CPT/Inf (2014) 18

Report

to the Lithuanian Government on the visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

from 27 November to 4 December 2012

The Lithuanian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2014) 19.

Strasbourg, 4 June 2014

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Copy of the letter transmitting the CPT's report

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Strasbourg, 19 July 2013

Dear Mr Mickevičius,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Lithuanian Government drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Lithuania from 27 November to 4 December 2012. The report was adopted by the CPT at its 81st meeting, held from 1 to 5 July 2013.

The recommendations, comments and requests for information formulated by the CPT are listed in Appendix I. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Lithuanian authorities to provide **within six months** a response giving a full account of action taken to implement them. The CPT trusts that it will also be possible for the Lithuanian authorities to provide, in that response, reactions to the comments formulated in this report as well as replies to the requests for information made.

In respect of the recommendations and requests for information contained in paragraphs 26, 27 and 28 of the report, the CPT requests the Lithuanian authorities to provide a response **within three months**.

The CPT would ask, in the event of the response being forwarded in Lithuanian, that it be accompanied by an English or French translation.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours sincerely,

Lətif Hüseynov
President of the European Committee for
the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a periodic visit to Lithuania from 27 November to 4 December 2012. It was the fifth visit to Lithuania to be carried out by the Committee.[1]

2. The visit was carried out by the following members of the CPT:

- James McManus (Head of delegation)
- Natalia KHUTORSKAYA
- Marzena KSEL
- Arman TATOYAN
- George TUGUSHI
- Marika VÄLI.

They were supported by Elvin ALIYEV and Julien ATTUIL-KAYSER of the CPT's Secretariat, and assisted by:

- Pétur HAUKSSON, psychiatrist, Reykjavik, Iceland (expert)
- Alina DAILIDENAITE (interpreter)
- Ruta KAUNAITE (interpreter)
- Monika MATULEVICIUTE (interpreter)
- Kristina MISERKEJEVAITE (interpreter)
- Sigita TUPCIAUSKAITE (interpreter).

[1] The CPT has previously carried out three periodic visits (February 2000, February 2004 and April 2008) and one ad hoc visit (June 2010) to Lithuania. The reports on these visits as well as the respective responses by the Lithuanian authorities are available on the CPT's website (http://www.cpt.coe.int/en/states/ltu.htm).

B. Establishments visited

3. The CPT's delegation visited the following places of deprivation of liberty:

Police establishments

- Alytus City Police Headquarters Arrest House
- Joniškis District Police Department Arrest House
- Kėdainiai District Police Department Arrest House
- Kelmė District Police Department Arrest House
- Lazdijai District Police Department Arrest House
- Šiauliai City Police Headquarters Arrest House
- Varėna District Police Department Arrest House
- Vilnius City Police Headquarters Arrest House

Prison establishments

- Alytus Correction Facility
- Kaunas Juvenile Remand Prison
- Lukiškės Remand Prison, Vilnius
- Šiauliai Remand Prison

Psychiatric establishments

- Republican Psychiatric Hospital, Vilnius.

C. Consultations held by the delegation and co-operation encountered

4. In the course of the visit, the CPT's delegation had consultations with Gytis ANDRULIONIS, Deputy Minister of Justice, and Mindaugas LADIGA, Deputy Minister of the Interior, as well as with senior officials from the Ministries of Justice, the Interior, Health, and Social Security and Labour. In addition, talks were held with Romas VALENTUKEVIČIUS, Seimas Ombudsman. The delegation also met representatives of non-governmental organisations active in areas of concern to the CPT.

A list of the national authorities and non-governmental organisations met by the delegation is set out in Appendix II to this report.

5. The co-operation received by the CPT's delegation during the visit, both from the national authorities and from staff at the establishments visited, was very good. The delegation enjoyed rapid access to all the places it visited (including those which had not been notified in advance), was provided with the information necessary for carrying out its task and was able to speak in private with persons deprived of their liberty.

However, the principle of co-operation between a State Party and the CPT is not limited to facilitating the work of a visiting delegation. It also requires that decisive action be taken to improve the situation in the light of the Committee's recommendations. Regrettably, the 2012 visit brought to light that hardly any progress had been made in certain areas. This relates in particular to conditions of detention in certain establishments (such as Vilnius City Police Arrest House and Lukiškės Remand Prison), the regime offered to adult remand prisoners and legal safeguards surrounding civil involuntary placement in psychiatric establishments.

The CPT calls upon the Lithuanian authorities to take decisive steps to improve the situation in the light of the Committee's recommendations, in accordance with the principle of co-operation which lies at the heart of the Convention.

D. Immediate observations under Article 8, paragraph 5, of the Convention

6. During the end-of-visit talks with the Lithuanian authorities on 4 December 2012, the CPT's delegation outlined the main facts found during the visit and, on that occasion, made two immediate observations under Article 8, paragraph 5, of the Convention.

The first immediate observation concerned four cells (Nos. 8 to 11) at Vilnius City Police Headquarters Arrest House, which had no access to natural light and no evident means of ventilation. The delegation requested the Lithuanian authorities to take these cells out of use immediately and to provide, within one month, confirmation that this had been done.

The second immediate observation was made in respect of Alytus Correction Facility. The delegation requested the Lithuanian authorities to initiate a full and far-reaching independent inquiry into how this establishment functioned and was managed. The delegation asked to receive, within three months, a detailed account of the concrete measures taken in this connection as well as of any action planned for the immediate future in order to address the deficiencies found, in particular with regard to ill-treatment by staff, inter-prisoner violence and staffing levels/staff deployment in the establishment.

7. The above-mentioned immediate observations were subsequently confirmed by the Executive Secretary of the CPT in a letter dated 12 December 2012.

By letters of 14 January and 25 March 2013, the Lithuanian authorities provided information on the measures taken in response to the immediate observations. This information has been taken into account in the relevant sections of the present report (see paragraphs 26 and 39).

E. Monitoring of places of deprivation of liberty

8. Since the very outset of its activities, the CPT has been recommending the establishment of independent monitoring mechanisms at national level for all types of places of deprivation of liberty. Provided they possess the necessary knowledge and are adequately resourced and truly independent, such mechanisms can make a significant contribution to the prevention of ill-treatment of persons deprived of their liberty.

In this connection, the Committee considers that Parties to the Convention establishing the CPT should also become Parties to the Optional Protocol to the United Nations Convention against Torture (OPCAT). Indeed, this instrument provides, inter alia, for the setting-up of one or several independent monitoring bodies at national level (National Preventive Mechanisms), which will possess significant powers. Those bodies should be in a position to intervene more regularly – and more rapidly – than any international body. **The CPT therefore invites the Lithuanian authorities to consider acceding to the OPCAT.**

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Police establishments

1. Preliminary remarks

9. The legal framework governing the deprivation of liberty by the police has remained unchanged since the CPT's 2010 visit.[2] Persons suspected of a criminal offence may be detained by the police on their own authority for up to 48 hours. Persons remanded in custody by a judge may be held in a police detention centre for a period not exceeding 15 days. Further, prisoners may be returned from prison to police custody for periods of up to 15 days at a time, if this is considered necessary for the purposes of the investigation or the court proceedings.[3]

In addition, the police authorities are responsible for administrative detention of persons found guilty of minor offences (which entail a maximum penalty of 30 days).[4]

10. In the report on its 2008 visit, the CPT stressed that, as a matter of principle, remand prisoners should not be held in police detention facilities but instead in a prison establishment[5] and recommended that the system of remand detention in police detention centres be reviewed with a view to substantially reducing its duration.[6] Consequently, the Committee was concerned to note during the 2012 visit that persons remanded in custody by courts were still frequently being held in police arrest houses for an initial period of ten days to two weeks.

The CPT calls upon the Lithuanian authorities to ensure that persons remanded in custody are promptly transferred to a prison facility. The objective should be to put an end to the practice of holding remand prisoners in police establishments.[7]

11. As regards the return of prisoners to police custody, the visit revealed that many detained persons spent a great part of their pre-trial custody period being repeatedly transferred between police arrest houses and remand prisons, in particular for further questioning. Such movements could also be carried out for administrative matters. By way of example, the delegation met a person who had been transferred from a prison to a police arrest house just to sign a document; however, he had to spend a week in the police premises as transfers only took place on the same day once a week.

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2 See CPT/Inf (2011) 17, paragraph 9.

3 The current policy of the Ministry of the Interior was to seek to limit the period for such transfers to a maximum of eight days.

4 Persons can also be detained during the completion of police proceedings concerning administrative offences (up to three hours) or for sobering-up purposes.

5 See also Rule 10.2 of the European Prison Rules.

6 See CPT/Inf (2009) 22, paragraph 9.

7 This does not rule out that in exceptional cases a person remanded in custody may be held for a certain period in a police detention facility.

The CPT has repeatedly stressed that, from the standpoint of the prevention of ill-treatment, it is far preferable for further questioning of persons committed to a remand prison to be undertaken in prison rather than on police premises. The poor conditions prevailing in certain police arrest houses are another reason against such transfers.

The CPT recommends that the Lithuanian authorities take measures to ensure that the return of prisoners to police detention facilities is sought and authorised only very exceptionally, for specific reasons and for the shortest possible time. Such a return should in each case be subject to the express authorisation of a prosecutor or judge.

12. The CPT was concerned to note that persons could be held in police arrest houses under administrative detention for months on end, serving consecutive penalties for multiple minor offences. During the visit, the delegation met administrative detainees who had already been held in police arrest houses for more than a hundred days. This issue will be dealt with later in the report (see paragraph 30).

2. Ill-treatment

13. The vast majority of detained persons interviewed by the delegation in the course of the 2012 visit indicated that they had been treated correctly whilst in police custody. In addition, hardly any allegations of ill-treatment of detainees by custodial staff were heard in the police arrest houses visited. This confirms the positive conclusion in this regard reached by the CPT during its two most recent visits.

That said, the delegation did receive a few allegations from detained persons, including from juveniles, of excessive use of force (such as kicks and punches) by the police at the time of apprehension, after the person concerned had been brought under control. In this connection, the CPT was informed by the Ministry of the Interior that two police officers in 2011 and one officer in 2012 had been found guilty of having used excessive force during apprehension and had been given administrative sanctions.

The Committee trusts that the Lithuanian authorities will continue their efforts to ensure that police officers use no more force than is strictly necessary when effecting an apprehension. Once apprehended persons have been brought under control, there can be no justification for striking them.

14. Despite specific requests made by the delegation, it was not able to obtain precise information about criminal investigations related to possible ill-treatment by the police. The delegation was informed by representatives of the Prosecutor General's Office that a total of 313 criminal proceedings had been initiated in 2011 in respect of law enforcement officials for "abuse of authority" (Section 228 of the Criminal Code). The CPT has taken note of this information; however, it does not show the proportion of cases which relate to ill-treatment (as opposed to other forms of misconduct).

In order to obtain an up-to-date and nationwide picture of the situation concerning the treatment of detained persons by the police, **the CPT would like to receive the following information, in respect of the year 2013:**

- **the number of complaints of ill-treatment made against police officers and the number of criminal/disciplinary proceedings which have been instituted as a result;**

- **an account of any criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police.**

15. The delegation observed once again that custodial staff in police arrest houses openly carried truncheons. The CPT has repeatedly emphasised that such a practice is not conducive to promoting positive relations between staff and detained persons. **The Committee reiterates its recommendation that, if it is deemed necessary for custodial staff assigned to police arrest houses to carry truncheons, the truncheon should be hidden from view.**

16. The CPT is very concerned to learn that some custodial staff were armed with electro-shock weapons. As the Committee made it clear in its 20th General Report, there should be no question of any form of electrical discharge weapons being standard issue for staff working in direct contact with persons held in places of deprivation of liberty.[8] **The CPT recommends that immediate steps be taken to put a stop to custodial staff in police arrest houses routinely carrying electro-shock weapons.**

[8] See CPT/Inf (2010) 28, paragraph 71.

3. Safeguards against ill-treatment

a. introduction

17. The CPT recalls that three fundamental rights (the rights of access to a lawyer and to a doctor and the right to have the fact of one's detention notified to a relative or another third party) should apply from the very outset of a person's deprivation of liberty. These safeguards should apply not only to persons detained by the police in connection with a criminal or administrative offence, but also to those who are obliged to remain with the police for other reasons (e.g. for identification purposes).

b. notification of custody

18. The vast majority of detained persons met by the delegation confirmed that they had been placed in a position to exercise the right of notification of custody. However, some of them claimed that their relatives or other persons of their choice had been notified only after a significant delay; this would be in contradiction with the relevant legal provisions.[9] Further, complaints were received from some detained persons that feedback was not provided to them and that, as a result, they did not know whether their relatives or other persons of their choice had been notified of the fact of their detention.

