

EXECUTIVE SUMMARY

The main objective of the visit was to examine the treatment and conditions of detention of persons held in police and prison establishments as well as the situation of persons in foreigners' registration centres. The delegation also reviewed the legal safeguards offered to involuntary patients in the context of civil psychiatry.

The Committee must note with grave concern that many of the CPT long-standing recommendations, some of them dating back to the very first periodic visit to Lithuania in 2000, remain unimplemented (or only partially implemented). This concerns recommendations on widespread inter-prisoner violence and the informal prisoner hierarchy, as well as the abundance of illegal drugs combined with a lack of targeted strategies to help the large numbers of drug users within prisons. For these reasons, the CPT has decided, during its 108th plenary meeting in July 2022, to set in motion the procedure provided for in Article 10, paragraph 2, of the Convention.¹

Police establishments

The delegation heard no allegations of ill-treatment of persons detained by the police; on the contrary, most of the persons interviewed by the delegation, who were or had recently been in police custody, stated that the police had treated them in a correct manner, both upon apprehension, during subsequent questioning and in the course of police custody.

As found by the delegation, approximately half of the detainees in the police arrest houses visited were remand prisoners returned to police custody due to the needs of the investigation or for attending a court hearing, usually for the maximum allowed time-limit of seven days. The Committee recommends that the Lithuanian authorities take further steps to ensure that the return of prisoners to police arrest houses is sought and authorised only very exceptionally (as required by law). As a rule, the prisoners concerned should not be held overnight in police establishments.

The Committee noted that most detained persons met by the delegation confirmed that they had been able to exercise the right of notification of custody.

Regarding access to a lawyer, it was still highly exceptional for persons in police custody to benefit from access to a lawyer as from the very outset of deprivation of liberty (that is, from the moment when they were obliged to remain with the police).

As regards access to a doctor, the delegation noted that initial medical screening was usually performed within 24 hours of admission. However, the delegation was concerned to learn that, in Vilnius, a police officer would be present during the medical examination, allegedly "to reassure the nurse".

Material conditions of detention at the local police headquarters visited were adequate, and at the arrest houses in Vilnius and Kaunas they were very good, for the maximum period of police custody, namely, 48 hours.

Due to the potential risk of ill-treatment, the CPT recommends that the Lithuanian authorities put an end to the use of restraint beds in police establishments. In the CPT's opinion, as a matter of principle, any such mechanical restraint should take place in a medical environment and not in a police establishment.

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."

Prison establishments

The CPT delegation carried out follow-up visits to Alytus, Marijampolė, and Pravieniškės Prisons, to review the measures taken to implement recommendations made by the Committee after previous visits to these establishments.

The Committee notes that much-anticipated plans to construct several new prisons have so far not been implemented and calls upon the Lithuanian authorities to take all possible measures to significantly speed up the process of modernising the prison estate and especially its conversion to cell-type accommodation.

In Marijampolė and Pravieniškės Prisons, the delegation received hardly any allegations of physical ill-treatment of prisoners by staff.

However, the situation was very different in Alytus Prison and, seemingly, had not changed much since the last CPT visit in 2018. Here, a number of credible allegations were received, including the punching, kicking, hitting with truncheons; these acts often being seen as a form of punishment against prisoners who had complained about their treatment by staff and/or their conditions of detention.

The Committee is equally highly concerned to note that no significant progress has been made in reducing the scale of inter-prisoner violence, which has been repeatedly criticised by the CPT during its previous visits. During the 2021 visit, the CPT delegation once again received many credible allegations of inter-prisoner violence, including beatings and violence of a sexual nature, as well as extortion, psychological pressure, and coercion to commit new crimes.

The roots of inter-prisoner violence appear to have remained the same, namely – the informal prisoner hierarchy (the “caste” system), the omnipresence of illegal drugs, and a lack of adequate custodial staff presence in prisoner accommodation areas (coupled with an infrastructure composed mainly of large-capacity dormitories).

Whilst acknowledging that the Lithuanian authorities have taken some steps and made some efforts to address these deeply rooted problems, based on the findings of the 2021 visit, the Committee concludes that these efforts have, so far, been ineffective and the situation remains unacceptable.

The CPT calls upon the Lithuanian authorities to take resolute action, without further delay, to address the systemic and persistent shortcomings throughout the penitentiary system outlined in this and previous reports of the Committee.

Material conditions in the three prisons visited varied from satisfactory to very dilapidated; nevertheless, all the establishments were, to varying degrees, in need of refurbishment, as they were during the previous visit.

As regards the regime, some work was offered to inmates in the prisons visited, as was some secondary and vocational education; however, the quantity offered was still far from satisfactory. Therefore, the Committee welcomes the amendments to the Code of Execution of Sentences aiming to significantly increase the scope of organised activities for sentenced prisoners.

