



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

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## Committee against Torture

### List of issues prior to submission of the fifth periodic report of Lithuania\*

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

1. In its previous concluding observations,<sup>1</sup> the Committee requested the State party to provide information on the follow-up to its recommendations on the refugee and migrant crisis; conditions of detention; and prompt, thorough and impartial investigations (paras. 12, 16 and 18, respectively). Noting that replies concerning the information sought by the Committee were provided on 14 November 2022,<sup>2</sup> and with reference to the letter dated 26 June 2023 from the Committee's Rapporteur for follow-up to concluding observations, the Committee considers that the recommendations included in paragraphs 12 and 18 of the previous concluding observations have been partially implemented and that the recommendations contained in paragraph 16 have been almost fully implemented.

#### Articles 1 and 4

2. With reference to the Committee's previous concluding observations (paras. 7 and 8), please indicate the measures taken to bring the content of article 100 (3) of the Criminal Code into line with article 1 of the Convention. Please also indicate the measures taken by the State party to ensure that acts amounting to torture are punishable by appropriate penalties that take into account their grave nature, in accordance with article 4 (2) of the Convention.

#### Article 2<sup>3</sup>

3. In the light of the Committee's previous concluding observations (paras. 9 and 10), please provide updated information on the measures taken by the State party and the procedures in place to ensure that all detainees are afforded, in practice, all fundamental legal safeguards against torture and ill-treatment from the outset of their deprivation of liberty. In particular, please update the Committee on measures taken to guarantee detainees' rights to be informed of their rights and the charges against them, both orally and in writing, in a

\* Adopted by the Committee at its eighty-first session (28 October–22 November 2024).

<sup>1</sup> CAT/C/LTU/CO/4, para. 29.

<sup>2</sup> CAT/C/LTU/FCO/4.

<sup>3</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.



language that they understand; to notify a relative or any other person of their choice; to access and to consult with a lawyer of their own choosing and to have the confidentiality of private meetings guaranteed and, if necessary and applicable, to access free legal aid; and to request and receive a timely medical examination by an independent medical doctor free of charge, or by a medical doctor of their choosing, in full confidentiality. Please provide information on the State party's efforts to monitor the provision of fundamental safeguards against torture to persons deprived of their liberty, and information on any cases in which the authorities were alleged to have failed to comply with the safeguards, including any cases in which disciplinary or other measures were taken against officials found responsible for violations.

4. Further to the Committee's previous concluding observations (paras. 13 and 14), please provide information on the measures taken to ensure that the Human Rights Office of the Seimas Ombudsperson has sufficient financial and human resources to carry out its mandate effectively, including its role as the national preventive mechanism. Please provide information on the visits to places of detention carried out by the mechanism during the period under review and on measures taken by the State party in response to the recommendations made by the mechanism.

5. Taking note of the Committee's previous concluding observations (paras. 23 and 24), please provide updated information on the legislative or other measures taken during the period under review to combat all forms of violence against women, especially cases involving actions and omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention. Please include information on legislative steps taken to criminalize domestic violence, including sexual abuse and marital rape, psychological violence and/or harassment as separate criminal offences.<sup>4</sup> Please indicate whether the State party plans to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in line with its commitment made in the context of the universal periodic review in January 2022.<sup>5</sup> Please provide updated information on the protection and support services available to victims of gender-based violence in the State party, including access to medical and legal services, State-funded social rehabilitation services, shelters and crisis centres. Please include statistical data, disaggregated by the age and ethnicity or nationality of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences recorded in cases of gender-based violence, including against children, since the consideration of the State party's previous periodic report. Please also provide updated information on any training programmes on the prevention and investigation of gender-based violence, notably domestic violence, for judges, lawyers, law enforcement officers, social workers, healthcare professionals and others who interact with victims.

