



CPT/Inf (2023) 02

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 10 to 20 December 2021

The Government of Lithuania has requested the publication of this response. The CPT's report on the 2021 visit to Lithuania is set out in document CPT/Inf (2023) 01.

Strasbourg, 23 February 2023

**REPORT
OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
ON MEASURES TAKEN OR TO BE TAKEN TO IMPLEMENT THE RECOMMENDATIONS¹
DETAILED IN THE 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 10 TO 20 DECEMBER 2021**

POLICE ESTABLISHMENTS

Preliminary remarks

Recommendations

- **The Committee once again calls upon the Lithuanian authorities that persons remanded in custody are promptly transferred to a remand prison (paragraph 12).**

Persons remanded in custody are held in a police arrest house (areštinė) only for the purpose of initial procedural actions that cannot be taken while in a remand prison. Once these procedural actions are completed, these persons are promptly transferred to a remand prison.

- **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), for specific and well justified reasons and for the shortest possible time. As a rule, the prisoners concerned should not be held overnight in police establishments (paragraph 13).**

Under the Law of the Republic of Lithuania on the Enforcement of Remand, persons on remand may be transferred from a remand prison to (placed in) an arrest house of a territorial police unit for a period not exceeding seven days in the course of a pretrial investigation by a reasoned resolution of a prosecutor or in the course of a hearing of a case by a reasoned ruling of a judge or the court for the purpose of carrying out procedural actions where it is impossible to ensure the performance of such actions during the stay of such persons on remand in the remand prison or due to their participation in the hearing of cases in court. This regulation allows to:

- effectively plan, conduct and carry out pretrial investigation;
- ensure an effective participation of persons in court hearings (sparing the need for extra transportations, where time between scheduled hearings is limited);
- avoid violations of the rights of the convoyed persons (too frequent convoys, inability to ensure full meals for the convoyed persons as a result of convoying);
- ensure quality pretrial investigation (in an attempt to ensure the principles of speed and thoroughness of criminal proceedings, effectively use material resources of pretrial institutions, and avoid obstacles to properly perform pretrial investigation actions (e.g., when procedural actions also involve participants of the proceedings other than those from the facilities of deprived liberty (face off, experiment, identification, etc.), or where there is a need to perform many procedural actions in short time).

It is also notable that there has remained a legal provision stipulating that detention in an arrest house of a territorial police unit must be terminated immediately after it becomes unnecessary.

- **The CPT recommends that, for persons sentenced to deprivation of liberty for contempt of court, the Lithuanian authorities find alternatives to police custody that would ensure appropriate conditions of detention. Pending the end of the use of police arrest houses for holding such persons, the Committee recommends that the Lithuanian authorities take steps**

¹ The Report of the Government of the Republic of Lithuania and its publication have been approved by the meeting of the Government of the Republic of Lithuania of 11 January 2023.

to offer them some form of purposeful activity, as well as ensuring that they can receive at least one visit of one hour per week and have regular access to a telephone (paragraph 14).

Alternatives to police custody for persons sentenced to deprivation of liberty, as referred to in the recommendation, are planned to be considered.

Safeguards against ill treatment

Recommendations:

- The CPT recommends the Lithuanian authorities increase their efforts to ensure 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 and without delay.
- Furthermore, the Committee reiterates its recommendation 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. The relevant legislation and/or regulations should be amended so as to oblige the police to record in writing whether or not notification of custody has been performed in each individual case, with the indication of the exact time of notification, the identity of the person who has been contacted and confirmation that the detained person has been informed of the successful notification. A waiver of the right to notify a relative or a third party should be systematically signed by the person deprived of their liberty if they do not wish to exercise that right (paragraph 18).

Article 10 of the Code of Criminal Procedure of the Republic of Lithuania stipulates that suspect's right to defence shall be exercised as from the very outset of their deprivation of liberty or first interview, and that the court, prosecutor, or the pretrial investigation officer shall ensure that suspects, accused, or convicted persons can defend themselves against charges and accusations by means and methods provided by law and take measures necessary to ensure the protection of their personal and property rights. Article 21(4) of the Code of Criminal Procedure provides that suspects have the right to know what they are suspected of, to file requests, to apply for disqualifications. In this respect, suspects may, at their own request, ask themselves or through their lawyer that one of their specified family members, close relatives or another specified person is notified of their detention/arrest. Under Article 128(1), the prosecutor present in ordering arrest must notify immediately thereof one of the family members, close relatives, or another person as specified by the suspect. If the arrested person does not specify any person to be notified, the prosecutor must notify, at their own discretion, one of the family members, or close relatives of the suspect, if they can be identified. Where the arrested person is a minor, the prosecutor must immediately notify their parents or legal representatives of the arrest. Where such notification would not be in the best interests of the minor, the prosecutor must notify another suitable adult person. Besides, the arrested suspect must be immediately given the opportunity to make their own contact with one of their specified family members, close relatives, or other specified person. The prosecutor, by a reasoned decision, may temporarily refuse to give notification of the remand in custody or to preclude from contacting the person specified by the arrested person lest it should undermine the success of the pretrial investigation or endanger the safety of the arrested person's family members, close relatives, or other persons. In this case, also in other cases, where the arrested minor has no parents or other legal representatives or they cannot be identified, or where such notification would not be in the best interests of the arrested minor, the notification of the arrest must be given immediately to the state child rights protection authority. The provisions of the Code of Criminal Procedure, through Article 140(10) of the Code of Criminal Procedure, are also applicable for the detainee – there must be an immediate notification of the fact and place of temporary detention of a person following the procedure laid down in Article 128(1) and (3) of the Code of Criminal Procedure. The fact and place of temporary detention of the person is also communicated to the legal counsel specified by the detainee. It is notable that an officer who files a report of the temporary detention of the suspect, must enter in the column 'Detainee's specification of family members, close relatives, or other persons to be notified of the fact and place of temporary detention' personal data of the family member, close relative, or another person (name, surname, and telephone number), whom the detained person wishes to notify of the detention, and provide an opportunity for the detained person to make their own contact with one of their specified family members, close relatives, or another specified person. Furthermore, the officer must also indicate in the column 'Contact information notified to a family member, close relative or another person specified by the detained person' the contact information notified to a family member, close relative, or another person specified by the detained person. In consideration of the requests submitted by the detained person, this report may also include reasons and

grounds why the family member, close relative, or another specified person were not notified of the fact of the detention.

- **The Committee again calls upon the Lithuanian authorities – in cooperation with the Bar Association – to take effective steps to ensure that the right of all detained persons to have access to lawyer is fully effective as from the very outset of deprivation of liberty.**
- **In addition, a record should be maintained of any request by a person deprived of liberty by the police to see a lawyer and whether such a request was granted. A waiver of the right to legal assistance should be systematically signed by the person if they do not wish to exercise their right to access to a lawyer. Steps should be taken to ensure that such a waiver is given voluntarily, knowingly, and intelligently. As such, any waiver should be preceded by the provision of clear information on the existence of the right, including the possibility to have a lawyer free of charge, if the person cannot afford one, and on the consequences of such a waiver, namely whether and how that waiver may be withdrawn, and information on whether any statements made in the absence of a lawyer will be used at later stages of the proceedings. Furthermore, waivers, and the provision of requisite information thereto, should be duly recorded, preferably by both audio and video means, and signed by the person concerned. Police officers should refrain from making any comments or from providing any advice on whether the person should waive the lawyer (paragraph 19).**

In accordance with the provisions of paragraph 40 of the Description of the organisation of activities of police force unit, upon apprehension of a person suspected of committing a criminal offence, police officers must immediately inform them (at the factual point of apprehension) of their fundamental rights, including the right to have a lawyer from the very outset of deprivation of liberty or the first interview. The right to have a lawyer is implemented through the provisions laid down in Article 140(9) and (10), that the fact and place of temporary detention of the person must be communicated to the legal counsel specified by the temporarily detained person, also where the temporarily detained person requests the presence of the lawyer during the interview, the interviewing is postponed till the appearance of a lawyer. A lawyer is summoned or appointed following the procedure laid down in Article 50 or 51 of the Code of Criminal Procedure. The detained person is ensured the right to meet before interviewing with the lawyer in private. Article 50(1) of the Code of Criminal Procedure stipulates that the pretrial investigation officer, the prosecutor and the court must explain to the suspect and the accused their right to have a lawyer from the very outset of deprivation of liberty or the first interview, and to provide a possibility of exercising this right, i.e., to provide real factual possibilities of using this right to choose and summon the lawyer they trust. The suspect's or the accused person's request for a lawyer or the waiver thereof is recorded in a report. The suspect's or the accused person's decision to have a lawyer is up to his will (Article 50(2) of the Code of Criminal Procedure), but the Code of Criminal Procedure lays down a thorough list of circumstances, where the lawyer's presence is requisite irrespective of the suspect's will to have a lawyer (Article 51 of the Code of Criminal Procedure). In those cases where the suspect request the presence of lawyer but this presence of lawyer is not requisite under Article 50 and 51 of the Code of Criminal Procedure, they shall be told that they have the right to individually look for a lawyer or to request state-guaranteed legal aid, and they will be provided with conditions to exercise this right.

