human trafficking were implemented, for which EUR 319 000 were allocated. Over 100 events related to the prevention of human trafficking were organised for the public society, vulnerable groups and professionals; supervisions were conducted for specialists from various agencies dealing with cases of human trafficking and potential victims of human trafficking.

78. In order to improve the capacity of municipalities to organise complex assistance to victims of human trafficking, the Ministry of Social Security and Labour and the Ministry of the Interior, together with Caritas Lithuania and 6 municipalities, developed a Model for supporting actual and potential victims of human trafficking.

#### **Paragraph 9 (c) of the list of issues prior to reporting**

79. In 2017, prosecutors specializing in the fight against human trafficking enhanced and exchanged experience in the following international initiatives of the European Union institutions and other international organisations: from 7 to 10 March 2017 in Poland, in the tripartite regional conference arranged by the Home Office (UK) and Ministries of the Interior of Lithuania and Poland on Modern Slavery (attended by 8 prosecutors); on 3–4 April 2017 in the conference “Child trafficking and the best interests of the child” in Austria (attended by 2 prosecutors); on 10–11 May 2017 in the conference “Protecting the Victims of Human Trafficking” in Estonia (attended by 2 prosecutors). In addition, in 2015–2017, on the initiative of prosecutors specializing in this area, regular coordination meetings were held in the Netherlands, on issues of pre-trial investigations on human trafficking and human exploitation for forced labour or services.

80. Public prosecutors and the staff of prosecutor offices also participated in training organised by the Prosecutor General's Office and other state institutions and non-governmental organisations aimed at raising their qualifications in human trafficking:

- In 2014 – 1 event, 31 employees trained;
- In 2015 – 3 events, 5 employees trained;
- In 2016 – 6 events, 96 employees trained;
- In 2017 – 9 events, 62 employees trained.

81. Training on human trafficking at the Lithuanian Police School:

- In 2014 – 1 event, 16 officials trained;
- In 2015 – 8 events, 160 officials trained;
- In 2016 – 2 events, 32 officials trained;
- In 2017 – 3 events, 55 officials trained.

82. In 2017 a new curriculum "Prevention and Investigation of Human Trafficking" was prepared, in cooperation not only with field experts of the police, but also judges and representatives of the Centre for the Prevention of Human Trafficking and Exploitation. The modular program was designed to provide complex knowledge. The purpose of the modules is to train police officers to identify cases of human trafficking, to provide theoretical knowledge and to develop their practical skills necessary for prevention and initial pre-trial actions; to train officials in properly trained human trafficking offenses, to collect evidence and carry out qualitative investigations; theoretical and practical knowledge about the nature of the work with trafficking victims, and enhances the skills of communication with victims and assistance services is provided.

83. As of 2012, the State Border Guard Service (SBGS) has two SBGS officers at the Border Guard School trained to fight against human trafficking by the European Border and Coast Guard Agency (FRONTEX). Since 2013, the SBGS Border Guard School has been organising competence building courses aimed at providing officers with specialist skills to carry out checks at the state border and thus to enable them to effectively prevent and combat human trafficking. Also, at the Border Guard School, by delivering the lectures "Risk Assessment" and "Fundamental Rights" in the first year of studies, the trainees are taught to identify potential victims of human trafficking too.

84. In order to raise the qualifications of judges in the cases of trafficking in human rights, the National Courts Administration organised the following training for judges in 2014–2017:

<i>Training title</i>	<i>Training date</i>	<i>Training topics</i>
Training for Lithuanian judges on the fight against human trafficking (international training)	2014	Human trafficking and its forms. The global scope of the problem and the US Legislation on combating human trafficking. Human trafficking research. A victim-friendly model – what it means and how it works. Overcoming barriers in investigations. Partnership between law enforcement and non-governmental organisations.
Seminar under the judicial training programme "Criminal Law"	2015	Interpretation and application of the elements of criminal offenses under Article 147 <sup>1</sup> and Article 147 <sup>2</sup> of the CC.
Seminar under the judicial training programme "Psychological Assistance to Victims and Witnesses in Court Proceedings"	2016	A new approach to the law enforcement mission: retroactive law enforcement model; the main provisions of Directive 2012/29/EC of the European Parliament and of the Council and their implementation by the Lithuanian courts.

<i>Training title</i>	<i>Training date</i>	<i>Training topics</i>
		<p>Psychological impact of crime on victims and witnesses:</p> <ul style="list-style-type: none"> <li>• short-term reactions to crime by victims and witnesses. Their impact on behaviour and quality of testimony;</li> <li>• long-term reactions to crime by victims and witnesses. Their impact on the conduct of the victim and witness in court and the quality of testimony.</li> </ul> <p>Psychological impact of a crime investigation on victims and witnesses:</p> <ul style="list-style-type: none"> <li>• proper treatment of vulnerable persons;</li> <li>• mistreatment and secondary victimization phenomenon;</li> <li>• the problematic concept of a vulnerable person.</li> </ul> <p>Correct treatment of victims and witnesses in court proceedings:</p> <ul style="list-style-type: none"> <li>• communication with witnesses and victims before court hearings by judicial representatives;</li> <li>• preparation for the court hearing. Preparation of the victim for legal proceedings;</li> <li>• effective communication of the judge at the court hearing: ensuring psychological support and psychological and physical security;</li> <li>• communication with witnesses and victims between and after court hearings.</li> </ul>
Seminar under judicial training programme “Psychological Assistance to Victims and Witnesses in Court Procedure”	2017	<p>Psychological impact of a crime investigation on victims and witnesses:</p> <ul style="list-style-type: none"> <li>• proper treatment of vulnerable persons;</li> <li>• mistreatment and secondary victimization phenomenon;</li> <li>• the problematic concept of a vulnerable person.</li> </ul> <p>Correct treatment of victims and witnesses in court proceedings:</p> <ul style="list-style-type: none"> <li>• communication with witnesses and victims before court hearings by judicial representatives;</li> <li>• preparation for the court hearing. Preparation of the victim for legal proceedings;</li> <li>• effective communication of the judge at the court hearing: ensuring psychological support and psychological and physical security; communication with witnesses and victims between and after court hearings.</li> </ul>
Seminar under the judicial training programme “Human Trafficking”	2017	Human Trafficking: legal concept, proof, identification of victims and relevant jurisprudence.
Training under the project of the Norwegian financial mechanism Programme for 2009–2014 “Better Assistance to Witnesses and Victims of Crime in Court Proceedings, including Strengthening of Security in Courts” of LT13 “Efficiency, Quality and Transparency in Lithuanian Courts”	2013–2017	Training for representatives of Lithuanian courts, representatives of non-governmental organizations and employees of National Court Administration on the protection of victims of crime and witnesses in court proceedings.

**Paragraph 10 (a) of the list of issues prior to reporting**

85. In 2014 amendments to the Law on Seimas Ombudsmen came into force. According to them, the Seimas Ombudsmen's Office became a national preventive institution under the Optional Protocol to the Convention. The 2017 amendments to the Law on Seimas Ombudsmen provide that the Seimas Ombudsmen carry out the national prevention of torture in places of deprivation of liberty in accordance with the Optional Protocol to the Convention. On 2017 the Seimas Ombudsmen's Office was accredited as the National Human Rights Institution, which complies with the Paris Principles enshrined in the United Nations Resolution.

**Paragraph 10 (b) of the list of issues prior to reporting**

86. To perform the additional functions related to the national prevention of torture and becoming the National Human Rights Institution, the State budget allocations for financing the activities of the Seimas Ombudsmen's Office increased by 2.9 per cent. The Human Rights Office (5 employees) was established in the Seimas Ombudsmen's Office to carry out the functions of the national preventive institution in 2015.