The CPT recommends that the Lithuanian authorities make further efforts to render fully effective in practice the right of persons deprived of their liberty by the police to inform a close relative or another third party of their situation, as from the very outset of their deprivation of liberty. It also recommends that detained persons be provided with feedback on whether it has been possible to notify a close relative or other person of the fact of their detention.

c. access to a lawyer

19. Most of the detained persons interviewed by the delegation indicated that they had benefited from the presence of a lawyer when first questioned by a police investigator. However, it appeared that access to a lawyer was rarely granted at an earlier stage of police custody. Further, some detained persons, in respect of whom an *ex officio* lawyer had been appointed, complained that they had only met their lawyer for the first time at the court hearing, even in cases where a lawyer was requested shortly after apprehension.

The CPT once again calls upon the Lithuanian authorities to take the necessary measures to ensure that the right of access to a lawyer is enjoyed by all persons obliged to remain with the police, as from the very outset of their deprivation of liberty. Further, steps should be taken in consultation with the Bar Association to ensure that *ex officio* lawyers appointed to represent persons in police custody perform their functions in a diligent and, more specifically, timely manner.

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[9] See Section 140.7 of the Code of Criminal Procedure, which provides that family members or close relatives must be notified *immediately* when a person is deprived of his/her liberty.

20. Some detained juveniles told the delegation that they had been interviewed by the police and required to sign documents without the presence of either their parent/tutor or a lawyer. This is not acceptable. **The CPT recommends that steps be taken to ensure that juveniles do not make any statements or sign any documents related to the offence of which they are suspected without the benefit of a lawyer (and, in principle, of a trusted adult person) being present and assisting the juvenile.**

d. access to a doctor

21. The information gathered by the delegation during the visit indicated that persons detained in police arrest houses who were in need of health care would receive the necessary assistance. However, there were still no specific legal provisions guaranteeing access to a doctor for persons deprived of their liberty by the police. Detained persons should enjoy an express right of access to a doctor as from the very outset of their deprivation of liberty; and that right of access should include the right, if the detained person so wishes, to be examined by a doctor of his/her choice (in addition to any medical examination carried out by a doctor called by the police).[10]

The CPT calls upon the Lithuanian authorities to adopt specific legal provisions on access to a doctor which meet fully the above requirements.

22. The delegation noted that initial medical screening was performed in most of the police arrest houses visited (which benefited from the presence of nursing staff, i.e. Alytus, Joniškis, Kėdainiai, Lazdijai, Šiauliai and Vilnius Arrest Houses). In those establishments, the medical screening of detained persons was usually carried out by a nurse shortly after admission. Injuries were recorded in a special register. However, at Kelmė and Varėna Police Arrest Houses, it was the custodial staff who filled out a special form about the state of health of newly-admitted detained persons. Regardless of the training that such staff may receive for this task, such an approach is clearly not satisfactory; health-related tasks should be performed exclusively by qualified health-care personnel.

The CPT recommends that the Lithuanian authorities take steps to ensure that all persons admitted to a police arrest house are screened by a health-care professional without delay. The record drawn up following that screening should contain: (i) an account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the health-care professional's observations in the light of (i) and (ii), indicating the consistency between any allegations made and the objective medical findings.

Whenever injuries are recorded which are consistent with allegations of ill-treatment made by a detained person (or which, even in the absence of allegations, are indicative of ill-treatment), the record should be systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned.

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[10] It being understood that an examination by a doctor of the detained person's own choice may be carried out at his/her own expense.

e. information on rights

23. The situation as regards the provision of information on their rights to persons detained by the police remained unsatisfactory. Such information was only provided at the moment when the protocol of detention was drawn up and was not given in written form.

The CPT calls upon the Lithuanian authorities to ensure without further delay that all persons detained by the police – for whatever reason – are fully informed of their rights as from the very outset of their deprivation of liberty (that is, from the moment when they are obliged to remain with the police). This should be ensured by provision of clear verbal information upon apprehension, to be supplemented at the earliest opportunity (that is, immediately upon first entry into police premises) by provision of a written form setting out the detained person's rights in a straightforward manner. This form should be made available in an appropriate range of languages.

Moreover, particular care should be taken to ensure that detained persons are actually able to understand their rights; it is incumbent on police officers to ascertain that this is the case.

f. electronic recording of police interviews

24. The electronic (i.e. audio and/or video) recording of police interviews represents an important additional safeguard against the ill-treatment of detainees. Such a facility can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of any allegations of ill-treatment. This is in the interest both of persons who have been ill-treated by the police and of police officers confronted with unfounded allegations that they have engaged in physical ill-treatment or psychological pressure. Electronic recording of police interviews also reduces the opportunity for persons to later falsely deny that they have made certain statements.

Although foreseen by the law, it is clear from the information gathered during the visit that the electronic recording of police interviews is not generally practised in Lithuania at the present time. **The CPT invites the Lithuanian authorities to introduce such recording nationwide.**

4. Conditions of detention

a. police arrest houses

25. As regards material conditions, none of the police arrest houses visited was overcrowded at the time of the visit; each detained person benefited from at least 4 m^2 of living space. However, all of the arrest houses displayed shortcomings in other respects. In most of them, access to natural light in cells left much to be desired given that the windows were either glazed or covered with multiple layers of metal bars or mesh. The in-cell toilets were only partially partitioned (e.g. at Joniškis, Kėdainiai, Šiauliai, Vilnius) or not partitioned at all (e.g. at Alytus and Varėna), including in multi-occupancy cells. Furthermore, at Kėdainiai, cells were very dirty. In addition, mattresses and blankets provided to detained persons were often filthy and worn out, in particular at Joniškis and Kelmė.

The CPT recommends that the Lithuanian authorities intensify their efforts to provide appropriate material conditions of detention in all police arrest houses. This should involve measures to ensure that:

- **cells have access to natural light as well as adequate artificial lighting (i.e. sufficient to read by, sleeping periods excluded);**

- **in-cell toilets are fully partitioned (i.e. from floor to ceiling);**

- **the state of hygiene in the cells is of an adequate level;**

- **detained persons are provided with a clean mattress and clean bedding.**

26. When the CPT visited *Vilnius City Police Arrest House* in 2010, it requested that four cells (Nos. 8 to 11), which had no access to natural light and no evident means of ventilation, be fitted with windows or taken out of use. In their response to the CPT's report on that visit, the Lithuanian authorities indicated that they were considering "whether to renovate or abandon the cells" concerned. However, the delegation found during the 2012 visit that the conditions of detention in the four cells remained virtually unchanged and that they were still in use (usually to accommodate administrative detainees for prolonged periods).

At the end-of-visit talks, the delegation emphasised that the above-mentioned cells were unfit for human accommodation, even for short periods, and made an immediate observation requesting the Lithuanian authorities to take them out of use immediately. In their letter of 14 January 2013, the authorities indicated that Vilnius Region Police Headquarters had been ordered to discontinue using Cells Nos. 8 to 11 of its arrest house for detention purposes as of 1 January 2013. **The CPT would like to receive confirmation that this order has been complied with.**

27. At *Joniškis Police Arrest House*, the delegation saw several very small waiting cells, located on both the ground and upper floors, which measured only some 1 m^2. At the end-of-visit talks, the delegation stressed that such facilities were, by virtue of their size, unsuitable for holding anyone for any length of time.

By letter of 14 January 2013, the Lithuanian authorities informed the CPT that the police headquarters of all regions had been ordered to discontinue using cells of 1 m^2 or less for the detention of persons and to consider rearranging them for other purposes. **The CPT recommends that the order be re-issued and re-formulated to the effect that cells measuring less than 2 m^2 should not be used for the detention of persons for any length of time whatsoever.**

28. Reference should also be made to Cell No. 4 at *Kelmė Police Arrest House*; it measured less than 5 m^2 and almost all of its surface area was taken up by a wooden platform. Further, the artificial lighting in the cell was very weak. According to the custody registers, the cell was occasionally used to accommodate detained persons for several days.

By letter of 14 January 2013, the authorities informed the Committee that the relevant police authorities were "ordered to assess by 1 February 2013 the possible costs of refurbishing cell No. 4 with the aim of making it suitable for long-term detention". **The CPT would like to receive updated information on this matter.** In this regard, **it recommends that no cell measuring less than 5 m^2 be used for overnight accommodation.**[11]

29. The regime offered to detained persons was impoverished in the police arrest houses visited, consisting merely of daily outdoor exercise of one (for adults) or two (for juveniles) hours. Exercise was taken in small yards, some of which did not have shelter against inclement weather or means of rest (e.g. Šiauliai Arrest House). Not even this basic requirement of outdoor exercise was available to persons detained at Kelmė Arrest House.

In their letter of 14 January 2013, the Lithuanian authorities indicated that the relevant police authorities were "ordered to assess by 1 February 2013 the possible costs of having an outdoor exercise facility in Kelme [Police Arrest House]". **The CPT would like to receive updated information on this matter.**

More generally, **the Committee recommends that measures be taken to ensure that anyone detained for 24 hours or more in a police arrest house is offered at least one hour of outdoor exercise every day in facilities of adequate size and possessing the necessary equipment (such as a shelter against inclement weather and a means of rest).**

30. As already indicated (see paragraph 12), administrative detainees could be held in police arrest houses for months on end. The CPT considers that, taking into account the mediocre material conditions and the absence of anything remotely resembling a regime of activities, police arrest houses in Lithuania are totally unsuitable for such prolonged periods of detention. In the Committee's view, for any period of detention in excess of a few days, there should be a constructive regime (including out-of-cell activities), supported with appropriate material conditions and staff trained to manage longer term detainees.

In the light of the above, the CPT recommends that the Lithuanian authorities take measures to ensure that police arrest houses are properly resourced to cater for administrative detainees; if this is not possible, consideration should be given to alternatives to administrative detention.

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[11] The Committee considers that it would be desirable for police custody cells used as overnight accommodation to measure in the order of 7 m^2 ; see also paragraph 43 of the CPT's 2nd General Report (CPT/Inf (92) 3).

b. other police detention facilities

31. The CPT noted that the small temporary holding cells in the Alytus, Joniškis and Kelmė Police Stations[12] could on occasion be used as overnight accommodation, in particular for sobering-up purposes. In this context, **reference is made to the recommendation made in paragraph 28 concerning the minimum size of cells to be used for overnight accommodation.**

32. Despite the specific recommendation repeatedly made by the CPT in previous visit reports[13], persons held overnight in temporary holding cells of the police are still not provided with a mattress and a blanket and have to sleep on a bare wooden bench. **The CPT reiterates its recommendation that urgent steps be taken to remedy this shortcoming.**

[12] At Alytus – three cells of 2.6 m^2 each, at Joniškis – two cells of 3.5 m^2 each, and at Kelmė – two cells measuring 3.9 and 4.3 m^2.

[13] See CPT/Inf (2006) 9, paragraph 42, and CPT/Inf (2009) 22, paragraph 30.

B. Prison establishments

1. Preliminary remarks

33. The CPT visited, for the first time, Alytus Correction Home. It also carried out follow-up visits to Lukiškės Prison in Vilnius (particularly to assess the situation of remand prisoners and life sentenced prisoners) and Kaunas Juvenile Remand Prison, as well as a targeted visit to Šiauliai Prison focusing on the situation of remand prisoners.

34. *Alytus Correction Home* (hereafter "Alytus Prison") is located in the outskirts of the city of Alytus. With an official capacity of 1,460 places, the prison was holding 1,426 sentenced prisoners at the time of the visit. There were two main detention blocks, "Dormitories" Nos. 1 and 2. Renovation work had been carried out in many parts of the establishment during the past few years, including in Dormitory No. 1 which was completed a few days before the CPT's visit.

Lukiškės Remand Prison and Prison (hereafter "Lukiškės Prison") has been visited by the Committee on several occasions and its structure had not changed significantly since the CPT's most recent visits.[14] At the time of the visit, the prison – with an official capacity of 954 places – was holding 1,068 inmates, including 552 remand prisoners and 88 persons sentenced to life imprisonment.

Kaunas Juvenile Remand Prison has been visited by the CPT in 2004, 2008 and 2010 (together with the Correction Home for sentenced juvenile offenders).[15] At the time of the visit, the Remand Prison was holding 51 prisoners (including two girls) for a capacity of 149 places.[16]

With an official capacity of 435 places, the *Šiauliai Prison* was accommodating 619 inmates (including six juveniles[17] and 45 women) at the time of the visit. Of them, 354 were sentenced prisoners and 265 were on remand.