- **The CPT reiterates its recommendation that the Lithuanian authorities take further action to ensure that:**
 - **the record made by the receiving officer, and any photographs taken, of injuries detected during the handover-of-custody procedures are forwarded without delay to healthcare staff;**
 - **the record drawn up following the medical examination of a detained person in a police arrest house contains:**
 - (i) **an account of statements by the person in question which are relevant to the medical examination (including their description of their state of health and any allegations of ill-treatment);**
 - (ii) **a full account of objective medical findings based on a thorough examination;**
 - (iii) **the healthcare professional's observations in light of i) and ii), indicating the consistency between any statements made and the objective medical findings; this record should take fully into account any attestation of injuries observed upon admission during the procedure of handover of custody;**

- any traumatic injuries observed in the course of the medical examination are recorded in a dedicated register. In addition to this, all injuries should be photographed in detail and the photographs kept, together with “body charts” for marking traumatic injuries, in the detained person’s individual medical file;
- 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 is systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned;
- healthcare staff advise detained persons of the existence of the reporting obligation and that the forwarding of the report to the competent prosecutor’s office is not a substitute for the lodging of a complaint in a proper form. They should also inform them of their right to undergo a forensic medical examination;
- special training is provided to healthcare professionals working in police arrest houses. 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, that training should cover the technique of interviewing persons who may have been ill-treated. Reference should also be made to the revised Istanbul Protocol on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment;
- all medical examinations are conducted out of the hearing and – unless the healthcare professional concerned expressly requests otherwise in a given case – out of the sight of staff not carrying out healthcare duties;
- the results of every examination, including the abovementioned statements and healthcare professional’s conclusions, are made available to the detained person and their lawyer (paragraph 21).

Injuries of the examined person are recorded following paragraph 13 of the Instructions for the security and supervision of police custody facilities/arrest houses: the officer in charge of the arrest house, the duty officer, or other receiving officer will record all the bruises, swellings, scratches, etc. visible on the apprehended person during a search before placing into the police custody in an electronic register (if the register is non-operational, information is entered in an individual medical card of the apprehended person). Bodily injuries must be recorded in the electronic register each time on admission to/release from the police custody. An extract on the results of the examination of the person will be printed out from the register and given to the person to sign every time they are admitted to/released from the police custody. Where there are indications that the person was subjected to physical violence, it must be reported to the Head of the County Police Headquarters, or Police office.

Where bruises, swellings, scratches, etc. are found during the examination and there are suspicions of ill-treatment, the pretrial investigation officer initiates immediately a pretrial investigation and notifies the prosecutor thereof, in accordance with Article 171 of the Code of Criminal Procedure. Under the requirements laid down in this article, following the notification from the pretrial investigation officer, the prosecutor shall decide as to who will carry out investigation. The prosecutor may decide to personally carry out the pretrial investigation in full or in part, or to delegate pretrial investigation actions to another pretrial establishment.

Paragraph 56 of the Internal rules of procedure for police custody of local police office provides that a police custody (arrest house) community nurse or another healthcare staff must, after the examination of an apprehended minor placed under police custody, communicate the conclusions on the health condition of the minor to the pretrial investigation officer, prosecutor, or the court.

As regards the presence of police officers during the procedures carried out in the medical office, under paragraph 45 of the Instructions, persons taken from the cells, also those taken to the medical staff, must be always guarded by an arrest house officer(s). To prevent an assault, escape or other unlawful acts, the persons cannot be left unattended by the police officers, including in the medical room, otherwise it would be impossible to ensure the safety of the medical staff and prevent unlawful acts on the side of the arrested person. It is notable that the person will be guarded during the examination or medical procedures in the medical office by a police officer of the same gender as the arrested person.

- The CPT recommends that the Lithuanian authorities ensure that all persons detained – for whatever reasons – by the police are fully informed of their rights as of the very outset of their deprivation of liberty (i.e., from the very 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 (i.e., 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 (paragraph 22).

Following paragraph 43 of the Description of the organisation of activities of police force unit, approved by Order No 5-V-420 of the Lithuanian Police Commissioner General of 28 May 2020 'On the approval of the Description of the organisation of activities of police force unit', upon apprehension of a person suspected of committing a criminal offence, police officers inform them verbally of their fundamental rights under 46.1-46.10 of this Description and of their right to have access to a lawyer as of the very outset of their deprivation of liberty or first interview. However, if a person is detained under the procedure laid down in Article 140 of the Code of Criminal Procedure, they must be served a notice of suspicion, within 24 hours after they are brought to the police office, and they must be interviewed as suspects (Article 140(8) of the Code of Criminal Procedure). Following the provisions of Article 187 and 188 of the Code of Criminal Procedure, before interviewing the suspect, they get a verbal information, in the language understandable to them, on all the rights of the suspect under Article 21(4) of the Code of Criminal Procedure, and they also get the 'Report on the explanation of the rights to the suspect', which is an annex to Order No 1-288 of the Prosecutor General of 29 December 2014 'On the approval of the forms of criminal procedure documents', translated into English, French, German, Polish, and Russian, detailing each and every right of the suspect during the entire criminal proceedings.

Conditions of detention

Recommendations:

- The Committee reiterates its recommendation to the Lithuanian authorities to take the small cell in Marijampolė police arrest house out of use (paragraph 23).

The small cell in Marijampolė police arrest house referred to in the Committee recommendation is no longer used for the detention of people. It is now used as a storage room for physical evidence.

- The Committee recommends that the Lithuanian authorities remove cages in interview rooms from all police arrest houses (paragraph 24).

According to the provisions of paragraph 35 of Annex 2 to the Standard requirements for police buildings, structures, and premises, approved by the Lithuanian Police Commissioner General, interview premises may contain at least 1 m² area for the detained person, partitioned off to the ceiling with barred divider, and fitted with a lockable door and a spacing for the handover of documents. Please note that the area is fitted so as to prevent the escape, assault, and other unlawful acts on the side of the detained person, and to ensure the security of the investigator interacting with the detained person as part of investigation, or of other persons who use the interview room, e.g., the lawyer. Having regard to the above, the police have not found reasons necessitating the removal of the barred spaces for detained persons from interview rooms.

Other issues

Recommendation:

- The Committee recommends that the Lithuanian authorities put an end to the use of restraint beds in police establishments and remove them from the facilities (paragraph 25).

The laws of the Republic of Lithuania do not prohibit the use of beds intended to restrain movement. These beds are used in police arrest houses only in exceptional and rare cases, where the detained person acts inappropriately due to alcohol or drug withdrawal, also to protect them against self-harm. These beds are used for an exceptionally brief time: until the arrival to the police facility of healthcare professionals, or – where necessary - psychiatric staff, i.e., until they are taken to the mental care hospital. It is notable that these beds have certificates for use as required.

PRISON ESTABLISHMENTS

Preliminary remarks

Recommendations

- The Committee must reiterate its recommendation that the Lithuanian authorities ensure that the minimum standard of 4 m² of living space per prisoner in multi-occupancy cells (not counting the area taken up by any in-cell toilet facility) is duly respected in all penitentiary establishments, for all categories of prisoners; for single-occupancy cells, the standard should be at least of 6 m² (paragraph 29).

In modernising (building new) prison estate, efforts are made to ensure that the standard for a single occupancy cell would be 7 m² of living space per prisoner, and 5 m² per prisoner for a multi-occupancy cell (not counting the area of toilet facility).