**Paragraph 11 of the list of issues prior to reporting**

87. On 13 February 2014, the Prosecutor General's Office launched the pre-trial investigation under Article 292 (3) of the CC, i.e., on the potentially unlawful cross-border trafficking of persons, namely on the alleged transfer of detainees by CIA to and/or from Lithuania and their imprisonment in the secret detention centre of the CIA that allegedly operated in the territory of Lithuania.

88. The application and the materials submitted to the Prosecutor General's Office contained a request to initiate a pre-trial investigation into the involvement of officials and state institutions of Lithuania in the transfer, secret detention, torture and inhuman and degrading treatment of Mustafa Ahmed al-Hawsawi.

89. Upon approval of the conclusion of the parliamentary inquiry carried out by the Seimas Committee on National Security and Defence for the possible transportation and confinement of persons detained by CIA in the territory of Lithuania by the resolution of 19 January 2010 of the Seimas, in order to investigate the circumstances established in the Conclusion, on 22 January 2010 the Prosecutor General's Office initiated a pre-trial investigation on possible abuse of office or mandate under Article 228 (1) of the CC. The prosecutor discontinued the pre-trial investigation in his resolution 14 January 2011 having discovered no signs of a crime.

90. On 22 January 2015 the chief prosecutor, renewed the investigation initiated pursuant to Article 228 (1) of the CC.

91. On 6 February 2015 the prosecutor made a decision to join the aforementioned pre-trial investigations into a single investigation. If sufficient information is collected during the criminal proceedings, or other significant circumstances or possible offences are discovered, the pre-trial investigation would be carried out in a wider scope. The provisions of the CC, based on which the pre-trial investigation is currently conducted, do not limit the scope of the investigation. Upon receipt of new significant data during the investigation and if other significant circumstances or possible offences are disclosed, the pre-trial investigations would be extended to other provisions of the CC as well. During the pre-trial investigation, no suspects were identified and no charges regarding the alleged criminal offences were brought against anyone.

92. During the pre-trial investigation the investigators contacted the US Department of Justice with a request for legal assistance and received the answer that the US have no possibilities to obtain information in this case. The investigators also contacted the competent authorities of Morocco, Poland, Romania and Afghanistan for information on alleged illicit transportation and/or detention of a Saudi citizen Mustafa al-Hawsawi or other detainees in "special detention" centres. The replies from Poland, Morocco and Romania were received, but no data significant for the investigation were submitted by the authorities of these countries.

93. Currently, the investigation is not suspended or discontinued. The criminal acts specified in Article 292(3) and Article 228(1) of the CC are not classified as offences not subject to the statute of limitations.

### **Article 3**

#### **Paragraph 12 (a) of the list of issues prior to reporting**

94. In accordance with the provisions of the Law on the Legal Status of Aliens, the freedom of movement of an alien in Lithuania may be restricted if it is necessary for the security of the state, public order, protection of human health or morals, cessation of crime or protection of the rights and freedoms of others. Vulnerable persons and families with minor aliens may be detained only in a special case, taking into account the best interests of the child and the vulnerable persons.

95. An alien may not be detained for more than 6 months unless he fails to cooperate for the purposes of expulsion or the documents necessary for the implementation of expulsion are not received. In these cases, the detention may be extended to an additional period of no more than 12 months. Upon expiration of the detention period, the alien must be released immediately. Because of the expiration of the detention period, 27 aliens were released from the Foreigners Registration Centre in 2016 and 6 in 2017.

96. Detention of asylum seekers is as short as possible and no longer than necessary in accordance with the statutory detention basis. F. e., in 2017 the average detention time for asylum seekers was 50 days.

#### **Paragraph 12 (b) of the list of issues prior to reporting**

97. Foreigners and asylum seekers may be detained only on the grounds established by law. Detention for up to 48 hours may only be performed by a police officer or other law enforcement officer, and for a period exceeding 48 hours only by the court. In view of the fact that the alien's identity has been established, he constitutes no threat to national security and public policy, provides assistance to the court in determining his legal status as well as other circumstances, the court may take a decision to impose a measure alternative to detention. Detention periods are limited by the law. All decisions on detention or alternative measures may be appealed. Upon the disappearance of the grounds for the alien's detention, the alien is entitled to, whereas the institution which initiated the alien's detention must immediately apply to the court for review of the decision to detain. On the basis of the court's decision to annul the decision to detain or when alien's detention has expired, the alien must be released immediately.

98. Foreigners detained at the Foreigners Registration Centre are accommodated separately from detained asylum seekers; men are accommodated separately from women; to ensure adequate privacy, members of one family are accommodated in separate living quarters or adjacent living quarters; foreigners can be accommodated by dividing them into groups (according to the country of origin, religion, danger to their health or the health of others, and on other grounds).

#### **Paragraph 12 (c) of the list of issues prior to reporting**

99. The initial assessment of whether a person could have been tortured is incorporated into the standard asylum procedure and is carried out during the assessment of the vulnerability of the asylum seeker. Such an assessment is carried out upon request and may be repeated, as needed, at any time during the procedure.

100. In order to ensure the needs of vulnerable persons in the Foreigners Registration Centre, their constant monitoring is carried out.

#### **Paragraph 12 (d) of the list of issues prior to reporting**

101. The construction of a dormitory for vulnerable persons is completed.

## Articles 5 and 7–8

### Paragraph 13 of the list of issues prior to reporting

102. Since the previous recommendations of the United Nations Committee against Torture, the Prosecutor General's Office has not received any requests from foreign states for extradition of a person suspected of the offence of torture.

## Article 10

### Paragraph 14 (a) of the list of issues prior to reporting

103. The provisions of the Convention are included in the police officers training programmes. Many topics of these programmes were taught with the assistance of the staff of the Human Rights Monitoring Institute.

104. During the vocational training of the State Border Guard officers, students at the Border Guard School are made familiar with human rights and their protection, and one of the most important tasks of teaching is to develop respect for the human being. Every year, the school organises the competence building courses of the SBGS officers on human rights in the framework of the "Human Rights" training programme.

105. Training and competence building programmes for officials of the penal enforcement system are also designed to better prepare officials for the practical implementation of the provisions of the Convention and recommendations of the experts of international organisations.

106. In the years 2014–2017, the following training courses related to the Convention were organised for the Prosecutor's Office employees:

- "Migrant crisis in Europe and prosecution for the most extreme transnational crime", on 21–24 November 2017 in Nuremberg, organised by the EJTN, attended by 1 prosecutor;
- "Modern slavery" training organised by the United Kingdom, Lithuania and Poland (7 March 2017) attended by 8 public prosecutors;
- "Fight against terrorism at sea" (21–26 May 2017) organised by CEPOL, attended by 1 prosecutor;
- "Legal assistance and information exchange in combating terrorism", organised by ERA on 8–10 February 2017 in Madrid, attended by 1 prosecutor;
- "Ensuring human rights" organised by the National Courts Administration (5–6 October 2017) attended by 4 civil servants;
- "Ensuring human rights for the members of vulnerable groups" (12 December 2017) organised by Vytautas Magnus University, attended by 1 civil servant;
- "Review of judicial practices in the cases of damage caused by unlawful actions of pre-trial investigation officers and prosecutors" in 2017, organised by the Prosecutor General's Office, attended by 85 prosecutors;
- "Application of arrest in Lithuania – the human rights perspective" on 24 March 2016 26 organised by the Prosecutor General's Office, attended by 26 prosecutors;
- Various training sessions organised by the Prosecutor General's Office and other institutions on the matters of domestic violence, from 2016 to 2017, attended by 373 prosecutors, 66 civil servants and 15 other employees.

