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**Responses of the Government of Lithuania
to the report of the European Committee
for the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment (CPT)
on its visit to Lithuania**

from 14 to 23 February 2000

The Government of Lithuania has agreed to the publication of the CPT's report on the visit to Lithuania in February 2000 (see CPT/Inf (2001) 22) and of its responses.

Strasbourg, 18 October 2001

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Interim report of the Government of Lithuania

**Interim report of the Lithuanian Government in response
to the report of the European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment (CPT)
on its visit to Lithuania
from 14 to 23 February 2000**

A. POLICE ESTABLISHMENTS

1. Ill-treatment

- *the CPT's recommendation that a very high priority be given to professional training for police officers of all ranks and categories, taking into account the remarks set out in paragraph 15 (paragraph 15 and paragraph 16);*
- *the CPT's recommendation with respect to ill-treatment of prisoners by Convoy Division officers (paragraph 116);*

The Police Department under the Ministry of the Interior has arranged four-day long training for heads of Lithuanian police establishments and convoy divisions as well as for officers working there. The training was attended by competent specialists from the Ministry of the Interior and the Police Department under the Ministry of the Interior. Considerable emphasis was placed on the theme "Application of International Legal Acts on Human Rights in the Police". In the course of training, it was stressed that ill-treatment or degrading treatment of prisoners by officers of police establishments or convoy divisions will not be tolerated and will be subject to austere punishment. It was also indicated to resort to all necessary measures with a view to ensuring respect of dignity of persons during their detention in police establishments or convoy.

Attention has to be paid to the fact that measures designed for the implementation of the Programme of the Government of the Republic of Lithuania for 2000-2004 embrace enhancement of the training centre (installing the latest training programmes, obtaining training equipment and instruments) and support of the professional improvement of officers, which will be aimed at the modern doctrine of law, European Union integration and the protection of human rights.

By the fourth quarter of 2002, a higher education non-university establishment is to be set up, which would create conditions for persons who intend to work in statutory divisions to get higher non-university education.

During 2001-2003, the Ministry of the Interior and the Police Department under the Ministry of the Interior are going to arrange specialised courses, seminars and workshops designed for training police officers. Special focus will be laid on the protection of human rights and teaching of foreign languages.

Information that the CPT would like to receive in respect of 1999 and 2000:

- *the number of complaints of ill-treatment made against police officers and the number of criminal/disciplinary proceedings which were instituted as a result;*
- *an account of criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police (paragraph 19).*

In 1999, 19 police detainees lodged complaints and applications of alleged ill-treatment by officers of police establishments and convoy divisions with the Police Department under the Ministry of the Interior. In 2000, there were 18 police detainees' complaints and applications lodged with the Police Department under the Ministry of the Interior. After inspecting the complaints and applications, it was established that the actions of police officers do not constitute ill-treatment, degrading treatment or violation of lawfulness.

2. Conditions of detention

Inappropriate conditions of detention and insufficient maintenance were indicated by the experts as one of the main shortcomings identified during the visits of the Committee representatives to Lithuanian police detention facilities.

As the experts were informed during their visit to Lithuania, limited financial resources constitute the major impediment in tackling the aforementioned problems. The issue is relevant hitherto although there has been constant search for Lithuanian and foreign sources of funding.

With a view to tackling the issue in essence, i.e. making detention conditions in police establishments more human and putting into practice the requirements for detention centres set out in the Committee's report, the Police Department under the Ministry of the Interior has proposed to include to the Programme of the Government of the Republic of Lithuania for 2000-2004 consideration of renovation of police detention facilities, the system of their establishment and maintenance. With that end in view, by the third quarter of 2001, it is envisaged to draft a detailed plan on improving detention conditions in police establishments, indicating the possibilities of construction of new police detention facilities, reconstruction and equipment of old buildings as well as the possible sources of funding.

In addition, the Ministry of the Interior and the Ministry of Justice are considering the possibility of closing some of the detention centres the conditions in which present serious problems (e.g. the detention centre in Kaunas, etc.).

- *The CPT's recommendation that immediate steps be taken to ensure the improvement of maintenance and conditions of life of persons detained in police detention facilities (paragraph 35);*
- *Information that the CPT would like to receive on the progress made in securing the financial resources necessary to improve conditions of detention in police establishments (paragraph 22).*

In the light of the CPT's recommendation, police commissariats were commissioned to present the information on the shortage of bedding (mattresses, pillows, blankets, etc.) and bed linen (sheets, slipcovers, towels, etc.) on the submission of such information, the Police Department under the Ministry of the Interior allocated 50,000 Litass to police commissariats for the acquisition of the lacking inventory.

Pursuant to the requirements set out in paragraph 35 of the report, there has been a direction issued for heads of police commissariats on unconditional implementation of the measures laid down under this paragraph, placing considerable emphasis on maintenance of persons detained in police detention facilities. The direction requires heads of police commissariats to ensure that all persons detained in police detention facilities are provided with mattresses, blankets and sheets, are offered adequate washing facilities, have the necessary basic personal hygiene products and receive the necessary materials to maintain their cells in a clean and hygienic state, are offered outdoor activities, receive sufficient amount of food and have ready access to drinking water. The direction also requires improvement of lighting in cells and partitioning (where not partitioned) of all in-cell toilet facilities.

It also has to be emphasised that the State budget for 2001 allocates to police commissariats (for other expenses) 4 mln. Litas more than in 2000. Hopefully, purposive utilisation of these resources will help to tackle the main issues regarding maintenance of persons detained in police detention facilities. In comparison, in 2000, 929,000 Litas were allocated for nourishment of persons detained in police detention facilities. The sum has been increased up to 1,065,000 Litas for the year 2001.

3. Safeguards against ill-treatment of persons detained by the police

- *The CPT recommends that the needs of health care services in police detention centres reviewed, in the light of the remarks made in paragraph 44.*

In police detention centres containing dispensaries health care is provided by feldshers. In 28 police detention centres there no such dispensaries (during the CPT's visit to Lithuania, 30 police detention centres did not have dispensaries). Health care in these detention centres is provided by medical institutions that have concluded contracts with police commissariats.

In addressing the issue of the right of persons detained in police detention facilities to full-fledged health care, first of all, it is envisaged to take measures to establish dispensaries and to introduce staff to work as feldshers in all police detention centres.

- *the CPT's recommendation that existing legal provisions concerning the right of persons in police custody have access to a doctor should be developed (paragraph 47);*

The Committee's report indicates that a person taken into police custody has the right to be examined, if he so wishes, by a doctor of his own choice. The implementation of this requirement is not obstructed by any legal obstacles and is compatible with the requirements of the Code of Practice of Police Detention Centres, which was approved by order No. 88 of the Minister of the Interior of 17 February 2000. Police commissariats are informed on the necessity of the implementation of this right of detained persons.

In conformity with the requirements set out in paragraph 47 of the report, all police commissariats are to ensure that all medical examinations of persons in custody are to be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of police officers;

It has also been indicated that the results of every examination, as well as any relevant statements by the person in custody and the doctor's conclusions, are to be recorded in writing by the doctor and made available to the person in custody and his lawyer;

The confidentiality of medical data is to be strictly observed. Ensuring medical confidentiality of patients (including those who are HIV-positive or ill with AIDS) is prescribed by the Republic of Lithuania Law on the Rights of Patients and Compensation of the Damage to their Health. Under Section 2 of Article 10 of this Law, all of the information concerning the condition of the patient's health, diagnosis, prognosis and treatment, and also, all of the other information of personal nature concerning the patient, must be held as confidential, even after the patient's death.

- *the CPT's recommendation that persons taken into police custody be expressly informed, without delay, of all their rights (paragraph 48);*

Paragraph 48 of the Committee's report requires that all persons taken into police custody should be expressly, without delay and in a language which they understand, notified of all their rights and elucidation of their rights. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights.

The requirement stipulated by paragraph 48 has been implemented. If the fact of violating the aforementioned requirement is established during the inspection of the organisation of work of police detention centres, it is considered a serious infringement of the organisation of work.

Upon bringing a person who does not understand the official language (Lithuanian), an interpreter is called.

Paragraph 50 of the Committee's report recommends that a single custody record is kept for each person detained, in which would be recorded all aspects of his/her custody and all the action taken in connection with it.

Such information is recorded in detention centres and accumulated in journals which are dedicated for this particular purpose and compiled in accordance with the established procedure.

- *The CPT would like to be informed if the right to inform a close relative can be withheld on any other grounds (with the exception of cases when the information about a person's detention can pose a threat to the security of his/her family) (paragraph 39);*

Article 107 of the Code of Criminal Procedure stipulates an imperative provision setting forth that the competent prosecutor, who has participated in imposing remand detention, is required to ensure that information about a person's detention is provided to a close relative of a detainee's choice at the very outset of detention. Under this Article, the only ground on which the prosecutor may refuse to inform the detainee's family, is the detainee's motivated explanation that such information can pose a threat to the security of his/her family. Thus there are no other grounds on which the prosecutor may refuse to provide information about a person's detention to the detainee's family.

B. PRISONS

General reforms

On 18 April 2000 the Seimas of the Republic of Lithuania approved the Statute on Service in the Prison Department under the Ministry of Justice and the Law on the Implementation of the Statute. Under the aforementioned laws, since 1 September 2000, the system of enforcement of criminal punishments has been transferred from the field of competence of the Ministry of the Interior to that of the Ministry of Justice.

The Minister of Justice has approved the following legal instruments:

- the new Internal rules of Correctional Institutions (order No. 172 of the Minister of Justice of 16 August 2000);
- Directions on the Protection and Supervision of Remand Detention and Imprisonment Institutions (order No. 180 of the Minister of Justice of 22 August 2000);
- Regulations of the Prison Department under the Ministry of Justice (order No. 184 of the Minister of Justice of 1 September 2000);
- new regulations of each imprisonment institution (order No. 264 of the Minister of Justice of 27 December 2000);

The aforementioned legal acts have been drawn up in accordance with the European Prison Rules and following the recommendations of the experts of the Council of Europe following their visits to the Lithuanian imprisonment institutions carried out in 1995 and 1999.

1. Preliminary remarks

Measures aimed at decreasing the number of persons detained in imprisonment institutions

- *The CPT's recommendation on vigorous pursuance of policies designed to reduce prison overcrowding (paragraph 58);*

On 11 April 2000 the Seimas of the Republic of Lithuania adopted the Law on Amnesty Act. In the implementation of the Law, 2271 prisoners were released from prison establishments, 4851 prisoners saw their sentence reduced. Before the application of the Law on Amnesty (1 April 2000), there were 13,214 persons detained in prison establishments, whereas after its application, the number of prisoners diminished to 8746. This represents a rate of imprisonment of 236.4 prisoners per 100,000 inhabitants.

Moreover, amendments of the Criminal Code expanding the sphere of applicability of conditional release from imprisonment institutions are under consideration in the Seimas.

On 26 September 2000 the Seimas of the Republic of Lithuania approved the new Criminal Code of the Republic of Lithuania. As compared to the old version, amendments to the Criminal Code have resulted in the introduction of a new term for defining a criminal act – “misdemeanour”, which can only be punishable by non-custodial penalties or by detention (for a period of 45 days or less) – arrest. It also provides for a more frequent imposition of non-custodial penalties and defines new types of punishments: deprivation of public rights, restriction of liberty and arrest (detention for a period of 15 to 90 days). As regards juveniles, the Code provides for custodial punishments only for major or grave crimes or in cases when there are sufficient grounds to believe that other types of penalties are not sufficient for changing criminal inclinations of a juvenile. The Code is to enter into force on 1 January 2003.

2. Ill-treatment of prisoners by staff of imprisonment institutions

- *The CPT’s recommendation on proper training of prison officers concentrating on building positive relations with prisoners (paragraph 61);*

As indicated in paragraph 60 of the CPT’s report, during its visit to Lukiškės Remand Establishment – Prison and Pravieniškės Strengthened Regime Colony No. 2, the CPT’s delegation received some allegations of ill-treatment of prisoners by staff (physical violence, verbal abuses).

It cannot be asserted that such allegations are totally untrue, in particular as regards verbal abuses. The present situation is due to the fact that only in 1999 a special training institution of prison officers the Training Centre of the Prison Department started functioning in Lithuania. Before then, prison officers recruited to imprisonment institutions did not have any training, while their introductory training was conducted in imprisonment institutions without discontinuation of service. It is possible that newly recruited prison officers adopted the habits of ill-treating prison inmates from other prison officers having a disposition to ill-treatment.

As mentioned above, in 1999 the Training Centre of the Prison Department became operational and at present newly recruited prison officers are referred to the Centre for introductory training for a period of 3 months. The Training Centre also organises courses of in-service training for prison officers and other staff.

Training programmes, which are approved by the Director of the Prison Department, are designed in such a way that at least 1/5 of the whole term of training is dedicated to ensuring positive treatment of prison inmates by staff. For example, 30 hours are dedicated to general psychology, 24 hours are dedicated to language usage, 22 hours are devoted to each, professional ethics and elucidation of international standards of treatment of prison inmates. In teaching the principles of criminal and penitentiary law, attendants receive detailed explanation of responsibility for ill-treatment of prison inmates.

Lecturers from the Law University of Lithuania are invited to deliver lectures at the Training Centre. The Training Centre is engaged in bilateral cooperation with the Training Centre of the Swedish Prison and Probation Administration, the Central Training Centre of the Polish Prison Service. Lecturers of the Training Centre of the Lithuanian Prison Department on a regular basis work on probation at the Training Centre of the Swedish Prison and Probation Administration, the Swedish colleagues deliver lectures at the Training Centre of the Lithuanian Prison Department.

The Statute on Service in the Prison Department under the Ministry of Justice sets forth official requirements for induction of officers encompassing their education, intellect, personal and professional characteristics. A prison officer's vocation requires at least secondary education. Persons appointed to the positions of directors, deputy directors, heads of services, their assistants must have higher education.

Recruited officers (including prison officers) have to serve a probationary term of 6 months. On the expiry of their probationary term, a certification commission evaluates their suitability to service. A person is to be appointed to the position only in case of positive evaluation. From then on, certification of all officers takes place every four years.