In recent years, following the closure of several prison establishments that did not meet the international standards for imprisonment (Lukiškės Prison (capacity 864), Kybartai Prison (capacity 475), and after taking out of operation of some poor condition buildings in Pravieniškės Prison and of some small cells from across the entire prison estate, it is impossible so far to ensure that, irrespective of the declining number of prisoners, all the prisoners have at least 4 m² of living space (not counting the area taken up by any in-cell toilet facility).

Table. Living space per prisoner.

	Percentage of prisoners that have less than 4 m ² of living space	Percentage of prisoners that have 4 m ² or more of living space
Alytus Prison	85%	15%
Kaunas Prison	22%	78%
Šiauliai Prison	65%	35%
Pravieniškės Prison	77%	23%
Marijampolė Prison	72%	28%
Vilnius Prison	51%	49%
Panevėžys Prison	3%	97%

Following the expansion of the half-way home network (new half-way home opened in December 2021 (capacity 20) in Panevėžys, 3 new half-way homes to be opened in 1 Q 2023 (capacity 75) and after the conversion of Alytus Prison dormitories to cell-type accommodation (capacity 199), it is expected that, by the end of 2023, prisoners of all the categories will have at least 4 m² of living space per prisoner.

- The Committee calls upon the Lithuanian authorities to take all possible measures to significantly speed up the process of modernising their prison estate and especially its conversion to cell-type accommodation. The Committee would like to receive an updated plan on the modernisation of the penitentiary institutions and to be regularly updated on the progress of its implementation (paragraph 32).

The Government of the Republic of Lithuania fully agrees with the opinion of the Committee that the modernisation of the prison estate would not only help the country to comply with the international standards vis-a-vis detention conditions but it would also help address many problems referred to by the Committee in its recommendations: inter-prisoner violence, security of prisoners and the staff, access to psychotropic substances, making working conditions more attractive for the existing and potential staff.

Currently, 50% of the prison estate has been upgraded. Further modernisation of the correctional system infrastructure is a long-term priority of the Government, and it will get special attention, within the country's possibilities.

We inform the Committee that the construction of a new prison in Šiauliai has been endorsed by the Government and is already underway.

The Government of the Republic of Lithuania would like to bring to Committee's attention the fact that the COVID pandemics and the unprovoked military invasion of Ukraine by the Russian Federation on 24 February 2022 shocked the entire Europe, but particularly the region bordering with the aggressor state, including Lithuania. Russia's aggression against Ukraine and Belarus's hybrid attacks through weaponized illegal migration in the European Union have been posing enormous direct threat to the national security and economic stability of both Lithuania as well as of all the neighbouring countries that respect democracy and human rights, therefore, all the resources had to be urgently channelled for the protection of the vital interests of the state and for the support of Ukraine in its fight against the unpredictable aggressor. Having regard to the importance of continuing the modernisation of the correctional system infrastructure as well as the projects planned, this system happens to be one of the very few in the country, whose funding has not been subject to cuts, but quite the opposite. Nevertheless, it needs to be pointed out that the speed of the modernisation of the Lithuanian prison estate directly depends and will continue to depend on the geopolitical situation and its consequences for Europe and the entire world.

Please find below information of the modernisation of prison accommodation infrastructure:

- new half-way home opened in December 2021 (capacity 20) in Panevėžys;
- dormitory conversion to cell-type accommodation (capacity 81) in Pravieniškės Prison (section 1) in January 2022;
- 2 modular blocks built for accommodation of prisoners (capacity 192) in Pravieniškės Prison (section 3) in May 2022;
- in expanding open-type prison network, 3 new half-way homes will be opened early 2023 (capacity 75);
- conversion of Alytus Prison dormitories to cell-type accommodation (capacity 199) at the end of 2023;
- new prison in Šiauliai (capacity 400) to be built through public-private partnership in 2026;
- a plan of converting Vilnius Prison dormitories to cell-type accommodation (capacity 160) is expected to be developed by 2024, and the actual reconstruction implemented within a few months after that.

In the 2022-2030 action plan for the development of correctional infrastructure, the Lithuanian Prison Service has planned building another two new modern prisons with accommodation capacity of 600.

III treatment of prisoners by staff

Recommendations:

- **The CPT calls upon the Lithuanian authorities to take effective action, via prison management, to ensure that custodial staff receive the clear message that physical ill-treatment, excessive use of force, unjustified resort to special means for punitive reasons, verbal abuse and threats, as well as other forms of disrespectful or provocative behaviour vis-à-vis prisoners, are not acceptable and will be dealt with severely.**
- **Prison management should demonstrate increased vigilance in this area, by ensuring the regular presence of prison managers in the detention areas, their direct contact with prisoners, the effective investigation of complaints made by prisoners, and improved prison staff training. The CPT recommends that the Lithuanian authorities ensure that body-worn video-cameras are issued, worn and turned on by all prison staff who may have to use force in their interactions with prisoners, and that non-compliance with this obligation (in the absence of a reasonable explanation outlining exceptional circumstances) be treated as a disciplinary offence (paragraph 37).**

The custodial staff are regularly given clear message that any manifestations of violence against prisoners will be subject to zero tolerance. It is always underlined during the regular trainings of custodial staff as well as during pre-shift briefings that it is strictly forbidden to unjustifiably resort to special means, excessive force, verbal abuse and threats, as well as other forms of disrespectful or provocative behaviour, and that this will incur disciplinary, administrative or even criminal responsibility.

In 2022, 2 pretrial investigations were opened for unlawful actions of the custodial staff against prisoners (excessive use of force). One pretrial investigation is pending, while the other has been terminated due to the absence of the elements of crime, but the officer in question was subjected to disciplinary action.

The Lithuanian Prison Service holds regular meetings with prison management to discuss interaction with prisoners, underlining the application of the principle of dynamic security at all levels. The prison management is instructed to regularly visit prisoner accommodations, talk to as many prisoners as possible and listen to their complaints.

The possibilities for direct contacts between the prison management and prisoners have been largely expanded with the emergence of prisoner councils. The recast Code of Execution of Sentences provides for the right for prisoners' representatives to have access to and gather information on prisoners' custodial, living and activity conditions, general education, vocational training, catering, medical services, and to submit proposals to the prison management on a more effective organisation of these activities, while obliging the prison management to regularly meet with prisoners' representatives and address issues of concern to prisoners. It also prevents persecution of prisoners' representatives for representing the interests of other prisoners, and obliges the prison management to ensure appropriate conditions for them to carry out their activity.

Following changes in the Procedure regulating the use of video cameras, the prison staff, who, by the nature of their function, are in direct contact with prisoners, must have body-worn cameras turned on at all times in their interactions with prisoners. Video camera recordings are particularly useful in the case of conflict situations and it is indispensable in identifying conflict instigators, it also serves as a conflict deterrent.

Table. Video cameras used in prisons in 2023.

	Number of videocams (pcs)
Marijampolė Prison	100
Vilnius Prison	65
Alytus Prison	103
Panevėžys Prison	58
Kaunas Prison	90
Šiauliai Prison	44
Pravieniškės Prison	186
Total	646

Please also note that a mechanism for the monitoring of the treatment of prisoners by the prison staff has been put in place, under which, for the purpose of prevention, randomly selected recordings are viewed so as to check individual staff member's interaction practice *vis-à-vis* prisoners. Failure to turn on a body-worn video camera at work or to properly fasten it to the uniform (have it directed towards the floor, ceiling or elsewhere) constitutes misconduct in official duties.

Table. Videocam-recorded incidents between the staff and prisoners, which have led to disciplinary inquiries in 2021-2022.

	Disciplinary enquiries opened in 2021 into videocam-recorded incidents between the staff and prisoners	Disciplinary enquiries opened in 2022 into videocam-recorded incidents between the staff and prisoners
Marijampolė Prison	3	22
Vilnius Prison	80	97
Alytus Prison	6	19

Panevėžys Prison	6	18
Kaunas Prison	-	1
Šiauliai Prison	103	92
Pravieniškės Prison	3	5
Total	201	254

Introduction and application of the dynamic security model and integrated violence prevention measures, also regular staff training (for more on that, please see the response to Committee's recommendation in paragraph 53) are fundamentally changing the culture of interaction with prisoners, while also contributing to the declining number of cases of resorting (or willing to resort) to excessive force.