107. In order to raise the qualifications of judges in cases involving the investigation of torture and inhumane treatment, in accordance with the Judicial Training Programmes approved by the Judicial Council, as well as using other sources of funding, in 2014–2017 the National Courts Administration organised the following training for judges:

<i>Training title</i>	<i>Training date</i>	<i>Subject</i>
Seminar under the training programme for judges of administrative courts	2014	Peculiarities of examination of cases of damage caused by acts of state institutions.
Workshop under the qualification upgrade programme “Criminal law” for district and regional judges	2015	Qualification of crimes causing health impairment and violations of public order causing health impairment
Seminar under the judicial training programme “Ensuring human rights”	2016	<ul style="list-style-type: none"> <li>• Problems concerning Article 3 of the European Convention on Human Rights (ECHR) (highlights: positive obligations of the state; procedural aspect; rights of persons held in places of deprivation of liberty; latest trends; lawsuits against Lithuania)</li> <li>• Problems concerning Article 6 of the ECHR (highlights: limitation period; state immunity; impartiality of the court; behavioural pattern that simulates criminal activity; questioning of vulnerable witnesses; use of classified information; lawsuits against Lithuania)</li> </ul>
Seminar under the training programme for judges of administrative courts	2016	Protection of fundamental rights in the European Union.
Seminar under the training programme for judges of administrative courts	2016	Damage caused by unlawful acts of state institutions.
Seminar “Ensuring human rights” (international training)	2017	<ul style="list-style-type: none"> <li>• Article 5 of the ECHR: right to liberty and security, including the matters of the length of detention</li> <li>• the right to be heard in accordance with Article 6 of the ECHR</li> </ul>

#### **Paragraph 14 (b) of the list of issues prior to reporting**

108. The Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Manual) is followed by the specialists of the places of deprivation of liberty directly in their daily work. For example, according to the “Procedure for prevention and investigation of bodily injury to prisoners in the places of deprivation of liberty and the preparation, handling and record-keeping of documents on bodily injuries” approved by the director of the Prison Department in 2017, the injuries of the prisoner must be marked in the body map approved in accordance with the forms recommended in the Manual (Istanbul Protocol).

109. The Training Centre of the Prison Department carries out regular training and competence building courses for the staff of the places of deprivation of liberty including related with the methodology for work with prisoners experiencing violence, tactics of investigation of cases of violence, etc. During the reporting period, additional courses (workshops) were organised for healthcare specialists of the places of deprivation of liberty for improvement of professional knowledge and practical skills for identification of unauthorised actions of personnel against persons held in the places of deprivation of liberty. The contents of the aforementioned training are based on the recommendations of the Manual (Istanbul Protocol).

#### **Paragraph 14 (c) of the list of issues prior to reporting**

110. Professional training or competence building programmes for the staff of correctional system are developed and facilitated by specific field experts who academic as well as practical knowledge, often involving international experts experienced to convey the best practices and international standards of foreign countries. These programs are

designed/adjusted in such a way as to be relevant and to make a real, rather than declarative, impact on the personnel of the correctional system. For example, a package of various training programs, the content whereof was largely dedicated to human rights, promotion of enhanced staff communication with prisoners, was developed in conjunction with the University College of Norwegian Correctional Service, and lecturers of these programmes, before they began teaching, were trained in the abovementioned Norwegian institution.

111. At the end of the training, all participants always receive questionnaires in which they evaluate the performance of experts, the compliance of the topic with working situations and adaptability, make suggestions, recommendations, and evaluate the organisation of the training itself. The training questionnaires are summarised by experts from the Training Centre of the Prison Department, evaluating the quality of each training and its lecturers, relevance of the training topic and its applicability in practice. In this context, decision is made on the continuity or adjustment of the training topic, the quality of teaching and the appropriateness of experts.

## **Article 11**

### **Paragraph 15 (a) of the list of issues prior to reporting**

112. As administrative arrest has been abolished as of 1 January 2017 and the temporary transfer of detained persons from remand prisons to police detention facility has been limited from 1 April 2016, while the maximum time of such transfer has been reduced threefold (see the answer to question 5 (e)), police detention facilities are not overcrowded. The facilities are provided with soft inventory (mattresses, pillows, blankets, sheets, towels) which is updated annually.

### **Paragraph 15 (b) of the list of issues prior to reporting**

113. In 2015, new detention facilities were built in the Šiauliai County Police Headquarters and the Klaipėda County Police Headquarters. Currently, the detention facility of the Vilnius County Police Headquarters is under construction, scheduled for completion by 2020. Also, the design of the new police detention facility of the Tauragė County Police Headquarters is being carried out and the project of major repairs of the Utena District Police Headquarters' detention facility is being prepared.

### **Paragraph 15 (c) of the list of issues prior to reporting**

114. The main goal of the Programme was to identify the optimal number of police detention facilities and to create an effective network of police detention facilities meeting the hygiene standards and norms in the country. In 2016, 8 police detention facilities were closed and the operation of 5 police detention facilities were suspended. Currently, there are 12 police detention facilities in the country, with 466 places for detainees.

### **Paragraph 15 (d) of the list of issues prior to reporting**

115. In accordance to the Rules of procedure for police detention facilities of local police offices, approved by the Minister of the Interior, the living area in the ward of the police detention facility per detainee may not be smaller than 5 sq. m (excluding the area of the toilet facilities). It should be noted that there are 445 places in police detention facilities, but, for example, in 2017, the average number of detainees per day was only 177. Given the average occupancy of only about 40% of police detention facilities, a living space significantly larger than the minimum is ensured (5 sq. m) for detainees.

### **Paragraph 16 (a) of the list of issues prior to reporting**

116. On 1 September 2015, amendments to the CES and CCP entered into force:

- Establishing a new system for the planning of social rehabilitation of convicts, based on the system of risk assessment of the convict's criminal conduct and introducing new forms of integration of convicts into society (for example, half-way homes;

- Amending (specifying) the conditions and procedure for parole release from correctional institutions to provide for the release of convicts from correctional institutions 9 months earlier than the term of probation, if they agree to electronic monitoring;
- Amending the conditions for suspension of the execution of punishment (probation) for persons serving time-limited sentences in order to create legal preconditions for a more frequent application of the suspended sentence (probation), which accordingly led to a reduction in the number of persons sent to correctional institutions to serve the term of imprisonment.

117. On 24 March 2015, amendments to the CC entered into force to balance the policy of applying a custodial sentence (clarifying the rules on the imposition of punishment, rules for punishment of repeat offenders, conditions for postponing the sentence, and penalties provided for in sanctions). These amendments have significantly contributed to the imposition of a custodial sentence on persons who commit criminal acts only as a means of ultima ratio, with encouragement of the use of alternatives for this type of punishment (such as public works, restriction of liberty without isolation from society, monetary fines, suspension of enforcement of a custodial sentence, etc.).

#### **Information about punishments alternative to imprisonment from 1 January 2015 to 31 December 2017**

<i>Year</i>	<i>Persons with imposed punishment of public service</i>	<i>Persons with imposed punishment of deprivation of liberty</i>	<i>Persons with imposed punitive measures</i>	<i>Persons with imposed reformative sentence</i>	<i>Persons with imposed suspended sentence</i>	<i>Persons with imposed suspended sentence</i>	<i>Persons released on probation from correctional institutions</i>	<i>Total</i>
2014	677	3 232	586	312	2 416	372	1 016	8 611
2015	569	2 939	495	218	2 845	357	1 113	8 356
2016	546	2 643	550	182	3 062	339	1 029	8 351
2017	546	2 568	3 282	231	3 208	306	876	11 017

118. From 1 April 2016, the CES has made it possible to use electronic surveillance means outside the correctional institution to monitor the behaviour of convicts entitled to go home for a vacation, to take short trips home or to work or study in freedom without supervision. During the reporting period, the number of sentenced persons who have the right to leave for a short time the territory of the correctional institution increased by 32.5% and sentenced persons are more likely to effectively integrate into society and find a job in freedom.