35. At the time of the visit, the Lithuanian prison population stood at 9,754, including 1,304 remand prisoners, representing an incarceration rate of some 325 per 100,000 inhabitants, one of the highest among Council of Europe member States. And the total number of prisoners has been rising constantly over the last decade.

The authorities recognised that the size of the prison population and the resulting overcrowding in prisons constituted a major challenge. The delegation was informed that alternative measures to detention, including probation, had recently been introduced. However, it is clear that these measures have had little impact so far. The fact that a State locks up so many persons cannot be convincingly explained away by a high crime rate; the general approach of members of the law enforcement agencies and the judiciary must, in part, be responsible.

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14 CPT/Inf (2009) 22, paragraph 33, CPT/Inf (2006) 9, paragraphs 50, 65 and 71.

15 See, most recently, CPT/Inf (2011) 17, paragraphs 31 and 32.

16 The Correction Home was accommodating 117 sentenced prisoners at the time of visit, with an official capacity of 150 places.

17 Juveniles were held in this establishment for a maximum of a few weeks, on transit to another establishment.

The CPT urges the Lithuanian authorities to make vigorous efforts to combat prison overcrowding, by placing further emphasis on non-custodial measures in the period before the imposition of a sentence, increasing the use of alternatives to imprisonment and adopting measures facilitating the reintegration into society of persons deprived of their liberty. In this context, they should be guided by the relevant Recommendations of the Committee of Ministers of the Council of Europe: Recommendation Rec (99) 22 concerning prison overcrowding and prison population inflation, Recommendation Rec (2000) 22 on improving the implementation of the European rules on community sanctions and measures, Recommendation Rec (2003) 22 on conditional release (parole), Recommendation (2006) 13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, and Recommendation Rec (2010) 1 on the Council of Europe Probation Rules.

Appropriate action should also be taken *vis-à-vis* the prosecutorial and judicial authorities with a view to ensuring their full understanding of the policies being pursued, thereby avoiding unnecessary pre-trial custody and sentencing practices.

36. At the time of the visit, the official minimum standard of living space per adult sentenced prisoner[18] was still 3.1 m² for dormitory-type accommodation and 3.6 m² for multi-occupancy cells.[19]

As indicated in previous reports[20], these standards are too low. Furthermore, the delegation observed that even these standards were often not respected. For example, it found at Alytus Prison that inmates had less than 2 m² of living space per person in certain cells. Subsequently, the authorities informed the CPT of their intention to address this specific deficiency; **the Committee would like to be informed of the precise measures taken in this regard.**

The CPT's delegation was told that the standard of 4 m² per prisoner would be used when designing new prisons. **The CPT reiterates its recommendation that the minimum standard of living space per prisoner be raised to 4 m² in multi-occupancy cells (not counting the area taken up by any in-cell toilet facility) throughout the prison estate. The official capacities of all prisons should be reviewed accordingly.**

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18 The minimum living space per juvenile prisoner was 4.1 m².

19 Articles 11^1.1 and 11^1.2 of the Internal Rules of Correctional Institutions.

20 See for example CPT/Inf (2011) 17, paragraph 33 and CPT/Inf (2009) 22, paragraph 33.

2. Ill-treatment

37. At the outset of the visit, the authorities told the delegation that ill-treatment by staff in prisons was a rare phenomenon. And the information gathered by the delegation at *Lukiškės Prison and Kaunas Juvenile Remand Prison* tended to support this affirmation. Indeed, the delegation received hardly any allegations of physical ill-treatment or excessive use of force by staff of these establishments, **though some allegations of verbal abuse by staff were received**.

38. However, the situation found at *Alytus Prison* was very different. The delegation received a number of consistent allegations, from prisoners interviewed separately, of deliberate physical ill-treatment and of excessive use of force by certain prison officers in this establishment. The forms of alleged ill-treatment consisted mostly of punches, kicks and blows with truncheons, usually inflicted on prisoners when they were in or on the way to the disciplinary unit. The names of a small number of prison staff were repeatedly mentioned to the delegation.

In some cases, the delegation gathered medical evidence – records of haematomas on the head, the back, the thighs or around the eyes – which were consistent with allegations made. In three cases, medical reports drafted after the use of special means recorded bruises on the buttocks which were fully consistent with allegations of prisoners that they had been beaten on this part of the body with batons. Some inmates alleged that they were not allowed to see medical staff until several days after they had been beaten, by which time the bruises had healed.

39. During the end-of-visit talks with the Lithuanian authorities, the delegation expressed its serious concern about the situation found at Alytus Prison and stressed that a comprehensive and thorough independent inquiry was required to analyse the underlying problems and produce a plan for far-reaching changes. Therefore, it requested that the authorities initiate such an inquiry and provide a detailed account of the concrete measures taken in particular with regard to ill-treatment by staff, inter-prisoner violence (see paragraphs 44 to 46) and staffing levels/staff deployment in the establishment (see paragraph 74).

In their letter of 25 March 2013, the Lithuanian authorities informed the CPT that the Ministry of Justice had initiated inspections of Alytus Prison. The internal audit department of the Ministry of Justice was requested to carry out an audit of the management and the activities at Alytus Prison in the course of 2013. Already in February 2013, the Seimas Ombudsman carried out a review of the activities and the administration of the establishment, at the request of the Ministry of Justice. The authorities subsequently drew up an action plan based on the Ombudsman's conclusions.

Among the measures taken in relation to ill-treatment by staff, a specific working group within the prison was set up by the Prison Director to investigate the use of force and special means. Training on human rights in prison, the use of force and special means,[21] and anger management were organised for Alytus prison officers. The health-care staff also attended a seminar on physical examinations following the use of force or special means.

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[21] The authorities indicated their intention to offer this training also in other prison establishments.

40. The CPT takes note of these initial measures; **it would like to receive detailed information on the implementation of the above-mentioned action plan as well as the outcome of the internal audit scheduled in 2013.**

41. Of course, particular emphasis should be placed on ensuring that staff who engage in acts of ill-treatment are punished accordingly. In this connection, the delegation noted that, as a rule, inquiries conducted by the internal investigation unit into the use of special means concluded that the force used by staff was legitimate. Such a conclusion was reached even in the three cases referred to in paragraph 38 in which recorded haematomas were consistent with allegations of multiple baton blows to the buttocks. Such a use of force against a prisoner should never be regarded as legitimate. **The CPT recommends that these three cases be formally notified to the competent prosecutorial authorities; it would like to be informed, in due course, of the outcome of the investigations carried out by these authorities.**

42. At *Šiauliai Prison*, most of the prisoners interviewed by the delegation stated that they were treated correctly by staff. However, it transpired from prisoners interviewed and medical documentations consulted that on occasion the use of force (i.e. rubber batons) by staff towards recalcitrant prisoners was excessive and, in particular, might continue after the prisoner concerned had been brought under control.

In their letter of 25 March 2013, the Lithuanian authorities informed the CPT of their intention to offer specific training to junior officers of Šiauliai Prison.[22] While welcoming this first step, **the Committee recommends that all custodial staff at Šiauliai Prison receive the clear message that any excessive use of force by prison staff against a prisoner constitutes a serious offence and will be punished accordingly.**

43. More generally, the delegation noted that after each use of special means (e.g. truncheons, handcuffs, etc.), an inquiry was conducted by the internal investigation unit of the prison concerned into the incident.[23] In this connection, the CPT regrets that its previous recommendations regarding the necessity to entrust the conduct of investigations relating to possible ill-treatment by prison staff to a body independent of the prison concerned[24] has not been implemented. **The Committee calls upon the Lithuanian authorities to take the necessary steps to ensure that, throughout the prison system, investigations into possible ill-treatment (including excessive use of force) by prison staff are conducted by a body independent of the establishments concerned and, preferably, of the prison system as a whole.**

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22 The training will focus on "legal grounds and boundaries of the use of force and special measures and legal liability for transgressing the boundaries of the use of force and special measures".

23 As a rule, the prisoner concerned was seen by a member of health-care staff who drew up a medical certificate; see, however, paragraph 38.

24 CPT/Inf (2009) 22, paragraph 38 and CPT/Inf (2011) 17 paragraph 35.

44. At Alytus Prison, the delegation was struck by the level of inter-prisoner violence, particularly in the "local sectors" (i.e. prison units) where inmates were accommodated in unlockable dormitories with some 20 places. Inmates indicated that fights took place regularly. And this was confirmed by the medical evidence gathered by the delegation in the register of body injuries.[25] The prospect of becoming a victim of beatings, extortion and other forms of abuse was a daily reality for many vulnerable prisoners. The hierarchical system which existed among inmates forced the weakest ones to accept any task from the strongest.

The situation was exacerbated by the fact that only a small number of prison officers was present inside the units during the day and even fewer at night or at weekends. The overreliance of the prison management on the unit "orderlies" (who were appointed by the management from among prisoners as assistants to the unit officers) to maintain order within the establishment increased the risk of inter-prisoner violence. Rather than staff being in control of the units at all times, control of the inmates was exercised by the official orderlies and informal leaders. This is not acceptable.

45. The delegation observed that persons might be placed in the disciplinary unit for protection purposes since the administration was not otherwise in a position to keep certain inmates in a safe environment. Indeed, at the time of the visit, 35 out of 46 inmates placed in disciplinary cellular confinement had been subject to this measure at their own request, in order to avoid being placed in what they perceived as a dangerous local sector. It is indicative of the scale of the problem of inter-prisoner violence at Alytus Prison that such a large number of inmates were prepared to accept the consequential poor regime available in segregation in order to ensure their security.

46. In their letter of 25 March 2013, the authorities indicated that some measures had been taken to reduce inter-prisoner violence at Alytus Prison, including installation of observation rooms and CCTV cameras in local sectors 2 and 3, review of the security plans, and an anger management programme for inmates.

The CPT must stress that an effective strategy to tackle inter-prisoner violence involves ensuring that prison staff are placed in a position to exercise their authority in an appropriate manner. Consequently, the level of staffing must be sufficient (including at night-time) to enable prison officers to supervise adequately the activities of prisoners and support each other effectively in the performance of their tasks (see also paragraph 74). Further, addressing the problem of inter-prisoner violence will inevitably be difficult in dormitory-type accommodation aggravated by them being open 24 hours a day; the risk of violence and intimidation between prisoners will always be high in such facilities.[26]

The CPT recommends that the Lithuanian authorities develop a comprehensive strategy with a view to addressing the problem of inter-prisoner violence at Alytus Prison, in the light of the above remarks. This should include the phasing out of dormitory-type accommodation in favour of smaller and secure accommodation units.

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[25] For the first nine months of 2012, more than 130 cases of body injuries were recorded under the items "inter-prisoner violence" and "accident".

[26] The various drawbacks of large-capacity dormitories are described in the CPT's standards (CPT/Inf/E (2002) 1 - Rev. 2010, pages 22 and 23).

3. Conditions of detention of the general prison population

a. material conditions

47. At *Alytus Prison*, in addition to the two main detention blocks ("Dormitories" Nos. 1 and 2[27]), another building accommodated prisoners employed in the workshops and a fourth building accommodated, among others, persons subject to the strict regime (see paragraph 84). Most of the buildings had been renovated and the material conditions were generally satisfactory, although severe overcrowding was observed in certain areas (see paragraph 36).

However, Dormitory No. 2 – in which some 700 inmates were accommodated – had not been renovated and was in a very bad state of repair, a fact also observed by the Seimas Ombudsman.[28] The building had dirty and run-down dormitories (with crumbling walls and damaged floors), dilapidated furniture, as well as very old and foul-smelling sanitary installations in the corridor. The equipment consisted essentially of old bunk beds and the state of the bedding left much to be desired. Many inmates also indicated the presence of rats and cockroaches. The Prison Director indicated that the scheduled renovation of this building had been postponed due to financial constraints.

48. The entire premises of *Šiauliai Prison* were old and run down. Prisoners were accommodated in dilapidated and damp cells, where in-cell toilets were only partially partitioned and often dirty. Further, mattresses and blankets provided to prisoners were soiled and worn out. From the number of sleeping places available, it was also clear that many cells could at times be severely overcrowded (e.g. up to ten persons in a cell measuring between 18 and 22 m²); a fact confirmed both by prison staff and inmates. That said, cells had satisfactory lighting (including access to natural light).

49. **The CPT recommends that the scheduled renovation of Dormitory No. 2 at Alytus Prison be reactivated and that vigorous action be taken to improve the material conditions of detention at Šiauliai Prison, in the light of the above remarks. As regards more specifically sanitary facilities in multi-occupancy cells, they should be equipped with a full partition (i.e. from floor to ceiling).**[29]

50. At *Lukiškės Prison*, the material conditions continued to vary considerably. Since the last CPT visit in 2008, some renovation work had been carried out in the second wing and the first wing was in the process of being refurbished. However, conditions of detention remained very poor in many other parts of the prison. As an example, most of the remand adult women were held in deplorable conditions (broken windows, dilapidated furniture, old and dirty mattresses). Shortcomings in cells throughout the establishment included unpartitioned toilet facilities and insufficient heating. Further, some cells had limited access to natural light and a number of them were both very small and overcrowded (e.g. some 5 m² for two inmates).