6. With reference to the Committee's previous concluding observations (paras. 25 and 26), please provide information, disaggregated by the age, sex, ethnicity or nationality of the victims, on the number of complaints, investigations, prosecutions and sentences recorded in cases of trafficking in persons since the consideration of the State party's previous periodic report. Please also provide information on:

(a) Any new laws or measures that have been adopted to prevent and combat trafficking in persons, including for the purposes of sexual or labour exploitation;

(b) Measures adopted to ensure that victims of trafficking, including asylum-seekers and migrants, have access to effective support and services and protection against retaliation and reparation, and to ensure that non-custodial accommodation is provided, with full access to appropriate medical and psychosocial support, for potential victims of trafficking while identification processes are carried out;

(c) Measures taken to provide specialized training on detecting and identifying signs of trafficking in persons for law enforcement officers, judges, labour inspectors, social

<sup>4</sup> [E/C.12/LTU/CO/3](#), paras. 48 and 49.

<sup>5</sup> [A/HRC/50/10](#), paras. 137.2–137.21, and [A/HRC/50/10/Add.1](#).

workers, staff of reception centres and immigration detention centres, healthcare professionals and others who interact with victims.

### Article 3

7. In the light of the Committee's previous concluding observations (paras. 11 and 12), the State party's follow-up replies<sup>6</sup> and the legislative amendments to the Law on the Legal Status of Foreigners and the Law on the State Border and its Protection adopted in 2023, please indicate the measures taken to ensure that no person is returned to a country where he or she would be in danger of torture. Specifically, please explain the guarantees and safeguards in place to ensure that: (a) all individuals under the State party's jurisdiction, including those arriving in an irregular manner and in a time of emergency, have the effective right to seek international protection in practice and receive appropriate and individual consideration of their application for international protection by the competent authorities;<sup>7</sup> (b) persons seeking international protection are not subjected to collective expulsions or pushbacks at the border or transit zone, or to so-called chain refoulement, including during times of emergency; and (c) all asylum-seekers are afforded sufficient time to access legal aid and to lodge an appeal against negative decisions on asylum applications before an independent decision-making mechanism on expulsion, return or extradition, with automatic suspensive effect, including during times of emergency. In addition, please provide information on the steps taken by the State party following the judgment delivered by the European Court of Human Rights in the case of *M.A. and others v. Lithuania* concerning access to apply for asylum. Moreover, please indicate what measures have been adopted to ensure that resolutions No. 517 and No. 315 concerning the state of emergency (extraordinary situation) declared on 2 July 2021 and 3 May 2023, respectively, in response to an increase in irregular arrivals of migrants, including asylum-seekers, complied with the State party's obligations under article 3 of the Convention. Please provide information on the measures taken to identify persons in vulnerable situations seeking asylum in Lithuania, including victims of torture and trauma, regardless of their legal or migratory status, and to ensure that their specific needs are addressed in a timely manner.

8. Please indicate the number of asylum applications received during the period under review, the number of successful applications and the number of asylum-seekers whose applications were accepted because they had been tortured or ran the risk of being tortured if returned to their country of origin. Please provide updated information on the type of appeal mechanisms that exist and on any appeals that have been lodged and their outcome. Please include information, disaggregated by sex, age and country of origin, on the number of persons who have been returned, extradited or expelled since the consideration of the State party's previous report. Please provide details on the grounds on which they were sent back, including the list of countries to which individuals were returned. Furthermore, please indicate the number of returns, extraditions and expulsions carried out by the State party during the reporting period on the basis of diplomatic assurances or the equivalent thereof and provide information on any instances in which the State party has offered such diplomatic assurances or guarantees. Please indicate the minimum contents of any such assurances or guarantees, whether given or received, and what measures have been taken in such cases with regard to subsequent monitoring.

### Articles 5–9

9. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please indicate what measures have been taken by the State party during the period under review to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). In particular, please provide information on cases in which the State party has agreed to extradite a person for torture or related offences. Please also indicate whether the State party has rejected, for

<sup>6</sup> CAT/C/LTU/FCO/4.

<sup>7</sup> E/C.12/LTU/CO/3, paras. 14 and 15.

any reason, the request of a State party for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of the procedures. Please give details of the mutual legal assistance treaties or agreements that the State party has entered into and indicate whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment.