The CPT's request to receive the following information in respect of 1999 and 2000:

- *the number of complaints of ill-treatment lodged against custodial staff in all prisons in Lithuania and the number of disciplinary and/or criminal proceedings initiated as a result of these complaints;*
- *an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by custodial staff (paragraph 62);*

In 1999 there were 48 cases registered when prison inmates complained of ill-treatment by staff of imprisonment institutions (physical violence or verbal abuses).

In 2000 there were 36 cases of lodging such complaints.

In 1999 disciplinary sanctions were imposed on two officers of imprisonment institutions and in 2000 disciplinary sanctions were imposed on one officer.

In 1999 and 2000 no criminal sanctions for ill-treatment of prisoners were imposed on staff of imprisonment institutions.

Following each complaint of ill-treatment lodged against staff of imprisonment institutions an official examination is conducted and, in cases when staff actions constitute an act of crime, the material is transmitted to the territorial prosecutor's office.

Usually prison inmates' complaints of ill-treatment by staff are ungrounded. Prison inmates frequently complain of ill-treatment by staff hoping for mitigation of punishment imposed on them for commission of misdemeanours and, in some cases, crimes.

In 1999 there were 5 cases registered when prison inmates assaulted staff of imprisonment institutions and used physical violence against them. 4 of the 5 assaults were committed at Pravieniškės Strengthened Regime Colony No. 2. In 2000 there were also 5 cases registered when prison inmates assaulted staff of imprisonment institutions. 2 of the assaults were committed at Pravieniškės Strengthened Regime Colony No. 2. All material has been transmitted to the prosecutor's office.

- *The CPT's recommendation on the development and implementation of a concrete strategy to address the problem of inter-prisoner violence (paragraph 66);*

According to paragraph 65 and 66 of the CPT's report, the current number of staffing is insufficient to ensure the safety of prison inmates. It has to be admitted that the delegation's affirmation that the insufficient level of staffing prevents prison officers from managing inter-prisoner violence is well-founded. However, in near future there are hardly any possibilities to increase the number of staff of imprisonment institutions due to financial restraints. In 2001, as compared to the figures of 2000, the wages fund decreased by 993,000 Litass (248,300 USD).

The issue is addressed by training available staff to manage inter-prisoner conflicts in a more effective way. Therefore, one of the basic teaching trends at the Training Centre of the Prison Department and the Faculty of Law and Penitentiary Activities of the Law University of Lithuania is training staff of imprisonment institutions to manage inter-prisoner relations and to prevent violence.

3. Detention conditions

- *The CPT's recommendation on reducing occupancy levels at Vilnius Prison and fixing occupancy levels in dormitories to offer at least 4 m² per prisoner (paragraph 75);*

As a result of the decrease in the number of prisoners by 1/3 following the application of amnesty in 2000, conditions of detention of prisoners in imprisonment institutions have improved markedly. The new Internal Rules of Correctional Institutions set forth new minimum standards of living space per inmate:

- in dormitories of correctional and reformatory labour colonies – at least 3 m² per inmate;
- in dormitories of treatment and correctional labour colonies – at least 4 m² per inmate;
- in living rooms of a multi-flat house of a correctional labour colony – settlement – at least 6 m² per inmate;
- in cells and segregation units – at least 5 m² per inmate;
- in a hospital ward of imprisonment institutions – at least 7 m² per inmate;
- in a prison cell – at least 5 m² per inmate;
- in a prison segregation unit – at least 4.5 m² per inmate.

During the implementation of the newly approved standards of living space, official capacity of imprisonment institutions was revised. For example, while the official capacity of Pravieniškės Strengthened Regime Colony No. 2 at the time of the delegation's visit was 1850, at present it is 1248; as regards the official capacity of Lukiškės Remand Establishment – Prison, at the time of the delegation's visit it was 1200, while at present it is 906.

However, even at present, some of the imprisonment institutions are not able to comply with the official capacity standards. On average, Lukiškės Remand Establishment – Prison accommodates approximately 1400 inmates (during the CPT's visit the figure was 1712), Pravieniškės Strengthened Regime Colony No. 2 on average accommodates approximately 1500 (during the CPT's visit the figure was 2171), Šiauliai Remand Establishment – Prison, with the official capacity of 454, accommodates an average of approximately 800 inmates. Other imprisonment institutions have not encountered the problem of overcrowding so far. For example, Panevėžys Normal Regime Colony for Females, with the official capacity of 540, on average accommodates approximately 220 incarcerated females, Kaunas Juvenile Remand – Reformatory Labour Colony, with the official capacity of 398, on average accommodates approximately 170 incarcerated juveniles.

Currently, 6 new imprisonment institutions are being built or established in structurally modified buildings previously intended for different purposes. It is envisaged to put to use a new strong regime correctional labour colony in 2001 in Vilnius, with the capacity of 315 inmates. Construction of other imprisonment institutions was falling behind schedule due to financial constraints. In 2002, it is envisaged to start the exploitation of a remand establishment in Kaunas with the capacity of 232 and a closed prison in Pravieniškės with the capacity of 320 inmates.

There is a building bought in Vilnius, which is to be reconstructed into a closed prison with the capacity of 400 prison inmates, but due to insufficient funding construction works are terminated.

- *the CPT's recommendation that immediate steps be taken to partition in-cell facilities (paragraph 75);*

Detention conditions in operating imprisonment institutions are enhanced by exploiting all available resources and possibilities. Reconstruction of food-making and sanitary facilities is a priority. In the light of the CPT's recommendation, in-cell sanitary facilities have been partitioned.

- *The CPT's recommendation on developing programmes of activities for prison inmates (paragraph 76);*

In 2000, there were no increase in the number of jobs for inmates of imprisonment institutions; however, following the decrease in the number of inmates, the level of their engagement in paid work has increased from 22.1% at the beginning of 2000 to 31.9% at the end of the year.

In near future, increasing the number of jobs for prison inmates will be problematic due to the physically and morally outdated industrial basis and shortage of circulating capital. The issue of prison inmates' engagement is to be addressed by arranging their general and professional training and by implementation of social rehabilitation programmes.

All incarcerated juveniles (including those awaiting trial) already have a possibility to study at secondary school.

Measures designed for the implementation of the Programme of the Government of the Republic of Lithuania for 2000-2004 embrace developing programmes of activities and vocational training for prison inmates as well as approving a plan of measures to increase the level of prisoners' employment. The Programme has to be completed by 30 June 2001. The programme will encompass a possibility to attract private businesses to imprisonment institutions, etc.

By 1 September 2001 (which is the official date of the beginning of an academic year in Lithuania), a secondary school for the four imprisonment institutions in Pravieniškės and one for Alytus Strong Regime Correctional Labour Colony are to be established. It is also envisaged to increase the number of students up to 1600 (65 training groups) in subsidiaries of special vocational schools that are operating in correctional labour colonies. If the plans are successfully carried out, all prisoners (with the exception of adult prison inmates awaiting trial) will have an opportunity to engage in educational activities.

Social rehabilitation programmes for prisoners, designed for the adaptation of prison inmates to the environment of an imprisonment institution, behaviour correction, preparation of prison inmates for integration to the society after serving the sentence are in the final stages of drafting and their implementation will start in 2001. Engagement in the aforementioned programmes will be a purposeful activity occupying a substantial part of the day.

- *The CPT's recommendation that immediate steps be taken to ensure that all prisoners – including those held in the quarantine section – are allowed at least one hour of outdoor exercise every day (paragraph 76 and paragraph 102);*

Pursuant to the new Internal Rules of Correctional Institutions and the Internal Rules of Remand Establishments amended by the Government of the Republic of Lithuania on 17 June 2000, all prison inmates who are not engaged in out-door work or do not have an unrestricted possibility to go out to the territory of the imprisonment institution (including prisoners held in the quarantine section and those undergoing cellular confinement as a punishment in segregation units) have to be ensured the right of daily out-door activities (1 hour) including exercise. Juveniles, female prison inmates, prisoners having tuberculosis and the prison hospital patients have to be ensured the right of daily out-door activities including exercise for at least 2 hours.

- *The CPT's recommendation that all prisoners undergoing disciplinary sanctions be allowed access to reading matter. (paragraph 101);*
- *The CPT's recommendation that the regime applied to prisoners undergoing disciplinary sanctions be developed (paragraph 101);*

With due regard to the CPT delegation's recommendation, the Prison Department has drawn up and submitted for consideration to the Ministry of Justice proposals on the amendments of the Internal Rules of Correctional Institutions. The basic amendments include the following: allowing all prison inmates undergoing cellular confinement as a punishment in segregation units to read and to provide the aforementioned prisoners with books from prison libraries as well as periodical press. It is also suggested that in cells where prison inmates undergo cellular confinement as a punishment standard beds should substitute fold-up bunk beds, which are padlocked in the upright position during the day. Prison inmates should be allowed to rest in beds throughout the day. There is no

doubt that the amendments will be approved in near future.

It is also noteworthy that in near future amendments are to be introduced to the legal acts in force, which will grant the right to and encourage persons undergoing disciplinary punishments in segregation units to participate in cultural activities.

4. Health care

- *The CPT's request to receive comments on the possibility of increasing the involvement of the Ministry of Health in prison health care (paragraph 77);*

On 5 January 2001, the Prison Hospital was registered with the Ministry of Health of the Republic of Lithuania as a state closed institution of personal hygiene, remand detention (arrest) and enforcement of a custodial sentence. The hospital performs its activities in line with the provisions of the Law on Health Care Institutions. Pursuant to the provisions of the hospital, in enforcement of remand detention (arrest) and a custodial sentence, the hospital has to ensure the principle of priority of its patients' health interests as opposed to its other official activities. The Ministry of Health of the Republic of Lithuania is entitled to supervise the activities of the hospital.

In 2001, the Prison Department established the Health Care Service, which will supervise health care in all Lithuanian imprisonment institutions and conduct direct co-operation with the Ministry of Health.

It has to be indicated that pursuant to paragraph 3 Article 78 of the Code of Correctional Labour, in cases when a convict cannot be provided with urgent special medical assistance by health care services of imprisonment institutions, medical help may be rendered by health care institutions under the Ministry of Health.

- *The CPT's recommendation that the staffing levels of health care services be increased (paragraph 81);*
- *The CPT's recommendation that a high priority be accorded to the completion of the new premises for the Prison Hospital and, in the interim, genuine efforts be made to reduce overcrowding in the existing facilities, in particular in the tuberculosis unit (paragraph 91);*

Following the decrease in the total number of incarcerated persons in Lithuania, the number of prison inmates treated in the Prison hospital has decreased, too. After the amnesty of 2000, the hospital accommodates an average of approximately 160 patients. The figure is acceptable for the hospital staff to ensure satisfactory conditions for patients and the quality of health care.

At present it is not possible to increase the level of staffing in health care services of imprisonment institutions due to financial constraints. It has to be pointed out that, after a significant decrease in the number of prison inmates, the issues of the quality of health care and access to a medical doctor do not present any difficulties any longer.

- *The CPT's recommendation that steps be taken to ensure that screening on admission is performed without delay (paragraph 83);*

In all imprisonment institutions, exhaustive medical screening of prisoners is conducted on the day of admission. On weekends and holidays prisoners are examined by a medical specialist on duty; exhaustive medical screening is carried out on the first working day.

- *The CPT's recommendation that written information on the prison's health care service and on related issues such as preventive measure and health promotion be provided systematically to inmates (paragraph 83);*

In the light of the CPT's recommendation, directors of all imprisonment institutions are instructed to make written information on the organisation of work of the health care service (the reception procedure, working hours, etc.) available to all prison inmates. This instruction has been implemented in all imprisonment institutions – written information on the organisation of work of the health care service is available in all living premises, some of the imprisonment institutions have drawn up and handed out to the prisoners leaflets containing explanations on the organisation of work of the main services in the institution, the procedure of submitting applications and lodging complaints, the procedure of seeing prisoners on private issues, basic rights and duties of prisoners, etc.

- *The CPT's recommendation on the contents of the record drawn up after a medical examination and the CPT's recommendation that, when necessary the record be brought to the attention of the relevant prosecutor (paragraph 84);*

If any injuries are observed in the course of a medical examination, a record is drawn up by a medical specialist. The record is then submitted to the authorities of the imprisonment institution. Subsequently, the authorities, on the basis of the established fact of injuries, conduct an official examination. In case there are sufficient grounds defined in the Code of Criminal Procedure, the material is submitted to a prosecutor.

- *The CPT's recommendation that steps be taken to ensure that medical confidentiality vis-a-vis HIV-positive prisoners is respected in practice (paragraph 86);*

Ensuring medical confidentiality of patients (including those who are HIV-positive or ill with AIDS) is prescribed by the Republic of Lithuania Law on the Rights of Patients and Compensation of the Damage to their Health. Under Section 2 of Article 10 of this Law, all of the information concerning the condition of the patient's health, diagnosis, prognosis and treatment, and also, all of the other information of personal nature concerning the patient, must be held as confidential, even after the patient's death.

All staff of health care services of imprisonment institutions have been acquainted with the aforementioned Law and the liability incurred for its violation.

In one of the imprisonment institutions (Pravieniškės Strengthened Regime Colony No. 1), there is a separate unit for segregation of prisoners who are HIV-positive or ill with AIDS. *The CPT's report indicates that "there is no medical justification for the segregation of a prisoner solely on the grounds that he is HIV-positive" (paragraph 86).* However, HIV-positive or ill with AIDS prisoners can be directed to this unit only in the following cases: upon their written wish to be segregated or following a decision of the disciplinary commission to keep them segregated due to their unsafe or irresponsible behaviour. With a view to ensuring the confidentiality of other HIV-positive or ill with AIDS prisoners, they are directed to serve their sentence to ordinary imprisonment institutions according to the regime imposed by the court.

6. Other issues

- *The CPT's recommendation that the number of visits be increased (paragraph 93);*

The possibility of prisoners to maintain contact with the outside world is constantly promoted. 1998 saw a double increase in visiting entitlement for sentenced prisoners, who are entitled to make daily phone calls to their relatives and friends. In addition, the director of each imprisonment institution has the right to entitle each sentenced prisoner with additional short (to 4 hours) visits to maintain social contacts with their relatives or friends. (Currently, a draft law under which the director of an imprisonment institution is authorised to grant prisoners additional long (to 2 days) visits to maintain social contacts with their relatives is submitted to the Seimas.) The frequency of such additional visiting arrangements is not limited.

