



**Dialogue with the Committee against Torture on the fourth periodic report of  
Lithuania on the implementation of the United Nations Convention against Torture  
and Other Cruel, Inhuman or Degrading Treatment or Punishment  
17 November 2021**

**Opening statement by the Head of the Lithuanian Delegation  
Mr. Elanas Jablonskas, Vice-Minister of the Ministry of Justice  
of the Republic of Lithuania**

*Mr. Chairman,*

*Distinguished Members of the Committee,*

It is an honour and great privilege for me and the delegation of the Republic of Lithuania to present the Fourth Periodic Report of Lithuania, submitted under Article 19 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

First of all, please allow me to introduce the members of our delegation:

- *Mr. Mindaugas Akelaitis*, Head of Public Police Board, Police Department under the Ministry of Interior;
- *Ms. Jūratė Baublienė*, Advisor of Strategic Support and International Cooperation Group, Ministry of Social Security and Labour;
- *Ms. Simona Bieliūnė*, Advisor to the Minister of Health;
- *Mr. Darius Domarkas*, Head of Public Security Policy Group, Ministry of Interior;
- *Ms. Eglė Matuizienė*, Prosecutor at the Department for the Investigation of Organized Crime and Corruption, Prosecutor General's Office;
- *Mr. Antanas Montvydas*, Deputy Commander of the State Border Guard Service;
- *Mr. Marius Rakštelis*, Acting Head of Probation and Penitentiary Policy Group, Ministry of Justice;
- *Mr. Ignas Rubikas*, Head of Mental Health Division, Ministry of Health;
- *Mr. Darius Staniulis*, Director of United Nations, International Organizations and Human Rights Department, Ministry of Foreign Affairs;
- *Ms. Rasa Svetikaitė*, Justice and Intellectual Property Attaché, Permanent Mission of the Republic of Lithuania to the United Nations Office and Other International Organisations in Geneva;
- *Mr. Gintautas Šarauskas*, Deputy Director of the Prison Department under the Ministry of Justice;
- *Mr. Donatas Tamulaitis*, Chargé d'Affaires, Permanent Mission of the Republic of Lithuania to the United Nations Office and Other International Organizations in Geneva;
- *Mr. Rokas Uscila*, Advisor to the Minister of Justice.

And myself, Mr. Elanas Jablonskas, the Vice-minister of Justice.



*Mr. Chairman, Distinguished Rapporteurs and Committee members,*

Human rights and dignity are at the heart of the constitutional order of Lithuania and among the core principal values that guide the work of the current Government in its decision-making and oversight processes. Lithuania unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment. In this regard, my country has developed a solid national regulatory and institutional framework and, as a member of almost all international instruments on human rights, works closely with international and supranational organisations to prevent all forms of ill-treatment. As a newly elected member of the United Nations Human Rights Council, Lithuania is fully committed to respecting, promoting and protecting human rights around the globe.

Lithuania's fourth periodic report to be considered at the Committee's session today and tomorrow contains detailed information on the developments which took place since the consideration of the third periodic report in 2012 until the end of 2018, when Lithuania officially submitted this report to the Committee.

I would like to note the involvement and contribution of the Seimas Ombudsmen's Office of the Republic of Lithuania, our National Institution for Human Rights under The Principles of Paris, and our National Preventive Mechanism under the Optional Protocol to the Convention. We also welcome written contributions of the Human Rights Monitoring Institute and Global Detention Project which are an important added value for this exercise.

*Mr. Chairman,*

Let me provide the most recent information about Lithuania's progress and developments since the submission of the previous report at the end of 2018 to date. I will address the issues by clusters:

## **CRIMINAL MATTERS**

1. In 2019, the Criminal Code was supplemented by a new criminal offense – torture. Article 100<sup>3</sup> of the Criminal Code now provides for criminal liability for anyone who, in the exercise of public policy or with the permission, incitement, support or approval of the state, has in any way tortured or otherwise severely treated a human being, thereby causing severe physical or mental pain or suffering to the victim. This criminal act is punishable by up to five years' imprisonment. The limitation period does not apply to this crime. With this in mind, Lithuania has fully implemented all the recommendations made on the criminalization of torture, as required by the provisions of the Convention.
2. In 2019, the Criminal Code, the Code of Criminal Proceedings and the Code of Execution of Sentences (CES) were supplemented with legal preconditions to review life sentences; i.e. a possibility to change a life sentence to a more lenient imprisonment sentence was introduced. An application for a determinate (or fixed term) prison sentence may be considered by the court after a person has served 20 years of their life sentence. If the court decides to replace the life sentence with determinate imprisonment, the term of imprisonment may not be less than five and not more than ten years from the date of entry into force of the court order. After this procedure, conditional release for the respective persons could be applied on the same basis as for the general prison population. In case the court rejects the application, the procedure shall be repeated after a year. The aforementioned mechanism fully complies with the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the jurisprudence of the European Court of Human Rights (ECHR).