#### **Article 10**

10. Please provide up-to-date information on educational programmes developed by the State party to train public officials involved in the custody, interrogation and treatment of persons deprived of liberty on the provisions of the Convention, including the use of force in custodial settings. Please indicate whether these training activities are mandatory or optional, how often they are conducted and how many officials have already completed them in relation to the total number of such officials. Please indicate whether the State party has developed a methodology to assess the effectiveness and impact of training and educational programmes in reducing cases of torture and ill-treatment and, if so, please provide information on it.

11. Please describe the steps taken to improve methods of investigation, including training programmes on non-coercive interrogation techniques, and specify whether they incorporate the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles). Please indicate whether the provisions of the Convention, in particular the absolute prohibition of torture, are part of such training and instruction provided to public officials, such as police and law enforcement officers, investigators, judicial personnel, military officers and prison staff. Please describe any training programmes developed for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting the physical and psychological sequelae of torture, including specific training on the revised version of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

#### **Article 11**

12. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices or arrangements for custody that may have been introduced since the consideration of the previous periodic report. Please indicate the frequency with which they are reviewed.

13. Please provide information on whether and how the authorities monitor inter-prisoner violence, on steps taken to address its root causes, on the number of complaints that have been made or registered, on whether investigations are conducted (including in the absence of a formal complaint, such as for acts that fall under article 140 of the Criminal Code, i.e. causing physical pain or bodily harm) and on the outcome of such investigations. Further to the Committee's previous concluding observations (para. 16) and the State party's follow-up replies,<sup>8</sup> please provide statistical data on deaths in custody during the period under consideration, disaggregated by place of detention, sex, age, ethnic origin or nationality, and cause of death. Please provide information on the manner in which those deaths were investigated, the results of the investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether relatives of the deceased persons received compensation in any of the cases. In addition, please provide information regarding the implementation to date of the procedure for the prevention of violent behaviour and investigation of physical injuries of arrested and sentenced persons, the preparation, processing and accounting of these documents in places of execution of punishment (execution of arrest) adopted by the Director of the Prison Service in 2022. Please detail the measures taken to ensure that all injuries detected upon admission or following a violent incident are properly recorded in a detailed and comprehensive manner and brought to the attention of the competent public prosecutor's office. Please provide information on the steps

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<sup>8</sup> CAT/C/LTU/FCO/4.

taken to develop and implement programmes for the prevention of suicide and the reduction of self-harm in places of detention.

14. Please indicate what mechanisms are in place to protect victims of inter-prisoner violence against any form of intimidation or reprisal arising as a consequence of complaints submitted. Please indicate whether complainants are duly informed of the progress and results of their complaint, and what judicial remedies are available to them should a prosecutor decide not to pursue a case.

15. Please indicate whether the State party has taken measures to improve material and living conditions, including hygiene, sanitation and access to exercise yards, in all places of detention. Please provide an update on the implementation to date of the prison infrastructure modernization project. Please provide comprehensive information on educational and recreational activity programmes and on the results of the implementation of the prisoner socialization reform adopted in January 2021, the action plan for its implementation and the Code of Execution of Sentences adopted in 2022, aimed at increasing the scope of organized activities for sentenced prisoners. Please indicate whether and what protocols are in place to accommodate prisoners with specific needs, including in terms of safety, security and access to rehabilitation programmes, notably for persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons.

16. Please provide information on the efforts made by the State party to ensure adequate healthcare services and medical staff capacity, including of psychiatrists, in prisons. Please also provide detailed information on the measures taken to prevent the spread of infectious diseases and drug use, and on any harm reduction measures for prisoners with or at risk of drug and alcohol addictions.

