



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

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Committee against Torture

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Summary record of the 1854th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 17 November 2021, at 10 a.m.

Chair: Mr. Heller

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (continued)

Fourth periodic report of Lithuania (CAT/C/LTU/4; CAT/C/LTU/QPR/4)

1. *At the invitation of the Chair, the delegation of Lithuania joined the meeting.*
2. **Mr. Jablonskas** (Lithuania) said that all the Committee's recommendations concerning the inclusion of torture in the Criminal Code as a specific offence had been implemented. That crime was punishable by a prison sentence of up to five years and was not subject to the statute of limitations. In addition, in accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms, legal provisions had been introduced to enable persons serving a life sentence to apply for a fixed-term sentence after 20 years. The Criminal Code had also been amended to include a provision under which perpetrators of sexual offences against minors were required to notify the authorities of any change of residence.
3. As a result of the mass migratory influx organized by Belarus in retaliation for European Union sanctions and the support expressed by Lithuania to the people of Belarus, migration across the Belarusian-Lithuanian border had increased 57-fold, and to date more than 4,000 irregular migrants had been detained in Lithuania for illegally crossing the border. A state of emergency had been declared, and the Union Civil Protection Mechanism had been activated in July 2021. A number of amendments had been made to the Law on the Legal Status of Aliens, including its provisions on asylum seekers, while care had been taken to ensure compliance with fundamental human rights and to guarantee the right to apply for asylum in accordance with international standards. In the light of the serious, unprecedented challenges faced by Lithuania in the wake of its neighbour's actions, a temporary state of emergency had just been introduced in a 5 km-wide strip of land along the border. Restrictions on human rights had been imposed only to the extent necessary, however, and humanitarian aid was being provided to undocumented migrants.
4. While material conditions had been improved in police detention centres, thereby ensuring that persons who were arrested were afforded respect and dignity throughout their detention, the number of detainees had been reduced through the use of detention as an *ultima ratio* measure. In July 2020, the Sentence Enforcement Code had been amended to encourage the wider use of probation, suspended sentences, conditional release and other alternatives to imprisonment. Electronic monitoring of arrested persons was also provided for, and the system for granting parole for good behaviour had been simplified. As a result of those measures, the total number of inmates had decreased by approximately 17 per cent and the numbers of applications for conditional release had doubled.
5. Prison inmates and detainees received free health insurance, and municipalities were obliged to provide outpatient health-care services that could not be provided by the prison system itself. Modernizing its penitentiary institutions and improving material prison conditions remained a priority for Lithuania. Thus, the Lukiškes remand prison had been closed, as had the Kybartai correctional institution, and the Šauliai remand prison would be closed once a planned new prison had been built. In addition, there had been an increase in the number of places available in both closed and open prisons.
6. A number of measures had been taken to improve prison security and prevent ill-treatment, including an increase in prison staffing and staff training. Steps had also been taken to provide prisoners with more employment options and with meaningful outside activities and to improve arrangements for their reintegration into society.
7. The Law on Mental Health Care stipulated that involuntary hospitalization was limited to a maximum of three days, and amendments had been introduced that granted patients the right to be heard by a court, to receive legal aid and to be assessed by three independent psychologists. Efforts had been made to reduce the number of involuntary hospitalizations.

8. A complete ban on corporal punishment of children had been introduced, and the system for the protection of children's rights had been reformed. Other initiatives in the area of children's rights had included a parent hotline service to promote non-violent parenting methods.

9. A national action plan had been launched to eliminate domestic violence, and amendments to the Law on Protection against Domestic Violence, including one introducing protection orders to provide more effective assistance to victims, would enter into force in 2023. A number of training and public awareness-raising measures had been taken to reduce tolerance of gender-based violence in general.

10. The Inter-Institutional Action Plan on Combating Human Trafficking 2020–2022 had been approved, and legislation to assist crime victims had recently been adopted. Under the new laws, victims would have greater access to social and health-care services and to information on criminal proceedings and complaints. Steps had also been taken to improve compensation for damage or injuries caused by violent crime. In addition, various training sessions had been provided for civil servants, law enforcement officers and judicial officials on a variety of matters related to the implementation of the Convention, including assistance for trafficking victims and the recognition of the signs of domestic violence.

11. **Mr. Liu** (Country Rapporteur), taking note of the progress made by the State party, said that there were a number of areas in which he would like further information. For example, he wished to know more about the new specific law on torture, including whether the definition of torture set out in article 1 of the Convention had been incorporated and whether that law had entered into force. He would also like more information on how medical screening was performed in places of deprivation of liberty. Information would also be appreciated on the measures taken to provide health-care services for persons deprived of liberty, including details on the number of doctors, nurses and other medical staff serving the prison population.