3. Focusing on the protection of the most vulnerable groups, namely children, in 2021 the Criminal Code was amended by introducing a new punitive measure for perpetrators of sexual offenses against minors – an obligation to notify a change of residence or departure from the place of residence.
4. As regards the ECHR decision in the case *Abu Zubaydah v. Lithuania*, we note with satisfaction that by its decision of December 2020 the Committee of Ministers of the Council of Europe (CM) decided to close their examination of the general measures in the case at issue. During the last examination of the case that took place in September this year, the CM expressed their satisfaction at the initiatives taken and efforts deployed by the General Prosecutor's Office of Lithuania as regards the pending domestic investigation. The CM also noted with satisfaction that the Lithuanian authorities renewed their request for diplomatic assurances and enquired in detail about the applicant's current situation and the status of the relevant proceedings pending in the United States.

## ASYLUM

5. As the whole international community is well aware, since the end of June 2021 our country has been facing a large-scale hybrid attack organized by the Belarusian regime in retaliation for our strong support to the Belarusian people struggling for freedom, and in response to the EU sanctions imposed for the harsh violations of human rights in Belarus. The Belarusian regime is recklessly using illegal migration for political purposes. Over the recent months, the flow of irregular migration at the Lithuanian and the EU external border with Belarus increased almost 57 times compared to 2020. So far, more than 4,000 irregular migrants have been detained for illegal border crossing from Belarus.
6. In response to this organized mass migratory influx, a country-wide state of emergency was declared and the Union Civil Protection Mechanism was activated in July 2021. Moreover, a number of legislative amendments to the Law on the Legal Status of Aliens were adopted with several changes related, *inter alia*, to the restriction of movement of asylum seekers, while carefully preserving the respect for fundamental human rights; ensuring adequate detention conditions to meet the needs of the asylum seekers within our country's capacity; and guaranteeing the right to apply for asylum in accordance with international standards.
7. Lithuania is facing serious unprecedented challenges due to the unpredictable behaviour of the neighbouring regime. As the situation has been evolving and most recently reached a critical point in respect of the country's security, on the 10<sup>th</sup> of November a temporary state of emergency was introduced by the national parliament in the border zone and in the adjacent 5 km-wide inland territory. In this context, I must stress and assure you, that despite these regulatory measures, restrictions on human rights are imposed only to the strictly necessary extent. Humanitarian aid is provided to irregular migrants.
8. At the same time, the relevant national agencies are engaged in a close and continuous cooperation with international agencies, Frontex, EASO, EUROPOL and other international organisations, as well as with the EU Member States and humanitarian organizations. Lithuania stands ready to work closely with its allies and the international community, as well as other stakeholders in ensuring human dignity and human rights standards for all, and at the same time making sure that no political regime could benefit from vulnerable people with impunity.

## TREATMENT OF DETAINEES

9. The development of judicial practice of imposing a detention as an *ultima ratio* measure and effective application of alternative measures (including electronic monitoring) has contributed to further reduction of the number of detainees in Lithuania (currently – 20 detainees per 100 thousand inhabitants).
10. Lithuania has made considerable progress with the aim of improving material conditions in police detention centres. Detention centres are newly built and in good condition, fully comply with all technical and hygiene requirements, and ensure that detainees are afforded respect and dignity throughout their detention. At the moment, 5 police detention centres are functioning with the total capacity of 329 places.

## PRISONS

11. Since 2020, inmates and detainees have been fully integrated into the national health insurance system, i.e., free health insurance is afforded for all inmates (detainees), and all health care services are covered by the Compulsory Health Insurance Fund. In addition, municipalities are obliged to assure provision of outpatient health care services (general practitioner, dentist, psychiatrist) in correctional/remand institutions, in cases where the prison system is not able to provide these services due to unexpected situations. Substitution treatment for addicted inmates is now fully available in all penitentiary institutions, and the procedure of supplying Naloxone kits to opioid users upon their release from penitentiary was established in 2021.
12. In July 2020, the CES was amended with the aim to encourage the wider use of the probation mechanism, i.e. suspension of sentence, conditional release and sentences alternative to imprisonment. Probation is also used for persons sentenced to an arrest (imprisonment up to 90 days). They may be subject to intensive electronic monitoring during their probation, which would be equivalent to a house arrest. The application of parole to well-behaved inmates has been simplified, with the possibility of release from a correctional facility under intensive supervision when a higher proportion of the sentence has been served. A possibility for automatic release under intense supervision after having served  $\frac{3}{4}$  of the sentence, is foreseen. As a result of the wider use of alternatives to imprisonment, the total number of inmates has decreased by an additional 17 % since 2018. In particular, the numbers of applications for conditional release have doubled since 2018 and currently 48% of all releases from correctional institutions are on the conditional basis.
13. Modernization of penitentiary institutions and improvement of material imprisonment conditions remains the highest priority of the Government. In implementing the recommendations of the Committee, Lukiškės Remand Prison-Closed Prison was closed in 2019. Šauliai Remand Prison is to be closed after a new penitentiary institution in Šiauliai is constructed (an investment project has been prepared already). The correctional institution in Kybartai was closed in September 2021. Simultaneously, 317 new or reconstructed prison places have been created until September 2021, and additional 400 prison places will be created by 2024 for inmates (detainees) in closed-type penitentiary institutions. The development of open prisons started in 2020. Until now, 330 new prison places have been built in open-type penitentiary institutions, and additional 100 new places are to be created by 2024.

