



**LIETUVOS RESPUBLIKOS NUOLATINĖ ATSTOVYBĖ PRIE  
JUNGTINIŲ TAUTŲ BIURO IR KITŲ TARPTAUTINIŲ ORGANIZACIJŲ  
ŽENEVOJE**

**MISSION PERMANENTE DE LA LITUANIE AUPRÈS DE  
L'OFFICE DES NATIONS UNIES ET DES AUTRES ORGANISATIONS  
INTERNATIONALES À GENÈVE**

Felice D. Gaer  
Rapporteur on Follow-up  
Committee against Torture  
OHCHR

**OHCHR REGISTRY**

**29 MAR 2011**

Recipients : ... **CAT** .....  
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29 March 2011  
S-169

Dear Ms. Felice D. Gaer,

In reply to your letter of 28 March 2011 I would like to advise you that information requested by the Committee against Torture after consideration of the second periodic report of Lithuania was transmitted to the OHCHR by the Permanent Mission's note No.115/2009 of 26 November 2009. I would like to ensure you that Lithuania looks very seriously into its reporting obligations and the information was provided within one year of consideration of the above-mentioned report.

If for some reasons our reply did not reach the Committee, I am attaching copy of the note and responses sent together with it.

Please accept, Madame, assurances of my highest consideration.

**Jonas Rudalevičius**  
Ambassador, Permanent Representative



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**MISSION PERMANENTE DE LA LITUANIE AUPRÈS DE  
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No. SN-115/2009

The Permanent Mission of the Republic of Lithuania to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit to the Committee against Torture the enclosed response of the Government of the Republic of Lithuania to recommendations contained in the concluding observations of the Committee against Torture on the second periodic report of the Republic of Lithuania.

The Permanent Mission of the Republic of Lithuania to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights assurances of its highest consideration.

Geneva, November 26, 2009

Office of the United Nations  
High Commissioner for Human Rights  
Geneva



MILLENNIUM  
OF LITHUANIA



**RESPONSE OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA TO  
RECOMMENDATIONS OF THE UNITED NATIONS COMMITTEE AGAINST  
TORTURE**

The UN Committee against Torture (CAT) requested in its concluding observations regarding the 2<sup>nd</sup> periodic report of Lithuania of 19 January 2009 to submit within one year information on the implementation of the recommendations contained in paragraphs 7, 12, 14 and 15. Responding to this request, the Government of the Republic of Lithuania provides the following information.

In addition, the Government of the Republic of Lithuania wishes to draw the attention of the CAT that its response to the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made following the CPT visit to Lithuania in April 2008 was made public on 15 September 2009 and is available on the CPT website.

*Regarding access to a doctor at police detention facilities*

It should be noted that, pursuant to Article 45(1) of the Law on Detention of the Republic of Lithuania, detained persons must be guaranteed the same quality and level of treatment as persons at liberty. This legal provision has also been transposed into the rules on the activities of detention facilities of territorial police establishments, approved by Order No 5-V-356 of the Lithuanian Police Commissioner General of 29 May 2007 (Official Gazette Valstybės Žinios, 2007, No 61-2361). It should also be noted that none of the legal acts regulating the health care procedure that are currently in force in the Republic of Lithuania restrict the right of persons deprived of their liberty to a doctor of their choice. The Law on Health Care Institutions (Official Gazette Valstybės Žinios, 1996, No 66-1572, 1998, No 109-2995) sets out strict requirements for health care institutions and notably envisages the possibility of revocation of their licences and accreditation in the event of failure to comply with the above requirements. Health care institutions are required by this Law, *inter alia*, to ensure the basic medical aid, equal rights of patients, and provision of information to a patient concerning his or her health. Furthermore, it is noteworthy that the police have not received any complaints regarding the issue of access to a doctor at police detention facilities.