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27 Each of which was divided into "local sectors".

28 See his report published on 30 September 2011 following an inspection on 31 August 2011

29 Following the example of Dormitory No. 1 at Alytus Prison.

In 2008, the CPT was informed that the Lithuanian authorities intended to close Lukiškės Prison by 2011. During the 2012 visit, the delegation was informed that the authorities now aimed at transferring the sentenced prisoners to an establishment in Pravieniškės by 2015 and at definitely closing the establishment in 2017.

The CPT would like to receive a detailed schedule regarding the transfer of sentenced prisoners to another establishment by 2015 and the closure of Lukiškės Prison in 2017. Pending the taking out of service of the establishment, the Committee recommends that the Lithuanian authorities take urgent measures in order to ensure that all inmates at Lukiškės Prison have acceptable conditions of detention as regards cell equipment and furnishings, as well as access to natural light and heating, and that toilet facilities are fully partitioned. As regards more specifically cells measuring some 5 m², they should only be used for single occupancy and for short periods of time.

51. In the three establishments visited, prisoners complained that they were entitled to shower only once a week. **The Committee recommends that steps be taken to allow prisoners more frequent access to shower facilities, taking into account Rule 19.4 of the European Prison Rules.**[30]

b. regime

52. Three different types of regime – lenient, ordinary and strict – exist for sentenced prisoners, each of them providing a different situation as regards activities and contacts with the outside world. Depending on the behaviour of the inmates, the prison administration decides which one should apply to them. At the time of the visit, the bulk of the sentenced population (i.e. 1285 inmates) at *Alytus prison* was subject to the ordinary regime.

53. A limited number of activities was being offered to inmates. Some 230 prisoners had been enrolled for vocational training in the 2012-2013 school year.[31] The same number of inmates was able to attend school. There were 87 positions available (occupied by 131 inmates) for work on maintenance in the prison and 181 inmates were working for a state company in various workshops. The delegation noted that the rooms in which these workshops were located were in a bad state of repair and that most of the working inmates were not provided with appropriate and secure equipment and clothing. Further, they did not appear to have received training on security at work. **The CPT would like to receive the observations of the Lithuanian authorities on this matter.**

54. Some 700 sentenced prisoners were not involved in any educational/training programmes or work activities. Admittedly, they did have access during the day to the exercise yard of their local sector[32], most of which were quite large, as well as to a gym.[33] But this does not constitute a constructive regime. Purposeful activities are of crucial importance for the well-being of any prisoner. As regards more specifically sentenced prisoners, such activities are essential to render meaningful a term of imprisonment.

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30 Rule 19.4 reads: "Adequate facilities shall be provided so that every prisoner may have a bath or shower, at a temperature suitable to the climate, if possible daily but at least twice a week (or more frequently if necessary) in the interest of general hygiene."

31 As electricians, welders, carpenters, furniture makers, etc.

32 In Dormitory no. 2, inmates had permanent access – including at night – to the yard.

33 Some also had the possibility to use the football pitch or basketball court.

In their letter of 25 March 2013, the authorities indicated that the premises used for artistic activities had been improved and expanded, allowing 35 inmates – instead of the eight previously – to participate in such activities. They further indicated their intention to set up an additional training on computer literacy as well as to offer the possibility to register at the Alytus science university.

The CPT recommends that the Lithuanian authorities increase their efforts to offer constructive and purposeful activities to all sentenced prisoners at Alytus Prison and, in particular, to provide them with work (preferably of a vocational value).

55. The regime for remand prisoners at *Lukiškės Prison* remained impoverished.[34] Nearly all of them were locked up in their cells for 23 hours a day, with no out-of-cell activities other than outdoor exercise of one hour in small and dilapidated yards.

A similar situation was observed at *Šiauliai Prison*, where the vast majority of remand prisoners were confined to their cells for up to 23 hours per day (watching TV, reading books, playing table games), the only regular daily out-of-cell activity for them also being one hour of outdoor exercise.[35]

The delegation was informed that amendments had been made to the legislation, allowing remand prisoners to access secondary education as well as to use a computer (see paragraph 56). However, no change was made regarding the possibility to associate with prisoners from other cells.

The CPT calls upon the Lithuanian authorities to amend the relevant legislation in order to allow remand prisoners from different cells to associate and to strive to enhance the out-of-cell activities available to such inmates.

56. The delegation noted that both remand and sentenced inmates were now entitled to use a computer for up three hours per day and prison directors had the possibility to extend the period of access. The CPT welcomes this development.

4. Conditions of detention of life-sentenced prisoners

57. At *Lukiškės Prison*, the material conditions in the unit for life-sentenced prisoners remained unchanged since the CPT's visit in 2008[36] and were acceptable. As a rule, life-sentenced prisoners were held in individual cells but could request to be detained with another life-sentenced inmate. The only life-sentenced woman was held in the corridor reserved for the female prisoners. Her conditions of detention were satisfactory; her relatively large cell had been recently refurbished.

Persons sentenced to life have to spend their first ten years of imprisonment at Lukiškės Prison before having the possibility of being transferred to a Correction Home.[37] In the past, this transfer was only possible after 20 years. Further, they can now apply for pardon after ten rather than 20 years.[38] The CPT notes these developments.

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34 See CPT/Inf (2009) 22, paragraph 48.

35 They occasionally played table tennis and basketball.

36 CPT/Inf (2009) 22, paragraph 50, see also CPT/Inf (2006) 9, paragraph 71.

37 At the time of the visit, the prison was holding 88 of 110 persons sentenced to life imprisonment in Lithuania.

38 The delegation was informed that a pardon was recently granted by the Lithuanian President to a life-sentenced prisoner after serving 15 years.

58. Regarding the regime, the CPT acknowledges that a certain number of positive measures have been taken to expand the programme of activities. In addition to the activities described in the report on the 2008 visit (1½ hours of outdoor exercise, some possibility of work outside the cell, education, etc.),[39] life-sentenced prisoners can now use a computer for up to three hours per day, like any other inmate. They can also have access to higher education. The Prison organised every month a conference/debate with a speaker at which all the prisoners, including life-sentenced inmates, were invited to participate. Possibilities of association with other life-sentenced prisoners also existed during religious services, certain sport activities as well as during the "knitting group".[40]

However, the CPT considers that further progress needs to be made. The vast majority of the life-sentenced prisoners were still spending 22½ hours in their cells as they were not enrolled in work activities or education. Little attempts seemed to be made by prison staff to engage them in the few activities available. Further, contacts with other prisoners were in general prohibited.

59. The Committee sees no justification for the systematic segregation of life-sentence prisoners and considers that the Lithuanian authorities should institute a process for integrating persons sentenced to life imprisonment into the general prison population. Particular reference should be made to the Council of Europe's Committee of Ministers' Recommendation (2003) 23, on the "management by prison administrations of life-sentence and other long-term prisoners" of 9 October 2003. One of the general principles set out in that recommendation is the non-segregation principle, according to which life-sentenced prisoners should not be segregated on the sole ground of their sentence. This principle should be read in conjunction with the security and safety principle, which calls for a careful assessment of whether prisoners pose a risk of harm to themselves, to other prisoners, to those working in the prison or to the external community. The assumption is often wrongly made that the fact of a life-sentence implies a prisoner is dangerous. In this context, the explanatory report to the Recommendation (2003) 23 notes that "as a general rule, the experience of many prison administrations is that many such prisoners present no risk to themselves or to others" and that "they exhibit stable and reliable behaviour". The Director of the Lukiškės Prison indicated to the delegation that only a small number – less than a handful – of the 88 life-sentenced prisoners in his establishment would be a potential threat to safety and security.

Consequently, the placement of persons sentenced to life imprisonment should be the result of a comprehensive and ongoing risk and needs assessment, based on an individualised sentence plan, and not merely a result of their sentence.

The CPT calls upon the Lithuanian authorities to fundamentally review the regime applicable to life-sentenced prisoners, taking account of the above-mentioned remarks. The relevant legislation should be amended accordingly.

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39 See CPT/Inf (2009) 22, paragraph 51.

40 Activities were accessible to male life-sentenced prisoners as well as to the female life-sentenced prisoner.

5. Conditions of detention of juvenile remand prisoners at Kaunas Prison

60. The material conditions of detention under which juveniles were being held at *Kaunas Juvenile Remand Prison* remained generally adequate.[41] Cells were maintained clean and continued to provide sufficient living space. Further, the mattresses and bedding were in a good condition.

Basic hygiene items were provided to the inmates upon arrival and afterwards on a regular basis. However, some prisoners complained that they had to buy themselves materials to clean their cells. **The CPT would like to receive the observations of the Lithuanian authorities on this matter.**

The delegation also received many complaints from juveniles that, except during the summer months[42], warm shower was only available once a week. In this regard, **reference should be made to the recommendation in paragraph 51.**

61. As regards out-of-cell activities for juvenile remand prisoners, the CPT was pleased to note a considerable increase since its previous visit in the out-of-cell time offered to juvenile remand prisoners. Efforts were being made to find suitable occupation for every prisoner as soon as possible after arrival, with various activities on offer, including education and sports.

More specifically, every inmate was able to attend school for about three hours, usually every second day. The fitness room was accessible every day for up to one hour. The juveniles could also visit the prison library once or twice a week. Further, most of the juveniles attended the computer room once or twice a week for up to 45 minutes as well as movie sessions of one hour at the same intervals. In addition, a small number of juveniles attended art classes which were organised a few times per month.

However, the delegation was concerned to learn that the programme of activities for juveniles could not be further improved due to the existing infrastructure (the remand prison possessed only four class rooms) and the restrictive approach toward the possibilities for association of prisoners from different cells (cells were mixed together usually only for school).

The CPT recommends that the Lithuanian authorities redouble their efforts to further expand the offer of purposeful activities (including group association activities) at Kaunas Juvenile Remand Prison. In this connection, the rule restricting contact between remand prisoners from different cells should be applied more flexibly.

62. Daily outdoor exercise took place twice a day, for one hour each time. However, despite a specific recommendation made by the Committee after the 2010 visit[43], the yards remained cage-like and oppressive places, most of them being too small to give juveniles a real opportunity to exert themselves physically. Further, none of the yards had shelter or means of rest. **The CPT reiterates its recommendation that the design of the outdoor exercise yards at Kaunas Juvenile Remand Prison be reviewed, in the light of the above remarks. They should also be equipped with a shelter against inclement weather and a means of rest (e.g. a bench).**

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41 See CPT/Inf (2011) 7, paragraph 38.

42 When hot water was supplied twice a week.

43 See CPT/Inf (2011) 7, paragraph 40.

6. Health-care services

a. introduction

63. In its previous reports, the CPT highlighted the necessity to improve the conditions in which prisoners were held at Vilnius Prison Hospital.[44] The CPT notes that, during the last decade, the prison hospital was due to be transferred to other premises – the most recent project being the relocation of the hospital to a newly-built establishment in Pravieniškės, situated some 80 km from Vilnius.

However, at the time of the visit, only the service for inmates with tuberculosis had been transferred to Pravieniškės. The delegation received the clear message that the location of the new prison hospital will create difficulties regarding the recruitment of qualified staff; this problem could be compounded by the fact that there is no civil hospital in the direct neighbourhood of the new establishment. Therefore, the current situation appears unsustainable. **The CPT would like to receive the observations of the Lithuanian authorities regarding these matters as well as detailed plans regarding the future functioning of the prison hospital(s)**.

64. The provision of health care in Lithuanian prisons still falls under the responsibility of the Ministry of Justice. As already mentioned in previous reports[45], the CPT considers that a greater participation of the Ministry of Health in this area will help to ensure optimum health care for prisoners, as well as implementation of the general principle of the equivalence of health care in prison with that in the outside community. **The CPT encourages the Lithuanian authorities to enhance the role of the Ministry of Health in the field of prison health care.**

b. health-care staff and treatment

65. Health care staffing levels at *Kaunas Juvenile Remand Prison* remained largely unchanged since 2010[46] and were sufficient in number, bearing in mind that the establishment continued to operate well below its capacity. Health care provided to juveniles was on the whole satisfactory and, in particular, requests to see a doctor were met without undue delay. Further, every newly arrived inmate was taken to a nearby clinic to be tested for tuberculosis.[47]

In contrast, at *Alytus and Lukiškės Prisons,* the number of health-care staff was insufficient at the time of the visit. They were each operating with two specialised medical doctors working as general practitioners and eight full-time equivalent nurses. Both establishments had several vacant posts including of Head of health-care services and psychiatrist.[48] Such staffing levels are clearly inadequate for establishments holding from 1,000 to 1,400 inmates. Unsurprisingly, numerous inmates at both prisons indicated that they usually had to wait for a prolonged period before seeing a doctor.