12. He would like to receive information about the conditions in prison facilities for both remand and convicted prisoners and to learn to what extent those conditions were in conformity with international standards. Information would also be helpful on any measures to address inter-prison violence and the spread of HIV and the hepatitis C virus. Details on what steps had been taken to address the issue of access to illegal drugs in prison would also be welcome.

13. He would be grateful for information on any plans to amend the Criminal Code to ensure that domestic violence was made a separate, specific crime. Details of other efforts to strengthen the legal system in the area of domestic violence would also be appreciated, as well as information on the obstacles faced by the State party in implementing national and international legislation in that regard.

14. The Committee would welcome information on the measures taken to ensure that the Seimas Ombudsman's Office was able to fulfil its mandate, especially with regard to visits to places of deprivation of liberty and investigations of complaints made by prisoners. It would be useful to know how many staff worked in the Office, what its annual budget was and whether that budget was sufficient for it to carry out its work.

15. The Committee was aware that, in response to the sharp rise in the number of migrants and asylum seekers arriving in the State party, especially those crossing the border from Belarus, the State party had set up additional accommodation facilities and expanded existing centres in 2021. The Committee was concerned, however, by reports of unsuitable conditions in those facilities, including the tent camp in Lipliūnai, particularly for children and persons with mental health conditions. It had also received reports of torture and abductions of refugees at the Verebiejai camp. He would welcome an account of the steps being taken to improve conditions at those sites, including for asylum seekers with specific needs, in line with the State party's obligations under articles 2, 11, 12 and 16 of the Convention.

16. The Committee was also concerned about the legislative amendments adopted on 13 July 2021 that allowed the authorities, during a state of emergency, to detain asylum seekers for up to six months without administrative or judicial review and to extend their detention for up to two years by court order. In addition, on 2 August 2021, the Ministry of the Interior

had reportedly introduced a new policy permitting border guards to use coercive measures to prevent asylum seekers from crossing into the State party's territory without first conducting an individual assessment of their situation. Since 10 August, amendments to the Law on the Legal Status of Aliens had placed restrictions on the right to apply for asylum during a state of emergency. He would be grateful for details on the recently declared state of emergency, including its scope, intended duration and effects on the rights of migrants and asylum seekers. It would be helpful to learn how, during the state of emergency, the State party would ensure its compliance with its international obligations under the Convention, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention relating to the Status of Refugees.

17. The Committee was concerned by statistics showing that, between 1 January and 25 October 2021, only 5 of the 1,200 asylum applications that had been submitted had been granted, despite the majority of asylum seekers arriving in the State party being nationals of Afghanistan, Iraq or the Syrian Arab Republic. He would appreciate updated information on any new legislation or regulations governing asylum and migration. It was unclear whether the Government had adopted any measures in response to the recommendations made by the Office of the United Nations High Commissioner for Refugees regarding proposed amendments to the Law on the Legal Status of Aliens. He would welcome an account of the measures taken to ensure that asylum seekers and undocumented migrants were not subjected to torture or ill-treatment. He would be grateful for the delegation's comments on how the authorities ensured that the Ombudsman's Office, journalists and national and international organizations were able to do their work in reporting on the migration situation, monitoring that situation and providing humanitarian assistance and that they were able to obtain access to border areas, especially those where migrants were reportedly trapped. He would appreciate clarification of whether personnel dealing with refugees and asylum seekers received training concerning the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and, if they did, whether a system was in place to evaluate the impact of such training.

18. The Committee would welcome an account of any developments that had occurred in the case concerning Mr. Mustafa al-Hawsawi and Mr. Abu Zubaydah, who had allegedly been subjected to torture in the State party while being held under a secret detention programme operated by the Central Intelligence Agency. It was unclear whether the statute of limitations had been lifted in respect of the offences being investigated in connection with that case.

19. According to information submitted by the State party, it appeared that perpetrators of trafficking in persons for the purposes of prostitution, pornography, sham marriages or forced labour received fines or prison sentences that were not commensurate with the gravity of their offences. He would appreciate information about the most serious trafficking-related offences that had occurred during the reporting period, the penalties imposed on the perpetrators and the support, including adequate compensation, provided to the victims. He would welcome clarification of whether the State party's legislation made explicit provision for redress, including compensation and rehabilitation, for victims of torture and ill-treatment.