119. New forms of work with convicts in places of deprivation of liberty have been introduced (criminal behaviour risk assessment, behaviour correction programmes, etc.). New measures have led to an increase in the number of convicts who seek to acquire education and thus reduce the risk of their criminal behaviour (28.7% of prisoners were studying in 2009, 30.0% in 2015, 35.7% in 2016 and 38.7% in 2017).

120. Targeted criminal policy developments, as well as a coherent and constructive dialogue with courts and law enforcement authorities on the issue of imposing the restraining measure of imprisonment have helped to significantly reduce the application of this measure of restraint. From 1 January 2015 suspected/accused persons may be subjected to a new measure of restraint – intensive supervision, which has become a real alternative to arrest. Also, the law reconsiders the grounds for the imposition of detention and obliges courts to elaborate why other (more lenient) types of restraint, other than imprisonment, would not be sufficient to achieve the objectives of the criminal proceedings.

121. The implementation of the abovementioned measures has resulted in a decrease in the number of persons subject to a real custodial sentence and detention, as well as the decrease in the number of previously sentenced persons returning to prison, i.e. reduction of the repeated crime rate (16.1% in 2014, 16% in 2015, 13.9% in 2016, 11% in 2017). During the reporting period, the number of detained persons decreased by about 30%, while the

number of those convicted went down by about 23%. For these reasons, the number of people imprisoned per capita has dropped from 296 to 235, respectively, per 100 000 residents.

#### Number of incarcerated persons from 2014 to 2017

	2014	2015	2016	2017
Number of detainees	868	712	611	602
Number of inmates	7 768	6 643	6 213	5 988
<b>Total number of incarcerated persons</b>	<b>8 636</b>	<b>7 355</b>	<b>6 824</b>	<b>6 590</b>

#### Paragraph 16 (b) of the list of issues prior to reporting

122. In order to improve the material conditions of detention in accordance with the Standard Minimum Rules for the Treatment of Prisoners, in 2014–2017 the following projects of the correctional system and modernisation of its infrastructure were launched or completed:

- A residential building was purchased in the town of Panevėžys and appropriate living conditions for sentenced women raising children under the age of 4 and serving a sentence of imprisonment were created;
- Four half-way houses were established which accommodates up to 80 inmates simultaneously;
- A rehabilitation centre for addicted persons was established in Pravieniškės Correctional House-Open Colony accommodating up to 30 convicts;
- The dormitory of inmates was reconstructed into cell-type premises in the Marijampolė Correctional House. Up to 87 inmates can be held at a time in the building;
- Premises for a general education school were equipped in Kaunas Juvenile Remand Prison-Correction House. Up to 70 detained minors can study at this school;
- Disciplinary isolation and short-term visit facilities were renovated on the first floor of Kaunas Juvenile Remand Prison-Correction House;
- The sector of Vilnius Correction House (dormitory type) that operated in the central part of the city of Vilnius (110 places) was closed and its inmates were moved to other correctional institutions;
- The Central Prison Hospital that operated in the central part of the city of Vilnius was closed and patients were moved to the four medical blocks and a patient distribution centre, reconstructed in Pravieniškės which were equipped with new medical equipment;
- A building for residential premises for working inmates in the Central Prison Hospital was renovated and equipped with the laundry and shower rooms;
- Three dormitories for convicts were reconstructed in the 3rd sector of the Pravieniškės Correctional House. Up to 360 convicted persons can be accommodated simultaneously in the in reconstructed buildings. A minimum living space per person is 5 sq. m;
- The dormitory of the 2nd sector of the Pravieniškės Correction House- was reconstructed into triple cells. After reconstruction, up to 69 convicted persons can be accommodated in this building;
- New living spaces for 4 persons have been equipped in the Alytus Correction House, for a total of 90 sentenced persons;
- A canteen for convicts was renovated in the 2nd sector of the Pravieniškės Correction House, the Marijampolė Correction House, and the Alytus Correction House;

- The construction of a new detention facility in Šiauliai with 600 places has started. It is scheduled for completion in 2022. After implementation of this project, the currently operating Šiauliai remand prison will be closed.

123. Reconstruction of the dormitory for inmates at Alytus Correction House to cell-type premises with a total of 199 places is taking place. The renovation work is scheduled for completion by 2022.

**Paragraph 16 (c) of the list of issues prior to reporting**

124. Considering that since 2012 the total number of prisoners has decreased by about 3 000, from 1 January 2017 the maximum capacity of the places of deprivation of liberty was reduced by 1 295 persons. Therefore, the actual living space per prisoner in most places of deprivation of liberty exceeds 4 sq. m.

125. All places of deprivation of liberty already reconstructed or under reconstruction are designed to ensure that one person has at least 5 sq. m of living space (excluding the area of toilet facilities) in a multi-occupancy cell and at least 7 sq. m of living space in a single cell.

126. The amendments to the CES that have entered into force on 1 April 2016 established the possibility to monitor the behaviour of inmates who are leaving a correctional institution for short-term trips without guards (for the purposes of work, studies, employment or participation in social rehabilitation measures) by means of electronic monitoring. In addition, from 2016 onwards, half-way houses in which inmates are required to work or study in freedom began to operate.

127. All prison governors are encouraged (by formulating the corresponding indicators in their annual tasks) to transfer more inmates to open-type correctional institutions (open colony or half-way houses) or to give them the opportunity for a short-term leave from the correctional institution unguarded.

128. As a result of these measures, the number of working and/or studying inmates has been growing steadily, as many of the inmates have the opportunity to work or study in freedom.

129. From 1 September 2015 life-sentenced inmates are subject to the same measures of employment and resocialisation as other convicts (see answer to question 7 (b)).

**Share of inmates working or studying in general education, vocational or higher education institutions, compared to the total number of inmates serving sentences of imprisonment**

	2015	2016	2017
Share of employed inmates (percent)	33.1	37.0	38.4
Share of inmates participating in education activities (percent)	30.0	35.7	38.7

130. The number of approved and applied correctional programs was increased (in total, in 2017, correctional institutions applied 14 approved corrective programmes). Programs and positive occupational measures prepared in the institutions are widely applied in order to ensure that prisoners spend more time outside cells (living quarters) (events of sports, social and religious organisations, etc.). The number of inmates who were granted a right for short-term leave at the home was increased. In 2016, a total of 292, and in 2017 – 347 inmates received a short-term leaves to their homes.

131. The time of prisoners spent outside their cells is about 3 hours per day.

**Paragraph 16 (d) of the list of issues prior to reporting**

132. Upon receipt of information on allegedly unjustified use of force by the staff of the places of deprivation of liberty against a prisoner, such circumstances are investigated by the Immunity Division of the Prison Department, which is directly subordinate to the Director of Prison Department. If there are indications of a crime in the actions of personnel

in the places of deprivation of liberty, the actions of suspected officials are investigated by the local police authorities, and these investigations are overseen by prosecutors.

133. From 1 January 2014 the Seimas Ombudsmen, implementing national prevention of torture in places of deprivation of liberty according to the Optional Protocol to the Convention, investigate complaints of prisoners, including excessive use of force in places of deprivation of liberty.

