



CPT/Inf (2019) 19

Response

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

from 20 to 27 April 2018

The Lithuanian Government has requested the publication of this response. The CPT's report on the April 2018 visit to Lithuania is set out in document CPT/Inf (2019) 18.

Strasbourg, 25 June 2019

**REPORT OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
ON MEASURES ALREADY ADOPTED OR ENVISAGED IN ORDER TO IMPLEMENT
THE RECOMMENDATIONS OF THE COMMITTEE FOR THE PREVENTION OF
TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
(HEREINAFTER – THE COMMITTEE OR CPT) SET OUT IN THE REPORT ON THE
VISIT TO LITHUANIA CARRIED OUT FROM 20 TO 27 APRIL 2018¹**

Preliminary remarks

Recommendations

- **The Committee once again calls upon the Lithuanian authorities to raise the official minimum standard of living space per prisoner to at least 4 m² in multiple-occupancy cells (not counting the area taken up by any in-cell toilet facility) and 6 m² in single-occupancy cells. (paragraph 12).**

In reconstructed and newly built penitentiary establishments, living spaces for inmates are constructed in such a way that each person being held in a single-occupancy cell gets at least 7 m² of living space, and each person being held in a multi-occupancy cell gets at least 6 m² of living space.

It should be noted that the issue of higher minimum standards of living space should only be discussed after 1 January 2020, when the Lukiškės Remand Prison-Closed Prison (hereinafter – Lukiškės RP-CP) is shut down and the draft law amending Articles 42, 46, 47, 48, 49, 50, 51, 55, 67, 70, 71, 74, 75, 82, 85, 92 and 243 of the Criminal Code, the draft law amending the Code of Enforcement of Sentences, the draft law amending Articles 309, 339, 342, 353, 354, 357, 358, 360, 361, 362 and 364 of the Code of Criminal Procedure, the draft law amending the Law on Probation No XI-1860, the draft law amending Articles 2, 6, 7, 8, 12, 17, 20, 22, 27, 30, 36 and 40 and repealing Article 43 of the Law on the Enforcement of Detention No I-1175, and the draft law amending Articles 4 and 10 and repealing Article 5 of the Law on the Activities of Correctional Officers No XIII-1387 are adopted in the Parliament.

- **The Committee also wishes to be provided with updated information on the plans to close Lukiškės Prison and build a new remand prison on the outskirts of Vilnius (paragraph 15).**

According to the Plan for Moving Persons Held in the Lukiškės Remand Prison-Closed Prison to Other Penitentiary Establishments approved by Order No 1R-282 of the Minister of Justice of 28 December 2018, the last individuals being held at the Lukiškės RP-CP should be relocated by 31 December 2019 and the said establishment should be closed.

The inmates and detainees currently held at the Lukiškės RP-CP are being transferred to other penitentiary establishments. The transfer is being done in two stages: persons who have been given a terminated prison sentence, life-sentenced prisoners, and remand prisoners waiting in the remand prison for their appeals to be heard are being moved out of the Lukiškės RP-CP by 31 March 2019. Remand prisoners will be moved out in late 2019 when, after the necessary repairs, there will be specially equipped premises for detaining them at the Vilnius Correction House.

Options for building a new cell-type accommodation within the territory of the Vilnius Correction House are currently under consideration.

¹ The Government's Report was adopted at the meeting of the Government of the Republic of Lithuania on 17 April 2019.

Ill-treatment

Recommendations:

- **The Vilnius Correction House management should remind all staff that verbal abuse of prisoners is unacceptable and will not be tolerated (paragraph 17).**

In accordance with paragraph 65.3. of the Instructions for the Protection and Supervision of Places of Detention approved by Order No V-362 of the Director General of the Prison Department of 10 September 2014, the on-duty deputy director of the correctional establishment must remind staff during each shift handover briefing that ill-treatment and abasement of the dignity of the persons held at the establishment is strictly prohibited. In addition, the heads of penitentiary establishments are instructed to ensure that during briefings, officers are reminded on a regular basis of the need for proper, humane and lawful treatment of inmates, and liability for abuse of authority and ill-treatment.

Upon establishing any verbal abuse (insults) with respect to inmates, the question of holding the officer (employee) responsible is resolved in all cases.

- **The CPT recommends that the management of Alytus, Marijampolė and Pravieniškės Prisons take steps to ensure that prison staff do not abuse their authority and resort to ill-treatment. As part of their training, staff should receive the unambiguous message that the ill-treatment of inmates is not acceptable and will be punished accordingly. It should be made clear to all the staff that prisoners are not to be subjected to reprisals (including in the form of physical ill-treatment) for having exercised their lawful right to make complaints (paragraph 17).**

As mentioned above, the staff at penitentiary establishments are reminded on a regular basis of their duty to treat inmates properly and to respect their honour and dignity. Upon being notified about the use of force by penitentiary establishment staff against an inmate, the circumstances and reasons for the incident are immediately investigated and official inspections are performed, and if there are signs of a criminal act, a pre-trial investigation is started in all cases and appropriate procedural decisions are made.