Recommendation and request for information:

- 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, in light of the comments in paragraphs 49 to 52 above.
- Above all, as a prerequisite, any successful reform will require a significant increase in the number of prison officers, over and above those currently being recruited. Therefore, the Committee wishes to be informed of the number of custodial officers currently in place at each prison and the staffing complement of custodial officers that the Lithuanian authorities deem to be actually necessary to guarantee effective control and provide a safe environment for prisoners and staff alike at each prison (paragraph 53).

The staff

Please note that, in the recent decade, the number of officers actually working in prisons has changed (decreased) only slightly from 2013 to 2023, while the number of prisoners has come down by 47% over the same period. As a result, the number of prisoners per officer responsible for security, supervision and resocialisation of prisoners has decreased to 2.7 from previous 4 prisoners.

Table. Changes in the ratio between prisoners and officers responsible for security and supervision of prisoners over the period 2013 to 2023.

Year	2013	2016	2019	2023
Ratio between officers actually working in prison and prisoners	1:4	1:3.2	1:3	1:2.7

Table. Ratio between prisoners and officers responsible for security and supervision of prisoners in 2023.

Name of the prison	Number of prisoners in custody	Number of officers in charge of security and supervision of prisoners ^a	Ratio between officers actually working in prison and prisoners
Vilnius Prison	448	276	1:1.6
Kaunas Prison	488	192	1:2.5
Marijampolė Prison	888	243	1:3.7
Alytus Prison	801	239	1:3.4
Panevėžys Prison	196	95	1:2
Šiauliai Prison	394	136	1:2.9
Pravieniškės Prison	1763	639	1:2.8

Total	4978	1820	1:2.7
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* Not included: officers carrying out intelligence, other staff involved in resocialisation of prisoners (psychologists, social workers, addiction consultants, etc.) and healthcare professionals.

As of 2023, following the institutional reform of penitentiary system, a director of each prison has become responsible only for organisation and implementation of the process of safety and resocialisation of the prisoners. Therefore, inter alia, this reform will contribute, in the long run, to better prevention of violence and reduction of negative manifestations.

As part of the dynamic security model, prisons have fully formed contact officer teams, ensuring that one contact officer would have direct contact with no more than 30 prisoners. Following the streamlining of the administrative personnel, the freed-up resources have been used for additional staff: psychologists, social workers, activity specialists, etc.

As a result of the cooperation with Norway's penitentiary system, the professional training and development programmes have been adjusted to focus on dynamic security and improvement of interaction skills with prisoners. Material staff training conditions are also undergoing improvements, with a new modern Lithuanian prison service training centre to be opened in 2023.

To decrease the demand for custodial officers, a centralised observation system for monitoring of external perimeter of the prison is being introduced. To raise the prestige of penitentiary jobs and attract new officers, the salary has been raised by 12.8 in 2023 (compared to 2022).

Prevention of violence

To comprehensively address the factors underlying the high rate in inter-prisoner violence, Lithuania seeks to apply an integrated approach to the entire penitentiary system by merging situational and social strategies for violence prevention. First of all, efforts are made to create an environment of greater mutual respect, fairness and trust, and to build positive staff-prisoner relations.

Violence prevention strategy strands applied:

- building zero tolerance for violence of any nature, including verbal abuse and bullying;
- encouraging to build and keep up positive culture in prison;
- promotion of application of team work principles in staff;
- regular training of staff of all grades.

Violence prevention strategy measures applied:

- initial psychological assessment of new arrivals in prison. During the initial assessment, the specialist assesses prisoner's tendency to violence, level of hostility towards others, proneness to conflicts and specifics of interaction in living environment. Having identified risk of potential violence against others, the information is communicated to relevant prison divisions in charge of prisoner's supervision and resocialisation.
- increasing the number of contact officers and of their role. Following the streamlining of the administrative personnel, more officers can directly work with prisoners – there are fully formed contact officer teams, ensuring that one contact officer would have direct contact with no more than 30 prisoners. The custodial staff supervising prisoners has a memo instructing on how to identify prisoner's proneness to violent behaviour or signs and symptoms indicating victimisation.
- application of the dynamic security model. A methodical guide for ensuring the application of the dynamic security model adapted for Lithuanian prisons has been worked out and published. To transform the prevalent culture of brutality in prison, making it more than a social therapy provider, officers that have direct contact with prisoners are encouraged to be proactive and try to know better prisoners, their habits, what they do, whether they leave their cells to go to common areas. The model of positive interaction with prisoners will provide more possibilities of spotting vulnerable prisoners that need help.
- strengthening synergy between prison's separate divisions. Regular meetings are held between specialists of security management, resocialisation, and criminal intelligence to discuss prisoners' behaviour, spotted risks of potential violent behaviour or vulnerability, and measures to reduce these risks (e.g., transferring the prisoner to another accommodation, using extra measures of intervention,

etc.), to analyse the reasons behind the violent incidents and measures to prevent such situations in the future. A guide for the prevention of suicide in prisons has been developed.

- **Raising staff competence.** In minimizing, in direct contact, the need to resort to power and physical force and replacing it with positive relation between the staff and the prisoner, relevant training programmes have been worked out for the staff of all grades. Understanding that the quality application of the dynamic security model also depends on management's approach, support and management style, there is special training for prison management too. A particular attention is given to those officers who, following the reformation of the penitentiary system, are retraining to work in contact with prisoners.
- **Survey on microclimate in prison.** Lithuanian correctional establishments pay largest attention to maintaining quality living, adequate moral climate and good mental state of prisoners. Currently, the prisons are measuring the quality of prison life (MQPL), following the methodology worked out by Cambridge University scientists. The results of this survey will help to assess the situation in each individual prison and measures applied to improve the respective situation.
- **Suicide prevention.** A guide for the prevention of suicide in prisons has been worked out. Special training on the application of the methodology for suicide prevention has been held for members of the crisis management team (crisis management specialists, psychologists, social workers).

Training of staff in prevention of violence

Training programmes for prison staff in 2021-2022:

- Recognising and managing emotions. Recognising and managing conflicts
- Recognising and preventing psychological terror at work place
- Specifics of individual work with non-motivated and aggressive persons in custody
- Special situations: reasons and psychological mechanisms
- Correctional officers' ability to act in situations, involving the use of mental and physical abuse and firearms
- Recognising the risk of suicide (safeTALK)
- Increasing mental resilience in custodial officers of first grade
- Establishing and maintaining inter-personal contact, principles of successful communication
- Possibilities of building an empathic relationship when working with the detained and convicted persons.

Table. Number of custodial staff participants in violence prevention training programmes in 2021-2022.

	Number of staff participating in violence prevention training programmes in 2021	Number of staff participating in violence prevention training programmes in 2022
Vilnius Prison	5	40
Kaunas Prison	12	55
Marijampolė Prison	47	85
Alytus Prison	96	125
Panevėžys Prison	10	35
Siauliai Prison	56	30
Pravieniškės Prison	13	13
Total	239	383

Results of criminal intelligence activities

The Criminal Intelligence Unit of the Lithuanian Prison Service mostly specialises in gathering information on persons organising supply and distribution of psychoactive substances in prisons. Increased corps of criminal intelligence officers and their professional competence, also closer cooperation with criminal police units (criminal intelligence exchange, joint operations) – have already yielded tangible results this year:

unravelling and disrupting of several organised crime networks of the supply of psychoactive substances to prisons, preventing cases of supply of large amounts of psychoactive substances to prison, also exposing and prosecuting prison officers – collaborators of criminal groups – who contributed to supply and distribution of psychoactive substances in prison.

Gathering information on individuals contributing to supply and distribution of psychoactive substances in prison is secret, and criminal intelligence officers, in carrying agency operations, ensure absolute anonymity and security for the secret participants (informants). It should be noted that the trustworthiness of the data gathered is checked using not one source of information.

Compared to 2020, the number of cases opened in relation to supply of psychoactive substances in prison has increased by 49% in 2022, and the amount of psychoactive substances supplied into prison has come down by 22%.

For more information on assistance offered to prisoners with drug-related problems, please see the response to Committee's recommendation in paragraph 79).

Recommendation and request for information:

- The CPT calls upon the Lithuanian authorities to reconsider their decision to continue this practice, including addressing staff concerns as necessary (paragraph 54).

Whilst there are no doubts that 24-hour work obviously has a negative effect on the performance of the custodial staff, and the Ministry of Justice and the Prison Service have repeatedly tried to initiate changes in working time of officers in charge of prisoner supervision and prison security by cancelling the 24-hour shift pattern, these changes, however, do not find approval and are particularly resisted by prison officers' unions.

