

52nd Session of the Committee against Torture

Statement by Mr. Saulius Stripeika

Vice-Minister of Justice of the Republic of Lithuania

at the consideration of the third periodic report of Lithuania

12 May 2014, Geneva

Mr. President,

Distinguished Members of the Committee,

Ladies and Gentlemen,

Introduction. It is a great honour to be the head of the delegation, to listen and to answer the questions about the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

First of all, I would like to use this opportunity and introduce the members of our delegation:

- me, Vice-Minister of Justice Saulius Stripeika, the Head of Delegation;
- Mr. Rytis Paulauskas, H. E. Ambassador, Permanent Representative of the Republic of Lithuania to the UN and other International Organizations in Geneva, kindly accepted to be involved in the delegation;
- Ms. Gaivilė Stankevičienė, II Secretary, Permanent Representation of the Republic of Lithuania to the UN and other International Organizations in Geneva;
- Mr. Raimondas Petrauskas, Deputy Chief Prosecutor, Organized Crimes and Corruption Investigation Department, Prosecutor General's Office, came with me from Vilnius;
- Ms. Reda Sirgedienė, Adviser, Public Security and Public Order Division, Public Security Policy Department, Ministry of Interior;
- Mr. Saulius Gagas, Head of Public Police Board, Police Department under the Ministry of Interior;
- Ms. Jurgita Ivanauskienė, Head of Pre-trial Investigation Board, Lithuanian Criminal Police Bureau;
- Mr. Rokas Uscila, Senior Adviser, Prison Department under the Ministry of Justice;
- Mr. Darius Mickevičius, Adviser, Administrative and Criminal Justice Department, Ministry of Justice and
- Ms. Kamilė Michailovskytė, Chief Specialist, Legal System Department, Ministry of Justice.

I would like to remind the Committee that Lithuania acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) on 10 September 1999 and undertook to implicitly prohibit torture and degrading treatment of any kind.

The Republic of Lithuania reaffirms its consistent position that fighting against torture and other forms of ill-treatment is highly important. In its periodic reports to the Committee Against Torture (CAT) and responses on the implementation of the Convention, the Republic of Lithuania has noted on many occasions that the provisions of the Convention have already been transposed into the national law. In order to implement them more effectively and improve the existing national legislation, new legal acts are adopted and the existing legal regulation is subject to constant scrutiny from the perspective of safeguarding human rights.

Lithuania's third periodic report to be considered at the CAT session today and tomorrow contains detailed information as well as statistical data about the developments since the consideration of the last periodic report of 2008 at the Committee until the autumn of 2012 when Lithuania officially submitted this report to the Committee.

Let me provide most recent information about the Lithuanian progress and developments since the submission of this Report to the Committee in the autumn of 2012 to date.

OPCAT. First of all, I would like to note that on 3 December 2013, the Parliament ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The law on its ratification came into force on 1 January 2014. When ratifying the OPCAT, the Parliament reaffirmed the amendments to the Law on the Seimas Ombudsmen, which came into force on 1 January 2014 as well. According to Articles 3 and 19¹, the Seimas Ombudsmen's Office exercises the functions of the national preventive institution and visits the places of deprivation of liberty for preventive purposes on a regular basis. While implementing the national prevention of torture, the Seimas Ombudsmen have the right: to monitor, on a regular basis, how persons, whose liberty is restricted, are treated in places of deprivation of liberty; to receive all information about the treatment of persons whose liberty is restricted, about their treatment conditions, also the information about the number of such persons, the number and location of places of deprivation of liberty; to enter all places of deprivation of liberty and all premises of such places, to inspect their equipment and infrastructure; to interview without the presence of any witnesses, the persons, whose liberty is restricted, also any other persons, who could provide the necessary information; to choose, which places of deprivation of liberty are to be visited and which persons are to be interviewed; to conduct monitoring visits of places of deprivation of liberty together with selected experts; to provide proposals (recommendations) to the relevant state authorities on the improvement of treatment of persons, whose liberty is restricted, and their treatment conditions as well as on the prevention of torture and other cruel, inhuman or degrading treatment or punishment; to draw up conclusions regarding amendment of the existing legislation and draft laws. Since 1 January 2014, when the amendments to the above mentioned law came into force, the Seimas Ombudsmen have performed 11 monitorings according to the OPCAT and plan to conduct approximately 30 this year. Several comprehensive monitorings are planned to describe thoroughly the state of human rights and freedoms, analyse risks, identify problems and good practices. The competent authorities must consider the proposals (recommendations) made by the Seimas Ombudsmen, consult with the Seimas Ombudsmen on the possible measures of implementation of their proposals (recommendations) and notify the Seimas Ombudsmen of the results of implementation of their proposals (recommendations).