The heads of penitentiary establishments are constantly reminded of their duty to ensure and control that during each briefing, officers are reminded of the need for proper, humane and lawful treatment of prisoners and liability for abuse of authority and ill-treatment.

The training plans for officers include topics about the legal basis and limits for the use of force and special means, as well as the liability for overstepping these limits by using force. Related topics are included in the plans for officer vocational training and career development carried out by the Training Centre of the Prison Department.

Requests for information

- **The Committee would like to be informed of the outcome of the appeal procedure of the complaints submitted regarding allegations of mass physical ill-treatment of inmates following a general search conducted on 5 July 2017 by the Prison Department Preventive Group (paragraph 19).**

In response to statements given by 36 inmates serving sentences at the Alytus Correction House, pre-trial investigation No 02-0-00024-17 was started at Criminal Intelligence Division of the Alytus Correction House on 10 July 2017 regarding the possible excessive use of force against inmates

when Prison Department Preventive Group officers carried out searches in cell-type rooms at the Alytus Correction House. The pre-trial investigation was handed over for further investigation to the Operating Division of the Alytus County Police Headquarters. In the absence of signs of a crime or misdemeanour, this pre-trial investigation was terminated by the 20 February 2018 by the resolution of the prosecutor of the Kaunas Regional Prosecutor's Office Alytus District Prosecutor's Office in accordance with Article 212(1) and Article 3(1)(1) of the Code of Criminal Procedure. This resolution of the prosecutor of the Kaunas Regional Prosecutor's Office Alytus District Prosecutor's Office was appealed to the deputy chief prosecutor of the Kaunas Regional Prosecutor's Office Alytus District Prosecutor's Office on 5 April 2018. The latter dismissed the complaints of the inmates as unfounded. This resolution of the deputy chief prosecutor of the Kaunas Regional Prosecutor's Office Alytus District Prosecutor's Office was appealed to the Kaunas Regional Court. On 19 June 2018, the Kaunas Regional Court issued a final and non-appealable ruling not to renew the pre-trial investigation.

The CPT requests to be provided with a copy of the forensic medical report drawn up in late October 2017 in relation to the aforementioned incident that took place on 5 July 2017 at the Alytus Correction House (paragraph 21).

By letter No 3S-4628 of 27 March 2019, the Kaunas Regional Prosecutor's Office Alytus District Prosecutor's Office refused to submit copies of the forensic examination reports in the pre-trial investigation material No 02-0-00024-17, since the information contained therein is related to the private life of the persons involved and cannot be made public.

Recommendations

- **The Committee also reiterates its recommendation that members of the Prison Department's special intervention groups be reminded that any force used during their operations inside prisons must be limited to what is strictly necessary; as soon as recalcitrant prisoners have been brought under control, there can be no justification for them being struck. The CPT recommends that steps be taken to ensure more generalised use of body cameras in the context of such operations and that bodycams are always operational and switched on throughout the intervention, with the footage duly preserved and available for subsequent examination by competent authorities. Steps should also be taken to ensure that any interventions involving potential use of force take place exclusively in areas under CCTV coverage (paragraph 21).**

Prior to the Prison Department Preventive Group entering a penitentiary establishment, the head of this group, in instructing the officers, reminds them on a regular basis of the need for proper, humane and lawful treatment of inmates, and liability for abuse of authority and ill-treatment. The Preventive Group officers are informed that official investigations are carried out in all cases when special means or coercion are used against inmates, as well as in cases when inmates allege that special means or coercion were used against them. If, after the investigation, it is found that there were potentially signs of a criminal offence in the actions of the officers, pre-trial investigations are also started. It is therefore emphasised that special means or coercion should only be used in strict compliance with legislative requirements and only when its use is necessary, and that it should not be used in cases when the use of force can be avoided.

According to the regulations of the Prison Department Preventive Group approved by Order No V-236 of the Director General of the Prison Department of 12 August 2011, the Prison Department Preventive Group can only work when using a video recorder. Penitentiary establishments are equipped with video recorders which are constantly filming both the premises and the surroundings

of the establishments, so the Prison Department Preventive Group officers and their actions are also filmed.

In order to ensure the efficient use of filming tools and unified procedures for the use of these tools at all penitentiary establishments, the Director General of the Prison Department approved the Description of the Procedure for the Use of the Official Video Recorders by Order No V-522 of 5 December 2017. This description specifies that video footage recorded with a video recorder is stored on digital media for at least 14 calendar days from the date that the footage was captured. Upon recording unusual incidents (riots, group resistance of inmates to officers, inmate escape, a criminal offence, etc.), as well as during an official investigation into the circumstances surrounding another offence committed by an inmate, the footage is preserved until the end of the investigation.

In cases where a pre-trial investigation is being carried out regarding an incident and the footage is required for the investigation, a copy of the footage is handed over to the authority or officer conducting the pre-trial investigation.

In December 2018, the Prison Department purchased seven additional video recording systems (with 20 video recorders each) that were transferred to penitentiary establishments for use.