With that in mind, efforts are being made to gradually phase out the 24-hour shift pattern by introducing the 12-hour shift pattern for newly recruited personnel only. Currently, only Šiauliai and Panevėžys Prisons have moved over altogether to maximum 12 hour-shifts, while other prisons have done that in part so far. It is notable that officers in charge of external prison security are free to choose the length of the shift, and officers that have direct contact with prisoners and ensure the dynamic security are asked to opt for the shift of maximum 12 hours.

Table. Length of officers' shift in 202.

Name of prison	Share of officers in 24-hour shift	Share of officers in 12-hour shift	Share of officers in 8-hour shift
Marijampolė Prison	60%	10%	30%
Vilnius Prison	78%	8%	14%
Alytus Prison	66%	10%	24%
Panevėžys Prison	-	72%	28%
Kaunas Prison	44%	30%	26%
Šiauliai Prison	-	70%	30%
Pravieniškės Prison	73%	4%	23%

Request for information:

- The CPT would like to be regularly updated on the progress of this concept and, subsequently, its implementation (paragraph 55).

As part of the measures under the plan for reorganisation of the resocialisation system, as of 1 January 2023, the work of all the prison resocialisation divisions has been reorganised to operate on the team principle, where each team specialises in different fields. The resocialisation divisions have been also given the function of prisoner supervision, which was run by prison security divisions, until 31 December 2022. Resocialisation divisions have set up the following teams:

- *Social work and psychological intervention team*, whose specialists (psychologists and social workers) carry out behaviour correction programmes, provide psychological assistance and do social work with prisoners;
- *Contact officer team*, whose officers ensure ongoing supervision of prisoner (dynamic security), clarify and resolve problems encountered by prisoners, identify threats to them or risk of violent behaviour;
- *Assessment and analysis team*, which ensures regular assessment of risk change for each prisoner, analyses the effectiveness of the actual intervention measures and select, based on individual needs, correctional programmes, which are recommended for the prisoner to partake;
- *Activities officer team*, which organises prisoners' activities, cooperates with NGOs, potential employers, endeavour to ensure that that each prisoner has a possibility to engage in activities (work, general education, vocational training, individual activities (self-employment), participation in cultural, educational, sports or other activities) for at least 8 hours per day.

Table. Resocialisation staff in closed and semi-open prisons in 2023.

	Number of staff in Contact officer team	Number of staff in Social work and psychological intervention team	Number of staff in Assessment and analysis team	Number of staff in Activities officer team
Marijampolė Prison	31	14	12	4
Vilnius Prison	12	17	5	2
Alytus Prison	21	21	11	17
Panevėžys Prison	9	11	4	4
Kaunas Prison	20	10	4	11
Šiauliai Prison	15	8	5	8
Pravieniškės Prison	12	46	9	8
Total	120	127	46	54

To ensure targeted and coherent transition to the team model for resocialisation of prisoners, in 2022, a progress measure was adopted to mobilize investment to human resources for appropriate implementation of the new model at work. Over three years, additional 8 million euros will be allocated for the retraining of the existing staff and raising their motivation to enrol in one of the four teams.

Together with the Lithuanian Probation Service, a model for involvement of probation officers in preparation of prisoners for probation process has been worked out and put to practice. The staff of the Lithuanian Probation Service are getting ready, starting with Q2 2023, to organise and carry out measures for resocialisation and integration to society in three half-way homes, on the basis of an experiment.

As a result of the cooperation with experts from Norway's penitentiary system, new behaviour correction programmes have been worked out and put to practice (including training of the staff involved in the application of the programmes). The programmes are intended for:

- working with people convicted of driving under the influence of psychoactive substances;
- working with prisoners suffering from addictions;
- prisoners' anger management.

Norway's penitentiary system extensively applies the method that focuses on the resocialisation of prolific reoffenders preparing them for the probation process; the TOG method has been successfully adapted for the Lithuanian penitentiary system. A set of rules has been developed for the work with the convicts of this category, and training was held for the staff that will be applying this intervention tool. The first TOG unit started its operation in Pravieniškės Prison at the end of 2022.

Following the introduction of an algorithm for the provision of comprehensive assistance in prison to detainees and convicts using psychoactive substances in 2022, day centres for those suffering from the

addiction to psychoactive substances have been established in all prisons. Long-term rehabilitation centres are now operating in 5 prisons, and post-rehabilitation centres – in 3 prisons. The network, however, is planned to expand.

Additional funding has been allocated for non-governmental organisations, which can contribute to resocialisation and provision of assistance in addressing addiction problems. As part of the calls for proposals in 2022, 5 NGOs have been selected (580 000 euros have been allocated), another call for proposals for project activities is awaiting in 2023 (800 000 euros) so as to select more NGOs that are in the position to provide such services.

Conditions of detention

Recommendations:

- **The Committee further recommends that the Lithuanian authorities take out of service all cells (including in KPT blocs) in all prisons that measure less than 2 metres between opposite walls (paragraph 59).**

The Director of the Lithuanian Prison Service has again mandated the directors of all the prisons to check the size of all the cells and to take out of service all the cells that measure less than 2 metres between the opposite walls.

- **The Lithuanian authorities should focus great efforts on the expeditious reconstruction of current buildings into cellular-type accommodation and on the construction of new prisons. In the meantime, specific steps should be taken to improve the living conditions in each of the prisons visited, including by:**
 - **tackling the infestation of bed bugs and cockroaches in Marijampolė and Pravieniškės;**
 - **ensuring sufficient heating during winter in Marijampolė and Panevėžys;**
 - **enlarging the exercise yards (for example, by merging two adjacent yards) and ensuring that there is a horizontal view from them (for example, by installing windows in the concrete walls) for life-sentenced prisoners on prison regime in Sector 2 and for prisoners on strict regime in Sector 3 of Pravieniškės Prison (paragraph 61).**

Prisoner living premises in all the prisons are subject to regular disinfection and deratisation, including the disinfection of mattresses and other items. To eliminate the favourable conditions for the breeding of rodents and crawling insects, the wooden floor has been replaced with concrete in prisoner living premises in Pravieniškės and Marijampolė, over the course of 2022.

Heating system adjustment works have been carried out in Pravieniškės and Marijampolė Prisons so as to ensure the same temperature across all the premises of the prison.

Walking yards are regularly repaired, where possible, the yards are enlarged following the Committee's recommendations. For example, 3 new walking yards have been built in Kaunas Prison; 4 new spacious walking yards are about to be completed in Pravieniškės. Furthermore, new sports grounds have been built or the existing ones renewed in all the prisons, also new sports equipment and outdoor workout equipment have been purchased and installed.

- **The CPT reiterates the recommendation that steps be taken to ensure the quality and quantity of the food provided to prisoners (paragraph 62).**

In implementing the Committee's recommendation, an effective mechanism for the control of quantity and quality of food provided to prisoners has been developed. The Lithuanian Prison Service has set up a team to carry out surprise checks on food provided to prisoners at least twice a month. In 2022, the total of 200 checks were carried out in all the prisons, resulting in two instances of sanctions for food providers for the failure to comply with contractual obligations.

Other catering alternatives are also under consideration. For several years now, Kaunas Prison has been running a pilot project, where catering service is not purchased. The prison administration buys the required products and specially trained prisoners cook food for other inmates. This project has clearly proven its worth, as the food is of higher quality, therefore, analysis is being made as to the rollout of this model across all the prisons.

- The CPT invites the Lithuanian Authorities to be vigilant to possible corruption models in the penitentiary system. In this context, persons working within prisons should receive a clear message that obtaining or demanding advantages from prisoners is illegal and unacceptable and will be duly investigated and punished (paragraph 63).

In 2021-2022, 7 pretrial investigations on the alleged corruption offences by penitentiary officers were carried out:

in one case, the offender has been released from criminal proceedings on bail;

1 criminal case has been referred to court;

4 pretrial investigations were terminated due to the absence of the elements of crime;

1 pretrial investigation is underway.

Over the period between 2021 and 2022, there were 14 cases of corruption-related disciplinary scrutiny. In 7 cases, officers were found guilty of official misconduct and subjected to disciplinary sanctions.

