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**Human Rights Committee**

**Information received from Lithuania on follow-up to the  
concluding observations on its fourth periodic report\***

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**Information provided by the Republic of Lithuania to the United Nations Human Rights Committee on the implementation of the recommendations contained in paragraphs 10, 20 and 22 of the concluding observations adopted by the United Nations Human Rights Committee on 29 August 2018**

1. United Nations Human Rights Committee (hereinafter the Committee) considered the fourth periodic report of Lithuania (CCPR/C/LTU/4) at its 3502nd and 3403rd meetings (see CCPR/C/SR.3502 and 3503), held on 10 and 11 July 2018. At its 3517th meeting, held on 20 July 2018, it adopted the concluding observations. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the Committee requested the Republic of Lithuania to provide, by 27 July 2020, information on the implementation of the recommendations made by the Committee in paragraphs 10 (discrimination on the grounds of sexual orientation and gender identity), 20 (migrants and asylum seekers) and 22 (persons deprived of liberty and detention conditions).

**10. The State party should intensify its efforts to eliminate discrimination, in law and in practice, against persons on the basis of their sexual orientation or gender identity, ensure that legislation is not interpreted and applied in a discriminatory manner against lesbian, gay, bisexual, transgender and intersex persons and refrain from adopting any legislation that would impede the full enjoyment of their Covenant rights. It should review relevant legislation to fully recognize the equality of same-sex couples and ensure that legislation concerning the change of civil status with respect to gender identity is clear and applied in accordance with the rights guaranteed under the Covenant, including through the enactment of legislation on gender reassignment procedures**

2. Law on Equal Opportunities and the Labour Code explicitly prohibit discrimination on the grounds of sex, race, nationality, citizenship, language, origin, social status, belief or opinion, age, sexual orientation, disability, ethnicity, religion, therefore providing legal protection against discrimination in the Republic of Lithuania.

3. The protection against discrimination based on sexual orientation and gender identity has been supported by further developments of the national case law.

4. On 11 January 2019, the Constitutional Court of the Republic of Lithuania (hereinafter the Constitutional Court) adopted a ruling (hereinafter the Ruling) on issuing a temporary residence permit in Lithuania to a foreign national in the event of family reunification.<sup>1</sup> According to the Constitutional Court, there are no grounds for holding that, under the impugned provision of the Law on the Legal Status of Aliens, in the event of family reunification, a temporary residence permit in Lithuania may be refused to a foreign national in cases where such a foreign national joins his/her same-sex spouse residing in Lithuania or a same-sex person with whom a registered partnership has been concluded and who resides in Lithuania and is a citizen of the Republic of Lithuania or a foreign national holding a residence permit in Lithuania.

5. In addition, Constitutional Court held that one of the forms of discrimination prohibited under Article 29 of the Constitution of the Republic of Lithuania (hereinafter – the Constitution) is the restriction of the rights of a person on the grounds of his/her gender identity and/or sexual orientation; such a restriction should also be regarded as degrading human dignity. Based on this Constitutional Court's interpretation, no national law should be interpreted or applied in a discriminatory manner based on both sexual orientation or gender identity. The Constitutional Court, moreover, noted that according to the

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<sup>1</sup> <https://www.lrkt.lt/en/court-acts/search/170/ta1915>.

Constitution, the constitutional concept of the family may not be derived solely from the institution of marriage, and that concept of the family is based on the very content of family relations, while the form of their expression has no essential significance for the constitutional concept of the family. The constitutional concept of family is neutral from the gender perspective. According to the Paragraphs 1 and 2 of Article 38 of the Constitution, interpreted together with the principle of equality and prohibition of discrimination enshrined in Article 29 of the Constitution, all families complying with the constitutional concept of family are protected, meaning that that marriage is only one of the many grounds of the constitutional concept of family.

6. Since the submission of Lithuania's fourth periodic report to the Committee, legal changes in Lithuania have further strengthened the protection and made additional efforts to uphold the principles of non-discrimination and equal opportunity.

7. An interministerial working group was established in 2018 to review the existing requirements applicable for legal professions. In 2019–2020 the Minister of Justice and the Minister of Health removed the provisions that could discriminate transgender persons in legal acts with requirements for judges, notaries, advocates, etc.

8. In 2017, a working group established by the Ministry of Justice prepared a draft Law on Recognition of Gender Identity. To ensure a quick, transparent and accessible procedure for the establishment of sexual identity, the draft law also provides for the administrative procedure applicable changing the entries in the acts of civil status. Given the widely divergent views on the mentioned draft held by members of the legislature, the issues faced by transgender community are repeatedly presented and discussed in public events (for example, a conference dealing with transgender issues was held in 2018, an international forum in 2019).