The possibility to implement increased visiting entitlement is hampered by limited facilities and insufficient staffing levels rather than laws. This is particularly evident in remand establishments, overcrowding in which presently is of the highest level as compared with other imprisonment institutions.

In 2002, new facilities for short visits are to be established at Šiauliai Remand Establishment. Lukiškės Remand Establishment – Prison is situated in the very centre of the city and cannot be expanded; therefore, the improvement of material and detention conditions at this establishment is viewed in the light of decreasing the number of prison inmates following the exploitation of Kaunas Remand Establishment and Pravieniškės closed prison.

- *The CPT's request for information about the percentage of remand prisoners in Lithuania who were granted visiting rights during the first half of 2000, and the permitted frequency and duration of such visits (paragraph 95);*

During the first half of the year 2000, Lukiškės Remand Establishment accommodated 3571 prisoners awaiting trial, who, during the same period, were granted 3450 short (to 2 hours) visits, which means that each prison inmate was entitled to at least one visit. Bearing in mind that not all prison inmates are visited by relatives or friends and that some of them spent very little time at the remand establishment, a conclusion may be drawn that prisoners awaiting trial for a lengthy period were granted a greater number of visiting arrangements.

It has to be pointed out that on 31 January 2001 the law supplementing Article 105 of the Code of Criminal Procedure came into force stipulating that the accused and the defendant detained in remand establishments, with the consent of the officer investigating the case or with the consent of the relevant court, can be granted visits with their family or other persons. Visits can be refused to be granted or their frequency can be restricted if there are grounds to assume that such visits can obstruct investigation of a case or influence negatively the detained person's behaviour. Prohibition of visits has to be motivated.

The accused (the defendant), his legal counsel or the person asking for a visit can appeal against the refusal by the officer investigating the case or the relevant court to allow visits of the family or other persons to the relevant prosecutor of a higher rank or a court of appeal instance.

- *The CPT's request for information whether remand prisoners have the right to appeal against decisions by the prosecutor restricting their external contacts for more than 15 days of apprehension or remand detention (paragraph 95);*

Under Article 244 of the Code of Criminal Procedure, persons in apprehension or remand detention have the right to appeal against the prosecutor's actions and decisions to the relevant prosecutor of a higher rank.

- *The CPT's comment on delays of prisoners' correspondence in connection with its control and the suggestion of ending the practice of systematically censoring all prisoner correspondence (paragraph 96);*
- *The CPT's request of confirmation that letters to the persons and entities mentioned in paragraph 106 are not censored (paragraph 106);*

Article 50 of the Code of Correctional Labour provides that letters to a prosecutor, state institutions (e.g. the Seimas Ombudsman, the Ministry of Justice, courts, etc.) and the European Court of Human Rights cannot be censored.

The Ministry of Justice of the Republic of Lithuania has drawn up amendments to the Code of Correctional Labour and the Law on Remand Detention, which in near future are due to be submitted for consideration to the Seimas of the Republic of Lithuania. There are proposals for ending the practice of censoring prisoner correspondence, which shall only be censored upon the decision of the relevant investigator, prosecutor or by a court decision.

Hopefully, after changing the procedure of censoring prisoner correspondence, the issue of timely forwarding and delivery of prisoner correspondence will be tackled. Under the Law, outgoing letters are to be forwarded and incoming letters are to be delivered within 3 working days. Letters addressed to an investigator, a court, the Seimas Ombudsman, a prosecutor, state and municipal institutions, the Minister of Justice as well as international institutions (including the President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Court of Human Rights, etc.), the jurisdiction of which to

accept personal applications is acknowledged by the Republic of Lithuania, are not censored and are forwarded within a working day from the moment they have been received. Administration of imprisonment institutions delivers answers addressed to prison inmates from state and municipal institutions as well as public organisations within 3 working days from the moment they have been received. Answers from international institutions, the jurisdiction of which to accept personal applications is acknowledged by the Republic of Lithuania, are delivered to prison inmates at the latest within a working day from the moment they have been received.

During the year 2000, prison inmates addressed the institution of the Seimas Ombudsmans 319 times and the European Court of Human Rights was addressed 259 times. In forwarding letters of prison inmates to the aforementioned institutions, the provision of non-censoring the letters is strictly adhered to.

- *The CPT's recommendation that current arrangements for visits to imprisonment institutions by independent bodies be reviewed (paragraph 107);*

Officials of the Republic of Lithuania, foreign states, and international organisations having the mandate to inspect, supervise or control imprisonment institutions can visit imprisonment institutions and associate with prisoners without any restrictions.

- *The CPT's recommendation that measures be adopted to ensure that the official capacities of the cells in Unit 21 of Pravieniškės Strengthened Regime Colony No. 2 are not exceeded and, in due course, those capacities be reduced (paragraph 101);*
- *The CPT's recommendation that the provision of health care to prisoners held in Unit 21 of :Pravieniškės Strengthened Regime Colony No. 2 be examined (paragraph 5);*

Unit 21 of Pravieniškės Strengthened Regime Colony No. 2, accommodating prisoners deemed to be difficult, is functioning. Under the laws of the Republic of Lithuania regulating enforcement of punishments, sentenced prisoners who have negative influence on the correctional process of the rest sentenced prison inmates can be segregated. This unit at the same time accommodates on average approximately 30 prisoners.

The unit has its own social worker. Under the established procedure, a specialist of internal diseases examines prisoners held in the unit twice a week and a psychiatrist sees them once a week. When in need of emergency treatment, every person held in this unit can register in the registration journal of out-patient consultations with a medical doctor, which is constantly in the unit, or address directly the social worker or a supervision officer. The registration journal of out-patient consultations with a medical doctor is handed in to the health care service of the institution on a daily basis.

C. THE CONVOY DIVISION

- *The CPT's recommendation that arrangements for the transport of detainees/prisoners be reviewed as a matter of urgency, having regard to the remarks made in paragraphs 111 to 115 and 117 (paragraph 118);*

Transport by rail

In the light of the requirements set out in paragraph 118, the maximum number of detainees/prisoners who can be held in each compartment in the specially-equipped wagon used for transport by rail has been reduced. Detainees/prisoners for whom there were no room in the wagon are escorted by the convoy fleet by ad hoc arrangements. Given the fact that when transporting by rail the number of escorted persons is largest in the stretch Vilnius-Kaunas-Vilnius, it is planned to convoy detainees/prisoners to Kaunas and back in two specially-equipped wagons. This would solve the problem of overcrowding of the wagon.

As two specially-equipped convoy wagons hired by the Ministry of the Interior from the Joint Stock Company "Lietuvos geležinkeliai" are technically and morally outdated, the Ministry of the Interior is considering the possibility of acquiring a new specially-equipped wagon which would meet the European standards.

Transport by road

The main shortcoming indicated by the representatives of the Committee is that the vehicles used for convoy are not appropriately equipped.

It has to be mentioned that the Ministry of the Interior has already announced a tender for acquiring new convoy vehicles. 15 new specially-equipped vehicles will be assigned to those convoy divisions that are currently using the most outdated specially-equipped convoy vehicles that do not meet the requirements set out in the report.

New convoy vehicles will be equipped in conformity with the recommendations set forth in the Committee's report placing considerable emphasis on the requirements to ensure the safety of detainees/prisoners and security officers and to increase space per person.

Renovation of the fleet of specially-equipped vehicles is to be continued.

D. FOREIGNERS REGISTRATION CENTRE, PABRADÈ

1. Ill-treatment

At present, the average length of stay at the Foreigners Registration Centre is 49 days. In certain cases, when it is impossible to establish the person's nationality or none of the aforementioned foreign states recognise him as its national, the length of stay at the Centre increases but only until the person receives documents for returning to his state.

- *The CPT's recommendation that no ill-treatment of persons held at the Centre be justified and supervisory staff working with detained foreigners be appropriately selected and trained (paragraph 120 and paragraph 121);*

Supervisory staff working at the Foreigners Registration Centre are properly recruited and trained. On recruitment, the Central Commission of Medical Experts conducts a careful examination by testing officers with psychological tests. Upon slightest suspicion, the institution of which the person is an employee is informed. Moreover, in 2000, with the help of the International Migration Association, supervisory staff working at the Centre received training how to behave in cases of possible stress situations and how to negotiate. Furthermore, a course of lectures was delivered on religions, cultures and intercourse peculiarities of different nations. 16 officers were attending elementary level English classes.

- *The CPT's recommendation on a medical examination and the contents of the medical record drawn up after the examination (paragraph 122);*

Regarding health care promotion, all violent episodes are recorded at the Centre, and their external marks are recorded in special medical files even in such cases when a foreigner would not allow his examination. Following each incident of this kind, an official examination among foreigners is carried out.

- *The CPT's request for confirmation that the post of head doctor at the Pabradè Centre has now been filled (paragraph 127);*

In July 2000, the vacancy of head doctor at the Pabradè Centre was filled.

2. Conditions of detention

- *The CPT's comment on the poor sanitary and living facilities in the building accommodating single women at the Pabradè Centre (paragraph 124);*

The accommodation facilities in the new three-level building (block No. 1) have been renovated by voluntary labour of foreigners, the kitchen for personal needs has been equipped with kitchen ranges and refrigerators. Each of the floors contains washing and drying machines, there is a satellite dish. There have also been other kinds of work carried out.

The building accommodating single women has been cosmetically renovated, modern sanitary facilities have been installed following the reconstruction of water supply. Hot water is available for 24 hours per day. The new building has been completely equipped. It has accommodation and sanitary facilities (washing, drying machines), fully-equipped kitchens for personal needs containing cooking appliances, and refrigerators. Considering the number of foreigners living at the Centre, there are 5 m² of space available per person.

In 2000, there were 600,000 Litas from the state budget allocated for the improvement of living conditions of foreigners at the Centre; moreover, the reconstruction works of the foreigners' canteen are nearing completion. The total value of the reconstruction works amounts to approximately 175,000 Litas.

- *The CPT's comment on the programme of activities to residents of the Pabradė Centre (paragraph 126);*

Developing a programme of activities to residents is one of the focal points. In this particular sphere, assistance is provided by members of the Lithuanian Red Cross Association, who take the initiative in helping foreigners organise concerts, performances and cleanliness days. There are different table games and musical instruments purchased. Moreover, the Centre has rest rooms in each local area, which contain TV sets broadcasting satellite programmes in different languages of the world.

- *The CPT's request of confirmation that the new accommodation facilities at the Pabradė Centre are now in service (paragraph 125);*

The new three-level building (block No. 1) was inaugurated on 31 January 2000.

Follow-up report of the Government of Lithuania

**Follow-up report of the Lithuanian Government
regarding the measures that have been or are taken
with a view to implementing the recommendations indicated in
the report of the European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment (CPT)
on its visit to Lithuania from 14 to 23 February 2000**

B. POLICE ESTABLISHMENTS

4. Ill-treatment

recommendations

- *a very high priority to be given to professional training for police officers of all ranks and categories, taking into account the remarks set out in paragraph 15. Experts not belonging to the police force to be involved in this training (paragraph 15);*
- *an aptitude for interpersonal communication to be a major factor in the process of recruiting police officers and, during the training of such officers, considerable emphasis to be placed on acquiring and developing interpersonal communication skills (paragraph 15);*

The issues of training the staff of the interior system and the police (professional training, qualification improvement and requalification) were discussed at the Board of the Ministry of the Interior in April, 2000. The Board's decision approved the conception of training the staff of the interior system and envisaged its implementation measures. One of the measures is to create a higher non-university educational establishment (a college) that would be aimed at practical activities. The implementation of this conception would allow to adhere to a flexible system of training of officers that would embrace professional training of all levels (to higher non-university education inclusively). With a view to implementing the afore-mentioned conception, the Seimas Committee on Legal Affairs, the Seimas Committee on National Security and Defence, the Government of the Republic of Lithuania as well as the Ministry of the Interior were addressed; however, the final decision has not been adopted yet.

Currently police officers of the leading and middle ranks are trained at Vilnius and Kaunas Police faculties of the Law University of Lithuania. The study programmes of these faculties designed for developing communication skills encompass the following special programmes:

Kaunas faculty of the Law University of Lithuania:

Psychology	80 hours
Ethics and deontology of police officers	80 hours
Language usage	80 hours

Bachelor studies at Vilnius faculty of the Law University of Lithuania:

Ethics of police officers	60 hours
Interpersonal conflicts and their settlement strategy	60 hours
Psychology	80 hours
Language usage	80 hours

Master studies at Vilnius faculty of the Law University of Lithuania:

Psychology of degraded behaviour	60 hours
Psychology of crime investigation	60 hours
Theory of social organisations and conflicts	80 hours
EU and co-operation in the areas of justice and home affairs	100 hours
Protocol and etiquette	60 hours

Officers of middle ranks are also trained at Klaipėda High Police School. Apart from subjects related directly to the profession, there are subjects designed for developing communication skills:

Psychology of intercourse and ethics of police officers	84 hours
Language usage	60 hours
Issues of protection of human and citizen rights	4 hours
Police and society relations	4 hours

The Training Centre of the Police Department conducts professional training and purposive qualification improvement of police officers. Knowledge, practical capabilities and skills of police officers are extended following certain programmes, which lay special focus on the protection of human rights and freedoms:

International humanitarian law and human rights	120 hours
Human rights and the police	48 hours

Attention has to be paid to the fact that measures designed for the implementation of the Programme of the Government of the Republic of Lithuania for 2000-2004 embrace enhancement of the activities of the Training Centre (installing the latest training programmes, obtaining training equipment and instruments), organising specialised courses, including foreign language teaching, seminars and practical training.

In spring of 2000 the Police Department under the Ministry of the Interior arranged four-day long training for heads of Lithuanian police establishments and convoy divisions as well as for officers working there. The training was attended by competent specialists from the Ministry of the Interior and the Police Department under the Ministry of the Interior. Considerable emphasis was placed on the theme "Application of International Legal Acts on Human Rights in the Police". In the course of training, it was stressed that ill-treatment or degrading treatment of prisoners by officers of police establishments or convoy divisions will not be tolerated and will be subject to austere punishment. It was also indicated to resort to all necessary measures with a view to ensuring respect of dignity of persons during their detention in police detention centres or convoy.