To implement the Committee's recommendation, the representatives of the Lithuanian Prison Service are in regular contact with all the personnel of prison shops and other service providers in prisons; they are informed, against signature, of the liability for unlawful acts in respect of prisoners. The officers of the Criminal Intelligence Unit of the Lithuanian Prison Service are also paying increased attention to the personnel of prison shops and gather information on potentially unlawful acts. It is notable that, following the lead, one shop assistant was detained on entry trying to smuggle in items that are forbidden for prisoners.

Request for information:

- The CPT would like to receive regular updates on progress on the implementation of the aforementioned legal amendments (paragraph 64).

In 2022, 1252 prisoners were engaged in different work activities, another 439 prisoners worked under employment contracts outside prison. Having placed the organisation of work activities solely in the hands of the Lithuanian Prison Service and having allocated additional human resources (establishment of a special unit for organisation and coordination of work activities of prisoners, taking over the organisation of prisoner activities previously run by state enterprise Our Crafts), efforts have been made towards closer cooperation with businesses and NGOs so as to achieve a greater supply of work activities for prisoners.

In 2022, 1465 prisoners were engaged in education (775 in general education schools, 672 in vocational training, and 18 in higher education schools).

Prisoners are also encouraged to engage in different individual (self-employment) activities: an online store² has been opened to sell prisoner-made items. In 2022, 229 prisoners were engaged in self-employment activities. Following the regulation of self-employment procedure in the recast Code of Execution of Sentences and prison administration's instruction to provide conditions for prisoners to engage in self-employment, the number of the self-employed in prisons is expected to grow in 2023.

A special attention is paid to purposeful activities of those in disciplinary group and in disciplinary cellular confinement (KTP). These prisoners are provided with a possibility of engaging in activities organised by NGOs, volunteers, religious communities and communes, also in meetings or workshops, positive activity events organised by prison administration, as well as intervention and correction programmes, and they can engage in artistic-creative and individual activity.

With a view to improving material conditions for prisoners to engage in different activities, Vilnius and Pravieniškės Prisons will have prisoner activity centres built in the beginning of 2024 (1000 m² area each), which will house premises for different work activities, crafts, computer classes for distance learning, sports facilities.

In 2022, about 200 volunteers and representatives of NGOs and religious communities contributed to organisation and implementation of different forms of activities for prisoners. To increase the involvement of volunteers and the participation of prisoners, the recast Code of Execution of Sentences has been amended

² <https://paga.mintakaleiime.lt>

to classify the participation of prisoners in the resocialisation activities organised by NGOs as prisoner work activity.

A special NGO funding scheme has been developed and additional financing has been allocated for NGOs that can contribute to greater engagement of prisoners in activities. As part of the calls for proposals in 2022, 5 NGOs were selected (580 000 euros allocated), another call for proposals for project activities is awaiting in 2023 (800 000 euros) so as to select more NGOs that are in the position to provide such services.

Recommendation:

- The CPT calls upon the Lithuanian authorities to review the legal provisions and practice as regards life-sentenced prisoners, in light of the above remarks. 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 (paragraph 65).

As of 1 January 2023, following the enactment of the recast Code of Execution of Sentences, all the provisions allowing for any segregation of life-sentenced prisoners from general prison population have been eliminated. The life-sentenced prisoners can now share residence with prisoners serving a fixed-term prison sentence, also participate together in resocialisation and other activities, learn together, etc.

Following the formalisation in 2022 of a possibility of replacing the life-sentence with a fixed-term sentence, the prisoners concerned have fallen subject to the same measures of resocialisation as the rest of prisoners.

Healthcare services

Request for information:

- The Committee would like to receive the observations of the Lithuanian authorities on the fact that the Director of the Prison Hospital is a prison officer and how this influences the perception of the professional independence of prison healthcare staff (paragraph 66).

In line with the Committee's recommendation, as of 1 January 2023, the prison medical care has been made fully autonomous, subordinate to Chief Physician of the Lithuanian Prison Service, who organises and coordinates provision of both outpatient as well as inpatient (former Prison Hospital) healthcare services.

Since the issues related to organising healthcare provision in all the prisons will, from now on, be addressed by a person with medical education, he/she will be able, based on his/her professional experience, to better assess current needs and organise the provision of required services more smoothly.

- The Committee would like to receive information on whether a contract for health service provision in Marijampolė Prison has finally been signed (paragraph 67).

Since Marijampolė Municipal Council has refused twice to fulfil the legal obligation to assign a public healthcare institution for the provision of primary outpatient healthcare services in Marijampolė prison in the cases, where the required healthcare services cannot be provided by prison healthcare staff, such failure to act on the part of Marijampolė Municipal Council was challenged before the Administrative Court, which examined the case and ordered Marijampolė Municipality to comply with the legal requirements and to assign a public healthcare institution. Marijampolė Municipality, in its turn, appealed against the decision of the Administrative Court. The case is now pending with the Supreme Administrative Court of the Republic of Lithuania.

Recommendation:

- The Committee calls upon the Lithuanian authorities to search for new ways to render positions for prison healthcare staff more attractive (in addition to increasing salaries) in order to reinforce the healthcare teams at the prisons visited, and in particular, to:
 - ensure that there is at least the equivalent of three full-time general practitioner posts at Alytus and Marijampolė prisons and five full-time general practitioner posts at Pravieniškės Prison;

- significantly reinforce nursing staff complements at Alytus, Marijampolė and Pravieniškės prisons;
- ensure that a person competent to provide first aid (who holds a valid certification in training in the application of cardiopulmonary resuscitation and the use of an automated external defibrillator) is always present in every prison.
- The Committee also reiterates its view that at least a qualified nurse should be present in every penitentiary establishment at night and on weekends (paragraph 69).

As part of the long-term Government commitments and the effort to increase the attractiveness of the working conditions for prison medical personnel, additional public funds have been allocated, which will result in 12.8% higher salaries for them in 2023 compared to 2022.

After the closure of Kybartai Prison in 2021, the medical staff was transferred to Marijampolė Prison; and after the transfer, in 2022, of the prisoners from the former Sector 1 of Pravieniškės Prison, its medical staff went to other units of Pravieniškės Prison, which had the shortage of medical staff.

As regards some prisons that do not have enough necessary doctors, healthcare services are provided to prisoners by healthcare professionals of public healthcare institutions (with exception of Marijampolė Prison – please see the response to paragraph 67 of the Committee's Report).

With the continuously decreasing number of prisoners, the number of healthcare professionals remains the same, which means that they have less work.

The prison healthcare staff and the majority (in some prisons - all) officers in direct contact with prisoners have been trained in first aid, therefore, they know how to do resuscitation (CPR, use of an automated external defibrillator). Each prison has an automated defibrillator. They are kept on the premises of the healthcare unit during the working hours of the health specialists, and during the weekend and at night – they are available from duty officers.

A repeated analysis of the cases requiring medical help during the weekend and at night (when medical staff is away) has shown that the most frequent are the following cases requiring medical aid:

- cases of acute deterioration of health – which could not be addressed by nurses by their competence (diagnose the reason of health failure, prescribe medication), irrespective of their presence in prison at night);
- cases of self-harm or minor injuries – emergency aid (wound dressing, disinfection, stopping bleeding, immobilisation of fractures in limbs, etc.) can be/is delivered by any officer trained in first aid.

In both cases, ambulance is called immediately to take the patient to the closest medical facility.

The summary of the collected data shows that the presence of nurses 24 hours a day is completely pointless. With a view to responding to prisoners' needs as best as possible, general practice nurses are made available to prisoners 10-12 hours a day.

Request for information:

- The Committee would like to receive the observations of the Lithuanian authorities on the matter of the legal regulation, which seems to have led to the abolishment of medical examination of prisoners on hunger strike and daily medical staff visits to prisoners in disciplinary solitary confinement (paragraph 70).

The rules of internal procedure in prisons, approved by Minister for Justice, lay down provisions related to the obligation for the medical personnel to check health of the prisoner who goes on hunger-strike, to visit the prisoner daily and follow the developments in health.

Daily medical staff visits to prisoners in disciplinary solitary confinement have not been abolished either - these prisoners are visited daily (offering consultations, medication, making appointments with doctors, etc.)