Please also note that, on 6 November 2012, Lithuania ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. On 23 April 2013, the International Convention for the Protection of All Persons from Enforced Disappearance was also ratified. At the same time, the relevant amendments to the Criminal Code and the Code of Criminal Procedure were made.

CPT visit. At the end of 2012, a periodic visit to Lithuania was carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The visit report with recommendations was submitted to the Government in July 2013. Competent Lithuanian authorities took action to implement the recommendations. In March 2014, the Government approved its report on the measures taken or intended to be taken to implement the CPT recommendations. At the same time, the Government gave its consent to the publication of the CPT Report and of the Government's Response. The consent was notified to the CPT already in March 2014.

Hence, the CPT should publish both reports in the coming days.

Police detention facilities. In line with the obligation to ensure the rights of persons remanded in custody from the outset of their detention, the Police Commissioner General of Lithuania approved new Instructions for the Security and Supervision of Police Houses of Arrest on 10 October 2012. One of the new features is the withdrawal of the provision which allowed holding adults in cells for juveniles in exceptional cases and with authorisation of the prosecutor. Such exception is no longer

provided for in any legal acts, hence, the legislation ensures that juveniles are in all cases accommodated separately from adult detainees.

In order to improve the conditions of persons remanded in police custody, the Programme for Optimisation of the Activities of Police Arrest Houses for 2009–2015 is further implemented. Out of 46 police arrest houses, which operated in 2009, there are 25 police arrest houses currently operating in the country. The police houses of arrest with the worst conditions have been closed while implementing the said Programme and the existing police arrest houses undergo regular repairs. Over the last two years, repairs were carried out in the arrest houses of Panevėžys County Police Headquarters, Švenčionys District Police Department, Kelmė District Police Department (Kelmė Police Arrest house has been equipped with an outdoor exercise yard, detainees are no longer kept in Cell No. 4). New detention facilities are being designed in Klaipėda and Šiauliai County Police Headquarters, repairs are ongoing in Kėdainiai District Police Department. The public procurement tender is taking place for the design and works of a new Arrest House of Vilnius County Police Headquarters, which will be constructed from Private partnership project funds. Compared to 2009, the detention conditions of persons kept in police arrest houses have considerably improved.

In order to ensure continued training of officers, consolidate their knowledge on the Convention's provisions and train skilled officers, able to adapt to developing standards and to ensure adequate safeguards of human rights and freedoms, new training programmes for police officers are constantly approved. Since 2012, the Lithuanian Police School offers integrated training, which *inter alia* covers human rights and the specifics of their violations.

Correctional institutions and remand prisons.

It has been noted in our report that the Law on Probation, the Law on Amendments to the Punishment Enforcement Code, the Criminal Code and the Code of Criminal Procedure came into force on 1 July 2012. They are highly relevant for ensuring more effective resocialisation of persons and reducing the use of measures involving deprivation of liberty, as well as for tackling the overcrowding in correction institutions.