9. However, since 2017 persons who had not yet undergone permanent gender reassignment surgery could still obtain official documents on which their chosen gender identity was reassigned by a judicial procedure. Since the landmark domestic court ruling in May 2017, national courts have continued on holding that gender reassignment should be understood more broadly, that is as an individual's psychological self-identification with a particular gender, evidenced with the person's medical data and social behaviour.

10. Moreover, the continued implementation of the Action Plan for the Promotion of Non-Discrimination for the period of 2017–2020 (hereinafter the Action Plan), should be mentioned as the Action Plan is aimed to reduce discrimination in Lithuania on all grounds, including on gender and sexual orientation, as set in the Law on Equal Opportunities. During the implementation of the Action Plan, public information campaign about equal opportunities and non-discrimination was organized using various means (media, publications, leaflets, posters, trainings and events) on equal opportunities for publishers, communication agencies, the media and others working in the field of information dissemination.

11. Researches are being carried out in relevant specific areas of discrimination. Social campaigns are also being organized to raise public awareness on equal opportunities and non-discrimination issues, with various videos being shown in public transport and other public spaces in major Lithuanian cities. During the implementation of the Action Plan, trainings were also organized for police officers, social workers and young people in the Lithuanian regions.

12. During the implementation of projects on reducing the discrimination and ensuring prevention of discrimination in the labour market, an online platform for distance learning on discrimination topic was created. As for the business and private sector, events and forums were held, in which cases of successful promotion of diversity in business, examples with the best practices abroad and in Lithuania were presented. Equality plans are being implemented in the management of a number of socially responsible enterprises. Moreover, employers and workers were presented with an information package on the forms and manifestations of discrimination, its consequences and possible preventive measures.

13. Office of the Equal Opportunities Ombudsperson, in the framework of the project “#LGBT\_LT: increasing public awareness and community visibility in Lithuania”, in 2019 prepared national review of the situation of transgender people in Lithuania. The publication analyses:

- Standards and recommendations of international organizations in the field of protection of human rights of transgender people;
- Results of a representative survey of the Lithuanian population on transgender people;
- The practical challenges that transgender people face in different situations;
- Good practice of foreign countries.

## **20. The State party should:**

- (a) **Avoid placing asylum seekers in administrative detention and provide effective alternatives to detention so that detention is used only as a last resort and for as short a period as possible, as well as reduce the length and practice of detaining migrants, and ensure that migrants have access to a lawyer and legal aid where the interests of justice so require and are provided with information on their rights, including at the border:**

14. Asylum seekers are detained very rarely and only in very exceptional cases. Asylum seekers who could be detained as provided by the Law on the Legal Status of Aliens of the Republic of Lithuania are usually subjected to the alternative form of detention – accommodation in the Foreigners’ Registration Centre (Reception Facility for the asylum seekers, hereinafter – FRC) of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter – SBGS) without restrictions on freedom of movement.

15. The number of foreigners detained compared to the total number of foreigners living in the FRC has been declining in recent years. In 2019, 131 (25%) out of total 528 accommodated foreigners were detained, and in 2018, 224 (55%) out of 409 respectively. The average duration of detention in the RFAC was 48 days in 2019 as compared to 56 days in 2018.

16. All asylum seekers are informed upon signed acknowledgement about their rights and obligations, they are also entitled to state-guaranteed legal aid. In the court during the examination of an alien for detention (or an alternative form of detention) state-guaranteed legal aid for aliens is provided by the SBGS, and in the case of asylum seekers – by the Migration Department under the Ministry of the Interior of the Republic of Lithuania. Any detention order or alternative form can be appealed.

- (b) **Further improve reception conditions in the Foreigners’ Registration Centre by ensuring adequate access to social, psychological, rehabilitation and health care services:**

17. In 2019, to improve the reception and accommodation conditions at the FRC, the first floor of the dormitory for asylum seekers was renovated, increasing the accommodation capacity. A checkpoint, which has questioning rooms, premises for meetings of asylum seekers has been opened; a dormitory for vulnerable asylum seekers was opened (accommodating up to 15 vulnerable persons, including persons with disabilities). In the area next to the dormitory for vulnerable asylum seekers there are gazebos, playgrounds for children, an outdoor fitness complex and a multifunctional sports field.

18. In order to improve the access to medical services, in 2020 the number of medical staff positions in the FRC General Practitioner’s Office was increased. In 2019, an agreement on the provision of medical services (if necessary) in other health care institutions was signed.