20. He wished to encourage the State party to make the declarations provided for under articles 21 and 22 of the Convention and to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

21. The Committee would welcome information on any non-governmental organizations (NGOs) that played an important role in preventing, detecting and investigating torture and rescuing victims in the State party and on the specific support the Government provided to those organizations. Information would also be appreciated on any mechanisms in place for systematically collecting statistics, disaggregated by age, gender, ethnic or national origin and type of offence, on complaints, investigations, prosecutions and convictions in cases of torture or ill-treatment by law enforcement and prison officials, on trafficking and domestic

and sexual violence, and on means of seeking redress, including compensation and rehabilitation, that were available to victims.

22. **Mr. İşcan** said that, as it had been some time since the State Party had submitted its fourth periodic report, the Committee would appreciate being updated on the current situation.

23. First, he would welcome a detailed description of how fundamental legal safeguards for detainees were applied in practice from the outset of a person's deprivation of liberty. With reference to paragraph 112 of the State party's report, disaggregated statistics would be helpful in order to gain a clear picture of the de facto situation. As the figures in the report regarding occupancy rates and living space per detainee in police detention facilities were four years old, he would be grateful for more recent data on that subject. Similarly, the Committee would like to receive updated statistics, disaggregated by age, sex and ethnicity or nationality, on persons who had received non-custodial punishments. What measures had been taken to ensure the integration of prisoners serving life sentences into the general prison population?

24. In view of the hierarchical relationship between the Immunity Division of the Prison Department and the director of that department, the Committee would be grateful for clarification on the system for investigating reports of excessive use of force by prison staff so that it could ascertain whether the system met the standards established by the Convention. It would also be helpful to have the latest disaggregated statistics on persons who had been investigated for the alleged torture or ill-treatment of prisoners, along with information on any steps taken to establish an independent mechanism to deal with prison inmates' complaints. The Committee further wished to be informed about any steps taken to increase the number of prison staff and medical personnel in places of deprivation of liberty. He would be interested in hearing the delegation's comments on the figures contained in paragraphs 145 to 151 of the report concerning 275 complaints of physical and/or psychological violence by prison officers, 92 pretrial investigations of the reported use of excessive force and 2 convictions for mistreatment of prisoners. The Committee would also appreciate up-to-date statistics on complaints, investigations, prosecutions and convictions in cases involving torture, ill-treatment and/or the excessive use of force in places of deprivation of liberty, together with details on the punishments imposed on persons found guilty of such acts and on the measures put in place to ensure the prompt, impartial and effective investigation of such complaints. With reference to paragraph 159 of the State party's report, the Committee would also like to have up-to-date information about court cases and rulings dealing with the inadmissibility of statements, confessions and evidence obtained by torture or ill-treatment. Were such rulings regarded as precedents and made known to the relevant administrative and judicial bodies as a means of deterrence? In view of the impact of the pandemic, further information on health measures for inmates would also be useful. What was the status of the legislative bill on mental health care? The Committee also would be interested in updated information on the implementation of the amended Law on the Fundamentals of Child Rights Protection.

25. In connection with anti-terrorism measures and human rights safeguards, the Committee invited the State party to take account of all four pillars of the United Nations Global Counter-Terrorism Strategy as set forth in General Assembly resolution 60/288 of 30 June 2021, but especially of its human rights pillar, when planning and organizing training programmes for the security forces and police. He would welcome information on how security forces involved in the fight against terrorism were monitored in order to ensure that they respected human rights and the rule of law.

26. With reference to violence against women and domestic violence, he wished to call upon the State party to consider ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

27. In the light of the new challenges posed by the coronavirus disease (COVID-19), the Committee invited the State party to provide information on the steps taken to adopt a human-rights-based approach to combating COVID-19 and to rearrange priorities and allocate adequate funds in order to enhance the population's resilience. Given that the prohibition of torture was absolute and non-derogable, the Committee would like to know what steps had

been taken by Lithuania during the pandemic to ensure that its policies and actions were in line with its obligations under the Convention. In particular, it wished to know whether persons deprived of their liberty and in other situations of confinement, such as homes for the elderly, hospitals or institutions for persons with mental or psychosocial disabilities, had been offered access to vaccines against the virus.