Although access to primary healthcare in the prisons visited was generally ensured, the healthcare teams remained under-resourced. Access to specialist care was a matter of a serious concern, mainly due to significantly reduced operational capacity at the Prison Hospital.

Despite numerous previous recommendations, the practice as regards the recording of injuries remained poor. This is especially concerning since, according to medical files examined by the delegation, inmates were regularly found with injuries indicative of inter-prisoner violence.

As regards substance use and the measures in place to address it, the Committee is very concerned to find that no serious progress has been achieved regarding the provision of assistance to prisoners with drug-related problems. The Committee calls upon the Lithuanian authorities to finally develop and implement a comprehensive strategy for the provision of medical and psychosocial assistance to such prisoners.

Immigration detention

The delegation visited the Foreigners Registration Centres (FRC) in Pabrade, Kybartai and Medininkai, which altogether accommodated nearly 2300 persons – mostly asylum seekers - at the time of the visit.

It observed that nearly all individuals accommodated in the closed and guarded centres were confined to the perimeter of the facilities. Based on its findings, the Committee disagrees with the view expressed by the Lithuanian authorities according to which the foreign nationals concerned were not detained. The Committee expresses grave concern regarding the systematic nature of the restrictions imposed on all asylum seekers, families and vulnerable persons included, and recalls that the detention of asylum seekers and other foreigners – for violations of immigration law - should only be a measure of last resort. It has serious misgivings about the observed measures, which could amount to detention albeit without the procedural safeguards which must be afforded to all persons deprived of their liberty, from the outset of their detention.

The delegation did not receive any allegation of physical ill-treatment which would have occurred in the three visited centres. However, several foreign nationals alleged that they had been ill-treated by custodial staff and other security personnel in previous locations (temporary camps).

Regarding the material conditions in the centres, the Committee recognizes the urgency with which the Lithuanian authorities have had to respond to unprecedented circumstances, and the efforts made to increase existing capacities and/or establish new centres and generally to find solutions. However, several months after their arrival, foreign nationals were yet to be provided with dignified living conditions, and in this sense, it is imperative that the authorities tackle the issue of overcrowding and significantly improve conditions of hygiene in the facilities, which further, must not be prison-like in design and operation.

Likewise, immigration detainees should be afforded a regime which is appropriate to their legal status, with limited restrictions in place and a varied offer of activities. In that respect, the Committee recommends that organized activities be further developed in all centres and that the offer should increase proportionately to the duration of the detention.

The Committee is particularly critical of the excessively restrictive regime which was applied to individuals accommodated in the so-called “detention block” in Pabrade FRC. It also voices concern over what appeared to be arbitrary or unofficial punitive measures in Kybartai FRC, related to the transfer of persons from their regular accommodation blocks to the so-called “detention wing”.

The report also formulates several recommendations aimed at improving the provision and coordination of healthcare services in all three centres, in particular as regards medical screening, staffing levels, and medical confidentiality.

Finally, the Committee recommends that detained foreign nationals be better informed about the legal framework applicable to them and that steps be taken to improve their access to translation, legal assistance and avenues for complaints.

Vilnius Republican Psychiatric Hospital

The visit to the hospital focused on examining issues related to the resort to means of restraint and on the practical implementation of legal safeguards for the involuntary hospitalization and/or treatment of civil psychiatric patients, especially in the light of the new Mental Healthcare Act which had come into effect in 2019.

Regarding the resort to means of restraint, while the delegation noted improvements both in the regulatory framework and in practice in this specific establishment, the Committee regrets that a number of previous recommendations have either not been taken into account when revising policies or have not been implemented. Remaining shortcomings include the fact that the focus is placed on mechanical restraint measures, leaving chemical restraint largely uncovered, lacunae in the surveillance of mechanical restraint measures, and the absence of systematic debriefings with the patients after such measures are imposed. Further, previous recommendations regarding the documentation of restraint measures have been only partially implemented; in the view of the Committee the current registers do not allow for an easy yet thorough analysis, which partly defeats the purpose of documentation efforts.

Only a small number of patients of the hospital were considered to be involuntary patients at the time of the visit. That said, the vast majority of patients was accommodated in locked wards. In such conditions, it is of utmost importance that the consent of patients, regarding both their hospitalisation and treatment, be not only sought but be valid and regularly reassessed. If need be, the legal status of patients refusing treatment must be modified accordingly.

The report assesses other legislative developments regarding the placement and renewal procedures for involuntary hospitalisation and/or treatment. It welcomes the fact that the presence of patients during court hearings has become mandatory. However, it regrets that the procedure still does not require that a judge seeks the opinion of an external psychiatrist. In this respect as well, the revised Mental Healthcare Act appears like a missed opportunity to implement a long-standing CPT recommendation.