



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

26 June 2023

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the fourth periodic report of Lithuania, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 72nd session held from 8 November to 3 December 2021, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/LTU/CO/4, para. 29) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 12, 16 and 18 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 14 November 2022 providing your Government's response to the above-mentioned paragraphs (CAT/C/LTU/FCO/4) and to make the following comments:

Refugee and migrant crisis (para. 12 of the Committee's concluding observations)

The Committee takes note of the information provided by the State party regarding the framework of its border procedure, the accommodation of families with children and vulnerable asylum seekers, and the reception conditions in accommodation sites. It is concerned, however, that the State party continues to detain families with children, and vulnerable asylum seekers, and that the State party's reply did not indicate the existence of steps taken to cease this practice. In addition, the Committee is concerned that the State party still lacks an adequate mechanism to identify vulnerable individuals, including victims of torture and ill-treatment, to ensure that their specific needs are taken into account.

.../...

H. E. Mr. Darius Staniulis
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the Republic of Lithuania
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The Committee welcomes the efforts undertaken by the State party to ensure access to information on asylum procedures by producing brochures in foreign languages as well as interpretation services, and by providing State-guaranteed legal aid to asylum seekers. The Committee also takes note of information received on the asylum procedure, the individual assessment of applicants' claims, and the right to remain within the country during appeals procedures. However, the Committee expresses its concern over reports received that information brochures are not sufficiently comprehensive, and that asylum seekers lack information on how to avail of their rights, including their right to legal aid, in practice. The Committee also expresses its concern that persons seeking to enter the country at unofficial crossing points in order to claim asylum are unable to do so in the absence of exceptional circumstances, due to restrictions on locations where asylum requests may be lodged. In addition, the Committee expresses its concern that not all appeals against negative asylum decisions have a suspensive effect, and expresses particular concern over allegations detailing the deportation of seven Nigerian citizens in 2022, before the period allotted to them to avail of their right to appeal and seek interim measures had elapsed.

Finally, taking note of information provided by the State party that official inspections are always carried out in case of indications or suspicions regarding the use of excessive force by the staff, the Committee regrets not having received information on the number of complaints, investigations and/or sentences handed down in cases of torture or other ill-treatment in places of immigration detention and accommodation sites for asylum seekers, refugees and undocumented migrants, since the adoption of the concluding observations (2/B1).

Conditions of detention (para. 16 of the Committee's concluding observations)

The Committee appreciates the ample information provided by the State party on measures taken to improve material conditions of detention and quality of life of inmates, to extend the application of non-custodial measures, and to strengthen the effectiveness of complaints mechanisms for reporting cases of violence. The Committee also welcomes efforts to improve the implementation of dynamic security approaches, including through the provision of trainings to prison staff. However, the Committee regrets that the State party did not provide it with complete statistical information on cases of violence, suicides and deaths resulting from inter-prisoner violence or other violence.

The Committee welcomes the strengthening of the institutional capacities of the Seimas Ombudsman Office, including through the increasing of its budget, as well as the improvement of remuneration for prison staff. It also takes note of the procedure in place in order to ensure that the use of electrical discharge weapons (tasers) is strictly compliant with international standards. The Committee also welcomes the efforts taken by the State party in order to prevent the use of psychoactive substances in prisons, to decrease the number of prisoners infected by HIV and VHS, and to ensure access to Covid-19 vaccines for inmates. Finally, it welcomes the information provided on the entry into force of the new Code of Enforcement of Sentences on 1 January 2023 (3/A).

Prompt, thorough, independent and impartial investigations (para. 18 of the Committee's concluding observations)

The Committee welcomes the information provided by the State party on the temporal suspension from duties of law enforcement officials suspected of having committed criminal acts, as well as information on the number of cases of excessive use of force by law enforcement and military officials, and on the penalties applied to those

found guilty. It remains concerned, however, regarding the impartiality and effectiveness of internal investigation mechanisms, which are directly subordinated to the head of the relevant institutions. The Committee is also concerned that information provided by the State party suggests that a number of law enforcement officials found to have committed unjustified violence or excessive use of force between 2021 and 2022 did not face criminal investigations or charges (2/B1).

Implementation plan

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Lithuania is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the fourth periodic report of Lithuania or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Lithuania on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



Bakhtiyar Tuzmukhamedov
Rapporteur for follow-up to concluding observations
Committee against Torture