19. In 2020, additional positions for social workers were created, allowing to improve the access to the social services and the provision of activities to asylum seekers (especially minors), as well as to increase the access to medical services (registration and escorts to health care institutions, organization of rehabilitation services, etc.).

20. On 11 September 2019, a Joint Activity Agreement was signed between the SBGS, Caritas and the Lithuanian Red Cross Society on the implementation of the project “Improvement of Reception, Employment, Social Services and Living Conditions of Asylum Seekers”. One of the activities of this project is the improvement of material reception conditions for asylum seekers, as well as the provision of social, legal, translation, medical and psychological services.

21. To improve the access to psychological services, a psychologist’s office was opened in the FRC on 1 July 2019, and an additional position of a psychologist was established on 1 March 2020.

**(c) Ensure that all applications for international protection at the border and in reception and detention facilities are promptly received, registered and referred to the asylum authority, and effectively investigate all allegations of denials of entry and access to asylum procedures for persons seeking international protection:**

22. All asylum applications submitted at the border checkpoints and other structural subdivisions of the SBGS are accepted, registered and forwarded to the Migration Department under the Ministry of the Interior. If there are indications showing that an alien in a detention centre, border checkpoint or transit zone may wish to apply for asylum, such alien is provided with information on this right and all of the related applicable procedures in a language he/she can understand. All asylum seekers are notified about their rights and access to state-guaranteed legal aid. In accordance with the Memorandum of Understanding between the SBGS, the United Nations High Commissioner for Refugees (hereinafter the UNHCR) Regional Office for the Baltic and Nordic Countries and the Lithuanian Red Cross, the SBGS informs the authorized representatives of the UNHCR about the asylum seekers in the structural units of the SBGS and enables them to monitor the procedures for submitting asylum applications and performing initial its actions.

**(d) Ensure against unlawful or arbitrary detention of asylum seekers at the border, including by clarifying in the Aliens Law that the holding of asylum seekers at the border, including in the transit zones, constitutes detention with accompanying procedural and judicial guarantees:**

23. Lithuanian national law does not provide the possibility to detain asylum seekers at the border while their asylum applications are being processed. In this way, Lithuania applies more favourable procedure than in other states when applying “border procedures”, as asylum seekers are not subjected to detention.

24. At border checkpoints or transit zones, asylum seekers are accommodated in special equipped premises. If it is not possible to provide asylum seekers with adequate reception conditions at border checkpoints or transit zones during the processing of the asylum application, they may be accommodated in other accommodation places by the decision of the Migration Department under the Ministry of the Interior.

**(e) Strengthen training for the staff of migration institutions and border personnel on the rights of asylum seekers and refugees under the Covenant and other international standards:**

25. In 2019, various trainings and events on asylum and illegal migration control and detention of aliens were organized for the SBGS officials:

- Training on the actions of officials in cases of an alien applying for asylum;
- In-service training “Asylum seekers at the border. Standards and practices”;
- Training on the organization of the activities of the newly established SBGS migration divisions in the border teams and the performance of new functions, reception of asylum applications at the border;

- Training on the topic “Functions of the SBGS in the field of prevention and control of illegal migration, performance of initial actions of the asylum procedure”;
  - Trainings on ensuring reception conditions for asylum seekers and identification of victims of human trafficking, organized together with the Public Enterprise “Diversity Development Group” and the Caritas Archdiocese of Vilnius;
  - Asylum training organized by the Lithuanian Red Cross Society.
26. Trainings of the SBGS officials planned for 2020:
- Training on the topic “Functions of the SBGS in the field of prevention and control of illegal migration, performance of initial actions of the asylum procedure”;
  - Training on organizing reception conditions for asylum seekers and identification of victims of trafficking in human beings, organized by the Public Enterprise “Diversity Development Group” and Caritas of the Vilnius Archdiocese.
27. Civil servants of the Asylum Division of the Migration Department under the Ministry of the Interior participate in trainings organized by the European Asylum Support Office. Participated in the following trainings since October 2018:
- 2018: training on “Survey techniques”, training on country of origin information and on the Common European Asylum System;
  - 2019: training on “Survey Techniques”, “Transfers” and training on medical information on countries of origin;
  - 2020: training “Gender, gender identity, sexual orientation”.