- **The Committee reiterates its long-standing recommendation that many more resources be invested in recruiting additional custodial staff and developing staff professionalism. High priority should be given to an on-going training on de-escalation skills and the use of control and restraint measures.**
- **The Committee also recommends that particular attention be paid to making clear to custodial staff who would be issued with electric discharge weapons that such devices may only be used when there is a real and immediate threat to life or risk of serious injury. Recourse to such weapons for the sole purpose of securing compliance with an order is unacceptable.**
- **The CPT considers that the use of electric discharge weapons should be subject to the principles of necessity, subsidiarity, proportionality, advance warning (where feasible) and precaution. Furthermore, recourse to such weapons should only be authorised when other less coercive methods (negotiation and persuasion, manual control techniques, etc.) have failed or are impracticable and where it is the only possible alternative to the use of a method presenting a greater risk of injury or death (e.g. firearms) (paragraph 27).**

Since 2017, special attention has been given to increasing the attractiveness of service in the penal system, mainly focusing on increasing officer salaries. In 2017–2018, officer salaries increased by an average of 7–9 per cent annually.

The new Statute of Internal Service went into force on 1 January 2019, according to which a unified remuneration system was established for all statutory officers. For these reasons, the average salary of all correctional officers increased by 15 per cent.

Correctional officer salaries will continue to be increased in both 2019 and 2020 (during regular and extraordinary assessment of staff's work).

As a result of these changes, the total number of personnel in the penal system, which had been systematically declining until 2017 (for example, in 2016, 130 fewer people were hired for service than were dismissed), began to gradually increase (in 2017, 36 more people were hired than were

dismissed, and in 2018 – 67 more). Increasing the salary and number of correctional officers remains Government's priority.

There will also be a fundamental review of the correctional officer vocational training and career development process. At the end of 2019, a project will be launched in conjunction with the University College of Norwegian Correctional Service during which new training programmes will be developed for correctional officers, focusing on the formation of a positive attitude towards the inmates, the development of communication skills, and the resocialization of inmates.

Theoretical and practical training for the use of special means, including electric shock devices, is included in the content of the correctional officer vocational training and career development programmes. The qualifications and knowledge of prison staff working directly with inmates on the use of these devices are constantly being updated.

- **Furthermore, continuous efforts are required to increase the number of prison staff trained in dynamic security⁵³ and deployed in prisoner accommodation areas. Any significant staff increase will be impossible unless staff salaries are made more competitive with those offered in the police and in the private sector.⁵⁴**
- **The CPT also calls upon the Lithuanian authorities to finally adopt legal provisions and put in place a system allowing to accommodate prisoners in need of protection, offering them adequate material conditions and regime, and to stop *de facto* abusing the provisions on disciplinary isolation/segregation for this purpose (paragraph 28).**

As was already mentioned in the response to the recommendation presented in paragraph 27, correctional officer salaries have been systematically increased since 2017 and will continue to increase in the future.

A model of dynamic security has been introduced at all penitentiary establishments. The number of officers working directly with inmates and specially trained in applying the principles of dynamic security is being increased.

Since 1 February 2019, the administrative structure of all penitentiary establishments has been optimised, which made it possible to reduce the number of staff performing managerial and administrative functions and increase the number of employees working directly with inmates.

On 1 April 2019, the Kybartai Correction House incorporated into the structure of Marijampolė Correction House, and the Lukiškės RP-CP incorporated into the structure of Vilnius Correction House. Upon reducing the management apparatus of these establishments, the number of officers working directly with inmates and their salaries will be increased.

Article 70(6) of the Code of Enforcement of Sentences provides for the possibility to isolate inmates for whom there is a real threat in the correctional establishment at their request. In this case, these inmates are subject to the general regime of the correctional establishment, i.e. they have the same rights as other inmates. In light of this, there is no reason to adopt additional legislative measures.

In order to eliminate any threats to persons being held in correctional establishments, the problem is solved by organisational means – first and foremost by moving the inmates who have a negative impact on other inmates (informal prison leaders and their assistants) from one correctional establishment to another, or by isolating them in vacant cell-type rooms in the same correctional establishment. In addition, all places of detention became multifunctional as of 1 September 2018, i.e. they can all be used to hold both remand prisoners and all categories of inmates.

- **The Committee recommends that the above-mentioned precepts be duly taken into account in the context of the implementation of the Action Plan, as regards inmates considered to have “negative influence” on other prisoners (paragraph 29).**

If there is concrete data that an inmate has a negative impact on the other inmates being held together (usually in the form of psychological violence), this person is immediately isolated so that he or she cannot have contact with the inmates that were being affected by this negative impact. In the event that there are no grounds for imposing disciplinary measures on the isolated inmate, he or she is transferred elsewhere (to another sector of the correctional establishment or to another establishment), but this does not affect his or her legal status.