In 2000, a training programme designed for improving the qualification of the officers of police detention centres and divisions of officers on duty of police establishments was drafted. Following the programme, in June of 2001, training of officers of Šiauliai region detention facilities and divisions of officers on duty was organised. Similar training will be organised for the officers of Vilnius and Panevėžys region police establishments, later on and for the officers of police establishments of other regions. Police officers are introduced with international legal acts enshrining human rights and freedoms as well as their protection. In the course of practical training, while discussing the theme "Examination of detained persons and items, search of detention facilities", special focus was laid on human rights and practical application of international and national legislation enshrining these rights.

The police Training Centre, following a six-hour programme (introductory) on human rights, organises training of officers of police establishments. Collections of the main documents on human rights are handed over to the participants.

In accordance with the training programme drafted by COLPI "Use of force and arms" and "Victim of the crime and police behaviour", considerable emphasis will be placed on the issues of the protection of human rights. The training is due to begin in September of 2001.

At present, arrangements are made with the representatives of the Directorate General of Legal Affairs and Directorate General of Human Rights of the Council of Europe regarding organisation of seminars on human rights for Lithuanian police officers.

Moreover, the Minister of the Interior set up a special working group tasked to draft the qualification requirements of police officers including communication skills, theoretical and practical knowledge on the issues of the protection of human rights and freedoms, etc.

- *the relevant national authorities as well as senior police officers to make it clear to police officers that the ill-treatment of persons in their custody is not acceptable and will be dealt with severely (paragraph 16);*

With a view to controlling the behaviour of police officers in respect of the detainees in a stricter way, the Commissar General of the Police by his Direction No. 16 "On ensuring lawfulness" of 22 March 2001 instructed police officers of police establishments that, when effecting an apprehension of persons and taking them to a police establishment as well as when conducting interrogation, the provisions of the Constitution of the Republic of Lithuania, the Law on Police Activities of the Republic of Lithuania, requirements of other legal acts are strictly adhered to and human rights and freedoms enshrined in the European Convention on Human Rights

and Fundamental Freedoms as well as other international legal acts are respected. The Direction also highlights the need, upon releasing a person who is suspected of committing a crime or any other offence from a police establishment, to take him or her to the medical staff for examination, if necessary, and, upon establishing any bodily injuries, record this in an appropriate way. The documents, pursuant to the Code of Criminal Procedure, are referred to a prosecutor for the adoption of a procedural decision envisaged in Article 128 of the above mentioned Code. In respect of the received application, documents or report, the prosecutor, within not more than three days (in exceptional cases -within ten days) has to take one of the following decisions: a) to institute criminal proceedings; b) to refuse to institute criminal proceedings; c) to transfer the application or report within investigatory or judicial jurisdiction.

- *whenever a public prosecutor or judge receives an allegation of ill-treatment by the police, or observes that a criminal suspect brought before him may have been a victim of ill-treatment, he/she should immediately request a medical examination of the person concerned and bring the matter to the attention of the relevant public prosecutor (paragraph 17);*

Following a person's complaint or information received in some other way, as well as in the course of investigation or while conducting investigation or interrogation control, in sustaining the state accusation and having noticed that the suspect (accused) may appear a victim of ill-treatment, prosecutors, following the procedure established by the Code of Criminal Procedure, ensure the necessary inspection. Persons, in whose respect violence could have been used, are appointed forensic medical examination. The judge (court), upon receiving a complaint or, in the course of hearing, having noticed that a person could have been a victim of ill-treatment, in accordance with the procedure established by the Code of Criminal Procedure, institutes criminal proceedings and transfers the case to a prosecutor for pre-trial investigation or obligates the prosecutor to conduct the necessary inspection.

Moreover, Order No. 96 of the Prosecutor General on "Prosecutorial control in ensuring protection of detained and arrested persons against torture and inhuman or degrading treatment or punishment" of 8 June 2001, stipulates that chief prosecutors of county and district prosecution offices have to ensure that prosecutors, upon receiving information regarding each case of torture or inhuman or degrading treatment or punishment of a detained or arrested person, initiate examination and adoption of one of the procedural decisions envisaged in Article 128 of the Code of Criminal Procedure.

It is also worthwhile noting that the Internal Investigation Service of the Police Department under the Ministry of the Interior (hereinafter referred to as the Internal Investigation Service) discharges the functions of the prevention of offences and the investigation of misconduct in office by officers and civil servants of police establishments. Upon receiving information that police officers violate the constitutional rights of persons, inflict injuries, torture or perform any other illegal actions against them, the Internal Investigation Service conducts official investigation in respect of such police officers. If the information that police detainees sustain injuries, are tortured or suffer any other discriminatory actions proves correct, the material collected is transmitted to a prosecution office for the adoption of a decision.

- *public prosecutors to be encouraged to undertake on-the-spot supervision of police detention facilities (paragraph 17);*

Detention of detained or arrested persons in police commissariats is regulated by the Regulations of the activities of police commissariats detention facilities approved by Order No. 88 "On the regulations of the activities of police commissariats detention facilities" of 17 February 2000 by the Minister of the Interior of the Republic of Lithuania (hereinafter referred to as the Regulations). Paragraph 267 of the Regulations prescribes that the control of the activities of police commissariats detention facilities shall be conducted by the Seimas ombudsmen, prosecutors, who investigate the appeals of persons detained in police establishments, as well as by the officials of the Police Department under the Ministry of the Interior in accordance with the procedure established by the laws of the Republic of Lithuania. Paragraph 171.3 of the Regulations prescribes that prosecutors conducting the control of the pre-trial investigation shall be allowed to visit police detention facilities at any time of the day. Pursuant to the requirements set forth in the Regulations, the control of the activities of the police commissariats detention facilities conducted by prosecutors shall not be obstructed in any way.

It is worthwhile noting that prosecutors do not enjoy institutional powers to conduct supervision of police detention facilities holding persons detained under administrative law provisions. However, as indicated above, prosecutors, upon receiving any information on ill-treatment with detainees, have to respond in accordance with the procedure established by the Article 128 of the Code of Criminal Procedure. (Currently, a new draft Law on the Prosecutor's Office is being worked out, which suggests that supervision of validity of the activities of police detention facilities should fall within the competence of the Prosecutor's Office.)

Pursuant to aforementioned Order No. 96 of the Prosecutor General, chief prosecutors of county and district prosecution offices have to envisage and adopt measures designed for ensuring protection of detained and arrested persons against torture and inhuman or degrading treatment or punishment; to ensure that the inspections conducted and investigation of criminal cases are comprehensive, thorough and objective as well as to ensure that the procedural decisions adopted are valid and motivated.

It also has to be noted that the Prosecutor General has approved a special programme for inspecting detention facilities, pursuant to which, the practice of inspections conducted and the practice of investigating criminal cases shall be subject to a systematic analysis and generalisation, whilst the Prosecutor General's Office shall receive offers regarding improvement of prosecutorial control in detecting and investigating crimes of this category.

- *police officers to be reminded of that no more force than is strictly necessary is to be used when effecting an apprehension and that, once apprehended persons have been brought under control, there can be no justification for striking them (paragraph 18).*

On 17 October 2000, the Seimas of the Republic of Lithuania passed the Law on Police Activities, which, alongside specifying the types of violence employed by the police and the conditions in which it was resorted to, clearly regulates the grounds for using physical violence, i.e.:

- 1) defending himself/herself or other person encroachment that has been commenced or that directly threatens one's life or health;
- 2) apprehending a person who has committed an offence and who avoids apprehension by active actions;
- 3) upon encroaching on an object, means of transportation, fire arm, explosives, special communication means, active or passive defence means that are under police control or protection or other police property;
- 4) in the course of public riots or group actions that violate public order;
- 5) when there is necessity while on service, while halting a transportation means.

Violence that can cause bodily injuries or even death can be used only to the extent necessary for discharging official duties and only after all means of persuading or other means proved ineffective. The type of violence and the extent to which it is used is chosen by the police officer who takes due regard of the specific situation, the nature of the offence and the individual characteristics of the offender. When using violence, police officers have to put their efforts to avoid grave consequences.

The types of violence used by the police and the conditions in which it is used as well as the grounds for using physical violence are constantly emphasised in the course of professional training of police officers or during different training courses.

Information that the CPT would like to receive in respect of 1999 and 2000:

- *the number of complaints of ill-treatment made against police officers and the number of criminal/disciplinary proceedings which were instituted as a result;*
- *an account of criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police (paragraph 19).*

In 1999, 19 police detainees lodged complaints and applications of alleged ill-treatment by officers of police establishments and convoy divisions with the Police Department under the Ministry of the Interior. In 2000, there were 18 police detainees' complaints and applications lodged with the Police Department under the Ministry of the Interior. After inspecting the complaints and applications, it was established that the actions of police officers do not constitute ill-treatment, degrading treatment or violation of lawfulness.

5. Conditions of detention

recommendations

- *immediate steps to be taken to ensure that all persons held in police detention centres:*
 - *are provided at night with a mattress, blankets and sheets, which are cleaned at appropriate intervals;*
 - *have the necessary basic personal hygiene products (soap, toothbrush and toothpaste, towel, sanitary towels, etc.) at their disposal;*
 - *are allowed to take a hot shower at least once a week;*
 - *receive the necessary materials to maintain their cells in a clean and hygienic state (paragraph 35);*

With a view to putting into practice the aforementioned CPT recommendation, the Programme of the Government of the Republic of Lithuania for 2000-2004 envisages drafting the Programme for renovation of detention facilities and humanisation of detention conditions, the main objective of which is to create adequate detention conditions for persons held in detention facilities. The programme is to be submitted to the Government in the fourth quarter of 2001.

In the light of the recommendations set out in paragraph 35, police commissariats were commissioned to present the information on the shortage of bedding (mattresses, pillows, blankets, etc.) and bed linen (sheets, slipcovers, towels, etc.) On the submission of such information, the Police Department under the Ministry of the Interior allocated 50,000 Litas to police commissariats for the acquisition of the lacking inventory.

- *immediate steps to be taken to:*
 - *improve cell lighting in police detention facilities (artificial lighting should be sufficient to enable detained persons to read, sleeping periods excluded and, as far as possible, there should be access to natural light) and to verify that cell ventilation and heating are adequate;*
 - *properly partition all in-cell toilet facilities;*
 - *increase substantially the amount of food provided to persons detained in police detention facilities and to ensure that they have ready access to drinking water in salubrious conditions (paragraph 35);*

The Police Department under the Ministry of the Interior conducted an analysis of the state of detention facilities. The analysis accumulates and systematises information on each police detention facility. The shortage of premises and equipment has been analysed, detention facilities that need reconstruction or that have to be transferred to new premises have been identified. The analysis contains information on the measures necessary to improve the detention conditions of the detainees, placing special focus on natural and artificial lighting and ventilation.

There has been a direction prepared for heads of police commissariats requiring that all persons detained in police detention facilities are provided with mattresses, blankets and sheets, are offered adequate washing facilities, have the necessary basic personal hygiene products and receive the necessary materials to maintain their cells in a clean and hygienic state, are offered outdoor activities, receive sufficient amount of food and have ready access to drinking water. The direction also requires improvement of lighting in cells and partitioning (where not partitioned) of all in-cell toilet facilities.

In the light of the CPT recommendation to increase food allowances, amendments to the Regulations on the activities of police detention facilities have been introduced. The amendment introduces a new nourishment procedure, pursuant to which, persons held in detention facilities, three times a day receive food free of charge in accordance with the physiological nourishment norms (intervals between supplying food, with the exception of sleeping hours, cannot exceed 7 hours). Juveniles held in detention facilities are given food four times a day in accordance with the physiological nourishment norms for teenagers (intervals between supplying food, with the exception of sleeping hours, cannot exceed 6 hours).

The Police Department under the Ministry of the Interior has drafted the Project of the conception of renovating detention facilities. The project reflects the current state of detention facilities and sets out the main landmarks and priorities of renovation.

At present, 8 of the 47 detention facilities meet the requirements set forth by Hygiene Norm HN 37-1997 of the Republic of Lithuania, 33 detention facilities need reconstruction (renovation), 5 need to be transferred to new premises since their reconstruction due to amortisation of buildings, shortage of space for arranging the necessary premises and the necessity for restoration of buildings on the basis of restitution is inexpedient.

Renovation of detention facilities is to be conducted in 4 stages:

Stage 1. Equipment of detention facilities that need to be transferred to new premises.

Stages 2 – 4. Reconstruction (renovation) of detention facilities in the current premises.

Taking due regard of the number of places for detainees, it is envisaged to distinguish three levels of detention facilities:

Level 1. Detention facilities containing 51 – 100 places for detainees. This level detention facilities are established in chief police commissariats of region centres.

Level 2. Detention facilities containing 21 – 50 places for detainees. This level detention facilities are established in police commissariats of region centres (with the exception of chief police commissariats).

Level 3. Detention facilities containing up to 20 places for detainees. This level detention facilities are established in police commissariats of cities (areas), with the exception of chief police commissariats and police commissariats of region centres.

The number of cells in a detention facility will depend on the number of places. One cell is to equip 2 - 4 persons.

The Project of Renovating Detention Facilities prescribes what premises and equipment are necessary to establish in detention facilities of each kind.

In the light of the Project of the Conception of Renovating Detention Facilities, the Programme for Renovating Detention Facilities and Humanising the Conditions of Detention shall be drafted.

The Project of the Conception of Renovating Detention Facilities highlights the necessity of purposeful allocation of state budget resources as well as planing of funds in the budget of the respective year of the Police Department under the Ministry of the Interior and the state investment programme. It also sets out that programme can be financed and with other resources obtained under the procedure established by law. Some of the programme measures can be implemented from the resources of international organisations and funds.

- *steps to be taken to ensure that, in those establishments currently equipped with exercise yards, all detained persons are offered at least one hour of outdoor exercise every day (paragraph 35);*

Paragraph 69 of the Regulations of the activities of police detention facilities stipulates that the head of a detention facility (upon his/her absence – officer on duty, officer on duty of a police commissariat) has to ensure that persons detained in a detention facility have a daily hour of outdoor activities, and juveniles and women – twice a day each time an hour of outdoor activities. Outdoor activities can be inaccessible only due to unfavourable weather conditions, emergency events (eg. Escape from the detention facility) and extraordinary conditions (a natural calamity, fire, etc.)