14. Further efforts to improve prison security and prevent ill-treatment include the development of a dynamic security model, increasing the number of prison staff directly working with inmates (including social workers), the obligation for prison staff to use portable video recorders all the time they are interacting with inmates, and resettlement and prompt isolation of inmates who challenge the criminogenic situation in penitentiaries.
15. A modern Training Centre for prison staff was opened and a new training curriculum was introduced in Lithuania aiming to increase professional standards of prison staff and to change attitudes of both staff and inmates, thus contributing to the prevention of ill-treatment and torture.
16. Amendments of the CES and other relevant laws, which will enter into force in 2022, will fully change inmates' occupancy system. Inmates who serve their sentences in open-type penitentiary institutions, will be fully integrated into the national social security system (they will be able to conclude employment contracts themselves outside prison, and general rules on taxation and social insurance will be applicable to them in the same manner as to other citizens). The amendments also aim to provide each inmate with an opportunity to engage in meaningful outside cell activities for at least 8 hours per day.
17. In cooperation with social partners (the Ministry of Social Security and Labour, municipalities and NGOs), a new model of inmates' preparation for their integration into society was introduced and launched in January 2021. Inmates' needs are identified by social workers while they are still in prisons, municipal and other institutions are notified about the required social services in advance, and the services become available for the inmate as soon as they are released from prison.

## PSYCHIATRIC ESTABLISHMENTS

18. We are particularly proud to note that in close cooperation with the Seimas Ombudsman a legislative reform was implemented in the field of mental health care aimed, first and above all, at protection of the rights of involuntary hospitalized patients. On the 1st of May 2019, a recast of the Law on Mental Health entered into force. This law defines fundamental principles of mental health care, the rights of patients with mental and behavioural disorders and the conditions for their restriction, the basics of public mental health care and the basics of the provision of personal mental health care services. The main legal safeguard for involuntary hospitalized patients is the restriction of involuntary hospitalization to no more than 3 working days without court permission; the right to be heard by a court and the right to legal aid; separate consents for the involuntary hospitalization and treatment as well as the right to additional mental health assessment by three independent psychiatrists from outside the mental health institution.
19. Lithuania is consistently seeking to reduce the application of involuntary measures, and since 2019 has been monitoring the statistics. The last two years show that the share of involuntary hospitalizations amongst all hospitalizations is less than 5%, while the number of physical restraint measures in 2020 dropped by 30 % compared to 2019. Lithuania recognizes the significance of preventing involuntary measures by reducing the need for their use in the first place.
20. In 2021, Lithuania joined the World Health Organization's QualityRights initiative aiming to change mindsets and practices in a sustainable way and empower all stakeholders to promote rights and recovery to improve the lives of people with psychosocial, intellectual or cognitive disabilities. In collaboration with the experts, Lithuania started adapting the package of training and guidance



materials used to implement human rights and recovery approach in the area of mental health in line with the UN Convention on the Rights of Persons with Disabilities and other international human rights standards.

## **HUMAN TRAFFICKING**

21. Lithuania continues its efforts to combat human trafficking, in particular by increasing competences and abilities of staff from relevant institutions to identify potential victims of trafficking; implementing awareness raising campaigns towards zero tolerance for human trafficking and modern slavery and assuring complex assistance to victims of human trafficking. For these purposes, the Inter-institutional Action Plan on Combating Human Trafficking 2020-2022 was approved.
22. To improve the capacity of municipalities to organise comprehensive assistance to victims of human trafficking, a model for supporting actual and potential victims of human trafficking was developed. In 2021, a network of anti-trafficking municipality coordinators was established; they are responsible for improving coordination and coherence of the national assistance system.
23. In 2021, the Law on Assistance to Victims of Crime was adopted. It establishes a system of assistance to victims of crimes (including victims of human trafficking). Between 2018 and 2020, over 500 thousand euros were allocated for support to the victims of human trafficking; support was provided to nearly 700 people.