28. **Mr. Vedel Kessing** said that he wished to know whether migrants and asylum seekers who had entered the State party's territory unlawfully were detained in closed institutions and whether their right to freedom of movement was restricted. Did those migrants have the right to apply for asylum? Did they have the right to have their application examined individually in a thorough manner? Lastly, he would like to know whether migrants had the right to appeal against the rejection of their asylum application to an independent and impartial body, such as a court of law.

29. **Ms. Belmir** said that her question was whether any inquiries had been held into the excessive use of force by prison staff, since they were reportedly equipped with truncheons and stun guns. She wished to point out that, when examining some other States parties' reports, the Committee had found that such extremely dangerous and potentially lethal equipment should not be issued to prison officers.

30. **Ms. Racu** said that the Committee was concerned about the low staffing levels in prisons and therefore wished to know what measures had been taken to increase the number of prison officers, doctors, nurses and psychiatrists.

The meeting was suspended at 11.45 a.m. and resumed at 12.10 p.m.

31. **Mr. Uscila** (Lithuania) said that, in 2019, the Criminal Code had been supplemented with a new provision that established the specific offence of torture and the criminal liability of anyone in public office who incited, supported, permitted or approved the torture or ill-treatment of a human being or who caused a person to undergo severe mental or physical pain or suffering. That criminal act could be punished by up to five years' imprisonment, and there was no statute of limitation for such crimes. The State party had therefore followed the recommendations made by the Committee in its concluding observations on the State party's third periodic report ([CAT/C/LTU/CO/3](#)).

32. **Mr. Domarkas** (Lithuania) said that the situation caused by the influx of migrants in 2020–2021 had been artificially created. His Government was committed to upholding migrants' human rights. In September 2021, the people who had previously been accommodated on 30 sites had been moved into 5 refugee centres, and vulnerable persons had been placed in separate facilities. Two of those centres came under the auspices of the Ministry of Social Security and Labour and provided professional care and social services to vulnerable persons. All migrants were tested for COVID-19, and there had been no outbreaks of the virus in the centres. Three hospitals were available to treat migrants should the need arise. Over 1,000 migrants had been fully vaccinated and 850 were waiting for their second dose. Specialized teams of psychologists and psychiatrists had also been set up as part of a holistic approach to supporting migrants' well-being. The State provided complex surgeries, x-ray services and long-term nursing for migrants. It cooperated with NGOs such as Médecins Sans Frontières to ensure that they received a good level of health care.

33. The emergency situation per se did not constitute grounds for granting asylum. The State continued to supply migrants and asylum seekers with all basic services and ensured that they had access to assistance from NGOs.

34. Lithuania was working with NGOs to provide humanitarian aid to migrants at its border and was prioritizing vulnerable persons. There had been an investigation into the alleged events at the Verebiejai camp, but no evidence of any beatings had been found so no criminal proceedings had been initiated in that regard. The Government was in frequent contact with the Office of the United Nations High Commissioner for Refugees through its liaison office in Vilnius and was taking on board its comments regarding the asylum system in Lithuania. No restrictions were placed on the right of migrants to apply for asylum, and negative decisions could be appealed directly with the Migration Department and in the domestic courts. The movement of asylum seekers was restricted only to the extent necessary to allow their applications to be processed, and the applications submitted thus far by 4,000

or so asylum seekers would be processed in the near future. It took time to ascertain the circumstances of each applicant and, to that end, the Government had appointed an additional 60 staff members to the Migration Department.

35. **Mr. Akelaitis** (Lithuania) said that the Law on Protection against Domestic Violence had been regularly updated on the basis of inputs from NGOs and other sources. Police officers could now initiate pretrial investigations into cases of domestic violence without any need for victims to bring charges. In addition, a provision had been added to the Criminal Code to criminalize stalking. While the Criminal Code did not specifically provide for the prohibition of domestic violence, perpetrators of domestic violence were prosecuted on the basis of other provisions in the Criminal Code and jurisprudence. Likewise, while there were no specific provisions on the collection of statistics, investigatory authorities nonetheless kept comprehensive records on crimes involving domestic violence. The number of cases of domestic violence reported to the police had risen from around 20,000 in 2013 to around 58,000 in 2020, and about 20 per cent of those cases had been investigated. Although, on the face of it, the rate of increase in those cases was worrying, in reality it was largely attributable to the training provided to police officers, health-care workers, teachers and other civil servants to teach them how to recognize and report the signs of domestic violence.

36. A reworked version of the Law on Protection against Domestic Violence had recently been submitted to parliament. If adopted, it would provide for the issuance of protection orders for victims of domestic violence starting on 1 January 2023, even in the absence of a criminal investigation, and for psychological and other support for victims. NGOs played a significant role in addressing domestic violence in Lithuania. For instance, they participated in tactical meetings with the police and contributed to policy-making processes.

