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Excellency,

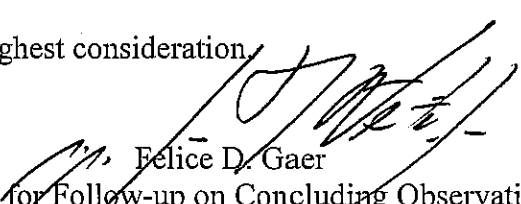
In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the second periodic report of Lithuania (CAT/C/LTU/2) by this Committee, at its 41st session, held from 3 to 21 November 2008. At the end of that session, the Committee's Concluding Observations (CAT/C/LTU/CO/2) were transmitted to your Permanent Mission. In paragraph 28 of those Concluding Observations, the Committee requested, pursuant to its rules of procedures, that the State party provide, within one year (by November 2009) further information regarding areas of particular concern identified by the Committee in paragraphs 7, 12, 14 and 15 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Concluding Observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Lithuania on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Excellency, the assurances of my highest consideration.


Felice D. Gaer
Rapporteur for Follow-up on Concluding Observations
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture
(Extracts for follow-up)**

LITHUANIA

(...)

C. Principal subjects concerns and recommendations

(...)

Fundamental safeguards

7. The Committee notes the adoption by the Minister of Health of the 2004 Order No. V-8, regulating the objectives and functions of medical stations at detention facilities. However, the Committee notes with concern that the Order may not provide detainees the right to request and receive a medical examination by a doctor at their own request. It also regrets the lack of information on the number of doctors currently working in detention facilities, and the system in place to ensure that detainees may have such access. (arts. 2 and 16)

The State party should take effective measures to ensure that all detainees are afforded fundamental legal safeguards in practice, including the right to have access to a doctor. The Committee recommends that the State party provide more information on the number of doctors currently working in detention facilities, and the system in place to ensure that detainees may have such access.

(...)

Conditions of detention

12. The Committee is concerned that notwithstanding the measures taken by the State party to improve conditions of detention, including in the context of the 2004 Programme of Renovation of Detention Facilities and Improvement of Conditions for Persons Held in Detention, there is continuing overcrowding in places of detention, in particular in Pre-Trial Wards and the Hospital of Imprisonment Institutions. While noting that conditions of detention have improved considerably in recent years, the Committee is concerned at the overall conditions in some prisons and Pre-Trial Wards, including unsuitable infrastructures and unhygienic living conditions. Furthermore, while noting the implementation of violence prevention programmes in places of imprisonment, the Committee is concerned at the occurrence of inter-prisoner violence and lack of statistical data that may provide breakdown by relevant

indicators to facilitate determination of root causes and design of strategies to prevent and reduce such occurrences. (arts. 11 and 16)

The Committee recommends that the State party should:

a) Continue its efforts to alleviate the overcrowding of penitentiary institutions, including Pre-Trial Wards and the Hospital of Imprisonment Institutions, including through the application of alternative measures to imprisonment and the increase of budgetary allocations to develop and renovate the infrastructure of prisons and other detention facilities;

b) Take effective measures to further improve living conditions in the detention facilities, including prisons and Pre-Trial Wards;

c) Take effective steps to systematically and effectively monitor all places of detention; and

d) Monitor and document incidents of inter-prisoner violence with a view to revealing root causes and designing appropriate prevention strategies and provide the Committee with such data, disaggregated by relevant indicators.

(...)

Prompt, thorough and impartial investigations

14. The Committee regrets the lack of information on the system in place to review individual complaints about police misconduct and it is concerned at the number of complaints of use of force and ill-treatment by law enforcement officials, the limited number of investigations carried out by the State party in such cases, and the very limited number of convictions in those cases which are investigated. (arts. 12 and 16)

The Committee recommends that the State party should:

(a) Strengthen its measures to ensure prompt, thorough, impartial and effective investigations into all allegations of torture and ill-treatment committed by law enforcement officials. In particular, such investigations should not be undertaken by or under the authority of the police, but by an independent body. In connection with prima facie cases of torture and ill-treatment, the alleged suspect should as a rule be subject to suspension or reassignment during the process of investigation, especially if there is a risk that he or she might impede the investigation; and

(b) Try the perpetrators and impose appropriate sentences on those convicted in order to eliminate impunity for law enforcement personnel who are responsible for violations prohibited by the Convention.

(...)

28. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 7, 12, 14 and 15 above.

(...)