- *all holding cubicles measuring less than 1.5 m² to be withdrawn from service (paragraph 35);*

Persons detained in detention facilities are not held in cells less than 1.5 square meters.

comments

- *the 4.5 m² cell at the Kaunas Police Detention Centre should not accommodate more than one person overnight (paragraph 28);*

The recommendation is being implemented. To compare 1999 and 2000, the number of persons detained in Kaunas city chief police commissariat detention facility has dropped. In 1999, on average the detention facility held 74 persons per 24 hours, whilst in 2000, the number was 62. The decrease in the number of detainees was caused by the introduction of new convoy routes.

- *the Lithuanian authorities should persist in their efforts to improve conditions in police detention facilities and, in particular, to respect the existing minimum requirement of 5 m² per person and to create outdoor exercise areas in those police detention centres which do not, at present, possess them (paragraph 36);*

The plan of measures designed for the implementation of the Programme of the Government of the Republic of Lithuania for 2000-2004 envisages drafting the Programme for renovation of detention facilities and humanisation of detention conditions, which would set out as a priority issue implementation of the requirements for the norms of living space and outdoor exercise areas.

- *efforts should be made to offer out-of-cell activities (in addition to outdoor exercise) to persons held for lengthy periods in police detention facilities (e.g. those in administrative detention) (paragraph 36).*

In pursuance of Order No. 6 of the Minister of the Interior of the Republic of Lithuania of 8 January 2001, amendments to paragraph 116 of the Regulations of the activities of detention facilities have been introduced, which indicate that persons under administrative arrest can be employed in physical labour in accordance with the set procedure. Their employment in such labour is arranged by local municipal executive institutions. These persons are employed with the consent of the local municipal executive institutions.

requests for information

- *the progress made in securing the financial resources necessary to improve conditions of detention in police establishments (paragraph 22).*

The State budget for 2001 allocates to police commissariats (for other expenses) 4 mln. Lit as more than in 2000. Hopefully, purposive utilisation of these resources will help to tackle the main issues regarding maintenance of persons detained in police detention facilities. In comparison, in 2000, 929,000 Lit as were allocated for nourishment of persons detained in police detention facilities. The sum has been increased up to 1,065,000 Lit as for the year 2001.

The Programme for renovation of detention facilities and humanisation of detention conditions shall provide for funding to improve detention conditions in detention facilities.

6. Safeguards against ill-treatment of persons detained by the police

RECOMMENDATIONS

- *legal provisions to be adopted to ensure that all persons detained by the police, including those held for identification or under administrative law provisions, have a formally recognised right to inform a close relative or third party of their choice of their situation as from the very outset of their detention. Any possibility exceptionally to delay the exercise of this right to be clearly circumscribed, made subject to appropriate safeguards (e.g. any such delay to be recorded in writing together with the reasons therefor and to require the approval of a senior police officer or public prosecutor) and strictly limited in time (paragraph 40);*

Pursuant to Article 265 of the Code of Administrative Offences of the Republic of Lithuania, upon the request of the person detained under administrative law provisions, his or her relatives or the administration of his or her working place or school are informed of the detainee's location. As regards the detention of a juvenile, his or her parents or persons substituting the parents have necessarily to be notified of the situation.

Pursuant to Article 107 of the Code of Criminal Procedure of the Republic of Lithuania, the prosecutor who has participated in imposing remand detention (arrest) has to notify one of the relatives of the detainee's choice of the detention. If the detainee does not indicate any person to be notified, the prosecutor has to notify at his or her own discretion one of the relatives of the accused if such a person can be identified.

Although in practical work of the police, after a temporary apprehension (up to 48 hours) of a person suspected of committing a crime, police officers try to inform his/her relatives indicating this in an additional section of the record of apprehension.

Since Article 107 of the Code of Criminal Procedure stipulates that the competent prosecutor has to inform one of the relatives of the detainee's choice about the detention only after detention on remand has been imposed, and till that moment a person can be detained up to 48 hours, it is envisaged to introduce amendments to the Code of Criminal Procedure as well as to the Code of Administrative Offences that would set out imperative provisions obligating to inform about the detention of these persons, too.

The newly drafted Code of Criminal Procedure stipulates that "all persons apprehended on the grounds of the present Code and in accordance with the procedure set by the present Code, shall have the right to inform a close relative or a third party about the fact of apprehension or the state of the apprehended persons after apprehension."

Analogous amendments are to be made to the Code of Administrative Offences, introducing the so-called "right to one telephone call".

Legal provisions regulating apprehension of a person for a crime or administrative offence shall provide for a fixed term for notifying of custody one of the relatives of the detainee or some other person, shall define the form and procedure of recording report of apprehension as well as shall set the cases when report of apprehension shall be postponed due to specific investigation needs.

In the light of the legal acts that are in force in EU member states and the Second General Report to the Declaration of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1992) laying down that persons detained temporarily have to be informed of their rights (notification of custody to third persons, the right of access to a lawyer and the right to medical examination), it is envisaged to enshrine compulsory elucidation of the rights to detainees in the new Code of Criminal Procedure of the Republic of Lithuania, which would be in full conformity with the provisions of international legislation as well as the Committee's recommendations.

- *steps to be taken to render the right of access to a lawyer fully effective in practice, as from the outset of custody (paragraph 43);*

Article 31 of the Constitution of the Republic of Lithuania stipulates that "From the moment of arrest or first interrogation, persons suspected or accused of a crime shall be guaranteed the right to defence and legal counsel."

The institution of the constitutional right to defence is prescribed by Articles 52, 53, 55 – 59 of Code of Criminal Procedure. Article 58 of the Code of Criminal Procedure of the Republic of Lithuania lays down the fundamental procedural provision that following the first interrogation the defender can visit the detained or arrested person without the presence of any other person. Only in exceptional cases and only during the first 15 days of detention or detention on remand can an interrogator or investigator be present during the interviews between the defender and defendant. It is worthwhile noting that the new Code of Criminal Procedure, the draft of which is currently under consideration by the Government, does not provided for the aforementioned exception. The defender shall be able to visit the detained or arrested person without the presence of any other person without any restrictions as to the number and duration of visits, with the exception of cases when the defender is removed due to the usage of illegal defence measures.

Pursuant to the requirements set forth in Paragraph 31.3 of the Regulations of the activities of police commissariats detention facilities, all persons detained in police detention facilities have the right to legal counselling in accordance with the procedure established by law. Paragraph 31.4 of the Regulations prescribes that persons held in police detention facilities from the moment when the lawyer is allowed to participate in the case in accordance with the procedure established by law have the right to private interviews between the lawyer and client without the participation of any other person and without any restrictions as regards the number and duration of the visits, with the exception of cases specified in the Code of Criminal Procedure of the Republic of Lithuania. Paragraph 171.6 of the Regulations prescribes that the officer on duty safeguarding the regime of authorisations to the detention facility admits lawyers who have presented an authority card to visit their clients without the presence of any other person and without any restrictions as to the number and duration of the visits. The Law on the Bar of the Republic of Lithuania prescribes for the lawyer's right to meet with client and states: "It shall be prohibited to obstruct the lawyer to meet with the client privately except for the cases provided by the law."

There are no obstructions for persons held in police detention facilities to use their right to legal counselling, which is provided for in the Code of Criminal Procedure, and to use state-guaranteed legal aid, which is rendered to persons who, due to their property status, cannot adequately defend their rights and interests protected by laws. The Law of the Republic of Lithuania on State-Guaranteed Legal Aid, which came into force on 1 January 2001, provides that such legal aid is rendered to citizens of the Republic of Lithuania as well as to foreign nationals who are permanently residing in Lithuania and stateless persons.

Article 14 of the aforementioned law stipulates that suspects, the accused, defendants or convicts in criminal cases enjoy the right to legal aid in cases provided for by law if their property and annual income are in conformity with the levels of property and income set by the Government of the Republic of Lithuania for receiving legal aid in accordance with the present law or if the Code of Criminal Procedure provides for a mandatory participation of the defender.

State legal aid is financed from state budget. The state budget of 2001 allocated 5 million 390 thousand Litas for salaries of lawyers and lawyers' assistants who render state legal aid.

It also should be mentioned that rendering the right to a lawyer is effective in practice. The Ministry of Justice has not received any complaint concerning the above mentioned issue.

- *the needs of health care services in police detention centres to be reviewed (paragraph 47);*

In police detention centres containing dispensaries health care is provided by feldshers. In 28 police detention centres there no such dispensaries (during the CPT's visit to Lithuania, 30 police detention centres did not have dispensaries). Health care in these detention centres are provided by medical institutions that have concluded contracts with police commissariats.

In addressing the issue of the right of persons detained in police detention facilities to full-fledged health care, first of all, it is envisaged to take measures to establish dispensaries and to introduce staff to work as feldshers in all police detention centres.

- *existing legal provisions concerning the right of persons in police custody to have access to a doctor to be developed. Those provisions should stipulate inter alia that:*
 - *a person taken into police custody has the right to be examined, if he so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor called by the police authorities;*
 - *all medical examinations of persons in custody are to be conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police officers;*
 - *the results of every examination, as well as any relevant statements by the person in custody and the doctor's conclusions, are to be recorded in writing by the doctor and made available to the person in custody and his lawyer;*
 - *the confidentiality of medical data is to be strictly observed (paragraph 47);*

The Committee's report indicates that a person taken into police custody has the right to be examined, if he so wishes, by a doctor of his own choice. The implementation of this requirement is not obstructed by any legal obstacles and is compatible with the requirements of the Code of Practice of Police Detention Centres, which was approved by Order No. 88 of the Minister of the Interior of 17 February 2000. Police commissariats are in addition informed on the necessity of the implementation of this right of detained persons.

In conformity with the requirements set out in paragraph 47 of the report, all police commissariats are to ensure that all medical examinations of persons in custody are to be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of police officers.

It has also been indicated that the results of every examination, as well as any relevant statements by the person in custody and the doctor's conclusions, are to be recorded in writing by the doctor and made available to the person in custody and his lawyer.

It has been additionally stressed that the confidentiality of medical data, which is guaranteed by the law, is to be strictly observed.

- *a form setting out in a straightforward manner the rights of persons in police custody to be systematically given to such persons at the very outset of their deprivation of liberty. The form should be available in an appropriate range of languages. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights (paragraph 48);*

The Committee's requirement that "all persons taken into police custody should be expressly, without delay and in a language which they understand, notified of all their rights and elucidation of their rights" and that the persons concerned should be asked to sign a statement attesting that they have been informed of their rights has been and is observed. If the fact of violating the aforementioned requirement is established during the inspection of the organisation of work of police detention centres, it is considered a serious infringement of the organisation of work.

Upon bringing a person who does not understand the official language (Lithuanian), calling an interpreter is obligatory.

It also has to be pointed out that the Prosecutor General's Office is to draft a typical record, which, in accordance with Article 137 of the Code of Criminal Procedure, will be handed to detainees by prosecutors, investigators and interrogators, to persons detained on remand by prosecutors, to persons detained under administrative law provisions by police officers, to imprisoned persons accused of violation of internal rules by officials of imprisonment institutions.

- *a code of conduct for interviews/questioning of suspects to be drawn up. In addition to reiterating the total prohibition of ill-treatment, the code should deal, inter alia, with the following: the systematic informing of the detainee of the identity (name and/or number) of those present at the interview; the permissible length of an interview; rest periods between interviews and breaks during an interview; places in which interviews may take place; whether the detainee may be required to remain standing while being questioned; the questioning of persons who are under the influence of drugs, alcohol or medicine, or who are in a state of shock. It should also be stipulated that a systematic record be kept of the times at which interviews start and end, the persons present during each interview and any request made by the detainee during the interview. The position of specially vulnerable persons (for example, the young, those who are mentally disabled or mentally ill) should be subject to specific safeguards (paragraph 49).*

Article 114 of the Code of Criminal Procedure sets forth the obligatory requisites of the record of the questioning and stipulates that records shall indicate: the case, in which investigation is conducted; the place where and the time when (year, month, day, and hour) the investigative action is carried out; the person conducting investigative actions and all persons participating or present therein; statements of the persons questioned, the descriptions and results of search, seizure, inspection and other investigative actions; the statements of the accused and of other persons, who participated or were present while carrying out an investigative action; if there were photographs, films, audio and video recordings made or footprint moulds made and fingerprints taken in the course of carrying out an investigative action, reports shall also indicate the technical equipment employed in the carrying out of the investigative action, the conditions and manner of the use thereof, the objects with respect to which they have been used and the results obtained.

The Prosecutor General's Office is drafting recommendations and methodological guidelines for prosecutors and investigators on these issues, special training of the aforementioned officials is conducted.

In the light of the Recommendation Project of 2001 "The European Code of Conduct of the Police" drafted by the Expert Committee PC – PO and the provisions of its Explanatory Project, the Police Department under the Ministry of the Interior in the beginning of the year 2002 envisages drawing up the Code of Deontology of the Police of the Republic of Lithuania which will lay down the provisions regulating the conduct and the activities of the police as well as interrogation/investigation of suspects as it is prescribed in the European Code of Conduct of the Police.

comments

- *the safeguards offered to persons in police custody would be reinforced if a single and comprehensive custody record were to be kept for each person detained, in which would be recorded all aspects of his/her custody and all the action taken in connection with it (time of and reason(s) for the arrest; when informed of rights; signs of injury, mental disorder, etc.; contact with and/or visits by a relative, lawyer, doctor or consular officer; when offered food; when questioned; when brought before a judge; when released, etc.). For certain matters (for example, the removal of personal effects, the fact of being told of one's rights and of invoking or waiving them), the signature of the detainee should be obtained and, if necessary, the absence of a signature explained. The detainee's lawyer should have access to such a custody record (paragraph 50).*

The recommendation is implemented. The major part of the information indicated under paragraph 50 as well as recording of all movements of a detained persons is accumulated in a personal record of each person detained in a detention facility.