- **The Committee would like to obtain clarification regarding the circumstances of those deaths from the Lithuanian authorities, including autopsy reports and the results of any inquiries carried out. The CPT would also like to know what steps have been taken to prevent such types of deaths in prison in the future (paragraph 30).**

In 2018, a total of two people died in the 2nd Sector of the Pravieniškės Correction House – Open Prison Colony: one of them in February and the other in March.

A pre-trial investigation was launched to clarify the circumstances of the death of V. N., who died in March 2018, but after establishing that inmate died of acute cardiac dysfunction caused by ischaemic (coronary) heart disease, the pre-trial investigation was terminated by the 28 June 2018 resolution of the prosecutor of the Kaunas Regional Prosecutor’s Office Kaunas District Prosecutor’s Office Division 6, in the absence of a crime.

A pre-trial investigation was opened according to Article 225 of the Criminal Code regarding inmate L. D., who died on 15 February 2018. The pre-trial investigation is being carried out by Division 3 of the Kaunas County Police Headquarters Criminal Police Serious Crimes Investigation Board. The pre-trial investigation is not yet complete. In light of the fact that the autopsy results and the results of the inquiries conducted are the subject of criminal proceedings, they cannot be submitted to the Committee before the end of the criminal proceedings.

At the Pravieniškės Correction House – Open Prison Colony, criminal intelligence forces have been augmented and the inmates who have a negative impact on other inmates (informal prison leaders) have been identified and moved to other houses of correction or isolated in vacant cell-type rooms.

Conditions of detention

Recommendations

- **The Committee recommends that steps be taken to ensure that the sanitary facilities in the renovated cells at the Alytus Correction House and the Lukiškės RP-CP be completely partitioned from the rest of the cell. The renovated cells at the Lukiškės RP-CP should be single-occupancy (there are four beds in an 8 m² cell) (paragraph 31).**

In view of the fact that the Lukiškės RP-CP is planned to be closed by 31 January 2019, there are no longer plans to continue partitioning the sanitary facilities from the rest of the cells. All of the 8 m² cells at this establishment currently contain just two beds, i.e. it is ensured that no more than two persons can be held in these cells, and that they (each of them) get approximately 4 m² of living space.

Fully partitioning the sanitary facilities from the rest of the cell at the Alytus Correction House is only technically feasible when the technical capabilities of the existing ventilation system design allow. In other cells, these partitions could only be installed after reconstructing the building in question. Therefore, where there is no possibility of completely isolating the sanitary facilities and/or installing doors to these rooms due to the design of the ventilation system and the layout of the cells, partitions at least 1.5 metre high or special retractable screens are installed.

Reconstruction of the Alytus Correction House began in 2017. Inmates' dormitory No 2 is currently being renovated. Separate sanitary facilities are being equipped during the renovation which are in line with the recommendations of the Committee. These works are scheduled to be completed by 2022.

- **The Committee calls upon the Lithuanian authorities to continue the conversion of large-capacity dormitories into cell-type accommodation and to reduce occupancy levels in prisons, providing at least 4 m² of living space per inmate (not counting the space taken by the in-cell sanitary annexe) and 6 m² in single-occupancy cells (paragraph 32).**

In newly reconstructed and newly built penitentiary establishments, living spaces for inmates are constructed in such a way that each person being held in a single-occupancy cell gets at least 7 m² of living space, and each person being held in a multi-occupancy cell gets at least 5 m² of living space.

There are plans to build a new cell-type prison establishment in Šiauliai and reconstruct the inmates' dormitory at the Alytus Correction House into cell-type rooms by 2022. There are also plans to build (reconstruct) cell-type buildings at the Vilnius Correction House and the Pravieniškės Correction House – Open Prison Colony using funds from the EEA and Norway Grants of 2014–2022.

In order to further reduce the total number of inmates serving sentences, the draft law amending Articles 42, 46, 47, 48, 49, 50, 51, 55, 67, 70, 71, 74, 75, 82, 85, 92 and 243 of the Criminal Code, the draft law amending the Code of Enforcement of Sentences, the draft law amending Articles 309, 339, 342, 353, 354, 357, 358, 360, 361, 362 and 364 of the Code of Criminal Procedure, the draft law amending the Law on Probation No XI-1860, the draft law amending Articles 2, 6, 7, 8, 12, 17, 20, 22, 27, 30, 36 and 40 and repealing Article 43 of the Law on the Enforcement of Detention No I-1175, and the draft law amending Articles 4 and 10 and repealing Article 5 of the Law on the Activities of Correctional Officers No XIII-1387 have been prepared and submitted to the Seimas for consideration. The amendments to the specified laws initiated by the Ministry of Justice are meant to encourage more frequent use of alternatives to imprisonment (fines, restriction of liberty, penal sanctions) and suspended sentences or conditional release from the correctional establishment. It is planned that with the proposed measures, a 15 per cent reduction could be achieved in the number of inmates serving sentences at correctional establishments.