## **CHILDREN'S RIGHTS**

24. Protection of children's rights in Lithuania is a priority issue. The country introduced a complete prohibition of corporal punishments of children, including within a family, and has taken a number of initiatives in this area, including changes to the legislation and implementation of a reform of the children's rights protection system.
25. Several national initiatives were implemented between 2018 and 2020, including the "Parent Hotline" aimed at promoting non-violent upbringing of children and teaching parents and other child caregivers non-violent parenting skills, as well as awareness raising initiatives. Intensive work with families in crisis is ongoing with the active involvement of NGOs and municipalities.

## **DOMESTIC VIOLENCE**

26. Despite a comprehensive legal framework, the problem of domestic violence remains present in Lithuania. During the pandemic, the number of domestic violence cases in Lithuania increased by about 20%, and the growing trend is observed in other EU countries as well. To address this, Lithuania has launched a national action plan to eradicate intimate partner violence.
27. The Government of Lithuania recently took a big step forward by approving amendments to the Law on Protection against Domestic Violence of the Republic of Lithuania which foresee introduction of a protection order against domestic violence and provide for more effective assistance to victims. The draft law has already been submitted to the Parliament of the Republic of Lithuania and will enter into force in 2023. The right to issue a protection order for 72 hours after a notification of the domestic violence event is granted to police officers. The district court may extend the protection order for up to 12 calendar days. Amendments to the law are projected to increase public intolerance to domestic



violence because, with the introduction of the order, the person at risk of violence will be more quickly separated from the abusive partner or relative.

28. Preventive work against domestic violence was enhanced through the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims. It included a number of information campaigns as well as training for employees of state and municipal institutions including teachers, police officers and health care professionals. We are particularly glad to note that active public awareness raising as regards domestic violence has already resulted in less tolerance and, consequently, increased reporting of the alleged domestic violence events. Lithuania will continue promoting a zero-tolerance policy towards domestic violence.
29. NGOs are actively involved in providing assistance to the victims of violence. State funded integrated assistance to victims of violence, including psychological and legal support, is provided in Specialized Comprehensive Assistance Centres.

### **SUPPORT TO THE VICTIMS OF CRIMINAL OFFENCES**

30. A new Law on Assistance to Victims of Crime establishes a system of assistance to victims of any crime. Irrespective of whether the victim has lodged a formal complaint about a criminal offense, he or she (his or her family members) will have the right, free of charge and in confidence, to have access to information and counselling on the protection of the rights of the victim and on social and health care services, and the provision of information on access to criminal proceedings and complaints. Psychological and emotional assistance is provided, temporary accommodation can be arranged if the victim needs it, as well as accompanying the victim to other organizations. The assistance provided is free of charge and can be completely anonymous.
31. A recast of the Law on Compensation for Damage Caused by Violent Crimes has been adopted. This law provides for compensation in advance for pecuniary and / or non-pecuniary damage caused by violent crimes and compensation for pecuniary and / or non-pecuniary damage caused by violent crimes, the implementation of the Fund for Crime Victims programme, the exercise of state claim rights and cooperation with other EU Member States in compensating for violent damage caused by criminal offenses. Between 2018 and 2021, almost 2 million euro were paid to the victims in the form of compensation of pecuniary and / or non-pecuniary damage caused by violent crimes.

### **TRAINING**

32. Lithuania recognises that the state needs competent and well-trained officials to ensure proper respect for human rights. With this objective in mind, civil servants, law enforcement officials and judicial officials have attended many training sessions since 2018 covering a wide variety of questions related to the implementation of the Convention. In particular, we are focusing on the recognition of the signs of systemic domestic violence, victims of human trafficking, and working ethics.

*Mr. Chairman, Distinguished Members of the Committee,*

Before closing my statement, I would like to stress that human-centred and community-based approaches to the prevention of ill-treatment is Lithuania's way forward. Our country continues to modernize the infrastructure of detention facilities and works towards further reduction of the prison population. We also



intend to expand alternative means to involuntary hospitalization and physical restraint and offer specialized and case management services for persons with severe mental illnesses in health and social sectors. We believe that a successful QualityRights toolkit pilot will increase our independent evaluation capacity. Last but not least, we aim to strengthen the state's analytical capacity on evidence collection and evaluation in the area of gender-based and domestic violence, and develop a risk management information system which will help police officers to identify potential perpetrators and to take proactive actions.

Thank you for your kind attention. Let me assure you that Lithuania is strongly determined to continue its efforts to promote and further improve measures for combating torture and all forms of ill-treatment. We look forward to the fruitful and constructive dialogue with the Committee. We will do our utmost to address your concerns in the dialogue that will ensue.

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