The Law on Bar of the Republic of Lithuania stipulates that upon rendering legal assistance the lawyer is entitled to demand and obtain from all state institutions, natural and legal persons documents or copies thereof necessary to provide legal assistance and to exercise other rights provided by the law in order to render legal assistance.

requests for information

- *whether the right to inform a detained person's close relative can be withheld other than on the grounds that so doing can pose a threat to the security of his/her family (paragraph 39).*

Article 107 of the Code of Criminal Procedure stipulates an imperative provision setting forth that the competent prosecutor, who has participated in imposing remand detention, is required to ensure that information about a person's detention is provided to a close relative of a detainee's choice at the very outset of detention. Under this Article, the only ground on which the prosecutor may refuse to inform the detainee's family, is the detainee's motivated explanation that such information can pose a threat to the security of his/her family. Thus there are no other grounds on which the prosecutor may refuse to provide information about a person's detention to the detainee's family.

B. PRISONS

General reforms

On 18 April 2000 the Seimas of the Republic of Lithuania approved the Statute on Service in the Prison Department under the Ministry of Justice and the Law on the Implementation of the Statute. Under the aforementioned laws, since 1 September 2000, the system of enforcement of criminal punishments has been transferred from the field of competence of the Ministry of the Interior to that of the Ministry of Justice.

The Minister of Justice has approved the following legal instruments:

- the new Internal rules of Correctional Institutions (Order No. 172 of the Minister of Justice of 16 August 2000);
- Directions on the Protection and Supervision of Remand Detention and Imprisonment Institutions (Order No. 180 of the Minister of Justice of 22 August 2000);
- Regulations of the Prison Department under the Ministry of Justice (Order No. 184 of the Minister of Justice of 1 September 2000);
- new regulations of each imprisonment institution (Order No. 264 of the Minister of Justice of 27 December 2000);

The aforementioned legal acts have been drawn up in accordance with the European Prison Rules and following the recommendations of the experts of the Council of Europe following their visits to the Lithuanian imprisonment institutions carried out in 1995 and 1999.

1. Preliminary remarks

Measures aimed at decreasing the number of persons detained in imprisonment institutions

recommendations

- *policies designed to reduce prison overcrowding to be pursued vigorously and, in this context, inspiration to be drawn from Committee of Ministers Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation (paragraph 58).*

On 11 April 2000 the Seimas of the Republic of Lithuania adopted the Law on Amnesty Act. In the implementation of the Law, 2271 prisoners were released from prison establishments, 4851 prisoners saw their sentence reduced. Before the application of the Law on Amnesty (1 April 2000), there were 13,214 persons detained in prison establishments, whereas after its application, the number of prisoners diminished to 8746. This represents a rate of imprisonment of 236.4 prisoners per 100,000 inhabitants.

Moreover, on 17 February 2000 the Seimas of the Republic of Lithuania passed the Law on Amending the Criminal Code, by which prescribed new and more lenient requirements for releasing on parole. After the present law comes into force, the institution responsible for execution of the punishment, has to submit a motion to the court in respect of the person who has served part of the sentenced prescribed by law (with his or her consent) regarding release on parole. The current amendment creates legal preconditions to exploit the opportunity for release on parole for a markedly wider range of convicts.

Attention has to be paid to the fact that the Clemency Committee under the President of the Republic of Lithuania discussed penal policy, too. The Clemency Committee pointed out that the penal policy currently implemented in Lithuania is too strict and too strongly oriented towards custodial punishment; therefore the Clemency Committee suggested the President of the Republic of Lithuania more extensive granting of pardons in respect of convicts serving their sentence for minor crimes. During 1997 – 2000 the President of the Republic of Lithuania granted pardons to 380 persons who were serving custodial punishment releasing them from serving the remainder of the sentence.

On 26 September 2000 the Seimas of the Republic of Lithuania approved the new Criminal Code of the Republic of Lithuania. As compared to the old version, the new Criminal Code have resulted in the introduction of a new term for defining a criminal act – “misdemeanour”, which can only be punishable by non-custodial penalties or by detention (for a period of 45 days or less) – arrest. It also provides for a more frequent imposition of non-custodial penalties and defines new types of punishments: deprivation of public rights, restriction of liberty and arrest (detention for a period of 15 to 90 days). As regards juveniles, the Code provides for custodial punishments only for major or grave crimes or in cases when there are sufficient grounds to believe that other types of penalties are not sufficient for changing criminal inclinations of a juvenile.

It is foreseen that the new Criminal Code of the Republic of Lithuania shall come into force as from the 1th January ,2003.

2. Ill-treatment

recommendations

- *an aptitude for interpersonal communication to be a major factor in the process of recruiting prison officers and, during their induction and in-service training, considerable emphasis to be placed on acquiring and developing interpersonal communication skills. Building positive relations with prisoners to be recognised as a key feature of a prison officer's vocation (paragraph 61);*

As indicated in paragraph 60 of the CPT's report, during its visit to Lukiškės Remand Establishment – Prison and Pravieniškės Strengthened Regime Colony No. 2, the CPT's delegation received some allegations of ill-treatment of prisoners by staff (physical violence, verbal abuses).

It cannot be asserted that such allegations are absolutely ungrounded, in particular as regards verbal abuses. The present situation is due to the fact that only in 1999 a special training institution of prison officers the Training Centre of the Prison Department started functioning in Lithuania. Before then, prison officers recruited to imprisonment institutions did not have any training, while their introductory training was conducted in imprisonment institutions without discontinuation of service. It is possible that newly recruited prison officers adopted the habits of ill-treating prison inmates from other prison officers having a disposition to ill-treatment.

This factor was taken into consideration in preparing draft laws regulating the activities of imprisonment institutions. The Internal Rules of Correctional Institutions, approved by the Minister of Justice in 2000, contain the following sections: "Requirements for staff of correctional institutions" and "Relations between staff of correctional institutions and sentenced persons". The sections provide a detailed list of the requirements for heads of correctional institutions regarding staff selection, training and control of conduct in office as well as the main requirements for staff of correctional institutions in respect of their relations with sentenced persons. Also, the draft Internal Rules of Remand Establishments have been prepared containing analogous sections regarding the relations between staff and imprisoned persons. The Internal Rules of Remand Establishments shall be approved by the Minister of Justice.

As mentioned above, in 1999 the Training Centre of the Prison Department became operational and at present newly recruited prison officers are referred to the Centre for introductory training for a period of 3 months. The Training Centre also organises courses of in-service training for prison officers and other staff.

Training programmes, which are approved by the Director of the Prison Department, are designed in such a way that at least 1/5 of the whole term of training is dedicated to ensuring positive treatment of prison inmates by staff. For example, 30 hours are dedicated to general psychology, 24 hours are dedicated to language usage, 22 hours are devoted to each, professional ethics and elucidation of international standards of treatment of prison inmates. In teaching the principles of criminal and penitentiary law, attendants receive detailed explanation of responsibility for ill-treatment of prison inmates.

Lecturers from the Law University of Lithuania are invited to deliver lectures at the Training Centre. The Training Centre is engaged in bilateral co-operation with the Training Centre of the Swedish Prison and Probation Administration, the Central Training Centre of the Polish Prison Service. Lecturers of the Training Centre of the Lithuanian Prison Department on a regular basis work on probation at the Training Centre of the Swedish Prison and Probation Administration, the Swedish colleagues deliver lectures at the Training Centre of the Lithuanian Prison Department.

Officers of the leading and middle ranks for the work at imprisonment institutions are trained at the Law University of Lithuania. The programme of the LLB studies of law and penitentiary activities of the Social Work Faculty includes the following special subjects for fostering positive behaviour of staff with prisoners:

-	protection of human rights	80 hours;
-	standards and ethics of intercourse	60 hours;
-	interpersonal conflicts and settlement strategy	60 hours;
-	psychology of intercourse	100 hours;
-	penitentiary psychology	480 hours;
-	ethics of staff of correctional institutions	80 hours;
-	language usage of staff of correctional institutions	80 hours.

The Statute on Service in the Prison Department under the Ministry of Justice sets forth official requirements for induction of officers encompassing their education, intellect, personal and professional characteristics. A prison officer's vocation requires at least secondary education. Persons appointed to the positions of directors, deputy directors, heads of services, their assistants must have higher education.

Recruited officers (including prison officers) have to serve a probationary term of 6 months. On the expiry of their probationary term, a certification commission evaluates their suitability to service. A person is to be appointed to the position only in case of positive evaluation. From then on, certification of all officers takes place every four years.

- *a concrete strategy to address the problem of inter-prisoner violence to be developed and implemented (paragraph 66).*

According to paragraph 65 and 66 of the CPT's report, the current number of staffing is insufficient to ensure the safety of prison inmates. It has to be admitted that the delegation's affirmation that the insufficient level of staffing prevents prison officers from managing inter-prisoner violence is well-founded. However, in near future there are hardly any possibilities to increase the number of staff of imprisonment institutions due to financial restraints. In 2001, as compared to the figures of 2000, the wages fund decreased by 993,000 Litass (248,300 USD), therefore the Prison Department is implementing the concrete strategy the aim of which is to extend the functions of the whole current staff and in such a way to ensure that each worker has an obligation to prevent inter-prisoner violence.

The issue is addressed by training available staff to manage inter-prisoner conflicts in a more effective way. Therefore, one of the basic teaching trends at the Training Centre of the Prison Department and the Faculty of Law and Penitentiary Activities of the Law University of Lithuania is training staff of imprisonment institutions to manage inter-prisoner relations and to prevent violence.

comments

- *it would be appropriate for the Directors of Pravieniškės and Vilnius Prisons to deliver to their staff the clear message that both physical ill-treatment and verbal abuse of inmates is not acceptable (paragraph 61).*

Following the direction of the Director of the Prison Department under the Ministry of Justice heads of all imprisonment institutions, including directors of Pravieniškės and Vilnius Prisons, constantly instruct staff that ill-treatment of prisoners or verbal abuses are unacceptable and will not

be tolerated and officers who do not follow these instructions shall incur responsibility.

requests for information

- *in respect of 1999 and 2000:*

- *the number of complaints of ill-treatment lodged against custodial staff in all prisons in Lithuania and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;*
- *an account of disciplinary/criminal sanctions imposed on the grounds of ill-treatment by custodial staff (paragraph 62).*

In 1999 there were 48 cases registered when prison inmates complained of ill-treatment by staff of imprisonment institutions (physical violence or verbal abuses).

In 2000 there were 36 cases of lodging such complaints.

In 1999 disciplinary sanctions were imposed on two officers of imprisonment institutions and in 2000 disciplinary sanctions were imposed on one officer.

In 1999 and 2000 no criminal sanctions for ill-treatment of prisoners were imposed on staff of imprisonment institutions.

Following each complaint of ill-treatment lodged against staff of imprisonment institutions an official examination is conducted and, in cases when staff actions constitute an act of crime, the material is transmitted to the territorial prosecutor's office.

Usually prison inmates' complaints of ill-treatment by staff are ungrounded. Prison inmates frequently complain of ill-treatment by staff hoping for mitigation of punishment imposed on them for commission of misdemeanours and, in some cases, crimes.

In 1999 there were 5 cases registered when prison inmates assaulted staff of imprisonment institutions and used physical violence against them. 4 of the 5 assaults were committed at Pravieniškės Strengthened Regime Colony No. 2. In 2000 there were also 5 cases registered when prison inmates assaulted staff of imprisonment institutions. 2 of the assaults were committed at Pravieniškės Strengthened Regime Colony No. 2. All material has been transmitted to the territorial prosecutor's office.

3. Conditions of detention

recommendations

- *reducing occupancy levels in the 8m² cells at Vilnius Prison to be considered a priority. A cell of such a size should not be used to accommodate more than two inmates, and ideally should be used for single occupancy (paragraph 75);*

- *current occupancy levels in dormitories to be progressively reduced; the objective should be to offer at least 4 m² per prisoner (paragraph 75);*

As a result of the decrease in the number of prisoners by 1/3 following the application of amnesty in 2000, conditions of detention of prisoners in imprisonment institutions have improved markedly. In the light of the Hygiene Norm HN 76:1999 of the Republic of Lithuania "Imprisonment and remand establishments. Establishment, exploitation, health care", which was approved by Order No. 461 of the Minister of Health of 22 October 1999, the newly approved Internal Rules of Correctional Institutions set forth new standards of living space per inmate. Relevant amendments have also been made to respective articles of the Code of Correctional Labour. The new minimum standards of living space per inmate set forth by the Code of Correctional Labour and Internal Rules of Correctional Institutions are as follows:

- in dormitories of correctional and reformatory labour colonies - at least 3 m² per inmate;
- in dormitories of treatment and correctional labour colonies - at least 4 m² per inmate;
- in living rooms of a multi-flat house of a correctional labour colony - settlement - at least 6 m² per inmate;
- in cells and segregation units - at least 5 m² per inmate;
- in a hospital ward of imprisonment institutions - at least 7 m² per inmate;
- in a prison cell - at least 5 m² per inmate;
- in a prison segregation unit - at least 4.5 m² per inmate.

During the implementation of the newly approved standards of living space, official capacity of imprisonment institutions was revised. For example, while the official capacity of Pravieniškės Strengthened Regime Colony No. 2 at the time of the delegation's visit was 1850, at present it is 1248; as regards the official capacity of Lukiškės Remand Establishment – Prison, at the time of the delegation's visit it was 1200, while at present it is 906.

However, even at present, some of the imprisonment institutions are not able to comply with the official capacity standards. On average, Lukiškės Remand Establishment – Prison accommodates approximately 1500 inmates (during the CPT's visit the figure was 1712), Pravieniškės Strengthened Regime Colony No. 2 on average accommodates approximately 1500 (during the CPT's visit the figure was 2171), Šiauliai Remand Establishment – Prison, with the official capacity of 454, accommodates an average of approximately 800 inmates. Other imprisonment institutions have not encountered the problem of overcrowding so far. For example, Panevėžys Normal Regime Colony for Females, with the official capacity of 540, on average accommodates approximately 260 incarcerated females, Kaunas Juvenile Remand – Reformatory Labour Colony, with the official capacity of 398, on average accommodates approximately 170 incarcerated juveniles.

Currently, 6 new imprisonment institutions are being built or established in structurally modified buildings previously intended for different purposes. It is envisaged to put to use a new strong regime correctional labour colony in 2002 in Vilnius, a remand establishment in Kaunas with the capacity of 232 and a closed prison in Pravieniškės with the capacity of 320 inmates.