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44 See CPT/Inf (2009) 22, paragraph 56 and CPT/Inf (2006) 9, paragraph 81.

45 CPT/Inf (2006) 9, paragraph 80 and CPT/Inf (2001) 22, paragraph 77.

46 See CPT/Inf (2011) 17, paragraph 45.

47 The prison health-care unit was equipped with a portable X-ray machine. However, it could not be used after the recent departure of the establishment's only radiologist.

48 At Alytus Prison, the post of psychiatrist had been vacant for nine years.

The CPT recommends that urgent measures be taken at Alytus and Lukiškės Prisons to fill the vacant posts at their respective health-care services and to increase the number of general practitioners and nurses. Further, the high rate of transmissible diseases at Alytus Prison (see paragraph 72) **requires that regular consultations of a medical specialist be organised.**

66. In the three establishments, the health-care facilities were, on the whole, satisfactory. However, despite the recommendation made by the CPT in its report on the 2008 visit, the very old X-ray machine at Lukiškės Prison was still in use. **The Committee reiterates its recommendation that necessary steps be taken to replace the above-mentioned machine by modern equipment**.

c. medical examinations and confidentiality

67. Procedures for medical examinations on admission were generally satisfactory in *Kaunas, Alytus and Lukiškės Prisons*. Newly arrived prisoners were examined by a doctor or a nurse reporting to a doctor, usually within 24 hours of admission. Different medical examinations were performed on newly arrived inmates including an X-ray and a blood test.

However, several inmates in these three establishments indicated that they were not made aware that the blood test would serve for HIV detection.[49] Prisoners should be provided with all relevant information regarding the performed medical examinations and their objectives; **the CPT invites the authorities to ensure that this is the case**.

68. In all the establishments visited, physical injuries observed on admission or following a violent incident were recorded by health-care staff in a register of traumatic lesions as well as in the medical files of the prisoners concerned. However, the description of the injuries was usually limited to a short sentence lacking detail. At Alytus and Lukiškės Prisons, the register contained inmates' statements regarding the causes of the injuries, but this was not the case at Kaunas and Šiauliai Prisons. Further, except in cases of self-injuries, no observations were made by the doctor in any of the establishments as regards the consistency between the inmate's statement and the injury observed. The health-care staff at Kaunas and Šiauliai Prisons considered that any such observations could be seen as interference in the work of the internal investigation unit.

[49] The Seimas Ombudsman reached a similar conclusion on the report published on 22 August 2011 following his inspection of the prison on 15 June 2011.

Health-care services in prison can make a significant contribution to the prevention of ill-treatment by the police or prison staff. Consequently, **the Committee reiterates its recommendation to take measures to ensure that the record drawn up after the medical examination of a prisoner – whether newly arrived or following a violent incident in the prison – contains:**

i) a full account of statements made by the person concerned which are relevant to the medical examination (including the description of his/her state of health and any allegations of ill-treatment);
ii) a full account of objective medical findings based on a thorough examination;
iii) the doctor's observations in the light of i) and ii) indicating the consistency between any allegations made and the objective medical findings; this will enable the relevant authorities and, in particular prosecutors, to properly assess the information set out in the record.

Further, the CPT recommends that existing procedures be reviewed in order to ensure that whenever injuries are recorded which are consistent with allegations of ill-treatment made by a prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the prisoner.

69. Regarding medical confidentiality, the delegation noted that prisoner's medical files were only accessible to health-care staff (see, however, paragraph 73). Further, the information gathered by the delegation indicated that, in almost all the establishments visited, medical examinations were conducted in the absence of prison officers - including at Lukiškės Prison (unlike the situation observed in this establishment in 2008).

However, the delegation noted that custodial staff were routinely present during medical examinations of inmates at *Šiauliai Prison*. For the CPT, there can be no justification for custodial staff being systematically present during such examinations; their presence is detrimental to the establishment of a proper doctor-patient relationship and usually unnecessary from a security point of view.

The CPT once again reiterates its recommendation that steps be taken to ensure that medical examinations of prisoners are conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of non-medical staff.

d. drug-related issues and transmissible diseases

70. During its visit to Alytus Prison, the delegation was struck by the number of inmates who were drug users. Inmates interviewed all indicated that the biggest problem in the establishment was the trafficking and use of drugs, mostly by intravenous injections. The health-care service had registered 409 drug users in 2011 but health-care staff estimated that at least 60% of the inmates were actually using drugs. To tackle this problem, some measures were being taken by the prison management, including the distribution of bleach.[50] There were also regular cell-searches[51] but drugs were rarely found.

71. The CPT recognises that tackling drug-related problems in a prison setting is far from straightforward; there is no simple or single answer as regards the approach to be followed.

Effective steps need to be taken to implement a three-pronged strategy: to put an end to the supply of drugs, to reduce as far as possible the demand for drugs, and to provide appropriate assistance to prisoners with drug-related problems. Policies against drug abuse should be vigorously pursued and should aim at both demand and risk reduction. The assistance offered to drug users should be varied and detoxification programmes with substitution programmes for drug-dependent patients should be combined with genuine psycho-social and educational programmes for opiate-dependent persons who are unable to stop taking drugs. Finally, all health-care staff, and prison staff generally, should be given specific training on drug-related issues.

In the light of the above remarks, **the CPT recommends that the Lithuanian authorities review the strategy for tackling drug abuse within the prison system, including the provision of assistance to prisoners with drug-related problems.**

72. The issue of prevention of transmissible diseases – and particularly of hepatitis and HIV – is related to the use of drugs in prison. In 2002, more than 200 prisoners at Alytus Prison were found to be HIV-positive due to intravenous drug-taking. However, it appeared to the delegation that not all the necessary lessons had been learnt from that outbreak of HIV infection.

Despite the high numbers of HIV-positive prisoners at Alytus Prison – 284 at the time of the visit[52] – extremely limited arrangements had been made to provide appropriate care for such prisoners. In particular, only 12 of them were receiving anti-retroviral drugs for their infection. [53] Further, it appeared that limited information on HIV and on prevention methods was made available to staff and prisoners. In their letter of 25 March 2013, the Lithuanian authorities indicated their intention to increase the dissemination of information regarding HIV/AIDS and the harm caused by drug use.

The CPT recommends that the Lithuanian authorities take urgent steps to devise and implement a strategy for the prevention and treatment of HIV in Alytus Prison.

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50 Other measures included posters indicating the danger of drug use displayed in the prison corridors and a group discussion "narcotics anonymous".

51 The delegation was informed that 6,240 searches had been carried out in 2012 during which some 1,500 mobile phones had been found.

52 240 inmates were also hepatitis C-positive.

53 The delegation was informed that the budget for anti-retroviral therapy would need to be increased 6-fold to be sufficient.

73. Prison regulations[54] require that an investigation be carried out if an inmate is diagnosed HIV-positive in order to identify and test the blood of any "persons who might have been in contact with this inmate". At Alytus Prison, the investigation was carried out by the internal investigation unit; for this purpose, it was systematically informed of the inmates' HIV status. In the CPT's view, such information should remain confidential and, in principle, be available only to health-care staff. Identifying the persons with whom a given prisoner has been in contact does not require that such confidential information be notified to the investigation unit. **The Committee recommends that the practice of informing prison staff about an inmate's HIV status be stopped.**

7. Other issues

a. prison staff

74. At *Alytus Prison*, the Director indicated to the delegation that the number of prison staff had been reduced by 10% since 2009 due to financial constraints. At the time of the visit, the staff complement of the security and surveillance division of the prison was only 191 officers for more than 1.400 prisoners and the delegation noted the limited presence of staff in the different local sectors.

The lack of staff was of particular concern at night. During the night shift, only 15 officers were present inside the prison. It should be recalled that over 700 prisoners in Dormitory No. 2 were not locked in cells at night. Low staff cover at night can have serious consequences for the overall security of prisons (i.e. prevention of escape or fire) and the personal security of both staff and inmates. In their letter of 25 March 2013, the Lithuanian authorities indicated their intention to recruit an additional eight junior security officers. While welcoming this, **the CPT recommends that the Lithuanian authorities to review both staffing levels and staff deployment at Alytus Prison in order to ensure that there is an adequate presence of staff in the different local sectors at all times.**

75. Staff shortages were also observed in other prisons visited. At *Lukiškės Prison*, 19 out of 239 posts of custodial staff were vacant as well as one post of senior officer. The Prison Director indicated that this was causing problems in the organisation of the establishment. At *Kaunas Prison*, twelve of the 100 such posts were vacant. **The CPT recommends that the necessary measures be taken to fill these vacant posts.**

76. Regarding the work of the prison staff and of certain nurses at Alytus Prison, the delegation was informed that they were working 24-hour shifts. The CPT considers that the pattern of 24-hour shifts will inevitably have a negative effect on professional standards; no-one can perform in a satisfactory manner the difficult tasks expected of a prison officer or a nurse for such a length of time.

In their letter of 25 March 2013, the Lithuanian authorities informed the Committee that consultations on this matter between the prison management and security officers had been initiated. Nonetheless, **the CPT recommends that steps be taken, without delay, to ensure that such shifts are discontinued in practice at Alytus Prison and, if applicable, in other Lithuanian prisons for all categories of staff.**

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[54] Order of 12 May 2012 of the General Director of the prison service.

b. contact with the outside world

77. The legal provisions regarding contact with the outside world for remand prisoners have not changed since the CPT's last visit.[55] Visits and access to telephone for such prisoners were still subjected to authorisation of the prosecutor or the criminal court dealing with the case. The delegation noted that the possibility for remand prisoners to receive visits and/or have access to telephone depended on the progression of their criminal case. All the prisoners interviewed by the delegation who had recently arrived in prison were not allowed to have contact with the outside world. This situation prevented them from talking to their relatives, sometime for weeks. Furthermore, the delegation was informed that access to writing paper, envelopes and stamps was often difficult.

In the CPT's view, it is essential that all prisoners, including remand prisoners, are able to maintain good contact with the outside world, especially during the first days or weeks of detention. Visits and telephone calls should be the rule for such prisoners and restrictions the exception.

The CPT recommends once again that the relevant legislation be amended in order to establish the principle that remand prisoners are entitled to receive visits and make telephone calls. Any restriction on a given remand prisoner's right to receive visits or make telephone calls should be based on the requirements of the investigation or security considerations, be applied for a limited period, and be the least severe possible. Further, materials necessary for correspondence should be made accessible.

78. Sentenced prisoners are entitled to telephone calls[56] and unlimited correspondence. Further, except for those held under the strict regime (see paragraph 84), they are allowed to have two visits – one "short-term" (up to four hours) and one "long-term"[57] – every two months for the lenient regime, every three months for the ordinary regime.[58]

The current visiting entitlement is not sufficient for safeguarding prisoners' relationships with their families and friends. In this regard, the CPT considers that, as a minimum, all prisoners should be entitled to the equivalent of at least one hour of visiting time per week in a given month. **The Committee recommends that the legal provisions regarding visits be amended accordingly. Preferably, prisoners should be able to receive a visit every week.**

79. At Alytus and Lukiškės Prisons, the rooms used for long-term visits were on the whole acceptable.[59] However, the premises used for short-term visits were not satisfactory. At both establishments, short-term visits took place across a table screened by Plexiglas which prevented physical contact and obliged inmates/visitors to use telephonic equipment.[60] As they were not appropriately isolated, the rooms were also often noisy and prevented the inmates from properly communicating with their visitors.

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55 See CPT/Inf (2011) 17, paragraph 58.

56 Up to 15 minutes per day in the lenient regime; up to 15 minutes once a week in the ordinary regime; up to 15 minutes once a month in the strict regime.

57 In the establishments visited, the length of "long-term" visits varied from four hours to two days depending on the number of rooms available for this type of visits. Physical contacts were permitted during these visits.

58 Articles 73 and 74 of the Code on Execution of Sentences.

59 At Alytus Prison, for example, the rooms were large and well equipped, allowing visits of children.

60 And inmates alleged that the telephonic equipment did not always function properly.

The CPT recommends that prisoners be, as a rule, able to receive short-term visits from their family members without physical separation; visits with a partition should be the exception and applied in individual cases where there is a clear security concern. All visits should take place in an environment which does not require raised voices for communication.

c. discipline and security

80. Regarding the disciplinary procedures, any sanction was applied after a hearing of the prisoner concerned who was requested to sign the disciplinary commission's decision and had the possibility to appeal to the Director, the Prisons Department and courts. However, the inmates interviewed indicated that they did not receive a copy of the decision or a notice informing them of the available avenues for appeal.