**Paragraph 16 (e) of the list of issues prior to reporting**

134. On 31 August 2017 the Description of procedure for prevention and investigation of bodily damage to prisoners in the places of deprivation of liberty, preparation, handling and accounting of documents on body injuries was approved by the Director of the Prison Department.

135. Upon receipt of the report on the use of the staff's force in the places of deprivation of liberty against the prisoner, the circumstances and reasons of the accident are immediately analysed, official investigations are carried out, procedural decisions that are impartial and objective, are made. The use of violence by the correctional officer, if it has resulted in a person's death or life-threatening health disorder, is immediately notified to the prosecutor.

136. There were no employees dismissed from service/work and/or held criminally liable in the prosecution and correctional system in 2014–2017.

**Paragraph 16 (f) of the list of issues prior to reporting**

137. On 23 March 2017 the Seimas Ombudsmen's Office was accredited with 'A' status as the National Human Rights Institution, which complies with the Paris Principles. On 7 December 2017, the amendments to the Law on the Seimas Ombudsmen defining the mandate and functions of the national human rights institution were adopted.

**Paragraph 16 (g) of the list of issues prior to reporting**

138. In 2014–2016, the Prison Department implemented a project funded by the Norwegian Financial Mechanism. In the course of the project, 16 training programmes were developed for the development of the professionalism of the staff in the places of deprivation of liberty. Of these, 4 programmes were developed in cooperation with the Staff Academy of Norwegian Correctional Service. 1 515 persons were trained during the implementation of this project.

139. On 1 February 2016 the Training Centre of the Prison Department launched the Modular vocational training programme for correctional officers, with a duration of 10 months. This programme includes 18 academic hours dedicated to the topic of protection of human rights.

140. The Training Centre also conducts regular training sessions and competence building courses for the staff of the places of deprivation of liberty.

141. In 2017 the officers of Marijampolė and Panevėžys correction houses, as well as the Kaunas Juvenile Remand Prison-Correction House and Kaunas Remand Prison were trained to work applying to the principles of the dynamic security model for prisoners. By 2018, the dynamic security model will be installed in all places of deprivation of liberty.

142. In 2017, the places of deprivation of liberty organised personnel training on the topic "Peculiarities of interaction of correctional officers with prisoners" with participation of 239 trainees: Panevėžys Correction House – 23, Kaunas Correction House – 31, Marijampolė Correction House – 59, Šiauliai Remand Prison – 57, Central Prison Hospital – 5, Pravieniškės Correction House-Open Colony – 64. During the training, it was once again emphasised to the staff that ill-treatment of prisoners is intolerable, and the staff will be always held liable for such actions.

143. In order to increase the attractiveness of the conditions for service in the correctional system, in 2016, the amount of remuneration for travel costs of officials to and from the place of service was increased by 2.3 times. On 1 October 2016 the supervisors of the

lowest provisional category were upgraded to higher positions resulting in an about 6% of increase in their salaries. From 1 September 2017 another 950 officials (supervisors) have been transferred to higher positions, resulting in an about 6–12% increase in their salaries.

144. On 1 December 2017 a new system of remuneration of the prison staff entered into force, making it possible to increase the attractiveness of the service in the correctional system providing a competitive pay for correctional officers (in particular junior prison officers). This reform allowed an increase in the salaries of correctional officers by about 15% and made it easier to complete the staff of the places of deprivation of liberty.

## **Articles 12 and 13**

### **Paragraph 17 of the list of issues prior to reporting**

145. In 2016, pre-trial investigation on the alleged abuse of office by officials of the Public Security Service and the Prison Department's Preventive Group was launched at the Kybartai Correctional House. This pre-trial investigation was carried out by the Marijampolė County Police Headquarters, however, without identifying any signs of a criminal offense, this pre-trial investigation was closed on 5 April 2017 following the decision of the prosecutor.

146. In 2017 complaints of four convicts serving the sentence in Marijampolė Correction House was received about potential mistreatment and using special measures against them by the officials of the Public Security Service and the Preventive group of the Prison Department. In all cases it was established that no special measures had been used at all against these convicted persons.

147. On 10 July 2017 the pre-trial investigation regarding the possible use of excessive force against inmates by the officers of the Preventive group of the Prison Department during a search in the premises of the Alytus Correction House was launched by the Criminal Intelligence division, following the 36 statements of the inmates of Alytus Correction House. The pre-trial investigation was referred for further investigation to the Chief Police Commissariat of Alytus County. In the absence of evidence of a criminal offense, this pre-trial investigation was terminated on 20 February 2018 following the resolution of the prosecutor of Alytus District Prosecutor's Office.

148. In total, in 2015–2017 the Prison Department received 233 complaints regarding the alleged ill-treatment by the staff of places of deprivation of liberty, the number of which in 2015 was 53, in 2016 – 70, and in 2017 – 110.

149. In 2014–2017, local prosecutor offices received complaints from 275 persons concerning physical and/or psychological violence used by police officers against complainants. During this period, 92 pre-trial investigations were initiated at the prosecutor's office and pre-trial investigation institutions; 2 police officers have been found guilty of mistreatment; 5 more criminal cases on abuse of police officers by using physical or psychological violence have been transferred to the court (currently the criminal proceedings are pending in the court). In addition, at the prosecutor's initiative, 9 official police checks were carried out.

150. It should be noted that the police officer D. S. was found guilty by the court of the criminal offense, because of using psychological violence against the victim, and the police officer J. V. was found by the Court guilty of the criminal offense for the use of physical violence against the victim.

151. In order to ensure the prompt and effective adoption of the decision on the commencement of pre-trial investigation and the pre-trial investigation itself, in 23 January 2017 the Prosecutor General amended the Recommendations on the initiation of pre-trial investigation and the procedure of its registration and shortened the terms for the transfer of complaints, statements or reports of criminal offenses received by the Prosecutor General's Office and District Prosecutor's Office for investigation according to the competence to a specialised division of the prosecutor's office (no later than within two business days). In addition, pursuant to order of the Prosecutor General of 28 April 2017, the chief public

prosecutors of the Prosecutor General's Office and the managers of local prosecutor offices and their divisions are obliged, upon receipt of the IBPS report on the decision made in the pre-trial investigation institution to refuse to open the pre-trial investigation, to immediately oblige the prosecutor to check and verify the validity of the decision to refuse to open pre-trial investigation. The time limit for this check has been set at 10 days from the date of the receipt via the IBPS of the task to check that decision, and an obligation has been established to perform a thorough investigation of the received information upon identifying the violations following the receipt of complaints, statements, reports of criminal offenses or offences in the registration of the start of the pre-trial investigation in the pre-trial investigation institution.

## **Article 14**

### **Paragraph 18 of the list of issues prior to reporting**

152. The amendments to the Law on Compensation for Damage Caused by Violent Crimes that became effective on 23 December 2014 increased the maximum amount of compensation for pecuniary damage and/or non-pecuniary damage caused to a juvenile by a violent crime.

### **Paragraph 19 of the list of issues prior to reporting**

153. In 2014, a total of 407 applications for compensation of pecuniary damage and/or non-pecuniary damage caused to violent crimes were received. Of these, 327 applications were granted, and the amount of compensations paid to individuals was EUR 810 746.20. In 2015, a total of 489 applications for compensation of pecuniary damage and/or non-pecuniary damage caused by violent crimes were received. Of these, 395 applications were granted, and the amount of compensations paid to individuals was EUR 980 512.44. In 2016, a total of 340 applications for compensation of pecuniary damage and/or non-pecuniary damage caused by violent crimes were received. Of these, 373 applications were granted, and the amount of compensations paid to individuals was EUR 708 406.05. In 2017, a total of 324 applications for compensation of pecuniary damage and/or non-pecuniary damage caused by violent crimes were received. Of these, 242 applications were granted, and the amount of compensations paid to individuals was EUR 717 325.65.