## 22. The State party should:

- (a) **Ensure that alternatives to detention, including bail, are always considered and that pretrial detention is always an exceptional, reasonable and necessary measure based on individual circumstances and is as short as possible:**

28. In 2015, amendments of the Code of Criminal Procedure established the right of a judge of a pre-trial investigation to issue a ruling on the refusal for a detention and to impose another measure of restraint (at the request of the suspect or his defence counsel). This is to ensure that the pre-trial judge is able to consider the possibility of not imposing the strictest measure of restraint at the request of the suspect or his defence counsel. It provides for the right of both the prosecutor and the detained person or his defence counsel to appeal against such decision of the pre-trial investigation judge. There is a provision allowing both the defence counsel and the prosecutor to participate in the questioning of the detained person (on the grounds of detention). The law stipulates that, when making a detention order, it is mandatory to explicitly state the facts and motives for which less lenient measures of restraint have not been imposed.

29. To reduce the number of detained persons, and prevent abusive use of detention, the law reduces the time limits for the duration of detention, differentiating them accordingly. It is provided that the term of detention may be renewed repeatedly, but during the pre-trial investigation the term cannot last for more than nine months, and the term of detention of minors may not be longer than six months. The maximum length of detention in criminal proceedings has been established and the detention may not last for more than two-thirds of the maximum sentence of imprisonment established by the criminal law for the most serious crime at issue in case. In 2015 amendments to the Code of Criminal Procedure came into force, which introduced a new measure of restraint intensive supervision. Also, the law has reconsidered the grounds for the imposition of detention and obliges courts to elaborate on why other types of measures of restraint (more lenient) would not be sufficient to achieve the objectives of the criminal proceedings, instead of detention.

30. Furthermore, the Ministry of Justice is currently drafting amendments to the Code of Criminal Procedure to improve the legal framework for the imposition of bail and to

encourage more frequent application of bail (alternatively to detention). These amendments are currently being coordinated with all of the national authorities concerned.

31. Prosecution Service is regularly developing the pre-trial investigation practice in implementing the recommendations, paying particular attention to the proper selection of coercive measures, taking into account that the constitutional rights of persons must be protected and ensured. Prosecutors are selecting coercive measures only after having carefully assessed the danger of the criminal offence, circumstances of the case and personality of the suspect. Alternative coercive measures are always considered.

32. Recent statistics show that prosecutors are less often requesting the pre-trial judge to impose arrest as a coercive measure, for instance, in 2017 such requests were made in 1685 cases, in 2018 – in 1521 cases, and in 2019 – in 1281 cases. The number of alternative coercive measures is increasing (i.e., in 2018 prosecutors requested the pre-trial judge to impose intensive supervision in 80 cases, and in 2019 the number of such requests increased to 101; in 2018 the bail was imposed in 114 cases, and in 2019 the bail was imposed in 132 cases).

33. It should be noted that according to Article 121 Paragraph 1 of the Code of Criminal Procedure of the Republic of Lithuania, the most severe coercive measures (including arrest) are imposed only by a ruling of a pre-trial judge or a court. Therefore, the final decision on the coercive measure to be applied, even if the prosecutor has requested for arrest, is taken by the court.

**(b) Expedite its efforts to improve conditions and reduce overcrowding in places of deprivation of liberty, including by taking account of the recommendations of the Seimas Ombudsmen's Office and those of the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and ensuring that conditions in places of detention are in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules):**

34. Population in the places of deprivation of liberty of Lithuania (hereinafter detention facilities) gradually decreases. In 2019, as compared to 2018, average number of persons in the detention facilities has reduced by 331. As on 1 January 2020, there were 6096 persons in the detention facilities, and this number decreased further as on 8 April 2020, there were 5930 people, as on 25 May 2020, there were 5724 people.

35. Gradual decrease of the number of prisoners is related to legislative initiatives, better economic and social situation in the country, and due to the declining number of population.

36. To further decrease of the number of prisoners serving the prison term, laws amending the Criminal Code, the Code of Enforcement of Punishments, and the Code of Criminal Procedure have been approved. Some amendments have already come into effect; the rest will enter into force on 1 July 2020. Amending these legal acts allows national courts to administer punishment, alternative to imprisonment, more often by using the following measures, such as penalty, restriction of liberty and penal sanctions such as contribution to the fund of crime victims, corrective works. Therefore, it will enable more frequent suspension of sentence or release from a custodial sentence on parole, whereby a probation officer would look after a convicted person. As expected, the suggested measures would allow to reduce a number of prisoners serving their prison terms in penitentiary facilities by 15%.

37. Lately, implementation of the Law of the Republic of Lithuania on Amnesty Act No. XIII-1640 of 15 November 2018, has become one of the law-making means aimed at decreasing the over-crowding in detention facilities. Pursuant to this legal act, pardon has been granted to 86 persons.