Request for information and recommendation:

- The Committee would like to receive the observations of the Lithuanian authorities on the matter of the closure of therapeutic ward at the Prison Hospital due to a shortage of doctors, and that the psychiatric ward has only one psychiatrist attending twice a week.
- Furthermore, the Committee urges the Lithuanian Authorities to take all necessary steps, in close cooperation with the Ministry of Healthcare, to ensure the proper functioning of the prison Hospital or to review the provision of specialist healthcare to prisoners and find alternative treatment provision, including the possibility of telemedicine.

Considering the fact that in comparison with healthcare institutions outside prison, work in the inpatient unit of the Prison Hospital is performed under the conditions of psycho-emotional stress, it was impossible to recruit the required number of rare qualification healthcare specialists (resuscitation doctors), hence, as a result, the therapeutic ward at the Prison Hospital lost its licence to provide therapeutic services. For these services, prisoners are taken to the public hospitals nearby.

Considering the continuously decreasing number of prisoners, it is becoming increasingly financially inefficient to maintain a separate unit (hospital) for treatment only of prisoners (currently - 4500 persons). To this end, the Ministry of Justice has carried out an audit of the medical services provided in prisons to ascertain the scope of medical services provided. It has been found that 60% of all the services required by prisoners are already now provided by public health care institution, i.e.:

- healthcare services of all levels to prisoners from open prisons;
- healthcare services of tertiary level;
- approximately 50% of healthcare services of secondary level, which are not provided at a specialised medical unit of the penitentiary system (hospital), or where such services can be provided faster by a public healthcare institution.

The audit findings will be taken into account in looking for a better and patient-friendlier model of healthcare provision.

Currently, there are 2.5 psychiatrist posts filled at the psychiatric ward. Considering the fact that this ward has, on average, 10 patients at a time, the currently existing number of psychiatrists is sufficient for the provision of timely quality services.

Recommendations:

- The Committee is aware of a few cases, where prisoners had to pay for the medication not refunded by the health insurance. The Committee holds that all prisoners should enjoy at least the same standards of healthcare that are available in the community, therefore, the Committee recommends that the Lithuanian authorities ensure that the above-mentioned precepts are effectively implemented in practice (paragraph 72).

All the medication prescribed by a treating physician is provided to prisoners free of charge. The Lithuanian Prison Service gets budget allocations for the procurement of the medication that is not reimbursed by the Health Insurance Fund, or for the payment of the share of the price for the prescribed medication in the case of co-payment, where Health Insurance Fund covers only part of the price.

Prison shops, just like outside the prison, retails non-prescription medication too, which can be purchased by prisoners if they wish so. Prisoners pay themselves for non-prescription medication.

- The Committee recommends that the Lithuanian authorities immediately remove the cage in the medical examination room in Marijampolė Prison (and, if relevant, in all healthcare facilities in other prisons) and put an end to such practice (paragraph 73).

The Director of the Lithuanian Prison Service mandated the directors of all the prisons to remove metal cages from the premises of medical examination. By now, the practice has been completely abandoned, where prisoners, brought to the medical section, had to wait for medical examination in such cages.

- The Committee notes that Marijampolė Prison still does not have a call bell installed in the medical examination room, despite two attacks on the psychiatrist. The Committee trusts that steps will be taken to address this shortcoming (paragraph 74).

All the medical personnel at Marijampolė Prison are provided with mobile (portable) emergency call devices, therefore, there is no need to instal call bells at their workplace.

Please be also advised that mobile emergency call devices have also been provided to the medical personnel at all other prisons and/or fixed call bells have been installed at their workplace.

- The Committee calls upon the Lithuanian authorities to ensure that the record drawn up after a comprehensive medical examination contains the healthcare 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.
- 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, all injuries should be photographed in detail and the photographs kept, together with "body charts" for making traumatic injuries, in the prisoner's individual medical file.
- The results of every examination, including the abovementioned statements and healthcare professional's conclusions, are made available to the prisoner and their lawyer.
- 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 record is systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned. The healthcare professional should advise the prisoner concerned of the existence of the reporting obligation and that the forwarding of the report to the competent prosecutor's office is not a substitute for the lodging of a formal complaint.
- CPT also recommends that the Lithuanian authorities ensure that special training be provided to healthcare professionals working in prison. 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 prisoners who may have been ill-treated. Reference should also be made to the revised Istanbul Protocol on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment (paragraph 75).

Procedure for prevention of ill-treatment and investigation of bodily injuries to detained and convicted persons in the places of deprivation of liberty, and the preparation, handling and record-keeping of documents on bodily injuries³, approved by the Director of the Prison Service, stipulates that, following a comprehensive examination, the healthcare professional makes an accurate account of all the bodily injuries found, indicating all the circumstances of the commission of injuries as detailed by the person injured. The bodily injuries are also marked on the body charts, which are kept together with other documents of prisoner's medical examination. In line with the Committee's recommendation, this procedure has been supplemented with the mandatory requirement to record (capture) injuries on video or photo camera.

In all the cases, whenever injuries (irrespective of their nature) are found by a healthcare professional, all the material of the medical examination is immediately registered and, regardless of the wishes of the person concerned, systematically referred to the prosecutor's office and a pretrial investigation officer of the Prison Service, and – in the case of self-harm – to the crisis intervention team.

A pretrial investigation officer of the Prison Service ascertains the circumstances of the injury: interviews the injured prisoner about the circumstances of the injury, assesses the consistency between the statements made by the prisoner regarding the circumstances of the injury and the objective medical findings, and informs the prisoner of their right to lodge a formal complaint or an application regarding the alleged criminal offence.

After ascertaining the circumstances of the injury, a decision is made on whether to open a pretrial investigation. The pretrial investigation officer is allowed to refuse to open a pretrial investigation in the three following cases only:

³ Procedure is published on: <https://www.e-tar.lt/portals/lt/legal/Act/d152260881b11ed8d094f59a60216>

- where it has been ascertained that the information on the alleged criminal offence has been manifestly untrue;
- the prisoner has not lodged a formal complaint or an application regarding the alleged criminal offence. Pretrial investigation officer's decision and the documented material are referred to the Chief Prosecutor of the Territorial Prosecutor's Office, who organises the verification of the validity and legality of the decision.

Furthermore, pretrial investigation must be opened irrespective of prisoner's formal complaint or application, if the prisoner is in hospital for the treatment of the injuries.

Prisoners or any of their authorised persons (including lawyers) are entitled to have access to prisoner's medical examination file, and to get its copies.

From 6 to 17 March 2023, the Lithuanian Prison Service will organise additional training for the entire medical staff of the Prison Service on recording and documenting of prisoner injuries, and the tactics of their interviewing.

- **The Committee calls upon the Lithuanian authorities to finally develop and implement a comprehensive strategy for the provision of medical and psychosocial assistance to prisoners with drug-related problems, taking into account the above remarks (paragraph 79).**

The staff of the Lithuanian Prison Service has been reinforced with the nationally well-acclaimed addiction specialist, whose efforts and active cooperation with the Republican Centre for Addiction Disorders and the Ministry of Health have produced, in 2022, an algorithm for the provision of comprehensive assistance in prison to detainees and convicts using psychoactive substances, which has been already approved, and the application of the measures laid down therein have already started.

The algorithm establishes the principles for timely recognition of the use of psychoactive substances and appropriate response, also medical and psychosocial assistance measures applied in prison (initial assistance, detoxication, assistance in day centres, rehabilitation and post-rehabilitation centres, substitution therapy, preparation of prisoners using psychoactive substances for probation process (ensuring continuity of assistance measures), and other assistance and prevention measures (education/raising motivation, supply of condoms, prevention and treatment of communicable diseases,) and conditions for the application of these measures, and the procedure for raising competences and professional development of those involved in the provision of assistance.

With a view to ensuring the provision of expert help to the Prison Service staff working with addictions, a model for cooperation with the Republican Centre for Addiction Disorders has been developed together with the Ministry of Health. It will ensure the provision of the required methodical guidance, regular specialist training, and external assessment of the efficacy of measures applied in prisons for psychoactive substance users.

Opioid substitution therapy services are ensured across all the prisons. Prisoners can both continue the substitution therapy started while in freedom as well as start it in prison. On average, 200 patients get the substitution therapy.

Each prison has day centres for those suffering from the addiction to psychoactive substances. Long-term rehabilitation centres are operating in 5 prisons, and post-rehabilitation centres – in 3 prisons. The network is planned to expand.