With the coming into force of the Law on Probation, priority is attributed to the process of rehabilitation and integration of persons supervised by probation services through innovative and worldwide recognised measures. Programme-based correctional work is carried out by individual behaviour correction programmes, group programmes for the behaviour correction of juveniles and violent behaviour correction programmes. The probation services more and more often use the intensive supervision (electronic monitoring) measures in their activities. Such measures help control the compliance with specific imposed obligations by convicted person and carry out intensive supervision according to the daily agenda. Those convicted persons who agree to be placed under intensive supervision may be released from correctional institutions six months before they are eligible for conditional release from the correctional institution. Intensive supervision may be administered for three months and later extended for the maximum of one year. Juveniles may be not subject to such supervision longer than nine months.

Between 1 July 2012 (when the amendments to the Law on Probation and to other laws came into force) and 1 January 2014, the number of the prison population has decreased by 700 persons approximately and keeps gradually decreasing. It should be noted that only four out of eleven establishments of deprivation of liberty are overcrowded at present. Their overcrowding is approximately 2 per cent only.

In 2013, the Parliament adopted the amendments to the Code of Criminal Procedure, which legitimised intensive supervision (electronic monitoring) as a new remand measure that may also be applied during criminal proceedings. These amendments will come into force as of 1 January 2015. This remand measure is expected to effectively reduce the use of detention and result in reduced overcrowding in remand prisons.

It may be expected that all the measures taken or planned to be taken by the public authorities will help create appropriate preconditions to secure effectively the right of detained persons not to be subject to torture and other forms of ill-treatment or punishment in the future.

Issues related to the alleged hosting of CIA detention facilities by Lithuania.

On 13 September 2013, the Prosecutor General's Office received an application from REDRESS and Human Rights Monitoring Institute to commence a pre-trial investigation in relation to the alleged criminal offences committed in Lithuania against Mustafa Ahmed al-Hawasawi, i.e. regarding the involvement of Lithuanian officials and state authorities in the rendition, secret detention, torture, inhuman and degrading treatment of Mustafa Ahmed al-Hawasawi, citizen of Saudi Arabia, who is kept in detention by U.S. authorities at present.

By decision of 27 September 2013, the prosecutor refused to commence the pre-trial investigation.

The refusal by the Prosecutor General's Office to commence the pre-trial investigation was appealed by Human Rights Monitoring Institute, as the applicant, to Vilnius Local Court and subsequently also to Vilnius Regional Court. Vilnius Regional Court partly satisfied the appeal of the applicant by its ruling of 28 January 2014 and rendered a new decision whereby the prosecutor's decision of 27 September 2013 to refuse to open the pre-trial investigation was revoked.

Upon receipt of this court ruling, the Prosecutor General's Office considered all the information available repeatedly and decided on 13 February 2014 to open the pre-trial investigation for the crime elements provided for in paragraph 3 of Article 292 of the Criminal Code, i.e. unlawful transportation of persons across the State border of Lithuania. Thus, the pre-trial investigation is ongoing.

Trafficking in human beings.

We have already informed the Committee in the Report that, on 21 June 2012, Lithuania ratified the Council of Europe Convention on Action against Trafficking in Human Beings and adopted the relevant amendments to the Criminal Code. I would like to note that, by April 2013, Lithuania has also implemented the provisions of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and has notified the European Commission of their transposition.

In 2012, the Government approved the Inter-Institutional Action Plan for the implementation of the National Crime Prevention and Control Programme. Implementing this Plan, the Ministry of the Interior initiated an awareness raising campaign in order to inform the public about potential threats of human trafficking for forced labour, various events and conferences are also held for this purpose. The Ministry of the Interior implements an international project together with the European Institute for Crime Prevention and Control, affiliated with the United Nations, the Task Force against Trafficking in Human Beings of the Council of the Baltic Sea States (CBSS) and Tartu University. The recommendations drawn up on the basis of this Project are planned to be presented to the international community next month. Project publications will be communicated to the relevant authorities in charge, institutions, organisations and research institutions.