154. NGOs funded by the state budget start providing assistance as soon as they receive information about a potential victim. Complex social assistance (social services, temporary accommodation, psychological, health care, legal assistance, education assistance, integration into society and labour market, etc.) is provided to Lithuanian citizens – victims and those who were at risk of human trafficking and foreigners visiting in Lithuania. Citizens of Lithuania who may have become victims of human trafficking abroad can apply to NGOs that maintain contact with the applicant through various means of telecommunication, provide information and emotional support, mediate with organisations financing the return, providing support abroad, and, if necessary, meet those arriving from abroad and organise their travel to a temporary or permanent place of residence.

155. The Ministry of Social Security and Labour uses state budget funds to pay for the phone calls of the residents of the country for emotional assistance by telephone services on 5 lines. Help is anonymous and confidential.

## **Article 15**

### **Paragraph 20 (a) of the list of issues prior to reporting**

156. The case-law strictly follows the principle that evidence in criminal proceedings consists of data verified through the procedural steps established by the CCP, examined at the trial and recognised by the court, based on which the court makes conclusions about the presence or absence of a criminal offence, the guilt or innocence of the perpetrator, other circumstances relevant to the correct resolution of the case. Evidence can only be legally obtained information, which can be verified according to procedural steps provided for in

the CCP. In the event that the confession or other data have been obtained in an illegal manner, they cannot be considered as evidence (see answer to question 20(b)).

157. Effective enforcement of the lawfulness of the criminal procedure is enshrined in the strategic plan of the activities of the Prosecutor's Office for the years 2013–2023. This function includes constant monitoring and analysis of the data on the acquitted persons, criminal cases returned for the investigation because of identified material violations of the criminal procedure, decisions of prosecutors to refuse to open pre-trial investigation, suspend or terminate pre-trial investigation, annulled by courts, and lawsuits against unlawful actions of pre-trial investigation prosecutors or the court.

158. The Prosecutor General's Office on 31 March 2017 organised the training "Permissibility of obtaining and using evidence gathered by coercive procedural methods".

#### **Paragraph 20 (b) of the list of issues prior to reporting**

159. In 2014–2017, 1 pre-trial investigation was launched and it found that the police officers J. V. And D. D. exceeded their authority in while trying to obtain testimony from the suspect. In considering the criminal case, the court emphasised that it did not rely on the testimony given by the accused during the pre-trial investigation, as the suspect, in acknowledging his guilt, testified to the use of physical violence against him.

160. The court found the police officer J. V. guilty of the criminal offense, while the police officer D. D. has been exempted from criminal liability on bail.

#### **Paragraph 20 (c) of the list of issues prior to reporting**

161. When deciding whether a convicted person is guilty of committing a criminal offense, the court evaluates the whole set of evidence, therefore, the confession of the accused alone is not an essential element on which the accused's guilt is proved.

### **Article 16**

#### **Paragraph 21 (a) of the list of issues prior to reporting**

162. In 2017 a draft of the new version of the Law on Mental Health Care was prepared, aimed at creating conditions for the prevention of mental and behavioural disorders, ensuring equal rights for all persons to receive high-quality and affordable mental health care services, and the rights of persons with mental and behavioural disorders in compliance with the valid provisions of the Civil Code.

#### **Paragraph 21 (b) of the list of issues prior to reporting**

163. The draft law stipulates that involuntary hospitalisation for persons with mental and behavioural disorders without a court decision is allowed for up to 3 days, and the mental health care institution must apply to the court within 48 hours from the onset of involuntary hospitalisation. In addition, the draft law extended the provision of informed consent for a hospitalised person to the circumstances of involuntary hospitalisation, its extension, the right of a person under involuntary hospitalisation to be heard by a court, the right of his or her representative to apply to the court with an appeal against the decision of a psychiatrist imposing involuntary hospitalisation.

#### **Paragraph 21 (c) of the list of issues prior to reporting**

164. The new version of the Law on Mental Health Care will provide that a patient with mental and behavioural disorders shall be hospitalised in accordance with the procedure established by the Law on the Rights of Patients and Compensation for the Damage to their Health, if a psychiatrist, after assessing his mental state, recommends his treatment in a mental health care institution that provides inpatient mental health care services. The psychiatrist, before consenting to the hospitalisation of a patient with mental and behavioural disorders, must give oral and written information to the patient with mental and behavioural disorders in a form and manner which is understandable to him and his or her

relatives or representatives, or a person providing assistance in decision making, about the reasons and purposes of hospitalisation of the patient with mental and behavioural disorders, the right of the patient with mental and behavioural disorders to leave the mental health care institution and to terminate the provision of personal health care services, and the procedure for the implementation of this right. A patient with mental and behavioural disorders who refuses to undergo hospitalisation may be subject to involuntary hospitalisation in accordance with the procedure prescribed by the institutions authorised by the Government, but not more than for three working days, and only in cases where the patient's behaviour shows that there is a real danger that he may cause substantial harm to his health or the health, life and/or property of others with his actions or inaction.

165. In Lithuania, the compulsory treatment procedure is not separated from involuntary hospitalisation, and therefore a patient under involuntary hospitalisation can be treated immediately. Involuntary hospitalisation, although causing various and ambiguous consequences for patients, their relatives, and mental health care personnel, however, allows them to start the appropriate treatment earlier.

**Paragraph 21 (d) of the list of issues prior to reporting**

166. The new version of the Law on Mental Health Care will provide that the participation of a patient with mental and behavioural disorders in the court hearing on his involuntary hospitalisation is compulsory. If the participation of a patient with mental and behavioural disorders in a court hearing is not possible due to his physical and/or mental health condition, he must be given the opportunity to be heard by a judge at the mental health care institution or by way of a remote interview. The participation of a patient with mental and behavioural disorders in a court hearing may be restricted only by the court, with indication of reasons. When dealing with the issues of involuntary hospitalisation of patients with mental and behavioural disorders, if the patient has not chosen a lawyer to represent him, the mental health care institution must apply for the provision of secondary legal assistance to the patient in accordance with the procedure established by the Law on State Guaranteed Legal Assistance.

**Paragraph 21 (e) of the list of issues prior to reporting**

167. The patients' right to complain and redress for damage to health is provided for in the Law on the Rights of Patients and Compensation for the Damage to their Health. A complaint may be lodged by the patient or his representative. The patient shall be entitled to lodge a complaint not later than within one year after he becomes aware that his rights have been violated but not later than within three years after the date of the violation of his rights.

**Paragraph 21 (f) of the list of issues prior to reporting**

168. From 1 January 2014, Seimas Ombudsmen carry out the statutory function of national prevention of torture in places of deprivation of liberty in accordance with the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In performing this function, Seimas Ombudsmen regularly visit, inter alia, psychiatric institutions.

**Paragraph 21 (g) of the list of issues prior to reporting**

169. A person with a mental illness and behavioural disorders and/or his spouse are entitled to appeal to court against a decision of a psychiatrist on involuntary hospitalisation. Pecuniary and non-pecuniary damage incurred in violation of established patient rights is compensated in accordance with the procedure established by the Law on the Payment of Patients' Rights and Damages to Health, and the Civil Code. The patient entitled to redress and wishing to receive compensation must submit a statement to the Commission for the Evaluation of Damage Caused to the Health of Patients, which operates under the Ministry of Health. The Commission shall be a mandatory pre-trial institution for handling disputes concerning the establishment of the fact of the violation of the rights of patients and the amount of damages caused thereby. The procedure for setting up this Commission, carrying out its activities, settling issues falling within its competence is regulated by the regulations of the Commission approved by the Government or an institution authorised by it.