38. Since 1 July 2020, provisions of the Code of Enforcement of Punishments (CEP) regulating release from a custodial sentence on parole will change. Terms of the release from the correctional facilities on parole are related to the risk of criminal behaviour of the convicted person (Article 157(1) of the CEP). If this risk is low and (or) the convicted person demonstrates obvious progress in risk mitigation, a release on parole may be applied.

When the amendments enter into force, release on parole to persons convicted and sentenced to a term of more than four years and those convicted for a misdemeanour through negligence will be applied not by the court, but the Parole Commission comprising of representatives of the punishment enforcement system and non-governmental organizations. Therefore, the process of release on parole will significantly speed up. In addition, all convicted persons (except for particular exceptions provided in the laws), that have served three quarters of the imposed imprisonment, will be automatically released on parole followed by intensive supervision.

39. To implement recommendations provided by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment (hereinafter – the CPT) during its visit to Lithuania from 20 to 27 April 2018, a plan of actions was approved by the Order No. V-277 of the Director of the Prison department of 1 August 2019. Heads of the administrative units of the Prison Department and its affiliated institutions were ordered to ensure execution of actions specified in the plan.

40. In response to recommendations of CPT for ongoing conversion of large premises of dormitory type into the cell type rooms and reduction of the number of sentenced persons, while ensuring at least 4 m<sup>2</sup> of living space in the multiple occupancy prison cell (excluding space intended for sanitary room) and 6 m<sup>2</sup> in the single occupancy prison cell per prisoner, execution of works on upgrading of institutions is now underway in the Lithuanian punishment enforcement system, which resulted in enhancement or expected enhancement of the imprisonment conditions in the detention facilities.

41. On 1 July 2019, the Lukiškės Remand Prison, the facility that received a large amount of complaints received from prisoners due to inadequate imprisonment conditions and failure to comply with minimum requirements for space, was closed. Prisoners and convicted persons were moved from the Lukiškės Remand Prison to other detention facilities. Prisoners were moved into the Sector 3 (reconstructed premises) of the Pravieniškės Correction House Open Prison Colony and cell type rooms of the Vilnius Correction House. Persons sentenced to life imprisonment and persons held in prison-like conditions were moved from the Lukiškės Remand Prison to Alytus, Marijampolė, Pravieniškės Correction Houses and Šiauliai Remand Prison, where minimum requirements for space are met.

42. Three Sector 3 dormitories of the Pravieniškės Correction House Open Prison Colony, converted into the cell type rooms. Maximum 360 people may be confined in facilities all at once. An area per prisoner is 5 m<sup>2</sup>. 69 occupancies for rehabilitation of addicted prisoners were equipped in Sector 2 of the Pravieniškės Correction House Open Prison Colony. Construction of buildings, started in 2018 within the frameworks of the Project “Relocation of Šiauliai Remand Prison from the central city to Malvėniukų Village, Ginkūnų eldership, Šiauliai region”, continues. Works on reconstruction of the dormitory for prisoners No. 2 in Alytus Correction House, initiated in 2018, are also continued. After reconstruction of the building, the cell type rooms will be furnished. Maximum 199 people may be confined in the facility all at once with an area per prisoner is 5 m<sup>2</sup>. Alytus Correction House operates the renovated building near the correction house (outside of the restricted area), where 90 living areas are equipped for prisoners that may go out of the facility territory without being accompanied.

43. On 11 February 2020, an agreement on implementation of the Programme PA19 “Punishment Enforcement System” under Norwegian Financial Mechanism of 2014–2021 was signed. During implementation of this programme, cells for 300 prisoners will be constructed in Vilnius Correction House and Sector 3 of the Pravieniškės Correction House Open Prison Colony, other premises for social rehabilitation and occupancy of prisoners will be equipped therein.

44. Newly reconstructed living premises of the detention facilities and the ones that are still being reconstructed, are equipped so that a person confined in a single occupancy prison cell accounts for a living space of 7 m<sup>2</sup>, and a person confined in a double occupancy prison cell for a living space of minimum 6 m<sup>2</sup>. New detention facilities with cell type rooms are to be constructed in Šiauliai.



45. Pursuant to the recommendations of CPT allowing the prisoners to spend most of the time outside of the prison cells, with the support of the Norway Financial Mechanism for 2014–2021, a process of introduction of alternative positive occupation of prisoners (agricultural activity, folk-craft works, etc.) has been initiated. Similar occupations will be offered to persons taken into custody. The Ministry of Justice has initiated amendments to CEP, stating, that every prisoner should spend at least 8 hours per day participating in various activities out of his cell.