17. Further to the Committee's previous concluding observations (paras. 9 and 10), please indicate which measures have been adopted to ensure that detention in police detention facilities is used only for as brief a period as possible, not exceeding the period prescribed by law, that remand detainees are not held overnight in police establishments and that they are transferred to appropriate facilities and are always held separately from convicted prisoners. Please also specify the measures taken to ensure that remand detainees are not returned to police detention facilities for further investigation or court proceedings or for any other reason, except in strictly necessary and exceptional cases and even then, that such return is properly justified and lasts for the shortest time possible. Please provide information on the measures adopted to guarantee that persons sentenced to deprivation of liberty for up to a month for contempt of court under article 163 of the Code of Criminal Procedure are not detained in police arrest facilities and explain the steps taken to provide alternatives to such police detention. Furthermore, please provide information on measures taken or envisaged to remove cages from interview rooms and restraint beds from all police arrest facilities.

18. Please provide information on the efforts made to improve conditions, including access to services and provision of assistance, in children's socialization centres. Please indicate whether the State party has considered reviewing the national juvenile justice programme.

19. Please provide information on the number of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with psychosocial disabilities, including care homes, and on the measures adopted to address the challenges related to medical capacity in those institutions. Please explain any steps taken to prevent the institutionalization of persons with intellectual and psychosocial disabilities and to increase the availability of community-based mental health services.<sup>9</sup> Please indicate any steps taken by the State party to ensure that effective legal safeguards and access to effective remedy for all patients, whether they are hospitalized voluntarily or involuntarily on medical grounds, are in place to guarantee that their placement is monitored and subjected to periodic review and they are fully and systematically informed about the treatment to be prescribed to them and are given an opportunity to refuse the treatment or any other medical intervention. Please provide information on steps taken to abolish the use of physical and chemical restraints in

<sup>9</sup> CRPD/C/LTU/Q/2-3, para. 12.

psychiatric and other closed institutions.<sup>10</sup> Please provide data on complaints of torture and ill-treatment in psychiatric institutions and the results of the investigation of such allegations.

20. With regard to the Committee's previous concluding observations (para. 12), please provide information about the measures taken to cease the practice of detaining children and other persons in vulnerable circumstances in immigration detention centres, especially the Foreigners' Registration Centre in Pabradė. Please provide information on the efforts made by the State party to provide non-custodial accommodation for migrant children and migrant families with children.

21. With regard to ruling No. KT53-A-N6/2023 of the Constitutional Court, which declared unconstitutional the emergency provisions on the mandatory accommodation of asylum-seekers in closed facilities in the framework of the border procedure, and the ensuing procedural guarantees introduced into the Law on the Legal Status of Foreigners in 2023, please indicate whether further steps have been taken by the State party to establish guarantees against unlawful or arbitrary detention, including the requirements of necessity, proportionality and the shortest possible time, as well as periodic review of detention orders, in the context of the border procedure. Please comment on reports that newly arriving asylum-seekers and migrants are arbitrarily placed in "quarantine" at the Foreigners' Registration Centre in Pabradė for an unspecified amount of time, without any legal safeguards in place. In addition, please explain the efforts made by the State party to implement alternatives to migration detention, particularly with regard to persons in vulnerable circumstances, including survivors of torture and ill-treatment, and to ensure that migration detention is applied as a measure of last resort, after alternative measures have been duly examined and exhausted, and for as short a period as possible. Furthermore, please explain what steps have been taken to provide adequate information in a language that asylum-seekers understand about the applicable detention and appeal procedures against decisions on the placement in the closed accommodation sites and access to legal aid in this context. Please provide annual data for the period under review on the percentage of cases in which alternatives to migration detention were applied, compared to the percentage of cases in which migration detention was imposed. Please include information on the average and maximum duration of migration detention for asylum-seekers and migrants in an irregular situation, and on any compensation scheme and awards granted to victims of arbitrary or unlawful detention.

22. Please provide information on the steps taken to ensure that the material conditions in detention centres for migrants, in particular in the Foreigners' Registration Centres, meet the minimum international standards and that adequate healthcare and psychological services are provided to migrants in vulnerable situations who are held in detention.