Pursuant to paragraph 18 of Lithuanian Medical Standard 129:2004 Medical Station (Office) at Detention Centres of a Territorial Police Establishments, approved by Order No V-8 of the Minister of Health of 19 January 2004 (Official Gazette Valstybės Žinios, 2004, No 15-473), a nurse employed at a police detention centre may examine and evaluate the state of health of newly-arrived remand prisoners with their consent (currently no fewer than 28 nurses work in 28 police detention centres, i.e. a minimum of 1 nurse in each of them). The state of health of such persons is examined if there are certain suspicions of a health impairment, illness, injury, etc. when placing a person in police detention facilities. A control mechanism obliging officers to record any visible contusions, abrasions and similar lesions before placing persons in police detention facilities has been established in legal acts regulating the activities of police detention facilities in order to prevent ill-treatment of persons deprived of their liberty. For this purpose, a medical examination form for persons placed in police detention facilities must be filled in according to the security and supervision instructions for detention facilities of territorial police establishments, approved by Order No 5-V-357 of the Lithuanian Police Commissioner General of 29 May 2007 (Official Gazette Valstybės Žinios, 2007, No 61-2362), recording any visible injuries, contusions, abrasions and similar lesions on the body of the person placed in police detention facilities.



*Regarding conditions of detention in prisons*

Although the possibilities of substantially decreasing the overcrowding in Pre-Trial Wards and the Hospital of Imprisonment Institutions and improving the detention conditions in these establishments over one year are rather limited, some positive developments have taken place in 2009:

1) 900,0 thousand litas have been allocated for the repairs of Lukiškės Pre-Trial and Closed Prison and used for the reconstruction of two floors of the second living block (36 wards);

2) Kaunas Juvenile Pre-Trial received an allocation of 575 thousand litas, for which outdoor walking and exercising spaces for detainees have been opened and equipped with sports equipment (earlier, outdoor walking areas were on the roof of the building);

3) The reconstruction of living and ancillary premises commenced in Kaunas Juvenile Pre-Trial and Reformatory. The reconstruction of one floor of the Pre-Trial Establishment has already been completed, the work on laying the sloped roofs of the Pre-Trial Establishment and the Reformatory is in progress, the kitchen and canteen premises have been reconstructed;

4) The reconstruction of the premises in the disciplinary block (717 sq. m., 75 spaces) in Pravieniškės Reformatory – Open Colony No. 2 has been completed.

Notice is to be made of the fact that “Development Strategy of the establishments subordinate to the Prison Department under the Ministry of Justice and its Action Plan for 2008 – 2033” that was approved by Resolution No. 288 of the Government of the Republic of Lithuania on 26 March 2008 has been invalidated and the Government of the Republic of Lithuania approved “Strategy for Modernising the Detention Facilities and the Action Plan for 2009 – 2017” by its Resolution No. 1248 on 30 September 2009. Major advantages of the newly approved Strategy – funds of private entities are intended to be used for modernising the detention facilities and this factor will enable the implementation of the measures envisaged in the Strategy over a remarkably shorter period of time. The Government of the Republic of Lithuania has launched six pilot partnership projects of the public and private sectors, including the project on the construction of a prison of approximately 320 spaces (the construction of the prison has already commenced from public budget funds, consultants on the process of the transfer of Lukiškės prison to a new location have been selected and have started their work). It is estimated that once the transfer of Lukiškės prison to a new location has been completed the problem of prison overcrowding will essentially be solved.

The Strategy for Modernising Detention Facilities envisages that the problem of overcrowding in Pre-Trial Wards and in the Hospital of Imprisonment Institutions will be solved by 2017: the number of spaces in Pre-Trial Wards will be increased from 1334 to 2107 spaces and there will be 195 spaces in the Hospital of Imprisonment Institutions instead of the existing 119.

*Regarding the prevention of inter-prisoner violence*

The measures in place to prevent inter-prisoner violence:

1. In 2008, HCR-20 Violence Risk Assessment Scheme was acquired and put in use with high capacities to forecast violence outbreaks. All specialists of psychological services of detention facilities have completed special training to apply this scheme.

2. On 20 January 2009, the Director of the Prison Department under the Ministry of Justice of the Republic of Lithuania approved The Programme for the Prevention of Manifestations of Criminal Subculture in Detention Facilities.

3. In 2008, cognitive-behaviourist correctional programme “Only You and Me” was acquired. One module of this Programme is used for treating violence in behaviour. The implementation of the Programme has already commenced in correctional inspectorates.



4. Specialists of the psychological services of the detention facilities implement specialised programmes aimed at the prevention of violent behaviour, e.g. Identification and Management of Emotions, Stress and Crises Management, Conflicts and Conflict Solutions, Development of Communication Skills, etc.