Attention has to be paid to the fact that the Government of the Republic of Lithuania approved and presented to the Parliament an amendment to the Criminal Code, providing for a possibility for life-sentenced persons (currently the number of such persons amounts to 72) to serve their sentence not only in prisons but also in correctional labour colonies. Hopefully, upon adopting the aforementioned amendment, the problem of overcrowding in Lukiškės Remand Establishment will become less acute and the legal status of the aforementioned sentenced persons will be alleviated (they shall have the right to long visits, the right to telephone calls, the right for longer outdoor activities, larger standards for living space, etc.).

- *immediate steps to be taken properly to partition in-cell toilet facilities (paragraph 75);*

Detention conditions in operating imprisonment institutions are enhanced by exploiting all available resources and possibilities. Reconstruction of food-making and sanitary facilities is a priority. In the light of the CPT's recommendation, in-cell sanitary facilities have been partitioned.

- *in step with the reduction of the prison population, efforts to be made to develop the programmes of activities offered to prisoners. The aim should be ensure that all prisoners in the two establishments visited (and in all prisons in Lithuania) are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells engaged in purposeful activities of a varied nature (recreation/association; work, preferably with vocational value; education; sport) (paragraph 76);*

In 2000, there was a slight increase in the number of jobs for inmates of imprisonment institutions; therefore, following the decrease in the number of inmates, the level of their engagement in paid work has increased from 22.1% at the beginning of 2000 to 31.9% at the end of the year.

It has to be noted that the Ministry of Justice has submitted a draft Resolution to the Government of the Republic of Lithuania on "Purchasing of some of the goods produced and services rendered at enterprises of the disabled, imprisonment institutions, labour therapy enterprises under health care institutions", pursuant to which ministries, departments, public services, enterprises, institutions and organisations shall ensure that institutions under their control engaging in public procurement from the state budget funds, allocate not less than 10 percent of the total allocations in the estimate of expenditure allotted for purchasing of different goods and services produced and services rendered at imprisonment institutions. The current draft resolution aims at increasing the occupational level of prison inmates.

The issue of prison inmates' engagement is to be addressed by arranging their general and professional training and by implementation of social rehabilitation programmes.

All incarcerated juveniles (including those awaiting trial) already have a possibility to study at secondary school.

Measures designed for the implementation of the Programme of the Government of the Republic of Lithuania for 2000-2004 embrace approving in the second half of 2001 the plan of measures for increasing the occupational level of prison inmates.

By 1 September 2002 (which is the official date of the beginning of an academic year in Lithuania), a secondary school for the four imprisonment institutions in Pravieniškės and one for Alytus Strong Regime Correctional Labour Colony are to be established. It is also envisaged to increase the number of students up to 1600 (65 training groups) in subsidiaries of special vocational schools that are operating in correctional labour colonies. If the plans are successfully carried out, all prisoners (with the exception of adult prison inmates awaiting trial) will have an opportunity to engage in educational activities.

Social rehabilitation programmes for prisoners, designed for the adaptation of prison inmates to the environment of an imprisonment institution, behaviour correction, preparation of prison inmates for integration to the society after serving the sentence are in the final stages of drafting and their implementation will start in the second half of 2001.

The Ministry of Justice has prepared draft laws amending the Law on Value Added Tax, which are to set tax privileges for employers who employ sentenced persons serving their sentence in imprisonment institutions. It is considered to encourage private capital investment for the development of manufacturing in public enterprises that operate under imprisonment institutions. At present the aforementioned laws are undergoing legal expertise and it is envisaged to submit these laws for consideration to the Government of the Republic of Lithuania in the present year.

- *immediate steps to be taken to ensure that all prisoners at Vilnius Prison - including those held in the quarantine section - are allowed at least one hour of outdoor exercise every day. Efforts should also be made to improve the outdoor exercise facilities at that establishment (paragraph 76).*

On 17 February 2001 amendments were introduced to respective articles of the Code of Correctional Labour providing for an hour of daily outdoor activities for all sentenced persons and 2 hours of daily outdoor activities for certain categories of persons.

Moreover, pursuant to the new Internal Rules of Correctional Institutions and the Internal Rules of Remand Establishments amended by Resolution No. 847 of the Government of the Republic of Lithuania of 17 June 2000, all prison inmates who are not engaged in out-door work or do not have an unrestricted possibility to go out to the territory of the imprisonment institution (including prisoners held in the quarantine section and those undergoing cellular confinement as a punishment in segregation units) have to be ensured the right of daily out-door activities including exercise for at least an hour. Juveniles, female prison inmates, prisoners having tuberculosis and the prison hospital patients have to be ensured the right of daily out-door activities including exercise for at least 2 hours.

4. Health care services

recommendations

- *the health care team at Pravieniškės Strengthened Regime Colony No. 2 to be reinforced (paragraph 81);*

Following the decrease in the total number of incarcerated persons in Lithuania, the number of prison inmates treated in the Prison hospital has decreased, too. After the amnesty of 2000, the hospital accommodates an average of approximately 160 patients. The figure is acceptable for the hospital staff to ensure satisfactory conditions for patients and the quality of health care.

At present it is not possible to increase the level of staffing in health care services of imprisonment institutions due to financial constraints. The Prison Department is conducting research in order to determine the lack of health care staff necessary to provide a proper medical service for certain number of prison inmates as well as the needs for financial resources.

- *steps to be taken to ensure that screening on admission is performed without delay (paragraph 83);*

In all imprisonment institutions, exhaustive medical screening of prisoners is conducted on the day of admission. On weekends and holidays prisoners are examined by a medical specialist on duty; exhaustive medical screening is carried out on the first working day.

- *written information on the prison's health care service and on related issues such as preventive measures and health promotion to be provided systematically to inmates upon arrival in the prison (paragraph 83);*

In the light of the CPT's recommendation, directors of all imprisonment institutions are instructed to provide with written information on the organisation of work of health care service (the reception procedure, working hours, etc.) available to all prison inmates. This instruction has been implemented in all imprisonment institutions – written information on the organisation of work of the health care service is available in all living premises, some of the imprisonment institutions have drawn up and handed out to the prisoners leaflets containing explanations on the organisation of work of the main services in the institution, the procedure of submitting applications and lodging complaints, the procedure of seeing prisoners on private issues, basic rights and duties of prisoners, etc.

- *the record drawn up after a medical examination of a prisoner to contain:*
 - (i) a full account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment;*
 - (ii) a full account of objective medical findings based on a thorough examination;*
 - (iii) the doctor's conclusions in the light of (i) and (ii) (paragraph 84);*
- *existing procedures to be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner, the record is systematically brought to the attention of the relevant prosecutor (paragraph 84);*

Upon observing any injuries, a record is drawn up by a medical specialist. The record is then registered in the registration journal for reports on criminal incidences. The head or deputy officer of the institution commissions a respective officer of the imprisonment institution to conduct examination in accordance with the procedure established by Article 128 of the Code of Criminal Procedure and to take one of the decisions set forth in the present Article (see paragraph 16 at page 4 of the Follow-up Report).

The territorial prosecutor's office has to be notified of the decision taken.

- *steps to be taken to ensure that medical confidentiality vis-a-vis HIV-positive prisoners is respected in practice (paragraph 86).*

Ensuring medical confidentiality of patients (including those who are HIV-positive or ill with AIDS) is prescribed by the Republic of Lithuania Law on the Rights of Patients and Compensation of the Damage to their Health. Under Section 2 of Article 10 of this Law, all of the information concerning the condition of the patient's health, diagnosis, prognosis and treatment, and also, all of the other information of personal nature concerning the patient, must be held as confidential, even after the patient's death.

All staff of health care services of imprisonment institutions have been acquainted with the aforementioned Law and the liability incurred for its violation.

In one of the imprisonment institutions (Pravieniškės Strengthened Regime Colony No. 1), there is a separate unit for segregation of prisoners who are HIV-positive or ill with AIDS. *The CPT's report indicates that "there is no medical justification for the segregation of a prisoner solely on the grounds that he is HIV-positive" (paragraph 86).* Attention has to be paid to the fact that HIV-positive or ill with AIDS prisoners can be directed to this unit only upon their written wish to be segregated or following a decision of the disciplinary commission to keep them segregated due to their unsafe or irresponsible behaviour. With a view to ensuring the confidentiality of other HIV-positive or ill with AIDS prisoners, they are directed to serve their sentence to ordinary imprisonment institutions according to the regime imposed by the court.

comments

- *there is a need to review the staffing levels of health care services in the prisons visited (paragraph 81);*

In the Prison Hospital there are 28.25 staff positions for doctors, 60.75 for nursing specialists and 6 positions for other medical staff (hospital attendants, pharmacists, laboratory assistants). At present the Hospital employs 24 doctors, 50 nursing specialists and 3 persons as other medical staff.

In Lukiškės Remand Establishment – Prison there are 7.5 staff positions for doctors, 14 for nursing specialists and 2.5 positions for other medical staff (hospital attendants, pharmacists, laboratory assistants). At present this imprisonment institution employs 6 doctors, 13 nursing specialists and 2 persons as other medical staff.

In Pravieniškės Strengthened Regime Colony No. 2 there are 4.5 staff positions for doctors, 9 for nursing specialists and 2 positions for other medical staff (hospital attendants, pharmacists, laboratory assistants). At present this imprisonment institution employs 5 doctors, 10 nursing specialists and 2 persons as other medical staff.

The number of staff positions available does not correspond to the number of persons employed because some of the staff do not work full-time and there are staff who occupy more than one staff position.

requests for information

- *comments on the possibility of increasing the involvement of the Ministry of Health in prison health care (paragraph 77).*

On 5 January 2001, the Prison Hospital was registered in the Ministry of Health of the Republic of Lithuania as a state closed institution of personal hygiene, remand detention (arrest) and enforcement of a custodial sentence. The hospital performs its activities in line with the provisions of the Law on Health Care Institutions. Pursuant to the provisions of the hospital, in enforcement of remand detention (arrest) and a custodial sentence, the hospital has to ensure the principle of priority of its patients' health interests as opposed to its other official activities. The Ministry of Health of the Republic of Lithuania is entitled to supervise the activities of the hospital.

In case a sentenced person needs for a specialised prompt medical assistance, which can not be provided at imprisonment institution, such medical assistance may be provided at prophylactic - treatment institutions of the Ministry of Health ensuring the supervision of the sentenced person.

In 2001, the Prison Department established the Health Care Service, which will supervise health care in all Lithuanian imprisonment institutions and conduct direct co-operation with the Ministry of Health.

In the second quarter of 2001 it is envisaged to set up the commission consisting of the representatives from the Ministry of Health and the Ministry of Justice by the joint order of the Minister of Health and the Minister of Justice; the commission would on a regular basis assess the quality of diagnosis and treatment HIV of persons held in imprisonment institutions, prevention of contagious diseases, mental disturbances, drug addiction and refer its findings to the Ministries of Health and Justice.

5. The Prison Hospital

recommendations

- *a high priority to be accorded to the completion of the new premises for the Prison Hospital. In the interim, genuine efforts to be made to reduce overcrowding in the existing facilities, in particular in the tuberculosis unit (paragraph 91);*

Following the decrease in the overall numbers of incarcerated persons in Lithuania, the number of prisoners undergoing medical treatment in the Prison Hospital has also dropped. After the amnesty of 2000, the Prison Hospital at a time accommodates approximately 160 patients. The figure is acceptable and the hospital staff can ensure satisfactory conditions and a satisfactory quality of health care.

- *staffing levels at the hospital to be reviewed (paragraph 91).*

At present it is not possible to increase the level of staffing in health care services of imprisonment institutions due to financial constrains. The Prison Department is conducting research in order to determine the lack of health care staff necessary to provide a proper medical service for certain number of prison inmates as well as the needs for financial recourses.

6. Other issues

recommendations

- *the number of visits for sentenced prisoners at Vilnius Prison to be increased and, in due course, the formal visiting entitlement to be revised (paragraph 93);*

The possibility of prisoners to maintain contact with the outside world is constantly promoted. 1998 saw a double increase in visiting entitlement for sentenced prisoners, who are entitled to make daily phone calls to their nearest relatives, relatives, friends, etc. In addition, the director of each imprisonment institution has the right to entitle each sentenced prisoner with additional short (to 4 hours) visits to maintain social contacts with their nearest relatives or relatives. The frequency of such additional visiting arrangements is not limited.

On 5 April 2001 the Seimas of the Republic of Lithuania passed the Law on Amending the Code of Correctional Labour. The amendments basically entail abolition of the provision allowing prisoners to make telephone calls only to nearest relatives and relatives. Currently each prisoner has the right to a daily telephone call with a person of his own choice. Directors of imprisonment institutions are conferred the right to entitle additionally not only short (to 4 hours) but also long (to 2 days round the clock) visits, the number of which is unlimited, to sentenced persons serving custodial sentence for maintaining social contacts. Long visits can be allowed only with nearest relatives (parents, children, real brothers and sisters, grandparents, grandchildren and spouses) and other persons with whom sentenced persons have children.

The possibility of increased visiting entitlement is hampered by limited facilities rather than laws. This is particularly evident in remand establishments, overcrowding in which presently is of the highest level as compared with other imprisonment institutions.

In 2002, new facilities for short visits are to be established at Šiauliai Remand Establishment. Lukiškės Remand Establishment – Prison is situated in the very centre of the city and cannot be expanded; therefore, the improvement of material and detention conditions at this establishment is viewed in the light of decreasing the number of prison inmates following the exploitation of Kaunas Remand Establishment and Pravieniškės closed prison and adoption of the

amendments to the Criminal Code mentioned under paragraph 75 of the CPT report, on the basis of which life-sentenced persons will be allowed to serve their sentence not only in prison but also in correctional labour colonies. The adoption of the mentioned amendments will not only reduce the problem of overcrowding in Lukiškės Remand Establishment – Prison but also will alleviate the legal status of these sentenced persons because, having transferred the sentenced persons of this category to a correctional labour colony, they will be granted with the right to long visits, telephone calls, etc.

- *measures to be adopted to ensure that the official capacities of the cells in the segregation unit at Pravieniškės Strengthened Regime Colony No. 2 are not exceeded and, in due course, those capacities to be reduced (paragraph 101);*
- *all persons undergoing segregation - including for disciplinary reasons - to be allowed access to reading matter (paragraph 101);*
- *the regime applied to prisoners placed in administrative segregation for prolonged periods to be developed (paragraph 101);*

With due regard to the CPT recommendation, Order No. 36 of the Minister of Justice of 27 February 2001 approved the proposals on the amendments of the Internal Rules of Correctional Institutions. The basic amendments include the following: allowing all prison inmates undergoing cellular confinement as a punishment in segregation units to read and to provide the aforementioned prisoners with books from prison libraries as well as periodical press. It is also suggested that in cells where prison inmates undergo cellular confinement as a punishment standard beds should substitute fold-up bunk beds, which are padlocked in the upright position during the day. Prison inmates should be allowed to rest in beds throughout the day.