### Articles 12 and 13

23. Further to the Committee's previous concluding observations (para. 18), please provide updated statistical data on complaints of acts of torture and ill-treatment, including verbal abuse and excessive use of force by law enforcement officers, custodial staff and military personnel in places of deprivation of liberty,<sup>11</sup> recorded during the reporting period. Please include updated information on investigations, disciplinary and criminal proceedings and convictions and on the criminal and disciplinary sanctions applied. Please provide examples of relevant cases and judicial decisions. Please explain what steps have been taken to ensure the impartiality and effectiveness of internal investigation mechanisms.

24. With regard to the Committee's previous concluding observations (paras. 19 and 20), please provide an update on the steps taken towards completing the investigations into allegations of the State party's involvement in the extraordinary rendition and secret detention programme of the United States Central Intelligence Agency and the alleged incidents of torture and ill-treatment in that regard.<sup>12</sup> In particular, please detail the steps

<sup>10</sup> Ibid., para. 13.

<sup>11</sup> [A/HRC/50/10](#), para. 137.59, and [A/HRC/50/10/Add.1](#).

<sup>12</sup> [A/HRC/WGAD/2022/72](#) and [A/HRC/WGAD/2022/66](#).



taken by the State party following the judgments delivered by the European Court of Human Rights in the cases of *Abu Zubaydah v. Lithuania* and *Al-Hawsawi v. Lithuania*.

25. Please indicate any specific measures that have been adopted to investigate accounts of torture, ill-treatment and excessive use of force by State border guards to prevent irregular crossing into the State party's territory adjacent to the border with Belarus, and to investigate the allegations of threats of violence to force migrants into agreeing to voluntary return. Please provide information on the number of complaints, investigations and/or sentences handed down in cases of torture, ill-treatment and excessive use of force in immigration detention centres during the period under review.

#### **Article 14**

26. Please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts or other State bodies and actually provided to the victims of torture and/or ill-treatment or their families since the consideration of the State party's previous periodic report. That should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including for the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

#### **Article 15**

27. Please provide information on the specific measures taken to ensure respect, in practice, for the principle of inadmissibility of evidence obtained through torture. Please provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

#### **Article 16**

28. Please provide information on any measures taken by the State party to combat racially motivated violence and other hate crimes targeting members of the Roma community and persons belonging to sexual and gender minorities in Lithuania.<sup>13</sup> Please provide data on reported and investigated instances of hate crimes based on racist, xenophobic or ethnic grounds or on the grounds of sexual orientation or gender identity during the period under review, disaggregated by type of motive or basis of discrimination and by the sex, gender, age group and ethnic origin or nationality of the victim. Please indicate whether the perpetrator was a public official. Please provide information on the results of such investigations. In addition, please indicate whether the State party has taken any steps to publicly condemn all forms of discrimination and hate crime, to organize awareness-raising campaigns, to encourage victims to report such incidents and to provide them with adequate protection in this regard. Please indicate what training is provided to police officers, prosecutors and judges regarding the investigation and prosecution of hate crimes.

#### **Other issues**

29. With reference to the Committee's previous concluding observations (paras. 21 and 22), please provide information on the training programme concerning the human rights dimension of the fight against terrorism based on the United Nations Global Counter-Terrorism Strategy. Please provide updated information on the measures taken by the State party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that counter-terrorism measures are compatible with all of its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers

<sup>13</sup> [A/HRC/50/10](#), paras. 137.27–137.48, 138.14, 138.15, 138.17–138.19, 138.29–138.32 and 138.76; [A/HRC/50/10/Add.1](#); and [E/C.12/LTU/CO/3](#), paras. 12 and 13.

in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of national and international standards in applying measures to combat terrorism and, if so, what the outcome was.

**General information on the human rights situation in the country,  
including new measures and developments relating to the  
implementation of the Convention**

30. Please provide detailed information on any other relevant legislative, administrative, judicial and other measures taken since the consideration of the State party's previous periodic report in 2021 to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans and programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party considers relevant.

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