- **The Committee recommends that urgent actions be taken to refurbish KTP cells in all the prisons visited and to keep them clean, and to either increase the size of the cells at the Marijampolė Correction House and the Pravieniškės Correction House – Open Prison Colony or stop using them entirely (paragraph 33).**

The heads of all penitentiary establishments are instructed to ensure that inmate living areas and common rooms (including sanitary facilities and cells) be kept clean. The small cells at the Marijampolė Correction House and the Pravieniškės Correction House – Open Prison Colony referred to by the Committee are not currently being used or are only used in exceptional cases to isolate inmates for up to 24 hours.

- **The Committee calls upon the Lithuanian authorities to review the legal provisions and practice as regards life-sentenced prisoners, proceeding from an individual risk and needs assessment to allow decisions concerning security, including the degree of contact with others, to be made on a case-by-case basis (paragraph 34).**

Upon assessing all of the potential risks concerning the negative impact on other inmates that life-sentenced prisoners may have due to the nature of the crimes committed or personal traits, it would not be expedient to amend the provision of the Code of Enforcement of Sentences according to which life-sentenced prisoners must be isolated from other inmates.

- **The Committee reiterates its recommendation that the frequency of showers be increased to at least twice a week (and more frequently if warranted by the circumstances) (paragraph 35).**

The heads of all penitentiary establishments are instructed to ensure that all inmates are given the opportunity to take a shower at least twice a week. In addition, the majority of people being held at penitentiary establishments have the opportunity to use the shower more often than recommended by the Committee. For example, working inmates are given the opportunity to take a shower every day after work. Hot water is also available every day for sentenced women and persons held at half-way houses, and inmates are given the opportunity to take a shower after sporting events and so on.

- **The CPT reiterates its recommendation that steps be taken to review the quality and quantity of the food provided to inmates (paragraph 36).**

Prison Department specialists have stepped up food quality control at all penitentiary establishments. A special group was formed by order of the Director General of the Prison Department which regularly visits penitentiary establishments, interacts with inmates, and checks their living conditions and the quality and quantity of food.

- **The Committee once again calls upon the Lithuanian authorities to take decisive steps to develop programmes of activities for both sentenced and remand prisoners. The aim should be to ensure that prisoners are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, education, sport, etc.) tailored to the needs of each category of prisoner (paragraph 37).**

The Ministry of Justice has developed the Concept for Restructuring the Inmates' Activity System, which aims to provide measures which would make it possible to increase the overall level of inmates activity outside prison cells, with a particular focus on increasing the time sentenced prisoners spend on work activities. Part of the legislative measures implementing this concept have been submitted to the Parliament for consideration (in the legislative package specified in the response to the paragraph 12 recommendation), and the draft legislation implementing the other part of the measures is planned to be prepared in Q2 2019. It is expected that once the relevant amendments to the laws enter into force, the number of inmates involved in work activities will grow as much as 60 per cent, and the number of inmates working outside correctional establishments will also increase significantly.

In 2020, other forms of positive activity for inmates (agro-cultural activities, folk craft workshops, etc.) will additionally be introduced at correctional establishments, using funds from the EEA and Norway Grants of 2014–2022. Similar forms of activity will also be offered to remand prisoners.

- **The Committee recommends that the Lithuanian authorities continue to develop the regime for life-sentenced prisoners, especially for those accommodated at Lukiškės**

Prison. In so doing, the authorities should be guided, *inter alia*, by Recommendation Rec(2003)23 of the Committee of Ministers of the Council of Europe on the management by prison administrations of life sentence and other long-term prisoners, as well as by the CPT's standards set out in its 25th General Report.⁷⁵ Reference is also made to the recommendation in paragraph 34 above (paragraph 38).

Once life-sentenced prisoners are moved from the Lukiškės RP-CP to other correctional establishments, the opportunities for involving them all in work activities will improve significantly.

In the draft law amending the Code of Enforcement of Sentences submitted to the Parliament for consideration (in the legislative package specified in the response to the paragraph 12 recommendation), it is proposed that the provision whereby inmates serving life sentences in prison regime are held in single-occupancy cells be abandoned. In addition, this draft law proposes introducing a provision that the correctional establishment administration must involve more entities in the resocialization process (for example, non-governmental organisations, volunteers). These measures will make it easier for life-sentenced prisoners to have more intense contact with each other and with the outside world, and to spend more time engaged in positive activities.

Health-care services

a) preliminary remarks

- **The CPT reiterates its recommendation that the Lithuanian authorities review the provision of prison health care, taking into consideration the above-mentioned remarks.**
- **The Committee must also stress once again that it will be extremely difficult to improve the prison health-care staff complement without significantly increasing staff salaries and offering more opportunities for professional development. (paragraph 40).**

On 1 May 2019, amendments to the Law on Health Insurance will take effect according to which medication for prisoners with dangerous transmissible diseases will be financed by the Compulsory Health Insurance Fund. There are plans in the future to consider, together with the Ministry of Health, further possibilities for integrating prisoner healthcare into the national healthcare system.