In their response to the report on the 2008 visit[61], the Lithuanian authorities indicated that a copy of the disciplinary decision could be provided upon the request of the inmate concerned. In the CPT's view, disciplinary decisions should be systematically handed to the inmate and provide simple and clear information regarding the appeals procedure. **The Committee recommends once again that the necessary steps be taken to ensure that this is the case.**

81. The CPT noted that the maximum length of placement in a disciplinary cell as a punishment was 10 days for remand adult prisoners, 15 days for sentenced adults, five days for remand minors[62] and 10 days for sentenced minors.[63] As the CPT pointed out in its 2010 report[64], resorting to disciplinary segregation of minors must be regarded as exceptional, and should be applied for the shortest possible period of time. A period of 10 days is certainly too long and the Committee has expressed the opinion that disciplinary segregation of minors should not exceed three days.[65] **The CPT recommends that the legal provisions on disciplinary segregation of minors be amended accordingly**.

82. All prisoners placed in a disciplinary cell as a punishment were denied visits[66] and telephone calls. In this connection, **the CPT recommends that steps be taken to ensure that disciplinary punishment of prisoners does not include a total prohibition of family contacts[67] and that restrictions on family contacts as a form of punishment are applied only when the offence relates to such contacts.**

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61 CPT/Inf (2009) 24, page 28.
62 Section 34 paragraph 2 of the Law on Pre-Trial Detention of 1 April 2009.
63 Article 142 paragraph 1, 4) of the Code on the Execution of Sentences.
64 CPT/Inf (2011) 17, paragraph 54.
65 See the 18th General Report on the CPT's activities (CPT/Inf (2008) 25), paragraph 26.
66 Except with their lawyers.
67 See also Rule 60(4) of the European Prison Rules.

83. At Alytus and Lukiškės Prisons, a nurse visited the disciplinary unit on a daily basis; such practice was not followed at Šiauliai Prison. **The CPT recommends that this practice be followed in every prison establishment.**

Further, the Committee notes with concern that prison doctors were required to certify that prisoners were fit to undergo placement in a disciplinary cell as a punishment.[68] **The CPT recommends that this requirement be discontinued. Medical personnel should never participate in any part of the decision-making process resulting in any type of solitary confinement, except where the measure is applied for medical reasons.**[69]

84. As described in previous reports, prisoners could be transferred to the strict regime, if they are "deliberately or systematically violating the established regime". [70] If they continue to violate internal regulations while in the strict regime, they can be further placed in disciplinary cellular confinement for up to six months. The CPT notes with considerable concern that the recommendations it has repeatedly made concerning these prisoners have not been implemented.

It remains the case that prisoners in the strict regime were not allowed to work, had no access to education or vocational training and could not participate in any other organised activities. They spent their days idling in their section, watching television being their principal occupation. In addition, they were denied visits and their use of telephone was limited to one 15-minute call a month.

As for prisoners in disciplinary cellular confinement, they were confined 23 hours per day in their cells and were only allowed to read, since radio and television sets were prohibited. In addition to the ban on visits, they were also denied access to a telephone.

85. The CPT must stress, once again, that such an impoverished regime and lack of contact with the outside world can lead to the deterioration of the physical health, mental faculties and social skills of the prisoners concerned, in particular when imposed for a prolonged period. The fact that this regime only applies to a limited number of inmates is irrelevant.[71] The overall objective should be to persuade these prisoners to re-engage with the normal regime; the measures currently applied to them are likely to have the opposite effect.[72]

The CPT once again calls upon the Lithuanian authorities to review the strict regime, in the light of its previous recommendations and the above remarks. In particular, the prisoners concerned should be offered the possibility of engaging in purposeful activities. Further, all prisoners subject to that regime (including those in disciplinary cellular confinement) should be allowed to receive visits on a regular basis.

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68 Article 144 of the Code on the Execution of Sentences.

69 See also the 21st General Report on the CPT's activities (CPT/Inf (2011) 28), paragraphs 62 and 63.

70 See CPT/Inf (2009) 22, paragraph 76 and CPT/Inf (2009) 24, page 29.

71 See the reply of the Lithuanian authorities to the CPT report on the 2008 visit, CPT/Inf (2009) 24, page 29.

72 See also the 21st General Report on the CPT's activities (CPT/Inf (2011) 28), paragraph 61.

86. As regards material conditions, the cells in the disciplinary unit at *Lukiškės Prison* had recently been renovated. However, they were located in the basement of a building and access to natural light remained inadequate. Further, the heating system did not function well.

At *Alytus Prison*, the disciplinary cells were situated in a two-storey building.[73] Inmates placed in a disciplinary cell as a punishment were held in isolation on the ground floor. On the first floor, inmates serving disciplinary cellular confinement were held in multi-occupancy cells. Several cells had insufficient access to natural and poor artificial lighting, preventing prisoners from reading. Others had almost no ventilation and were very damp and cold. The situation was similar at *Šiauliai Prison*. In addition to being in a bad state of repair, the disciplinary cells were cold and had limited access to natural light and poor artificial lighting. Further, the in-cell toilets were not partitioned.

The CPT recommends that the necessary steps be taken to remedy the above-mentioned shortcomings. Adequate access to natural light and satisfactory artificial lighting should be provided in all the cells; they should also be suitably heated and ventilated.

d. complaints and inspection procedures

87. Prisoners were entitled to submit complaints to the Prison Director, judicial authorities and the Seimas Ombudsmen.[74] However, the delegation noted that a number of inmates did not appear to be familiar with the existing complaints procedures. Further, several prisoners interviewed felt that filing a complaint – particularly in relation to ill-treatment by staff – would aggravate their situation.

Effective complaints procedures are a basic safeguard against ill-treatment in prisons. Consequently, lack of knowledge of and /or confidence in the complaint procedures is a matter of concern. **Efforts need to be made to ensure that prisoners are clearly aware of their right to lodge complaints and are able to exercise that right in a way that offers appropriate guarantees of independence, impartiality and thoroughness.**

88. The CPT attaches great importance to frequent and unannounced visits to prisons by an independent body with authority to receive – and, if necessary, take action on – complaints from detained persons and to visit the premises.

In this connection, it is to be noted that monitoring visits to prisons were conducted by the Children's Ombudsman as well as the Seimas Ombudsmen. One of the Seimas Ombudsmen informed the delegation that, generally, there was positive feedback from the authorities to his recommendations, although many of them remained unimplemented due to financial constraints. However, he indicated that he had limited resources for this monitoring activity and could therefore only organise two or three monitoring visits per year. **The CPT trusts that the Lithuanian authorities will provide adequate resources to the Seimas Ombudsmen, as well as the Children's Ombudsman, for the purpose of their monitoring activities.**

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73 Certain cells in the building were also used as reception quarters for newly arrived inmates.

74 In 2012, the Seimas Ombudsmen's office received 405 complaints from inmates, mostly in relation to material conditions of detention.

C. Psychiatric establishments

1. Preliminary remarks

89. In the course of the 2012 visit, the CPT visited for the first time *Vilnius Republican Psychiatric Hospital*. The visit was of a targeted nature, focusing on the application of means of restraint and the implementation in practice of legal safeguards for involuntary hospitalisation of civil psychiatric patients.

90. Vilnius Republican Psychiatric Hospital is the largest psychiatric institution in Lithuania, with an official capacity of 619 beds (distributed among fourteen in-patient units[75], both locked and open). At the time of the delegation's visit, the establishment was accommodating 394 civil patients.[76] Of them, seven had been placed there on an involuntary basis pursuant to Section 28 of the Mental Health Act. The delegation was told that the average stay in the Hospital lasted 23 days.

91. From the outset, it should be emphasised that the delegation received no allegations – nor any other indications – of ill-treatment of patients by staff at Vilnius Republican Psychiatric Hospital.

2. Means of restraint

92. The restraint of violent psychiatric patients, who represent a danger to themselves or others, may exceptionally be necessary. However, this is a subject of particular concern to the CPT, given the potential for abuse and ill-treatment.

Reference should be made to the report on the CPT's 2008 visit to Lithuania, in which the Committee set out some of its main standards in this area.[77]

93. The restraint measures used at Vilnius Republican Psychiatric Hospital were manual, mechanical and chemical restraint, sometimes applied in combination. The delegation was informed that seclusion was not practised at the Hospital. Mechanical restraint was applied in two rooms ("observation rooms") located in the intensive care unit, each of which was equipped with special beds for five-point fixation using belts with magnetic locks.

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75 Units for admission and diagnostics, intensive care and resuscitation, Alzheimer's disease, gerontology, and acute alcohol psychoses, two clinical units of Vilnius University (one for adults and one for children and adolescents) and acute and general psychiatry units.

76 The Hospital had no forensic patients (all of the country's forensic in-patients are held in Rokiškis Psychiatric Hospital).

77 See CPT/Inf (2009) 22, paragraph 113.

Both mechanical and chemical restraint measures had to be authorised by a doctor and were recorded in the patient's (computerised) medical file. However, it was not always clear from the records for how long a patient had been restrained. Moreover, there was no central register at the Hospital for recording the use of means of restraint. The delegation was also concerned to learn that there was no continuous, direct and personal supervision of the patient's condition during fixation. Instead, supervision was carried out by means of regular inspections (every 30 minutes) by a nurse and CCTV surveillance. It also appeared that a patient could on occasion be fixated in full view of another patient.

94. The CPT recalls that every instance of recourse to means of physical (manual), mechanical or chemical restraint should be recorded in a *specific register* (either paper-based or electronic) established for this purpose as well as in the patient's file. The entry should include the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure, the means and/or medication used, the name of the doctor who ordered or approved it, the names of the staff who participated in the application of the restraint measure, and an account of any injuries sustained by patients/residents or staff.

It is also essential that whenever a patient is subject to restraint, a qualified health-care staff member is *continuously present* in order to maintain the therapeutic alliance and provide assistance. Contact is to be maintained in an appropriate way aiming at de-escalating the situation and discontinuing the measure. Clearly, video surveillance cannot replace such a continuous staff presence. Further, a restrained patient should *not be exposed to other patients*, unless he/she explicitly expresses a wish to remain in the company of a certain fellow patient.

Means of restraint should only be used for the shortest possible time (usually minutes to a few hours). When the emergency situation resulting in the application of restraint ceases to exist, the patient should be released immediately. Moreover, a *debriefing* with the patient should take place at the end of the application of any means of restraint. This debriefing will provide an opportunity for the doctor to explain the need for the measure and thus help relieve uncertainty about its rationale. For the patient, such debriefing provides an occasion to explain his/her emotions prior to the restraint, which may improve both the patient's own and the staff's understanding of his/her behaviour.

The CPT recommends that steps be taken at Vilnius Republican Psychiatric Hospital to ensure that the minimum standards set out above are applied whenever resort is had to means of restraint.

95. The CPT is very concerned to note that psychotropic medication – including haloperidol – was almost routinely administered to patients in the intensive care unit by means of direct intravenous injections (sometimes in very high doses), in order to control episodes of agitation and generally for prolonged periods (of up to ten days). Such a practice presents serious risks for the patients concerned (cardiac arrhythmias, low blood pressure, severe neurological reactions, coma, etc.)[78] and should be used only very exceptionally, failing the use of oral (or, if necessary, intramuscular) medication and provided that there is close and continuous clinical monitoring (including ECG monitoring). **The CPT recommends that the Lithuanian authorities review the aforementioned practice, in the light of the above remarks.**

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[78] It is noteworthy that haloperidol injections are not approved for intravenous administration in many countries because of the potentially fatal side effects.

3. Safeguards in the context of involuntary hospitalisation

96. In the reports on the 2004 and 2008 visits, the CPT had made a number of specific recommendations concerning the legal safeguards surrounding involuntary psychiatric hospitalisation of a civil nature. Regrettably, the findings made by the delegation during its visit to Vilnius Republican Psychiatric Hospital suggest that most of those recommendations have remained unimplemented.

97. The legal procedure relating to involuntary hospitalisation of civil psychiatric patients was described in the report on the CPT's 2004 visit.[79] The information gathered by the delegation during the 2012 visit indicated that this procedure was duly followed at Vilnius Republican Psychiatric Hospital. It also transpired that as a rule patients subject to involuntary placement were represented by a lawyer.[80] In this connection, the delegation was told by the Hospital's management that in most cases the assigned *ex officio* lawyer came to the Hospital to see and talk to the patient concerned.