46. To increase the number of places in open correctional facilities, starting from 2016, 4 halfway houses (near the Alytus, Vilnius, Marijampolė and Pravieniškės Correction Houses) were established in Lithuania with financial support from Norway. In these halfway houses, the convicted persons live in premises equipped near the correctional facility, study or work they chose themselves or offered by the authorities, actively prepare for the release on parole or release. They undergo social rehabilitation programs with qualified psychologists and social workers working closely with them. This project is deemed to be successful, as a risk of recidivism, after leaving the halfway house, has significantly decreased. In the future, it is planned to establish another halfway house near the Panevėžys Correction House.

47. It is also worth mentioning that the Mother and Child Unit was established in Panevėžys in 2016. This is a place where the convicted persons from the Panevėžys Correction House live with their children. This project allows decreasing social exclusion of children of the convicted women and enhances the social rehabilitation process. Convicted persons at the Mother and Child Unit cook meals by themselves, clean the territory. There is an equipped playroom in the facility and a playground outside. Mothers may move on-route freely with their children, visit doctors, take part in city events intended for children. This house may accommodate up to 5 convicted persons with children that demonstrate good behaviour, have no penalties, are showing motivation, and their period of the sentence served is coming to an end. Since the beginning of the project the Mother and Child Unit has been always occupied. On 28 April 2020, 5 women with 5 children were living there.

48. Enhancement of the prison conditions are supported by the amendment of Article 90 of the CEP, that will enter into force on 1 July 2020 and make provision for the convicted persons, whose term of deprivation does not exceed one year, or those convicted for a misdemeanour through negligence, to serve their sentence in open colony (open penitentiary facility). It is expected, that due to this amendment, a number of convicted persons held in colony-like conditions could increase approximately by three times (from 120 to 300 or more).

49. It is worth noting, that the convicted persons are kept in more lenient conditions in the open colony than in the correction houses: without guards, but under supervision. From the moment of waking up till bed time, convicted persons move freely within the specified territory; they are allowed to have money and valuables; they may have unlimited dates, receive postal and personally transferred parcels and small packets, receive and send letters, using phones. If accommodation is possible, they may live near the colony with their families. With permission of the colony authorities and if there is a need for work, treatment or study, they may go outside of the open colony for up to 14 hours; they may continue to work at the place they used to work before serving punishment by imprisonment in the open colony, etc.

50. Another significant change is that due to amendments to the Criminal Code (came into force on 3 April 2019), there is a possibility of mitigation of punishment by life imprisonment through its replacement with a limited term of deprivation. In addition, the amendments were introduced to the CEP, providing a possibility of release on parole for those convicted persons whose punishment by life imprisonment was replaced with a limited term of deprivation.

51. CPT recommended the public authorities of Lithuania to take firm and anticipated measures on strengthening of healthcare services at the detention facilities that they have visited, to organize special training for the healthcare staff working at the detention facilities.

52. Since 1 October 2019 the primary ambulatory health care services are provided with the specialists from the Prison Department Hospital. This transformation allows executing the previous recommendation of CPT regarding independence of the health care staff from the prison authorities and provision of adequate treatment.

53. Taking into account, that currently the health care specialists, who used to work in different detention facilities, became employees at the Central Prison Hospital, providing services in detention facilities, a problem of replacement of these employees is being solved at that moment, i. e. where there is no required health care specialist, his/her functions are performed by another healthcare specialist having relevant qualification. In addition, corresponding amendments were introduced to legal acts of the health care system, providing a possibility to delegate functions to relevant specialist of the public health care institution when the required specialist at the detention facility is absent for a long time.

54. Centralization of all health care specialists at the Central Prison Hospital allows cutting down the personnel exercising administrative functions. Also, the excessive functions are optimized, therefore saved money is used for increase salaries of the health care specialists. All detention facilities are equipped with defibrillators. Apart from the healthcare specialists, all employees of these facilities, working immediately with prisoners, are also trained on the first aid procedures (including activities aimed at resuscitation). This training is included both in the introductory training program and the advanced qualification program.

55. Another significant change of amendments of the Republic of Lithuania Law on Insurance came into force on 1 January 2020, therefore all prisoners are now covered by the state health insurance.

56. CPT recommended taking measures on control of the quality and quantity of food provided to prisoners.

57. Specialists of the Prison Department tightened the food quality control in all detention facilities; there is procurement of catering services, and food is provided by enterprises experienced in this field. Director of the Prison Department by his order formed a special team for regular visiting of the detention facilities, communication with prisoners, checking of living conditions, food quantity and quality.