Negotiations are currently under way with the trade union representing healthcare professionals working at penitentiary establishments regarding consolidation of the healthcare services provided to prisoners at the Central Prison Hospital and changes in the work organisation of these professionals. After agreeing on and implementing the optimisation of some of their redundant functions, all of the savings will be used to increase the salaries of the healthcare professionals.

b) staff, treatment and facilities

Request for information

- **The CPT would like to receive confirmation that the two posts of general practitioners have been filled subsequently (paragraph 41).**

As of 1 July 2019, inmates will begin to be provided with primary outpatient personal healthcare services by specialists from the Central Prison Hospital, which will resolve the problem of their

shortage at individual penitentiary establishments (see the response to the recommendation presented in paragraph 46).

Recommendations

- **The Committee reiterates its recommendation that the Lithuanian authorities take decisive and, more importantly, long-term steps to reinforce health-care teams at the prisons visited by providing working conditions that are sufficiently attractive to recruit and retain staff.**
- **Further, the CPT recommends that steps be taken to:**
 - **employ the equivalent of at least one additional full-time general practitioner at Alytus Prison and two additional full-time general practitioners at Marijampolė Prison;**
 - **significantly reinforce nursing staff complements at Alytus, Marijampolė and Pravieniškės Prisons; efforts should also be made to reinforce nursing staff complements at Vilnius and Lukiškės Prisons;**
 - **ensure that someone qualified to provide first aid (which should include being trained in the application of CPR and the use of a defibrillator) is always present on the premises of all penitentiary establishments in Lithuania, including at night and on weekends.**
- **The Committee would also like to receive confirmation that prison health-care staff were included in the general 20% salary increase for health-care professionals, which took place in May 2018 (paragraph 46).**

A half-time family doctor was hired at the Marijampolė Correction House in the beginning of December 2018. On 1 April 2019, the Kybartai Correction House will be incorporated in the structure of Marijampolė Correction House, and the Lukiškės RP-CP will be incorporated in the structure of Vilnius Correction House. In light of this, the healthcare professionals working at these establishments will also have the opportunity to carry out the functions of temporarily absent (temporary incapacity for work, leave, employment contract termination) healthcare professionals of the same specialization.

It is planned that as of 1 July 2019, specialists from the Central Prison Hospital will provide inmates with primary outpatient personal healthcare services. This reform will ensure implementation of the Committee's previous recommendation regarding the independence of healthcare professionals at prison establishments from the administration of these establishments.

In light of the fact that the healthcare professionals currently working in separate penitentiary establishments will become employees of the Central Prison Hospital providing services at prison establishments, the problem of temporary substitution of these employees will be resolved, i.e. it will be ensured that in the temporary absence of a healthcare professional (temporary incapacity for work, leave, employment contract termination), another qualified healthcare professional will be able to ensure the performance of his or her functions.

By centralising all healthcare professionals to the Central Prison Hospital, there will also be a reduction in the staff performing administrative functions, and redundant functions will be optimised as well, so the savings will be used to increase the salaries of the healthcare professionals further.

All penitentiary establishments are equipped with defibrillators. In addition to healthcare professionals, the officers who work directly with inmates at these establishments are also trained to

provide emergency assistance (including resuscitation). This training is included in both the introductory training for officers and their career development programmes.

The decision to increase salaries by 20 per cent as of May 2018 was only made for those health professionals whose services are covered by the Compulsory Health Insurance Fund. The salaries were increased from the reserves of this fund. In light of the fact that salaries are paid to prison healthcare professionals from state budget funds, the above-mentioned salary increase was not applicable for them, but it is planned to allocate the funds saved after structural changes to the increasing salaries specifically for healthcare professionals.

Request for information

- **The CPT would like to receive the Lithuanian authorities' observations regarding the different amount of funds allocated for the purchase of medication (paragraph 47).**

Heretofore, each penitentiary establishment, in planning its budget for the purchase of medication, would take into account the number of persons being held and their forecasted sickness rates. There have therefore been cases when the planned funds did not suffice, and they had to be redistributed from the budget of other establishments. This problem will be solved by centralising the provision of healthcare services at the Central Prison Hospital (see the response to the recommendation presented in paragraph 46), when there will be centralised purchasing of all necessary medication by the Central Prison Hospital, which will then provide it to the persons held at penitentiary establishments as needed.

c) medical screening and confidentiality

Recommendations

- **The CPT reiterates its long-standing recommendation that steps be taken to ensure that the record drawn up after the comprehensive medical examination contains the health-care professional's observations indicating the consistency between any allegations made by the examined prisoner and the objective medical findings; if necessary, relevant legislative changes should be adopted. 26**
- **Steps should also be taken to ensure that injuries are recorded in a detailed and comprehensive manner, as required by the national legislation (including the use of "body charts"). Further, it would be desirable for photographs to be taken of the injuries; these photographs should also be placed in the personal medical file of the prisoner.**
- **The CPT recommends that the Lithuanian authorities ensure that special training is provided to health-care professionals working in prisons. In addition to developing the necessary competence in the documentation and interpretation of injuries, as well as ensuring full knowledge of reporting obligations and procedures, the training should cover the technique of interviewing persons who may have been ill-treated (paragraph 50).**

Confirming or denying the statements made by an inmate about the origin of bodily injuries potentially incurred thereby according to the results of a medical examination can only be done by a competent healthcare professional with the professional qualification of forensic doctor. Family doctors and/or general practice nurses working at penitentiary establishments do not have this professional qualification.