98. However, it remained the case that judges usually ordered involuntary hospitalisation without ever having seen the patient concerned. In practice, their role was often limited to simply carrying out a formal check of the documents submitted by the Hospital's administration.

Further, as far as the delegation could ascertain, judges were not required to (and in practice never did) seek an opinion from a psychiatrist outside the hospital concerned during civil involuntary placement procedures. As the CPT has stressed in the past, the procedure by which involuntary placement in a psychiatric establishment is decided should offer guarantees of independence and impartiality as well as of objective psychiatric expertise.

The CPT reiterates its recommendation that the Lithuanian authorities take steps to ensure that in the context of civil involuntary hospitalisation and extensions thereof:

- **patients have the effective right to be heard in person by the judge (for this purpose, consideration may be given to the holding of hearings on hospital premises);**

- **the court always seeks an opinion from a psychiatrist who is not attached to the psychiatric institution admitting the patient concerned.**

99. A number of recent court decisions on involuntary psychiatric hospitalisation were consulted by the delegation during the visit to the Hospital. It was struck by the fact that, whereas some of the decisions referred to the patient's (or his/her representative's) right to appeal against the decision (within seven days), others explicitly mentioned that they were not subject to appeal. **The CPT would like to receive the observations of the Lithuanian authorities on this matter.**

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79 See CPT/Inf (2006) 9, paragraphs 115 and 129.

80 In 2005, Section 28 of the Mental Health Act was amended making the provision of legal aid to psychiatric patients mandatory when deciding issues related to their involuntary hospitalisation.

100. As already indicated in paragraph 90, at the time of the visit to the Hospital, only seven patients were formally considered as involuntary. However, from interviews with staff and patients, it became apparent that a number of "voluntary" patients were in fact not free to leave the hospital premises on their own and were thus *de facto* deprived of their liberty. Many of them were being accommodated in locked units and were only allowed to take outdoor walk at fixed times and when accompanied by staff.[81]

As the CPT made clear in the report on its 2008 visit, if it is considered that a given patient, who has been voluntarily admitted and who expresses a wish to leave the hospital, still requires in-patient care, then the involuntary civil placement procedure provided by the law should be fully applied.

The CPT recommends that the legal status of patients at Vilnius Republican Psychiatric Hospital be reviewed, in the light of the above remarks.

101. Lithuanian legislation still does not provide for a distinction between involuntary placement in a psychiatric institution and treatment without consent. The CPT wishes to stress once again that psychiatric patients should, as a matter of principle, be placed in a position to give their free and informed consent to treatment. The admission of a person to a psychiatric establishment on an involuntary basis should not be construed as authorising treatment without his/her consent. Every competent patient, whether voluntary or involuntary, should be fully informed about the treatment which it is intended to prescribe and given the opportunity to refuse treatment or any other medical intervention. Any derogation from this fundamental principle should be based upon law and only relate to clearly and strictly defined exceptional circumstances.

The CPT reiterates its recommendation that the Lithuanian authorities take steps - including of a legislative nature - to distinguish clearly between the procedure for involuntary placement in a psychiatric institution and the procedure for involuntary psychiatric treatment, in the light of the above remarks.

102. The CPT attaches considerable importance to psychiatric establishments being visited on a regular basis by an independent outside body (e.g. a judge or supervisory committee) which is responsible for the inspection of patients' care. This body should be authorised, in particular, to talk privately with patients, receive directly any complaints which they might have and make any necessary recommendations.

At Vilnius Republican Psychiatric Hospital, the delegation was informed that the only outside body (independent of the health authorities) empowered to carry out such inspections was the Office of the Seimas Ombudsmen; however, they visited the Hospital very rarely[82] and only to examine complaints received from patients.

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81 It should also be noted that the statistics for 2011 showed a very low percentage of involuntary admissions to the establishment (170 out of a total of 7,200 admissions).

82 The delegation was informed that the last visit took place in 2009.

The delegation was also informed that, within the framework of a programme co-ordinated by the NGO "Global Initiative on Psychiatry", the Hospital was visited once or twice a week by a so-called "patients' person of trust". The latter was mainly tasked with informing patients about their rights and mediating between staff and patients in cases of complaints. While welcoming this development, **the CPT reiterates its recommendation that steps be taken to ensure that Vilnius Republican Psychiatric Hospital (as well as all other psychiatric establishments in Lithuania) is visited on a regular basis by a body which is independent of the health authorities and possesses the mandate indicated above (see also paragraph 8).**

103. Patients at Vilnius Republican Psychiatric Hospital could lodge complaints with a number of external bodies, in particular the Ministry of Health and the Seimas Ombudsmen. However, the delegation was informed that very few complaints were addressed to such bodies (e.g. seven in 2011), a situation which could in part be due to the absence of any written information on complaints procedures. In this context, the CPT considers that, in addition to verbal information on rights, a brochure setting out the establishment's routine and patients' rights - including information about complaints bodies and procedures - should be issued to each patient, as well as to their families, upon admission to the establishment. Any patients unable to understand this brochure should receive appropriate assistance. **The CPT recommends that such a brochure be drawn up and systematically provided to patients and their families upon admission to Vilnius Republican Psychiatric Hospital.**

104. The existing arrangements at the Hospital for patients' contact with the outside world appeared to be satisfactory. There were no limitations on visits from relatives (which took place in appropriate conditions), and patients could make telephone calls every day.

APPENDIX I

LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

Monitoring of places of deprivation of liberty

comments

- the Lithuanian authorities are invited to consider acceding to the Optional Protocol to the United Nations Convention against Torture (paragraph 8).

Police establishments

Preliminary remarks

recommendations

- the Lithuanian authorities to ensure that persons remanded in custody are promptly transferred to a prison facility. The objective should be to put an end to the practice of holding remand prisoners in police establishments (paragraph 10);

- the Lithuanian authorities to take measures to ensure that the return of prisoners to police detention facilities is sought and authorised only very exceptionally, for specific reasons and for the shortest possible time. Such a return should in each case be subject to the express authorisation of a prosecutor or judge (paragraph 11).

Ill-treatment

recommendations

- if it is deemed necessary for custodial staff assigned to police arrest houses to carry truncheons, the truncheon to be hidden from view (paragraph 15);

- immediate steps to be taken to put a stop to custodial staff in police arrest houses routinely carrying electro-shock weapons (paragraph 16).

comments

- the CPT trusts that the Lithuanian authorities will continue their efforts to ensure that police officers use no more force than is strictly necessary when effecting an apprehension. Once apprehended persons have been brought under control, there can be no justification for striking them (paragraph 13).

requests for information

- in respect of the year 2013:

  - the number of complaints of ill-treatment made against police officers and the number of criminal/disciplinary proceedings which have been instituted as a result;
  - an account of any criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police (paragraph 14).

Safeguards against ill-treatment

recommendations

- the Lithuanian authorities to make further efforts to render fully effective in practice the right of persons deprived of their liberty by the police to inform a close relative or another third party of their situation, as from the very outset of their deprivation of liberty (paragraph 18);

- detained persons to be provided with feedback on whether it has been possible to notify a close relative or other person of the fact of their detention (paragraph 18);

- the Lithuanian authorities to take the necessary measures to ensure that the right of access to a lawyer is enjoyed by all persons obliged to remain with the police, as from the very outset of their deprivation of liberty. Further, steps should be taken in consultation with the Bar Association to ensure that ex officio lawyers appointed to represent persons in police custody perform their functions in a diligent and, more specifically, timely manner (paragraph 19);

- steps to be taken to ensure that juveniles do not make any statements or sign any documents related to the offence of which they are suspected without the benefit of a lawyer (and, in principle, of a trusted adult person) being present and assisting the juvenile (paragraph 20);

- the Lithuanian authorities to adopt specific legal provisions on access to a doctor which meet fully the requirements set out in paragraph 21 (paragraph 21);

- the Lithuanian authorities to take steps to ensure that all persons admitted to a police arrest house are screened by a health-care professional without delay. The record drawn up following that screening should contain: (i) an account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the health-care professional's observations in the light of (i) and (ii), indicating the consistency between any allegations made and the objective medical findings. Whenever injuries are recorded which are consistent with allegations of ill-treatment made by a detained person (or which, even in the absence of allegations, are indicative of ill-treatment), the record should be systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned (paragraph 22);

- the Lithuanian authorities to ensure without further delay that all persons detained by the police – for whatever reason – are fully informed of their rights as from the very outset of their deprivation of liberty (that is, from the moment when they are obliged to remain with the police). This should be ensured by provision of clear verbal information upon apprehension, to be supplemented at the earliest opportunity (that is, immediately upon first entry into police premises) by provision of a written form setting out the detained person's rights in a straightforward manner. This form should be made available in an appropriate range of languages. Particular care should be taken to ensure that detained persons are actually able to understand their rights; it is incumbent on police officers to ascertain that this is the case (paragraph 23).

comments

- the Lithuanian authorities are invited to introduce electronic recording of police interviews nationwide (paragraph 24).

Conditions of detention

recommendations

- the Lithuanian authorities to intensify their efforts to provide appropriate material conditions of detention in all police arrest houses. This should involve measures to ensure that:

  - cells have access to natural light as well as adequate artificial lighting (i.e. sufficient to read by, sleeping periods excluded);
  - in-cell toilets are fully partitioned (i.e. from floor to ceiling);
  - the state of hygiene in the cells is of an adequate level;
  - detained persons are provided with a clean mattress and clean bedding

  (paragraph 25);

- the order referred to in paragraph 27 to be re-issued and re-formulated to the effect that cells measuring less than 2 m^2 should not be used for the detention of persons for any length of time whatsoever (paragraph 27);

- no cell measuring less than 5 m^2 to be used for overnight accommodation (paragraphs 28 and 31);

- measures to be taken to ensure that anyone detained for 24 hours or more in a police arrest house is offered at least one hour of outdoor exercise every day in facilities of adequate size and possessing the necessary equipment (such as a shelter against inclement weather and a means of rest) (paragraph 29);

- the Lithuanian authorities to take measures to ensure that police arrest houses are properly resourced to cater for administrative detainees; if this is not possible, consideration should be given to alternatives to administrative detention (paragraph 30);

- urgent steps to be taken to ensure that persons held overnight in temporary holding cells of the police are provided with a mattress and a blanket (paragraph 32).

requests for information

- confirmation that the order to discontinue using Cells Nos. 8 to 11 at Vilnius City Police Arrest House for detention purposes as of 1 January 2013 has been complied with (paragraph 26);

- updated information on measures taken to improve the conditions of detention in Cell No. 4 at Kelmė Police Arrest House (paragraph 28);

- updated information on measures taken to equip Kelme Police Arrest House with an outdoor exercise facility (paragraph 29).

Prison establishments

Preliminary remarks

recommendations

- the Lithuanian authorities to make vigorous efforts to combat prison overcrowding, by placing further emphasis on non-custodial measures in the period before the imposition of a sentence, increasing the use of alternatives to imprisonment and adopting measures facilitating the reintegration into society of persons deprived of their liberty. In this context, they should be guided by the relevant Recommendations of the Committee of Ministers of the Council of Europe: Recommendation Rec (99) 22 concerning prison overcrowding and prison population inflation, Recommendation Rec (2000) 22 on improving the implementation of the European rules on community sanctions and measures, Recommendation Rec (2003) 22 on conditional release (parole), Recommendation (2006) 13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, and Recommendation Rec (2010) 1 on the Council of Europe Probation Rules. Appropriate action should also be taken vis-à-vis the prosecutorial and judicial authorities with a view to ensuring their full understanding of the policies being pursued, thereby avoiding unnecessary pre-trial custody and sentencing practices (paragraph 35);

- the minimum standard of living space per prisoner to be raised to 4 m² in multi-occupancy cells (not counting the area taken up by any in-cell toilet facility) throughout the prison estate. The official capacities of all prisons should be reviewed accordingly (paragraph 36).

requests for information

- information on the precise measures taken to address the problem of overcrowding at Alytus Prison (paragraph 36).

Ill-treatment

recommendations

- the three cases referred to in paragraph 38 (in which recorded haematomas were consistent with allegations of multiple baton blows to the buttocks) to be formally notified to the competent prosecutorial authorities (paragraph 41);

- all custodial staff at Šiauliai Prison to receive the clear message that any excessive use of force by prison staff against a prisoner constitutes a serious offence and will be punished accordingly (paragraph 42);

- the Lithuanian authorities to take the necessary steps to ensure that, throughout the prison system, investigations into possible ill-treatment (including excessive use of force) by prison staff are conducted by a body independent of the establishments concerned and, preferably, of the prison system as a whole (paragraph 43);

- the Lithuanian authorities to develop a comprehensive strategy with a view to addressing the problem of inter-prisoner violence at Alytus Prison, in the light of the remarks in paragraph 46. This should include the phasing out of dormitory-type accommodation in favour of smaller and secure accommodation units (paragraph 46).

comments

- some allegations of verbal abuse by staff were received from prisoners at Lukiškės Prison and Kaunas Juvenile Remand Prison (paragraph 37).

requests for information

- detailed information on the implementation of the action plan drawn up on the basis of the Ombudsman's conclusions concerning the activities and the administration of Alytus Prison as well as the outcome of the internal audit scheduled in 2013 (paragraph 40);

- the outcome of the investigations carried out by the competent prosecutorial authorities into the three cases referred to in paragraph 38 (paragraph 41).

