

EXECUTIVE SUMMARY

The aim of the 2018 ad hoc visit was for the CPT to assess the implementation of its long-standing recommendations concerning the Lithuanian prison system. In this respect, the CPT regrets to note that many of those recommendations have still not been implemented. This concerns, in particular, the situation at Alytus, Marijampolė and Pravieniškės Prisons, as well as certain matters relating to legislation, e.g. the legal norm of living space per prisoner, legislation concerning life-sentenced prisoners and inmates' contact with the outside world. The CPT must stress that if no progress is made to implement its recommendations, it will be obliged to consider having recourse to Article 10, paragraph 2, of the Convention.¹

The delegation received no recent and credible allegations of physical ill-treatment of inmates by staff at Lukiškės and Vilnius Prisons, or at the Prison Hospital. By contrast, a number of credible allegations of physical ill-treatment, some of them corroborated by medical evidence, were heard at Alytus, Marijampolė and Pravieniškės Prisons; the ill-treatment alleged consisted essentially of use of excessive force (punches, kicks and truncheon blows) in the context of staff interventions to stop inter-prisoner violence.

The delegation also received numerous allegations of mass physical ill-treatment of prisoners in the course of a general search carried out in the punishment block (KTP) of Alytus Prison by members of the special intervention group from the Prison Department on 5 July 2017. The delegation discussed this incident with senior officials from the Prison Department, the management and staff (including health-care staff) at Alytus Prison, as well as with the Seimas Ombudsman, staff of the NPM Department and two prosecutors who had been supervising the subsequent investigation. The CPT must stress that its delegation has gained the impression that the investigation into the incident of 5 July 2017 was not effective, especially in the early stages. The investigation had been closed by the prosecutor's office on 20 February 2018 because of the "absence of elements of crime" but some of the inmates concerned had appealed this decision to Alytus District Court, which was still considering these appeals at the time of the visit. In the report, the CPT requests the Lithuanian authorities to provide information on the outcome of the appeal procedure.

Furthermore, as had been the case during previous visits, in Alytus, Marijampolė and Pravieniškės Prisons the delegation observed truly extraordinary levels of inter-prisoner violence, intimidation and exploitation. It gave the delegation a strong impression that the main detention areas in these three prisons were unsafe for inmates, and that the only parts of the establishments under full control of the administration were the punishment blocks which were frequently used and constantly filled to capacity, mostly by inmates seeking protection from other prisoners and being punished for refusing to stay in their ordinary units.

Following the CPT's request, the Lithuanian authorities provided the Committee with an Action Plan to combat drug trafficking in prison, inter-prisoner violence, and to address the problem of the spread of HIV and hepatitis C in prisons. The CPT welcomes the planned measures, which – if properly and energetically implemented – could help address a number of serious and urgent concerns in Lithuania's penitentiary establishments.

¹ "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."

The CPT notes the on-going (and partly already completed) reconstruction and refurbishment in all the prisons visited; however, the remaining overcrowded large-capacity dormitories still facilitate inter-prisoner violence. The CPT recommends that the Lithuanian authorities continue the conversion of large-capacity dormitories into cell-type accommodation and the reduction of occupancy levels in prisons, so as to provide at least 4 m² of living space for all inmates.

The CPT also notes the Lithuanian authorities' efforts to offer organised activities (work, education, vocational training, etc.) to sentenced prisoners. Nonetheless, the offer of activities for remand prisoners remains unsatisfactory; those prisoners continue to be locked up in their cells for up to 23 hours per day.

The health-care teams in most of the prisons visited were still under-resourced and there had been little change for the better. That said, there had been an improvement in access to psychiatric care in all the establishments visited. The CPT reiterates its recommendation that the Lithuanian authorities take decisive steps to reinforce health-care teams at the prisons visited by providing working conditions that are sufficiently attractive to recruit and retain staff. More generally, the CPT stresses once again that greater participation by the Ministry of Health in this area (including as regards recruitment of prison health-care staff, their in-service training, evaluation of clinical practice, certification and inspection) could help to ensure optimum health care for prisoners, as well as observance of the general principle of the equivalence of health care in prison with that in the wider community.

The CPT regrets having to reiterate its concern regarding poor recording of injuries in penitentiary establishments. As in the past, the descriptions of injuries were generally rather succinct (or even, at times, incorrect) and did not contain conclusions by a doctor as to the possible origin of the injuries or the consistency of those injuries with the statements made by the person examined.

Furthermore, the CPT remains deeply troubled by the omnipresence of drugs in prisons, and by the serious risk of prisoners becoming drug dependent and contracting HIV and hepatitis C while in prison by sharing injecting equipment. The delegation also noted that there had been 58 new HIV infection cases in Alytus Prison in the course of 2017 when, in comparison, there had been 21 new cases in the period from January 2015 to September 2016.

The delegation paid particular attention to the psychiatric ward of the new Prison Hospital. The CPT recommends updating the internal guidelines on the use of restraint in order to ensure that means of restraint are applied in strict compliance with international standards.

The situation remains highly unsatisfactory as regards prison staffing levels, with a very low custodial staff presence inside prisoner accommodation areas and numerous custodial staff vacancies in most of the establishments visited. The CPT reiterates its view that inadequate staff complements can only increase the risk of violence and intimidation between prisoners; this has been demonstrated very clearly again during the 2018 ad hoc visit.

Regarding discipline, the CPT once again calls upon the Lithuanian authorities to review the strict (including disciplinary cellular confinement) regime. In particular, prisoners concerned should be offered the possibility to engage in purposeful activities and be offered the same visiting entitlement and access to a telephone as other inmates.