In all cases, information (detailed descriptions of the signs of bodily injuries observed as well as the circumstances reported by the injured person) about any kind of bodily injury incurred by an inmate is immediately handed over to the Prosecutor's Office, which, within its competence, decides on the expediency of a forensic medical examination and the organisation of further procedural steps.

The inmate's injuries are marked on a special anatomical drawing approved according to the recommended forms in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), which is filed in the patient's medical record.

The 2019 Qualification Development Plan of the Training Centre of the Prison Department includes training for healthcare professionals working at prison establishments on recording cases of bodily injury among patients.

d) drug-related issues and transmissible diseases

- **The Committee calls upon the Lithuanian authorities to fully implement its long-standing recommendation on the need to develop a comprehensive strategy for the provision of assistance to prisoners with drug-related problems (as part of a wider national drugs strategy) (paragraph 54).**

Measures related to the medical treatment (substitution therapy) for addictive disorders provided to drug-addicted persons being held in penitentiary establishments as well as development of the use of drug rehabilitation programmes at correctional establishment rehabilitation centres are included in the Inter-Institutional Action Plan for the Prevention of Drugs, Tobacco and Alcohol of the Republic of Lithuania.

At the same time, measures contributing to the reduction of drug supply at prison establishments are being implemented as well: inmates involved in the process of drug and psychotropic substance distribution among prisoners are being identified and isolated from the remaining prison population; the dynamic model of inmate care that has been introduced enables a larger number of officers to be constantly present (during the day) in the inmates' living areas and to block drugs and psychotropic substances from being transferred. At the same time, more active social work is being carried out with inmates, educating and motivating them to use the services provided for treating addiction.

Request for information

- **The Committee would like to receive information on how many prisoners at Alytus Prison and, more generally, throughout the prison system have been diagnosed as requiring treatment and how the Lithuanian authorities plan to provide such treatment (paragraph 56).**

The persons held at penitentiary establishments are only screened for hepatitis C if medical signs are observed. In 2018, 12 of the persons examined were confirmed as being hepatitis C-positive, and they were given the necessary treatment (three of which were at the Alytus Correction House).

It is planned to increase the number of individuals screened for hepatitis C in 2019. In light of the fact that as of 1 May 2019, the medication needed to treat this disease is financed by the Compulsory Health Insurance Fund, appropriate treatment will be given to all inmates who are diagnosed with hepatitis C.

Recommendations

- **The CPT calls upon the Lithuanian authorities to attach the highest priority to the practical implementation of all the measures referred to in this paragraph as well as in paragraph 55 above (paragraph 57).**

In light of the fact that as of 1 May 2019, medication to treat prisoners with dangerous transmissible diseases (hepatitis B, hepatitis C, HIV, tuberculosis, etc.) is financed by the Compulsory Health Insurance Fund, penitentiary establishments will have the opportunity to immediately start treatment for persons infected with these diseases as soon as the disease is diagnosed.

e) Prison Hospital

- **The CPT recommends that the Lithuanian authorities take steps to develop a broader range of psycho-social therapeutic activities for patients on the psychiatric ward of the Prison Hospital, in particular for those who remain on the ward for extended periods; occupational therapy should be an integral part of the rehabilitation programme. In this context, consideration should be given to recruiting an occupational therapist (paragraph 64).**

The Central Prison Hospital Psychiatric Unit has 16 places, and the average duration of treatment is 9,3 days. Only acute mental disorders are treated in the unit (abstinence, abstinence with delirium, acute psychosis, severe depression, dementia with delirium), and the majority of patients are in too grave of a mental state for them to be able to participate in psychosocial therapy activities. As their condition improves, the patients are released for continued long-term treatment at a house of correction, where they are supervised by psychiatrists.

Only some three or four patients are kept in the Central Prison Hospital Psychiatric Unit at once for a longer time whose medical condition is appropriate for them to be able to undergo psychosocial therapy. For this purpose, a team of psychosocial rehabilitation specialists has been formed at the Central Prison Hospital which provides psychosocial rehabilitation for patients. Patients are provided with counselling, information and training, and thematic, cultural and leisure activities are organised. Some of the patients participate in music self-expression sessions and are taught everyday life skills.

- **The CPT recommends that steps be taken to ensure that patients have the possibility to take their daily outdoor exercise in conditions which would enable them to physically exert themselves; all the exercise yards should, preferably, offer a horizontal outside view.**
- **As regards psychiatric patients in particular, the Committee recommends that efforts be made to ensure them the same length of daily outdoor exercise as somatic patients. (paragraph 65).**

The area of the exercise yards at the Central Prison Hospital is 20–35 m², so there is more than enough space for patients to engage in various exercises (push-ups, sit-ups, squats, jumps, stretches and other exercises). At this time, there is no way to ensure that the exercise yards have a panoramic view.