**(c) Ensure that all allegations of ill-treatment by personnel in places of deprivation of liberty are promptly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that victims have access to effective remedies:**

58. The staff in detention facilities is regularly reminded about the rights of prisoners, including the obligation to behave properly with prisoners. Upon receipt of a notice on the use of force by the staff in detention facilities, circumstances are immediately verified, official checks are carried out, and if signs of criminal acts exist, a pre-trial investigation is started in all cases, and appropriate procedural decisions are made. The Criminal Code ensures that every person shall be held liable when the committed act is forbidden by a criminal law in force at the time of commission of the criminal act, regardless of where (in prison or at large) the relevant criminal offense was committed. Heads of institutions during each staff briefing are regularly reminded about their obligations to ensure and control proper and humane conduct with convicted persons justified by legal acts, as well as for impending liability for abuse of official position and bad behaviour. Curricula of employees include topics on the legal basis for use of force and special means, limits and responsibility for exceeding these limits when using the force. Such topics are included in vocational and advanced training plans conducted by the Training Centre of the Prison Department.

59. A new unit, the Immunity Division, was established in the Prison Division in 2015, with main functions as following: ensuring the implementation of measures to prevent corruption in the Prison Department and institutions, as well as organizing and implementing measures to prevent and investigate corrupt-ridden criminal acts, official misconduct and misconduct in office.

60. There is a possibility to report about alleged violations in the Prison Department by a publicly available hotline with an answering machine working 24/7, or by email. All messages received by hotline or email are registered and verified by the Immunity Division. It is worth noting that the messages can be also anonymous.

61. The Prison Department has updated and approved the legal acts concerning the proper exercise of the rights and responsibilities of employees:

- Director of the Prison Department by his Order No. V-38 of 22 January 2019 approved the Description for Protection of Employees and Information of the Prison Department under the Ministry of Justice of the Republic of Lithuania and its Subordinate Institutions Against Possible Unlawful Influence or Effect;
- Director of the Prison Department by his Order No. V-72 of 8 February 2019 approved the Description of Procedures for Providing Information According to the Law of the Republic of Lithuania on Protection of Whistle-blowers;
- Director of the Prison Department by his Order No. V-228 of 10 June 2019 approved the new Code of Ethics for Employees of the Penal System. The new Code of Ethics replaced the Rules of Ethics, which were valid for almost 15 years.
- An anti-corruption assessment of 4 legal acts was carried out in 2019. One of them is the assessment of the Rules for Monitoring the Prices of Goods Sold in Stores of Detention Facilities.

62. In order to ensure compliance of newly hired employees in the punishment enforcement system, since October 2019, the Immunity Division of the Prison Department has strengthened the verification procedures for applicants and (or) employees, as well as cadets:

- 299 applicants have been verified from October to December 2019, up to 10 % of applicants were recommended not to be accepted.

63. An assessment of applicants and/or employees, as well as cadets, was carried out for immunity to corruption and manifestations of corruption from October to November 2019.

64. 15 official inspections have been conducted in the Immunity Division of the Prison Department during 2019, 1 criminal intelligence investigation was initiated, 3 criminal intelligence investigations were completed, 1 of which was implemented. In 2019, 3 large-scale pre-trial investigations were submitted to court, 2 pre-trial investigations were abandoned, in one of which a decision was made to relieve 4 persons from criminal responsibility with admission by bail, 1 pre-trial investigation was suspended; and 50 pre-trial investigations were denied.

65. The Code of Criminal Procedure ensures that everyone who has been a victim of a criminal offense, regardless of their status or whereabouts, can fully enjoy the rights enshrined in this Code. Under the Code of Criminal Procedure, the aggrieved party has the right to: receive information on the criminal proceedings; provide evidence; make requests; bring removals; to participate in the assessment of his special protection needs; use the legal assistance of a lawyer or other authorized representative; to speak his mother tongue or the language he speaks and to use the services of an interpreter if he does not speak Lithuanian; to get acquainted with the case during the pre-trial investigation and in court; to take part in court proceedings; to appeal against the actions of a pre-trial investigation officer, a prosecutor, a pre-trial investigation judge and a court, as well as to appeal against a court judgment or ruling; say the closing speech.