Representatives to this Commission are selected in consideration of equal representation of the interests of patients and personal health care institutions. At least 2 members of the Commission must be representatives delegated by non-governmental organisations protecting the rights of patients. Patients who are entitled to redress, disagreeing with the decision of the Commission, have the right, within 30 days from the adoption of the decision, or in the case of persons who were not present during the decision making – within 30 days of becoming aware of the decision, to apply to the court in accordance with the procedure established by the Code of Civil Procedure for hearing the dispute between the health care institution and the applicant on the merits.

**Paragraph 22 (a) of the list of issues prior to reporting**

170. In 2017, the Seimas adopted amendments to the Law on the Fundamentals of Child Rights Protection laying down the prohibition of all forms of violence against children, including physical punishments. The adopted amendments were aimed at consolidating and defining the forms of violence against children, such as physical and psychological violence, sexual abuse and neglect. This law creates a model for preventive work with the child and the family (case management). It also strengthens the protection of the child from violence by increasing the duty of natural and legal persons to immediately report violations of the rights of the child (procedure for reporting and accounting). Finally, it develops an alternative child guardianship form in the family environment called on-duty carers and transforms the child rights protection services from the municipality level to the state child rights protection institution.

171. The Law provides stricter liability of parents with respect to children: civil, administrative or criminal liability, shall be applied to parents and other legal representatives of the child who violate the child's rights, abuse their own rights (obligations), avoid or fail to fulfil their obligation to educate, teach, supervise and support the child, discipline the child by physical punishment or otherwise exert violence against the child.

172. The Support Centre for Child Victims of Sexual Abuse was opened in Vilnius on 2016. The Centre concentrates all services necessary for the child victim of sexual abuse and his/her family members in one place. The Centre provides integrated assistance to the child and his/her family members: psychological, social, legal, medical, also conducts the child's psychological evaluation, carries out the questioning, and medical examination.

173. In 2016, seeking smooth interinstitutional cooperation, the Guidelines on Provision of Integrated Assistance to Child Victims of Sexual Exploitation were drafted aim at helping Lithuanian institutions responsible for the child's wellbeing, health, law enforcement and protection of rights, to more efficiently implement functions related to the protection of the rights of the child and the child's representation in criminal proceedings in order to protect the child's rights and legitimate interests.

174. In 2017, Law on Minimum and Medium Child Care entered into force. It seeks to enhance the current framework for minimum and medium child care and create adequate conditions for re-socialisation and community integration of children with behavioural problems, including problems of inappropriate sexual behaviour.

175. In 2016, the Minister of Social Security and Labour, Minister of Health, Minister of Education and Science and Minister of the Interior signed joint Order concerning the Procedure for Joint Work with Families. This ensures coordinated provision of social support, educational, health care services, communal and law enforcement support to families in municipalities in order to strengthen family responsibility, abilities and opportunities to independently handle family problems and to help them escape from social exclusion; the support also includes assistance to children who have been exposed to sexual exploitation and their families. Seeking to reduce the spread of violence against children, the Ministry of Social Security and Labour implemented measures of the Action Plan on Child Welfare 2016–2018. In 2017, a selection of projects targeted at organisation of the provision of integrated services to child victims of violence and victims (witnesses) of indirect domestic violence and their family members was organised.

**Paragraph 22 (b) of the list of issues prior to reporting**

176. The 2016–2018 Child Welfare Action Plan includes measures to disseminate good practices in child welfare, building awareness and society's intolerance towards violence against children, disseminating the issues of child well-being through mass media, campaigns, celebrations, and forming a positive view towards child care (welfare) in the family, extended family and adoption.

**Paragraph 23 of the list of issues prior to reporting**

177. During the reporting period, the institutions of the national defence system have not received any complaints from individuals about possible torture, cruel, inhuman or degrading treatment by national defence officials.

**Data collection****Paragraph 24 of the list of issues prior to reporting**

178. In 2014–2017, a total of 76 persons were convicted of criminal offences of human trafficking for prostitution, pornography, fake marriages and/or use of forced labour. 75 persons were sentenced from 12 to 2 years of imprisonment (the average sentence is about 6 years), and one convict was fined 5 960 euros. It should be noted that about 12% of persons convicted for the specified criminal offenses were women.

**Number of victims in the cases of human trafficking who have been ordered by the court of first instance to pay pecuniary or non-pecuniary damage**

<i>No.</i>	<i>Victim's gender</i>	<i>Amount awarded (EUR)</i>	<i>Type of damage</i>
2014			
1.	Female	289.62	Pecuniary
		4 344.30	Non-pecuniary
2.	Female	1 448.10	Non-pecuniary
3.	Female	291.65	Pecuniary
		5 792.40	Non-pecuniary
4.	Female	233.72	Pecuniary
		6 371.74	Non-pecuniary
5.	Female	1 448.10	Non-pecuniary
6.	Female	4 344.30	Non-pecuniary
7.	Female	4 344.30	Non-pecuniary
2015			
8.	Female	1 000	Non-pecuniary
9.	Female	4 000	Non-pecuniary
10.	Female	6 000	Non-pecuniary
11.	Female	7 240.50	Non-pecuniary
12.	Male	2 896.20	Non-pecuniary
2016			
13.	Female	4 000	Non-pecuniary

<i>No.</i>	<i>Victim's gender</i>	<i>Amount awarded (EUR)</i>	<i>Type of damage</i>
14.	Female	2 000	Non-pecuniary
15.	Male	5 000	Non-pecuniary
16.	Male	5 000	Non-pecuniary
17.	Male	1 000	Non-pecuniary
18.	Male	4 000	Non-pecuniary
19.	Male	500	Non-pecuniary
20.	Male	275.14	Pecuniary
		200	Non-pecuniary
21.	Female	5 000	Non-pecuniary
22.	Male	5 000	Non-pecuniary
23.	Female	6 000	Non-pecuniary
24.	Female	2 000	Non-pecuniary
25.	Male	1 448	Pecuniary
26.	Male	1 149.74	Pecuniary
		2 027	Non-pecuniary
2017			
27.	Male	700	Non-pecuniary
28.	Female	4 228.45	Non-pecuniary
29.	Female	4 344.30	Non-pecuniary
30.	Female	4 344.30	Non-pecuniary
31.	Female	4 300	Non-pecuniary
32.	Male	300	Non-pecuniary
33.	Male	450	Non-pecuniary
34.	Male	3 000	Non-pecuniary
35.	Female	3 000	Non-pecuniary
		500	
36.	Female	2 000	Non-pecuniary
37.	Female	1 500	Non-pecuniary
38.	Female	1 000	Non-pecuniary
39.	Male	5 000	Non-pecuniary

179. In 2014–2017, the number of persons convicted for the murder of a close relative or family member was 119, for serious health impairment of a close relative or family member – 121, for minor health impairment of a close relative or family member – 232, for causing physical pain or minor health impairment of close relative or family member 12 711 persons, and for abuse of the rights or duties of parents, a guardian or custodian or other lawful representatives of a child – 29.

180. In 2014–2017 the number of convictions for rape was 311, forced sexual intercourse – 33, sexual gratification by violating the freedom of sexual self-determination and/or sexual inviolability of a minor – 85.

181. As already mentioned in the answer to question 17, for offences related to torture and ill-treatment (illegal use of physical and mental violence while in service) 2 police officers were sentenced in 2014–2017, and no officers of the penal system or the national defence system were convicted for the said acts.