The amendments to the Code of Criminal Procedure submitted by the Government are considered by the Parliament at present. These amendments are aimed at establishing additional procedural safeguards for victims who are likely to suffer psychological traumas or other serious effects during criminal proceedings (for example, victims of trafficking in human beings, gender-based violence, domestic violence, sexual violence or exploitation, hate crimes, pregnant women, victims with disability, etc.) The draft law would allow courts to hold closed hearings of criminal cases where such victims are involved. It is also planned to establish in the law that such victims cannot, as a rule, be questioned more than once during pre-trial investigation – their questioning would be audio and video recorded and such persons would be summoned to attend a trial hearing only in exceptional cases.

Protection against domestic violence. It has been noted in the Report under consideration that the Law on Protection against Domestic Violence came into force on 15 December 2011. The adoption and application of this Law was a major breakthrough in the fight against domestic violence. I would like to note that the adoption of this law is not a one-off step – the provisions of this law and related legislation are constantly revised, assessed and improved.

For the purposes of coordination and dealing with the issues of protection against domestic violence an inter-institutional working group has been formed by decree of the Prime Minister. The

working group consists of representatives from state authorities, NGOs active in the processes of domestic violence reduction, the Parliament, courts, the police and the prosecution service. The working group has prepared a National Programme for the Prevention of Domestic Violence and Victim Support for 2014–2020; the programme is currently at the stage of its signing procedure. The strategic goal of this Programme is to decrease the level of domestic violence on the national scale. The Programme ensures continued implementation of the provisions countering domestic violence against women as set out in the National Strategy for the Reduction of Violence against Women and in the obligations assumed under international law. While implementing the Programme, it will be sought to increase public awareness about various forms of violence, their outcomes and the necessity to prevent violence, enhance intolerance to violent behaviour as well as improve the mechanism of integrated support for victims of violence, which is based on the co-operation of state and municipal authorities, NGOs and other organisations as well as the society.

Since problems in the application of the law came to light, amendments to the Law on Protection against Domestic Violence, the Criminal Code and the Code of Criminal Procedure were drafted and adopted in 2013 and 2014. These amendments made it possible to ensure an effective protection against repeated violence and influence from the offender to victims of domestic violence during pre-trial investigation and judicial case hearing; the institute of public (maintained by the State) accusation, criminal procedure and enforcement in the cases of domestic violence has been established. Following this special law, pre-trial investigation is commenced in all cases when there are elements of domestic violence. The amendments have enabled competent and immediate provision of specialised integrated support for victims of violence. It is stated in legislation that, starting with 2016, specialised support centres will be open for 24 hours and specialists providing specialised support will be in the position to contact a victim of violence right after the event and start delivering specific integrated support.

In 2012, over 18 000 events of alleged domestic violence were reported to the police; in 2013, this figure has increased to over 21 000. 7586 pre-trial investigations for domestic violence were opened in 2012 and 10 15 pre-trial investigations in 2013. Although the statistics seemingly shows an increase in the number of domestic violence offences, according to the assessment of the Lithuanian authorities, the increase in the number of such reports and pre-trial investigations is the result of a more active public awareness raising and encouragement not to tolerate and report domestic violence. In 2013, public awareness raising was at the centre of efforts of the police and other state authorities, NOGs and media representatives. Domestic violence was discussed in various radio and TV programmes, seminars and discussions were held, information was communicated about support for the victims of violence, articles were published encouraging victims seek help rather than endure violence and wait for more serious consequences. This has undoubtedly impacted the reduction of latency in the cases of domestic violence and will facilitate an effective fight against the spread of domestic violence.

Closing words. Honourable President, Dear Members of the Committee, before finishing my introductory speech, I would like to note that the fight against torture and other forms of ill-treatment and punishment should be all-embracing, calling for the efforts and continuous attention from all state authorities and institutions as well as their strategic approach to emerging problems and their potential solutions. I hope that it is reflected in the information provided in the response of Lithuania to the list of issues prior to reporting on the implementation of the Convention in Lithuania.

Let me thank you for the attention. Our delegation is ready to answer your questions and provide additional information you may need about the implementation of the Convention in the Republic of Lithuania.