66. The Prosecution Service also, within the scope of its competence, ensures that pre-trial investigations of criminal offences of violence allegedly committed by the staff of custodial establishments are comprehensive and effective. According to the data of the Integrated System of Criminal Proceedings, in 2018, 5 pre-trial investigations were initiated due to the allegedly criminal acts of violence by the officers of custodial establishments; 2 of such investigations were completed, and the cases were transferred to the court (in both cases the perpetrators were convicted and were punished with a fine), 1 pre-trial investigation was terminated and 2 were suspended. In 2019, there were 6 such pre-trial investigations (5 of which were terminated as it was not established that a criminal offence

had been committed (these decisions are valid and effective, and were not annulled by courts), and 1 investigation is still undergoing).

67. Prosecutors receive continuous training with a view to improving their qualification and developing their competences. Between 2018 and 2020, prosecutors attended 4 training courses on application of coercive measures and the protection of human rights in this respect. In 2019, 9 prosecutors took part in the training organised by the Academy of the European Law in Germany on investigation of crimes committed by civil servants.

68. It should be noted, that many police detention facilities are equipped with remote monitoring and communication systems, which not only facilitate the work of police officers and enable them to quickly contact detainees or call for help, but are also excellent misconduct preventing measure for both detainees and police officers. In addition, the qualifications of police officers and escorts are constantly being improved.

**(d) Ensure that persons deprived of liberty are provided in practice with all legal safeguards from the very outset of deprivation of liberty:**

69. All persons newly admitted to institutions receive primary information about their rights and obligations at the time of admission to the institution; they also receive booklets (memos) in the reception and distribution department in which they are briefly informed about their rights, applicable prohibitions, and main legal acts. Within one day after reception and distribution in cells (residential premises), specialists from the Resocialization Division communicate with prisoners/the convicted to explain the established procedure and answer the questions before signature.

70. Copies of editions of all amended regulations are posted on information stands in the groups of the convicted, and some information is provided on the stands in the cells in the remand detention. The right of convicted persons to prompt, objective and comprehensive information about their legal status and sentence completion conditions is also ensured. The convicted persons have access to the current editions of all legal acts in the library or by using the limited Internet access in the register of legal acts.

71. Detention facilities try to distribute foreign citizens into groups with employees speaking foreign languages (most often Russian and English) who, to the best of their ability, explain to foreign citizens their rights and obligations, help with preparation of documents, and answer the questions of concern. In 2016, the Prison Department translated the main provisions of the CEP and the Law on the Execution of Pre-trial Detention into Russian and English. Taking into account the new law revisions, we are going to resume the implementation of translations in the near future.

72. Foreign citizens receive a booklet with addresses and telephone numbers of embassies (consulates). They also receive envelopes, paper, and a pen. Foreign citizens are provided with one free call (at the expense of the institution) to relatives, or to the lawyer, or to the embassy.

73. As to the right of convicted persons and prisoners to meet a lawyer, they are informed about the right to meet and have a confidential conversation with a lawyer is ensured in all institutions, separate premises are provided for this, employees ensure private meetings between the lawyer and the defendant during the working hours of the remand prison administration (the time is not limited) in the premises intended for this and free from bystander.

74. Currently, taking into account the existing situation in connection with the declared extreme situation due to the coronavirus (Covid-19), to avoid the possible spread of the virus, meetings of prisoners (the convicted) with lawyers are conducted without physical contact (through glass), ensuring confidentiality.

75. As to the right of the convicted to inform a close one or the other chosen person about their location, we inform you that in all detention institutions the newly arrived convicted and prisoners fill out the form and indicate who should be informed of their detention. The form and content of the notice to close ones is defined in the Instruction for Recording the Prisoners and the Convicted approved by the Order of the Director of the Prison Department No V-33 of 5 February 2020. According to this instruction, all detention

facilities shall, within 3 business days from the moment of arrival in the correction facility (remand prison) and no later than the next day after the prisoner is accepted to the remand detention (correction facility), send a notice of the established form to the indicated persons. This notice indicates the correction facility (remand prison) where a person is serving a sentence (is in custody) with attached information on the time and procedure whereby one can meet the convicted (prisoner), talk to him or her on the phone, and transfer personal things to him or her.

76. As to the Committee's concern that the convicted do not have the right to an independent doctor, we inform that the convicted (patients) have the right to second opinion of a person with the same professional qualification. However, when exercising this right, the patient's right to free health care according to the procedure established by the Ministry of Health or its authorized institutions may be limited.

77. It should be noted that convicted persons serving their sentences in open colonies, in the Mother and Child Unit or in halfway houses, can visit the chosen doctors. In this case, it is necessary to coordinate the place and time of departure with the administration.

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