All patients, regardless of whether they are suffering from somatic or mental illness, are given the same amount of time to walk in the fresh air.

- **The Committee recommends that steps be taken at the Prison Hospital to update the internal guidelines on the use of restraints accordingly and to ensure that means of restraint are applied in strict compliance with the requirements set out in this paragraph (paragraph 67).**

The Description of the Procedure for the Use of Means of Mechanical Restraint approved by Order No V-324 of the Prison Department of 25 July 2017 was revised according to the comments of the Committee and the Seimas Ombudsman.

Other issues

a) prison staff

- **The CPT once again calls upon the Lithuanian authorities to take decisive steps to significantly increase both custodial staff levels and presence in Lithuanian prisons and to ensure that there is an adequate presence of staff in the detention areas at all times. Strenuous efforts are necessary to fill all the vacant posts, especially as regards custodial staff. Reference is also made here to the recommendation in paragraphs 27 and 28 above (paragraph 70).**

In light of the consistent increase in correctional officer salaries that began in 2017, the number of officers working also began to gradually increase (see the response to the paragraph 27 recommendation). Against this background, the portion of vacant positions in the penal system decreased by 34 per cent in 2018, and on 1 January 2019, vacant positions in the penal system made up 7,6 per cent of the total number of existing positions.

Since 1 February 2019, the administrative structure of all penitentiary establishments has been optimised, which made it possible to reduce the number of staff performing managerial and administrative functions and increase the number of employees working directly with inmates.

On 1 April 2019, the Kybartai Correction House has been incorporated into structure of Marijampolė Correction House, and the Lukiškės RP-CP has been incorporated into structure of Vilnius Correction House. Upon reducing the management apparatus of these establishments, the number of officers working directly with inmates increased additionally.

After closing the Lukiškės RP-CP by 31 December 2019, the officers working there are planned to be moved to fill vacant positions at other penitentiary establishments, thus increasing the number of custodial staff there even more.

b) contact with the outside world

- **The Committee once again calls upon the Lithuanian authorities to amend the relevant legislation so that all prisoners, including those on strict regime, are entitled to the equivalent of at least one hour of visiting time per week.**
- **The CPT reiterates its recommendation that steps be taken to ensure that all remand and sentenced prisoners are able to receive visits under reasonably open conditions, except when there is a specific and clear security concern. (paragraph 71).**

Under the existing legal regulation, 93 per cent of all inmates can be given an unlimited number of additional long-term and short-term visits to maintain social ties. Furthermore, the number of visits for some inmates (held in an open prison colony or a half-way house) is not limited at all.

Amendments to legislation are being drafted which plan not only to increase the minimum number of visits, but also to create more diverse forms of organising visits. For example, inmates who demonstrate good behaviour and who do not cause any security issues will be able to leave the territory of the correctional establishment for short-term visits. There are also plans to develop the organisation of remote visits for inmates.

c) discipline

- **The Committee recommends that steps be taken to ensure that all inmates in disciplinary units have the possibility to take their daily outdoor exercise in conditions which enable them to physically exert themselves. All the exercise yards should be equipped with a means of rest and, preferably, offer a horizontal outside view (paragraph 73).**

All sentenced persons, including those serving penalties in cell-type rooms, are given the opportunity to walk in the fresh air for a certain period of time every day.

The inmates' exercise yards are equipped with places to sit down and other equipment for sentenced prisoners to exercise. For security reasons, the exercise yards cannot be open.

- **The Committee once again calls upon the Lithuanian authorities to ensure that prisoners placed in disciplinary punishment cells are not subjected to a total prohibition on family contacts, and that any restriction on family contacts as a form of punishment is imposed only when the offence relates to such contacts (paragraph 74).**

The legislative amendments being drafted plan to abandon the disciplinary penalty of moving sentenced prisoners being held in the disciplinary group to cell-type rooms for up to six months.

- **The Committee once again calls upon the Lithuanian authorities to review the strict (including KTP) regime, in the light of the CPT's previous recommendations and the above remarks. 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. The review of the KTP regime is all the more crucial given the Lithuanian authorities' plans to make more use of the KTP, as announced in the Action Plan (see paragraph 26 above) (paragraph 75).**

It is planned to change the legal regulation so that the strictest disciplinary penalty – placement in a cell-type room (KTP) – can only be imposed for up to 30 days.

It should be noted that the penalty referred to in the recommendation is not given to first offenders. Their offences are usually extremely malicious and pose a threat to their own health or life or that of others. In light of these circumstances, efforts are made to isolate these inmates from other inmates, demonstrating that their rights and freedoms are restricted by bad behaviour and non-compliance with legislative requirements. By providing these inmates with the opportunity to engage in purposeful activities and giving them the same number of visits and phone calls as other inmates, the penalty would no longer be a deterrent and the administration of the establishment would be deprived of leverage to motivate offenders to abide by the norms of society and not to violate the rights and freedoms of others.