#### **Paragraph 25 of the list of issues prior to reporting**

182. Amendments to the CC which entered into force in 2017 broadened the concept of financing and sponsorship of terrorist activities, introduced the criminalisation of the stage of preparation and provision of assistance to one or several terrorists or a group thereof aimed at terrorist crimes, including the provision of assistance to individuals or groups who recruit, train terrorists or are otherwise involved in terrorist activities. At the same time, the definition of the offense provided for in Article 250<sup>5</sup> of the CC also includes the provision of specific knowledge or skills necessary for the preparation and commission of or participation in a terrorist act while knowing that the person intends to use the knowledge or skills for terrorist acts as well as the systematic collection of specialist knowledge or acquisition of specific skills necessary for the preparation and commission of or participation in a terrorist act. New Article 250<sup>6</sup> was added to the CC, providing for criminal liability for the person's entry to Lithuania or another state for terrorist purposes.

183. New wording of the Law on the Prevention of Money Laundering and Terrorist Financing came into force in 2017, which is in line with the Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing. The aforementioned legal regulation is fully in line with the fundamental human rights.

184. In 2017 the Passenger Name Record was implemented and developed. It allows identifying air travellers posing a potential danger to public safety. Data submitted to the police institution of air carriers in the Passenger Name Record are automatically checked against data stored in information systems or registers. The data obtained by the police institution are kept for no longer than 5 years.

185. In 2014–2016, the Lithuanian Criminal Police Bureau (LCPB) has implemented the two-year long EU-funded project (*Lonely Wolves*), during which officials visit the Europol, the Estonian Internal Security Service, the Norwegian Police Directorate and the United Kingdom with working visits for experience exchange. In the course of the project, the Radicalisation Indicator Manual was prepared and issued to intelligence and law enforcement officers engaged in the fight with terrorism, facilitating timely identification of manifestations of radicalisation, reduction of possible risks of terrorism and taking all necessary active steps to prevent radicalisation and terrorist attacks.

186. The LCPB anti-terrorism officers organise specialised training for criminal police officers which aimed was to provide theoretical knowledge, understanding and practical skills to criminal police officers in order to build a community of police officers fighting terrorism, capable of ensuring a high-quality criminal intelligence and prevention of terrorist threats. During the training in 2017, 42 national criminal police officers working in the field of counter-terrorism strengthened their capacities, acquired more professional knowledge and applied their knowledge through practical tasks.

187. In 2017, the LCPB anti-terrorism officers also participated in the specialised training on questioning techniques organised by US law enforcement agencies and the Second Operational Services Department under the Ministry of National Defence and in the capacity building training for the planning and organisation of investigations of hostage taking cases and hostage rescue operations, organised by the German Federal Criminal Police (BKA).

188. Once in every five years, all officers serving in the National Defence System must complete the Basic course on the law of armed conflict where the trainees receive and upgrade the basic knowledge on international treaties to which the Lithuania is party,

including the Convention and the European Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The acquired knowledge is verified by the final examination. It should be noted separately that the training of military police officers for the performance of their official duties is ensured by the Basic course of military police officers, which teaches the fundamentals of criminal law.

189. In accordance to the order of the Commander of the Lithuanian Armed Forces, all troops participating in international missions are familiarised with the law of armed conflict (LAC) and international human rights.

190. There were no persons convicted of terrorism-related crimes during the reporting period. The competent authorities did not identify any human rights violations.

#### **Paragraph 26 of the list of issues prior to reporting**

191. In 2014 the possibility of submitting declarations under Articles 21 and 22 of the Convention was considered, but it was decided that there was no need to do so. Subsequently, the consideration of issue was not resumed.

#### **Paragraph 27 of the list of issues prior to reporting**

192. The rights of migrant workers and their family members are guaranteed in accordance with national and European Union law, as well as the United Nations human rights instruments legally binding on Lithuania (for example, under the International Covenant on Economic, Social and Cultural Rights). In line with national legislation, existing or draft legislation of the European Union, international treaties and signed bilateral agreements, equal opportunities in education, housing, social services, and healthcare services are guaranteed. Therefore, there is no need for additional accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### **General information on other measures and developments relating to the implementation of the Convention in the State party**

#### **Paragraph 28 of the list of issues prior to reporting**

193. One of the priorities of the prosecutor's office is the effective prosecution of offences related to sexual exploitation of children and other violent criminal acts affecting children. The aim is to maximise the number of successfully investigated offences and shorten average length of pre-trial investigation. It is being done by intensifying pre-trial investigation activities, minimizing time limits for collection of data necessary for expert examination, implementing the principle of a one-time questioning of a child.

194. In order to ensure prompt and effective execution of pre-trial investigations, prosecution of offenders and investigation of criminal cases, Recommendations on the accelerated completion of proceedings were amended. They now stipulate that in criminal proceedings for domestic violence, prosecutor, in absence of objective circumstances preventing the completion of the proceedings through the accelerated procedure within 48 hours, must, within this time limit, apply for a court hearing under the accelerated procedure.

195. During the reporting period, training was held for judges on the practical problems of application of the Law on Protection against Domestic Violence and the application of this law in the criminal proceedings, as well as on the peculiarities of the questioning of persons who have experienced sexual domestic violence.

196. From 2012, financing for social assistance to the victims of human trafficking has been increased by 3.8 times, which allowed to expand the range, quality and duration of organised assistance.

197. Foreigners who are victims of crimes related to human trafficking, during the period of their reflection period or collaboration with the law enforcement authorities, are provided with accommodation and protection of their rights at the Refugee Reception Centre.

198. From 2012, the funds allocated by municipalities to the families of increased social risk that were classified as being at-risk for human trafficking and other forms of violence, have increased by 2.2 times, thus extending the work with families at social risk (reducing the work load of social care workers, increasing wages, supporting the supervision and qualification improvement of these employees, making it possible to work not only with families at risk but with other families as well).

199. During the evaluation period, funding was provided to set up specialised assistance centres for organisations that provide comprehensive assistance to victims of domestic violence.

200. In 2017, special assistance was provided to 11 079 victims of domestic violence (23 642 times information and consultations, 2 984 times of psychological assistance, 2 984 times legal assistance).

201. In 2017, the Ministry of Health prepared amendments to the Procedure for provision of outpatient mental health care services, which stipulates that primary outpatient mental health care services must be provided by a team of specialists consisting of a psychiatrist, a psychiatrist of children and adolescents, a mental health nurse, a social worker and a medical psychologist. The minimum primary outpatient mental health care team consists of a physician psychiatrist, a mental health nurse, a social worker and a medical psychologist. If the team has no child and adolescent psychiatrist, mental health services for children can be provided by a psychiatrist. The amendments also stipulate that the maximum number of persons served by the mental health centre may not exceed 17 000, and mental health centres must ensure the provision of primary outpatient mental health care services from the team members for at least 6 hours every working day.

202. The Procedure also includes the new primary outpatient mental health care services, i.e. primary-level psychosocial and psychotherapeutic interventions for a person, group or family, and psychosocial assessment of a patient suspected of a suicide attempt or at risk of a suicide. It is established that these services will be funded by the Compulsory Health Insurance Fund and will be provided by a psychiatrist, a psychiatrist of children and adolescents and a medical psychologist. All of these amendments came into effect on 24 January 2018.

203. In order to ensure the early identification of possible suicides and the provision of complex assistance, the Ministry of Health has drawn up a psychosocial assessment procedure for a person at risk of suicide.

204. For a successful implementation of the psychosocial evaluation service, in 2017 the Office for Suicide Prevention of the State Mental Health Centre organised five 4-hour seminars “Psychosocial assessment of persons at suicide risk” in different regions of Lithuania.

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