37. **Mr. Rubikas** (Lithuania) said that the laws governing health care had been revised in 2019 in close cooperation with the Seimas Office of the Ombudsmen to improve the protection of involuntarily hospitalized patients. As a result of that revision, the duration of involuntary hospitalization of persons with psychological or behavioural disorders was limited to three working days unless their behaviour was deemed to pose a genuine threat to their own or another person's health or life. In such cases, a decision was taken by three specialists – including two psychiatrists – on whether to ask the court for an extension of their hospitalization for up to a maximum of six months. Further six-month extensions could be granted only by a court. Involuntary hospitalization and treatment must be stopped immediately where the reasons for it no longer applied. Moreover, in keeping with the principle of inclusion, provided for in law, independent living arrangements for persons with such disorders were promoted.

38. Before consenting to voluntary hospitalization, persons with psychological or behavioural disorders and their representatives must be informed about their treatment by a psychiatrist in terms that they could understand. The law provided for the right of patients to be heard by a court. Patients who could not attend court hearings must be allowed to participate by some other method, typically via an online platform. In addition, patients had the right, at their own cost, to have their condition assessed by three independent psychiatrists.

39. The Government was seeking to reduce the use of involuntary measures and, since 2019, had been monitoring and keeping statistics on the use of involuntary hospitalization and physical restraints. Over the previous two years, involuntary hospitalizations had accounted for less than 5 per cent of all hospitalizations in Lithuania. In total, 608 persons – consisting of a more or less equal number of men and women – had been involuntarily hospitalized in 2020. The law stipulated that patients with psychological or behavioural disorders could be physically restrained using bodily force or specialist equipment or placed in seclusion to protect their own health or that of staff or other patients. Physical restraint could be prescribed only by a psychiatrist unless it was immediately required, in which case it could be sanctioned by a mental health nurse until a psychiatrist could be consulted. The decision to use physical restraint must be reviewed every 1.5 hours and reversed immediately where it was no longer justified. Patients must be informed why they were being restrained and what method of restraint would be used. Other de-escalation techniques were prioritized over physical restraint. In line with the recommendations of the Seimas Ombudsmen, since October 2020, staff had been logging instances of restraint both on the patients' observation

sheets and in a special journal kept for the purpose of monitoring such practices. Between 2019 and 2020, the use of physical restraints had decreased by 30 per cent, from 1,585 to 1,095 instances. In 2019, the Ministry of Health had organized training for more than 300 psychiatrists and nurses from 10 institutions on the use of physical restraints and procedures for monitoring their application. That training was due to continue in 2022.

40. His Government recognized that the best way of limiting recourse to involuntary measures was to reduce the need for them in the first place. Therefore, as part of a cross-cutting plan, it was taking steps to expand the use of alternative measures and improve specialized case management in the health and social care sectors. It was also working to promote a community-based approach to mental health services. Lastly, starting in 2021, in cooperation with the World Health Organization (WHO), Lithuania was translating the WHO QualityRights Tool Kit for the assessment and improvement of quality and human rights observance in mental health and social care facilities.

41. **Ms. Baubliénė** (Lithuania) said that the amended Law on the Fundamentals of Child Rights Protection, adopted in 2017, provided for the prohibition of corporal punishment in all settings and the centralization of the child rights protection system, allowing for the unified assessment of child rights violations and better case management. It also provided for the establishment of a mobile unit capable of mounting an immediate response to reports of child abuse. Since that amendment, a number of campaigns had been launched in the media and on social networks to raise awareness of violence against children and to educate parents and carers. Campaign materials had been published in multiple languages in addition to Lithuanian to reach a wider audience. Funding for those initiatives had been increased from around €30,000 in 2017 to approximately €100,000 in 2020. Furthermore, a hotline established by the Government to provide advice and psychological assistance to parents and carers had received over 2,000 calls in 2020, versus under 100 in 2017. State-funded NGOs also provided psychological support to families in difficulty.

42. **Mr. Staniulis** (Lithuania) said that his Government was still assessing the situation with respect to inter-State complaints. Lithuania was increasingly engaging with the international community in human rights matters and recognized the competence of a number of human rights treaty bodies to consider individual complaints. He hoped that it would also recognize the competence of the Committee to do so under articles 21 and 22 of the Convention in time for the review of its next periodic report.

The meeting rose at 1 p.m.