Conditions of detention of the general prison population

recommendations

- the scheduled renovation of Dormitory No. 2 at Alytus Prison to be reactivated and vigorous action to be taken to improve the material conditions of detention at Šiauliai Prison, in the light of the remarks in paragraphs 47 and 48. As regards more specifically sanitary facilities in multi-occupancy cells, they should be equipped with a full partition (i.e. from floor to ceiling) (paragraph 49);

- the Lithuanian authorities to take urgent measures in order to ensure that all inmates at Lukiškės Prison have acceptable conditions of detention as regards cell equipment and furnishings, as well as access to natural light and heating, and that toilet facilities are fully partitioned. As regards more specifically cells measuring some 5 m², they should only be used for single occupancy and for short periods of time (paragraph 50);

- steps to be taken to allow prisoners more frequent access to shower facilities, taking into account Rule 19.4 of the European Prison Rules (paragraphs 51 and 60);

- the Lithuanian authorities to increase their efforts to offer constructive and purposeful activities to all sentenced prisoners at Alytus Prison and, in particular, to provide them with work (preferably of a vocational value) (paragraph 54);

- the Lithuanian authorities to amend the relevant legislation in order to allow remand prisoners from different cells to associate and to strive to enhance the out-of-cell activities available to such inmates (paragraph 55).

requests for information

- a detailed schedule regarding the transfer of sentenced prisoners at Lukiškės Prison to another establishment by 2015 and the closure of Lukiškės Prison in 2017 (paragraph 50);

- the observations of the Lithuanian authorities on the shortcomings referred to in paragraph 53 concerning the provision of work to inmates at Alytus Prison (paragraph 53).

Conditions of detention of life-sentenced prisoners

recommendations

- the Lithuanian authorities to fundamentally review the regime applicable to life-sentenced prisoners, taking account of the remarks in paragraphs 58 and 59. The relevant legislation should be amended accordingly (paragraph 59).

Conditions of detention of juvenile remand prisoners at Kaunas Prison

recommendations

- the Lithuanian authorities to redouble their efforts to further expand the offer of purposeful activities (including group association activities) at Kaunas Juvenile Remand Prison. In this connection, the rule restricting contact between remand prisoners from different cells should be applied more flexibly (paragraph 61);

- the design of the outdoor exercise yards at Kaunas Juvenile Remand Prison to be reviewed, in the light of the remarks in paragraph 62. They should also be equipped with a shelter against inclement weather and a means of rest (e.g. a bench) (paragraph 62).

requests for information

- the observations of the Lithuanian authorities on complaints received from juvenile remand prisoners at Kaunas Prison that they had to buy themselves materials to clean their cells (paragraph 60).

Health-care services

recommendations

- urgent measures to be taken at Alytus and Lukiškės Prisons to fill the vacant posts at their respective health-care services and to increase the number of general practitioners and nurses. Further, the high rate of transmissible diseases at Alytus Prison requires that regular consultations of a medical specialist be organised (paragraph 65);

- necessary steps to be taken to replace the very old X-ray machine at Lukiškės Prison by modern equipment (paragraph 66);

- measures to be taken to ensure that the record drawn up after the medical examination of a prisoner – whether newly arrived or following a violent incident in the prison – contains:

  i) a full account of statements made by the person concerned which are relevant to the medical examination (including the description of his/her state of health and any allegations of ill-treatment);
  ii) a full account of objective medical findings based on a thorough examination;
  iii) the doctor's observations in the light of i) and ii) indicating the consistency between any allegations made and the objective medical findings; this will enable the relevant authorities and, in particular prosecutors, to properly assess the information set out in the record

  (paragraph 68);

- existing procedures to be reviewed in order to ensure that whenever injuries are recorded which are consistent with allegations of ill-treatment made by a prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the prisoner (paragraph 68);

- steps to be taken to ensure that medical examinations of prisoners are conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of non-medical staff (paragraph 69);

- the Lithuanian authorities to review the strategy for tackling drug abuse within the prison system, including the provision of assistance to prisoners with drug-related problems (paragraph 71);

- the Lithuanian authorities to take urgent steps to devise and implement a strategy for the prevention and treatment of HIV in Alytus Prison (paragraph 72);

- the practice of informing prison staff about an inmate's HIV status to be stopped (paragraph 73).

comments

- the Lithuanian authorities are encouraged to enhance the role of the Ministry of Health in the field of prison health care (paragraph 64);

- the Lithuanian authorities are invited to ensure that prisoners are provided with all relevant information regarding the performed medical examinations and their objectives (paragraph 67).

requests for information

- the observations of the Lithuanian authorities on possible difficulties regarding the recruitment of qualified staff for the new prison hospital as well as detailed plans regarding the future functioning of the prison hospital(s) (paragraph 63).

Other issues

recommendations

- the Lithuanian authorities to review both staffing levels and staff deployment at Alytus Prison in order to ensure that there is an adequate presence of staff in the different local sectors at all times (paragraph 74);

- the necessary measures to be taken to fill the vacant posts of custodial staff at Lukiškės and Kaunas Prisons (paragraph 75);

- steps to be taken, without delay, to ensure that 24-hour shifts are discontinued in practice at Alytus Prison and, if applicable, in other Lithuanian prisons for all categories of staff (paragraph 76);

- the relevant legislation to be amended in order to establish the principle that remand prisoners are entitled to receive visits and make telephone calls. Any restriction on a given remand prisoner's right to receive visits or make telephone calls should be based on the requirements of the investigation or security considerations, be applied for a limited period, and be the least severe possible. Further, materials necessary for correspondence should be made accessible (paragraph 77);

- the legal provisions regarding visits to be amended so as to ensure that, as a minimum, all prisoners are entitled to the equivalent of at least one hour of visiting time per week in a given month. Preferably, prisoners should be able to receive a visit every week (paragraph 78);

- as a rule, prisoners to be able to receive short-term visits from their family members without physical separation; visits with a partition should be the exception and applied in individual cases where there is a clear security concern. All visits should take place in an environment which does not require raised voices for communication (paragraph 79);

- the necessary steps be taken to ensure that disciplinary decisions are systematically handed to the inmate and provide simple and clear information regarding the appeals procedure (paragraph 80);

- the legal provisions on disciplinary segregation of minors to be amended in the light of the remarks in paragraph 81 (paragraph 81);

- steps to be taken to ensure that disciplinary punishment of prisoners does not include a total prohibition of family contacts and that restrictions on family contacts as a form of punishment are applied only when the offence relates to such contacts (paragraph 82);

- the practice observed at Alytus and Lukiškės Prisons of a nurse visiting the disciplinary unit on a daily basis to be followed in every prison establishment (paragraph 83);

- the requirement that prison doctors certify that prisoners are fit to undergo placement in a disciplinary cell as a punishment to be discontinued. Medical personnel should never participate in any part of the decision-making process resulting in any type of solitary confinement, except where the measure is applied for medical reasons (paragraph 83);

- the Lithuanian authorities to review the strict regime, in the light of the CPT's previous recommendations and the remarks in paragraph 85. In particular, the prisoners concerned should be offered the possibility of engaging in purposeful activities. Further, all prisoners subject to that regime (including those in disciplinary cellular confinement) should be allowed to receive visits on a regular basis (paragraph 85);

- the necessary steps to be taken to remedy the shortcomings mentioned in paragraph 86 as regards the material conditions of detention in the disciplinary cells at Alytus, Lukiškės and Šiauliai Prisons. Adequate access to natural light and satisfactory artificial lighting should be provided in all the cells; they should also be suitably heated and ventilated (paragraph 86).

<u>comments</u>

- efforts need to be made to ensure that prisoners are clearly aware of their right to lodge complaints and are able to exercise that right in a way that offers appropriate guarantees of independence, impartiality and thoroughness (paragraph 87);

- the CPT trusts that the Lithuanian authorities will provide adequate resources to the Seimas Ombudsmen, as well as the Children's Ombudsman, for the purpose of their monitoring activities (paragraph 88).

Psychiatric establishments

Means of restraint

recommendations

- steps to be taken at Vilnius Republican Psychiatric Hospital to ensure that the minimum standards set out in paragraph 94 are applied whenever resort is had to means of restraint (paragraph 94);

- the Lithuanian authorities to review the practice of psychotropic medication being administered to patients at Vilnius Republican Psychiatric Hospital by means of direct intravenous injections, in the light of the remarks in paragraph 95 (paragraph 95).

Safeguards in the context of involuntary hospitalisation

recommendations

- the Lithuanian authorities to take steps to ensure that in the context of civil involuntary hospitalisation and extensions thereof:

  - patients have the effective right to be heard in person by the judge (for this purpose, consideration may be given to the holding of hearings on hospital premises);
  - the court always seeks an opinion from a psychiatrist who is not attached to the psychiatric institution admitting the patient concerned

  (paragraph 98);

- the legal status of patients at Vilnius Republican Psychiatric Hospital to be reviewed, in the light of the remarks in paragraph 100 (paragraph 100);

- the Lithuanian authorities to take steps - including of a legislative nature - to distinguish clearly between the procedure for involuntary placement in a psychiatric institution and the procedure for involuntary psychiatric treatment, in the light of the remarks in paragraph 101 (paragraph 101);

- steps to be taken to ensure that Vilnius Republican Psychiatric Hospital (as well as all other psychiatric establishments in Lithuania) is visited on a regular basis by a body which is independent of the health authorities and is authorised, in particular, to talk privately with patients, receive directly any complaints which they might have and make any necessary recommendations (paragraph 102);

- a brochure setting out the establishment's routine and patients' rights - including information about complaints bodies and procedures - to be drawn up and systematically provided to patients and their families upon admission to Vilnius Republican Psychiatric Hospital (paragraph 103).

requests for information

- the observations of the Lithuanian authorities on the fact that certain court decisions on involuntary psychiatric hospitalisation explicitly mentioned that they were not subject to appeal (paragraph 99).

APPENDIX II

LIST OF THE NATIONAL AUTHORITIES AND NON-GOVERNMENTAL ORGANISATIONS WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS

A. National authorities

Ministry of the Interior

Mindaugas LADIGA	Deputy Minister
Tomas ŽILINSKAS	Director of the Public Security Policy Department
Saulius GAGAS	Head of the Public Police Board, Security Policy Department
Ramunė KAZAKAUSKIENĖ	Head of Migration Unit, State Border Guard Service
Remigijus VOLIKAS	Head of Foreigners' Registration Centre, State Border Guard Service
Anatolijus ŠUMSKIS	Deputy Head of the Public Security Service
Povilas ANDREJEVAS	Head of Convoy Unit, Management and Activity Supervision Division of the Public Security Service

Ministry of Justice

Gytis ANDRULIONIS	Deputy Minister
Arūnas KAZLAUSKAS	Chancellor
Artūras NORKEVIČIUS	Director of the Prison Department
Simona MESONIENĖ	Director of the Administrative and Criminal Justice Department
Marius RAKŠTELIS	Head of Criminal Justice Unit, Administrative and Criminal Justice Department
Darius MICKEVIČIUS	Adviser, Administrative and Criminal Justice Department
Darius ŽILYS	Director of the International Law Department
Elvyra BALTUTYTĖ	Government Representative to the European Court of Human Rights

Ministry of Health

Martynas MARCINKEVIČIUS	Adviser to the Ministry of Health
Rolanda ADLIENĖ	Chief of Mental Health Department, State Mental Health Centre

Ministry of Social Security and Labour

Violeta TOLEIKIENĖ	Director of Social Inclusion Department
Daiva BUIVYDAITĖ	Head of Social Services Division, Social Inclusion Department
Darius PAULIUKONIS	Head of Social Care Institutions Division, Social Inclusion Department

Office of the Seimas Ombudsmen

Romas VALENTUKEVIČIUS	Seimas Ombudsman, Head of the Office
Tomas RAGAUSKAS	Senior Adviser of the Seimas Ombudsman
Kristina BRAZEVIČ	Adviser, Human Rights Monitoring Group

B. Non-governmental organisations

Global Initiative on Psychiatry - Vilnius
Human Rights Monitoring Institute