5. Individual psychological assistance is available to detainees who were/are prone to violent behaviour before/during imprisonment.

6. The Draft Punishment Enforcement Code has been worked out and submitted to the Parliament of the Republic of Lithuania. The Draft Code envisages an opportunity to lock the living rooms during night time in the reformatories. In case the suggested amendments get approval, sanitary units will be installed in some of the living rooms of the reformatories and these premises will be locked at night. It will ensure a safer environment for the detainees to serve their sentences.

7. It is stated in the Strategy for Modernising the Detention Facilities that the number of people held in imprisonment wards (not in dormitory-type premises) can go up from 23 per cent to 54 per cent by 2017.

We believe that the implementation of the aforementioned programmes and other measures in detention facilities will facilitate the determination of root causes of inter-prisoner violence and the reduction of such occurrences.

The statistical data on inter-prisoner violence is available. The collection and processing of such data is being revised according to the CAT Recommendation 12(d) and, at the end of the year, we will be able to provide statistical data disaggregated by relevant indicators.

#### *Regarding investigations into police misconduct*

In addition to the information submitted by the Republic of Lithuania to the CAT in its periodic report regarding the role of prosecutors in the investigation into police misconduct, the following elements of legal regulation of the matter under Lithuanian law should be highlighted.

Where a police agency becomes aware of allegedly illegal use of physical force by a police official, it initiates an official service inspection under Item 6 of the Procedure for Conducting Official Service Inspections as well as Imposing and Lifting Service Penalties endorsed by a decree No 1V-308 of the Minister of the Interior of 27 August 2003.

Illegal use of physical force by a police official conducting his or her duties where it causes pain or negligible health impairment is an intentional criminal act envisaged in Article 228 § 1 (abuse of office) of Lithuanian Criminal Code. Therefore, where indications of this criminal act are established, an official service inspection is suspended and the material collected during the official service inspection is transmitted to a competent prosecutor's office. The official service inspection is resumed and continued only after the prosecutor's office has assessed the case. The investigation ends with drawing up of the findings of the official service inspection.

Under Item 23 of the abovementioned Procedure the legitimacy and reasonableness of the findings of inspectors are evaluated by inspectors from a hierarchically higher agency. Item 24 of the Procedure stipulates that a civil institution, namely the Head of the Inspector General's Division of the Ministry of the Interior (the officials of the Division of the Personnel Administration and Internal Investigations of the Department of Personnel of the Ministry of the Interior), is entitled to evaluate the legitimacy and reasonableness of the findings of official service inspections conducted within the system of the interior (including the police). Therefore, persons who consider that the examination of their complaints against illegal conduct by the police lacked objectivity, have a possibility of applying to the Ministry of the Interior. Complaints against the police misconduct can also be filed with the Seimas (Parliament) Ombudsman and with the court.

Where there is a reason to believe that an official whose conduct is being checked for any service misdemeanours or other illegal acts may obstruct the investigation, the head of the agency (where a official service inspection is conducted) or the court, in accordance with the Code

of Criminal Procedure (where a pre-trial investigation is conducted) has a possibility of debarring that official from the performance of his or her service duties.

*Regarding ill-treatment of conscripts*

Since 1 July 2009 the recruitment of conscripts to the compulsory military service in the Lithuanian Army has been discontinued. At present Lithuanian Army consists solely of professional military servicemen. Allegations of breaches of discipline by Lithuanian military servicemen are examined in accordance with the procedure set out in the Disciplinary Statute of the Lithuanian Army. In 2006, 16 pre-trial investigations were initiated, 11 of them were discontinued on various grounds and 5 were transmitted to court. In 2007, 16 pre-trial investigations were initiated, 9 of them were discontinued on various grounds and 7 were transmitted to court. In 2008, 10 pre-trial investigations were initiated, 3 of them were discontinued on various grounds and 7 were transmitted to court. In 2009 (during first 10 months) 7 pre-trial investigations were initiated, 2 of them were discontinued on various grounds, 2 were transmitted to court, 1 was transmitted to the prosecutor's office, investigation in 2 cases is still in process under the Disciplinary Statute. At least in one case the trial led to the conviction for violence against and humiliation of subordinate soldiers (see the decision of the Supreme Court of Lithuania of 5 February 2008 in criminal case No. 2K-66/2008).