It is also noteworthy that on 5 July 2001 analogous amendments were introduced to the Code of Correctional Labour, which will grant the right to persons undergoing disciplinary punishments in segregation units to read books, journals, newspapers and other literature.

- *immediate steps to be taken to ensure that persons held in the segregation unit at Pravieniškės Strengthened Regime Colony No. 2 are offered at least one hour of outdoor exercise every day. Further, steps to be taken to ensure that such prisoners have sufficient space to exert themselves physically during the exercise period (paragraph 102);*

Implemented.

- *the provision of health care to prisoners held in Unit 21 of Pravieniškės Strengthened Regime Colony No. 2 to be examined;*
- *the questions of staff presence and activities offered to prisoners held in Unit 21 to be reviewed (paragraph 105);*

On 5 July 2001 the Seimas of the Republic of Lithuania passed the Law on Amending the Code of Correctional Labour, which recognised the Article on Units of Ill-behaving Sentenced

Persons in Correctional Labour Colonies voided. In the implementation of the present Law, units of ill-behaving sentenced persons were disembodied.

However, it should be mentioned that persons held in this unit were twice a week examined by a doctor of internal diseases, once a week they saw a psychiatrist. When in need of emergency treatment, every person held in this unit could register in the registration journal of out-patient consultations with a medical doctor, which was constantly in the unit, or addressed directly the social worker or a supervision officer. The registration journal of out-patient consultations with a medical doctor was handed in to the health care service of the institution on a daily basis.

- *current arrangements for visits to prisons by independent bodies to be reviewed (paragraph 107).*

Pursuant to the Code of Correctional Labour and the Internal Rules of Correctional Institutions, officials of the Republic of Lithuania, foreign states, and international organisations having the mandate to inspect, supervise or control imprisonment institutions can visit imprisonment institutions and associate with prisoners without any restrictions (including non-participation of the administration of the institution).

comments

- *the Lithuanian authorities are invited to examine whether the control of prisoners' correspondence at Vilnius Prison is causing excessive delays and, if appropriate, take remedial action. Consideration might usefully be given to ending the practice of systematically censoring all prisoner correspondence (paragraph 96);*

On 5 July 2001 the Seimas of the Republic of Lithuania adopted amendments to Article 41 of the Code of Correctional Labour and Article 15 of the Law on Remand Detention, which provide for ending the practice of censoring incoming/outgoing correspondence of sentenced persons, which shall only be censored upon the decision of the relevant prosecutor or director of the imprisonment institution or court (judge) decision, while the correspondence of inmates shall only be censored upon the decision of an officer investigating the case, upon the prosecutor's decision or court decision.

Pursuant to Article 49 of the Code of Correctional Labour, outgoing letters are to be forwarded and incoming letters are to be delivered within 3 working days.

Article 50 of the Code of Correctional Labour stipulates that offers, applications and complaints of sentenced persons addressed to officials and employees of state and municipal institutions as well as international institutions, the jurisdiction of which to accept personal applications is acknowledged by the Republic of Lithuania, are not censored and are forwarded within a working day from the moment they have been received. Administration of imprisonment institutions delivers answers addressed to prison inmates from state and municipal institutions as well as public organisations within 3 working days from the moment they have been received. Answers from international institutions, the jurisdiction of which to accept personal applications is acknowledged by the Republic of Lithuania, are delivered to prison inmates at the latest within a working day from the moment they have been received.

- *the Lithuanian authorities are invited to add the President of the CPT to the list of authorities with whom prisoners can communicate by confidential letter (paragraph 106).*

On 5 April 2001 the Seimas of the Republic of Lithuania adopted the Law on Amending some of the Articles of the Code of Correctional Labour. One of the amendments entails replacing the notion of a rather narrow character “the European Court of Human Rights” by a wider notion “International institutions, the jurisdiction of which to accept personal applications is acknowledged by the Republic of Lithuania” in the Article regulating the right of sentenced persons to confidential correspondence. The new wording encompasses and the President of the CPT.

requests for information

- *the percentage of remand prisoners in Lithuania who were granted visiting rights during the first half of 2000, and the permitted frequency and duration of such visits (paragraph 95);*

During the first half of the year 2000, Lukiškės Remand Establishment accommodated 3571 prisoners awaiting trial, who, during the same period, were granted 3450 short (to 2 hours) visits, which means that each prison inmate was entitled to at least one visit. Bearing in mind that not all prison inmates are visited by nearest relatives or relatives and that some of them spent very little time at the remand establishment, a conclusion may be drawn that prisoners awaiting trial for a lengthy period were granted a greater number of visiting arrangements.

It has to be pointed out that on 31 January 2001 the Law Amending Article 105 of the Code of Criminal Procedure came into force stipulating that the accused and the defendant detained in remand establishments, with the consent of the officer investigating the case or with the consent of the relevant court, can be granted visits with their family or other persons. Visits can be refused to be granted or their frequency can be restricted if there are grounds to assume that such visits can obstruct investigation of a case or influence negatively the detained person’s behaviour. Prohibition of visits has to be motivated.

The accused (the defendant), his legal counsel or the person asking for a visit can appeal against the refusal by the officer investigating the case or the relevant court to allow visits of the family or other persons to the relevant prosecutor of a higher rank or a court of appeal instance.

- *whether prisoners have the right to appeal against decisions restricting their external contacts (paragraph 95);*

An order in which the persons in apprehension or remand detention have the right to appeal against decision restricting their external contacts is described above. Other prisoners, according to the Article 70 of the Code of Correctional Labour, have the right to appeal against the decision of the director of the institution restricting their external contacts to the Director of the Prison Department, Minister of Justice, Vice-Minister of Justice or to the court.

- *confirmation that letters to the persons and entities mentioned in paragraph 106 are not censored (paragraph 106).*

During the year 2000, prison inmates addressed the institution of the Seimas Ombudsmans 319 times and the European Court of Human Rights was addressed 259 times. In forwarding letters of prison inmates to the aforementioned institutions, the provision of non-censoring the letters is strictly adhered to.

On 18 April 2000 the Seimas of the Republic of Lithuania passed the Law on Amending the Law on Remand Detention, which provides a new version of Article 15 regulating the right of an inmate to correspondence, submitting offers, applications and appeals. Following the adoption of the current Law, offers, applications and appeals addressed to the officer investigating the case, the relevant court, the Seimas ombudsman, the prosecutor, state or municipal institutions, the Minister of Justice and the European Court of Human Rights as well as to other international institutions shall not be censored and shall be forwarded within one working day from the moment they were received.

E. THE CONVOY DIVISION

recommendations

- *Convoy Division officers to be reminded that ill-treatment of prisoners is not acceptable and will not be tolerated (paragraph 116);*

Implemented.

- *arrangements for the transport of prisoners to be reviewed as a matter of urgency, having regard to the remarks made in paragraphs 111 to 115 and 117. The review to address inter alia the conditions to be offered to prisoners during transport (e.g. space per prisoner, lighting, ventilation, access to sanitary facilities) and safety requirements (paragraph 118);*
- *without waiting for the outcome of the above-mentioned review:*
 - *the maximum number of prisoners who can be held in each compartment in the wagon used for transport by rail to be significantly reduced: the 3.5 m² compartments should never be used to transport more than six persons; compartments measuring 2 m² should not be used for more than three persons;*
 - *the cubicles measuring 0.4 m² in vans or trucks no longer to be used for the transport of prisoners (paragraph 118);*

- *steps to be taken to ensure that detained persons are placed in a position to appear before a court under conditions which guarantee respect for their dignity (paragraph 118).*

Two additional planned road convoy routes Vilnius-Kaunas have been introduced. Inmates are convoyed by these routes four times a week, which helped to reduce the maximum number of inmates to be convoyed by a special wagon at a time.

On 4 November 2000 there was a tender announced for purchasing special police cars. 15 new specially-equipped convoy vehicles will be acquired (six places for convoyed persons in each of them). The new convoy vehicles will be equipped in conformity with the recommendations set forth in the Committee's report placing considerable emphasis on the requirements to ensure the safety of detainees/prisoners and security officers and to increase space per person. For the time being, judicial proceedings are taking place regarding the tender procedure that have been suspended by the decision of the Public Procurement Service.

The CPT's recommendation not to convoy prisoners/detainees in cubicles measuring 0.4 square meters of special vehicles will be fully implemented after the renovation of the special convoy fleet.

F. FOREIGNERS REGISTRATION CENTRE, PABRADĖ

2. Ill-treatment

At present, the average length of stay at the Foreigners Registration Centre is 49 days. In certain cases, when it is impossible to establish the person's nationality or none of the aforementioned foreign states recognises him as its national, the length of stay at the Centre increases but only until the person receives documents for returning to his state.

recommendations

- *the Director of the Foreigners Registration Centre to inform his staff that no circumstances whatsoever can justify the physical ill-treatment or verbal abuse of persons held at the Centre (paragraph 120);*

In the light of the CPT's recommendations, on 8 May 2001 the Head of the Foreigners Registration Centre issued Order No. 2, which forbids using physical force, arms and special means, with the exception of cases provided for by the Law on Police Activities (see page 4 of the Follow-up Report in respect of Paragraph 18 of the Report). The Law also stipulates strict adherence to the norms of conduct of officers in the course of communicating with foreigners.

- *supervisory staff working with detained foreigners to be appropriately selected and trained (paragraph 121);*

Supervisory staff working at the Foreigners Registration Centre are properly recruited and trained. On recruitment, the Central Commission of Medical Experts conducts a careful examination by testing officers with psychological tests. Upon slightest suspicion, the institution of which the person is an employee is informed. Moreover, in 2000, with the help of the International Migration Association, supervisory staff working at the Centre received training how to behave in cases of possible stress situations and how to negotiate. Furthermore, a course of lectures was delivered on religions, cultures and intercourse peculiarities of different nations. 16 officers were attending elementary level English classes.

- *whenever a resident is medically examined following a conflictual incident (escape attempt or any violent episode) in the establishment, the medical record drawn up to contain:*

(i) a full account of statements made by the person concerned which are relevant to the medical examination, including any allegations of ill-treatment;

(ii) a full account of objective medical findings based on a thorough examination;

(iii) the health care professional's conclusions in the light of i) and ii) (paragraph 122).

Regarding health care promotion, all violent episodes are thoroughly recorded at the Centre, and their external marks are recorded in special medical files (the requisites of which have been more accurate following the CPT's recommendations) even in such cases when a foreigner would not allow his examination. Following each incident of this kind, an official examination among foreigners is carried out. The findings of such official examinations are referred to the territorial prosecutor's office for the adoption of the procedural decision envisaged in Article 128 of the Code of Criminal Procedure of the Republic of Lithuania.

2. Conditions of detention

comments

- *the sanitary facilities in the building accommodating single women at the Pabradė Centre were in a poor state of repair and lacked hot water (paragraph 124);*

The accommodation facilities in the new three-level building (block No. 1) have been renovated by foreigners on voluntary basis, the kitchen for personal needs has been equipped with kitchen ranges and refrigerators. Each of the floors contains washing and drying machines, there is a satellite dish. There have also been other kinds of work carried out.

The building accommodating single women has been partially renovated, modern sanitary facilities have been installed following the reconstruction of water supply. Hot water is available for 24 hours per day. The new building has been completely equipped. It has accommodation and sanitary facilities (washing, drying machines), fully-equipped kitchens for personal needs containing cooking appliances, and refrigerators. Considering the number of foreigners living at the Centre, there are 5 m² of space available per person.

In 2000, there were 600,000 Litas from the state budget allocated for the improvement of living conditions of foreigners at the Centre; moreover, the reconstruction works of the foreigners' canteen are nearing completion. The total value of the reconstruction works amounts to approximately 175,000 Litas.

- *efforts should continue to be made to offer a developed programme of activities to residents of the Pabradė Centre (paragraph 126).*

Developing a programme of activities to residents is one of the focal points. In this particular sphere, assistance is provided by members of the Lithuanian Red Cross Association, who take the initiative in helping foreigners organise concerts, performances and cleanliness days. There are different table games and musical instruments purchased. Moreover, the Centre has rest rooms in each local area, which contain TV sets broadcasting satellite programmes in different languages of the world. Foreigners enjoy the possibility to go in for sports in a specially equipped sports room, to attend the library situated in the Centre's territory, to read newspapers in a variety of languages.

Request for information

- *confirmation that the new accommodation facilities at the Pabradė Centre are now in service (paragraph 125).*

The new three-level building (block No. 1) was inaugurated on 31 January 2000.

Other issues related with the CPT's mandate

recommendations

- *the Lithuanian authorities to examine whether the control of residents' correspondence at the Pabradė Centre is causing excessive delays and, if appropriate, take remedial action (paragraph 129);*

The Correspondence at the Centre is not censored.

- *clear rules to be produced regarding disciplinary procedures at the Pabradė Centre. The rules to include a formal right for residents to be heard on the subject of the offence it is alleged they have committed and an entitlement to appeal to a higher body against any disciplinary sanctions imposed on them. Further, any instance of the imposition of a disciplinary measure and, in particular, the measure of solitary confinement, to be systematically recorded in a special register drawn up for that purpose (paragraph 131).*

The Government of the Republic of Lithuania by Regulation No. 103 of 29 January 2001 approved the Procedure and Conditions of Temporary Settlement of Foreigners at the Foreigners Registration Centre. The procedure regulates the application of disciplinary measures and stipulates that the application of such measures shall be registered in a journal, the form of which has been approved by the head of the Centre. The procedure also provides for the right of persons residing at the Centre to appeal against the application of the disciplinary measures imposed on them to the Chief of the State Border Guard Service under the Ministry of the Interior and court.

requests for information

- *confirmation that the post of head doctor at the Pabradė Centre has now been filled (paragraph 127).*

In July 2000, the vacancy of head doctor at the Pabradė Centre was filled.