Detoxication services have been provided since March 2022. Until 2022, detoxication was applied for 14 persons.

To ensure an effective overdose prevention, each opioid-addicted person is provided with a naloxone kit on their release from prison.

Additional funding has been allocated for non-governmental organisations, which can contribute to the provision of psychosocial assistance to prisoners suffering from addiction. As part of the calls for proposals in 2022, 5 NGOs have been selected (580 000 euros have been allocated), another call for proposals for project activities is awaiting in 2023 (800 000 euros) so as to select more NGOs that are in the position to provide such services.

Request for information:

- In their letter of 7 March 2022, the Lithuanian authorities informed the Committee regarding a plan to conduct research in prisons, in cooperation with the Drug, Tobacco and Alcohol Control Department and to develop a manual for the provision of necessary interventions. The Committee would like to be informed about the results of this research as well as the suggested measures and the timetable for their implementation.
- The Committee was also informed about the plans to develop the network of Addiction Rehabilitation Centres (including post-rehabilitation units), raise salaries for qualified professionals (addiction counsellors, psychiatrists, psychologists, social workers, etc.). The Committee would like to receive a confirmation that the aforementioned funding has indeed been allocated (paragraph 80).

As part of the research on prevalence of drug use in prisons and services provided to reduce the harm caused by the drug use, conducted by the Drug, Tobacco and Alcohol Control Department, a survey of respondents was carried out from September 2021 to February 2022. The questionnaires were completed by 448 respondents. The survey data analysis has not been completed yet, and thus the proposed intervention measures have not been formulated.

In 2022, a new rehabilitation centre was opened in Alytus Prison. In total, rehabilitation centres are currently operating in 5 prisons, and post-rehabilitation centres are operating in 3 prisons. Also, every prison has a day centre, providing assistance to persons addicted to psychoactive substances, before they are admitted to a rehabilitation centre. In order to meet the addiction treatment needs, the network of rehabilitation and post-rehabilitation centres is going to be expanded in the future. According to the plan, a new rehabilitation centre will be accommodated in some of the premises of the former Central Prison Hospital, thus creating the possibilities for treatment of a significantly higher number of persons addicted to psychoactive substances.

In 2022, a special measure was adopted providing for 20% pay raise for addiction specialists, social workers, psychologists and other specialists working with persons addicted to psychoactive substances.

- The Committee would like to draw the attention of the Lithuanian authorities to the fact that there is no adequate justification for placing prisoners in one particular institution based solely upon their HIV status. Also, some of the prisoners refuse to take HIV tests, mainly to avoid being transferred to Alytus Prison. The CPT would like to receive the observations of the Lithuanian authorities on this matter (paragraph 81).

The practice to transfer all newly-arrived HIV-infected convicted persons to serve their sentences exceptionally in Alytus Prison has been abandoned. The convicted persons are currently transferred to prisons irrespective of their HIV status.

Currently, 198 HIV-infected persons are held in prisons, out of them: 11 in Pravieniškės Prison, 17 in Panevėžys Prison, 10 in Vilnius Prison, 147 in Alytus Prison, 3 in Kaunas Prison and 10 in Šiauliai Prison.

According to the Strategy for the Prevention of Infectious Diseases in Prisons prepared by the Ministry of Justice together with the Ministry of Health⁴, every new person arriving to a prison undergoes preventive screening for HIV, tuberculosis, and viral hepatitis. In order to avoid possible inaccuracies, the prisoner undergoes a repeated preventive HIV test 4 weeks after their arrival to the prison. Afterwards, prisoners are preventively screened for HIV, tuberculosis, and viral hepatitis once a year. Also, if there are any biological or medical indications, prisoners are screened for all infectious diseases.

Other issues

Recommendations:

- 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.

⁴ <https://www.e-ter.lt/portal/legalAct/e74a2e707b9711edbc04912defe897d1>

Moreover, the Committee recommends that the Lithuanian authorities introduce legal amendments which would authorise, as a matter of principle, open visits for all prisoners, including those on strict regime, with closed visits only used as an exception based on an individual assessment of risk (paragraph 83).

When implementing the previous analogous recommendation by the Committee, the new version of the Code of Execution of Sentences was adopted which ensures all groups of prisoners serving custodial sentences a minimum number of visits: at least four visits per month (*inter alia*—one visit per week). It should be noted that the number of visits is unlimited for the prisoners on lenient regime.

When the Seimas of the Republic of Lithuania was considering the bill for a new version of the Code of Execution of Sentences, it was proposed to allow all prisoners, as a matter of principle, to have open (contact) visits. There was no opposition to this proposal, however, after taking into consideration the fact that the implementation of such legislative amendments would result in an enormous lack of premises for visits (currently, prison infrastructure is not adapted for all prisoners to have contact visits once per week), and a significant amount of funds would have to be allocated for the fitting-out of premises, it was decided, based on the current infrastructure potential, to stick to the Committee's recommendation to increase the number of visits (by implementing some of the visits in a non-contact manner) and implement the recommendation on the open visits in the future, when complex modernization of prison infrastructure will create conditions for ensuring contact visits for all prisoners.

The Code of Execution of Sentences (Article 39(1)) provides for a possibility to allow a prisoner to have an additional visit of any form, if the prisoner has a sound reason to ask for one. Also, all prisoners, whose children are accommodated in nearby childcare institutions, are allowed to visit them on a daily basis (previously, only female prisoners had this opportunity). After taking this into consideration and assessing individual needs, prisoners on strict regime may be granted more contact visits.

- The CPT once again calls upon the Lithuanian authorities to review the regime for prisoners in cellular confinement (KTP). According to the Committee, the prisoners concerned should be offered the possibility to engage in purposeful activities and ensured the same visiting entitlement as other inmates on strict regime (paragraph 84).

According to the new version of the Code of Execution of Sentences, an additional penalty – up to 30-day isolation of a prisoner (up to 5 days in case of a convicted minor) – cannot be imposed on prisoners in cellular confinement. In this way, it is ensured that prisoners are not held in cellular confinement for an unlimited amount of time (*inter alia*, by imposing the same penalty on them over and over again), therefore the maximum period of isolation cannot exceed 30 days.

It should be noted that should the regime for those on whom the penalty is imposed and those on a strict regime be made uniform, the penalty would become pointless and there would no longer be any possibilities to discipline prisoners violating the rules very seriously or systematically.

Prisoners in cellular confinement have the same possibilities to engage in purposeful activities as other inmates (see the response to the recommendation in paragraph 64 of the Committee's report).

- The Committee recommends that steps be taken to improve the state of repair of the KTP cells, as well as to ensure that all inmates in KTP premises have the possibility to take their daily outdoor exercise in conditions which enable them to physically exert themselves. Moreover, all the exercise yards should be equipped with a means of rest and, preferably, offer a horizontal outside view (paragraph 85).

Since 2021, 11 cells in Vilnius Prison, 40 cells in Kaunas Prison and 5 cells in Pravieniškės Prison have been repaired (restored). The restoration works of cell-type premises are going to continue in 2023 as well.

Exercise yards are being constantly restored, wherever possible, as well, and the size of the yards is being increased in accordance with the Committee's recommendations. For instance, 3 new exercise yards have been added to Kaunas Prison, and 4 new exercise yards are about to be added to Pravieniškės Prison.

In 2020–2021, EUR 15M have been allocated for sports infrastructure improvements. Some of the sports fields/gyms as well as showers and changing rooms have been restored, new sports facilities and outdoor exercise equipment have been purchased and installed. Prisoners serving their sentences in cells, depending

on their regime, have 1–3 hours every day to use the sports equipment installed in exercise yards or sports fields.

Requests for information:

- **The Committee was made aware that, according to the legislation in place, prisoners must be automatically transferred to strict regime if they have been placed in disciplinary cellular confinement. The Committee is concerned that the prison director has no discretion to prevent a prisoner from being transferred to serious regime in exceptional cases and would like to receive the observations of the Lithuanian authorities on this matter (paragraph 86).**

The strictest penalty – isolation of a prisoner for up to 30 days (up to 5 days in case of a convicted minor) – may be imposed only in exceptional cases, i.e., for very serious (for example, exerting physical or mental violence against other persons, inciting other prisoners not to comply with the requirements of the prison administration) or systematic (if three penalties have been imposed on the prisoner in one year for their violations) violations of rules. After they finish their penalties, the prisoners are then transferred to a stricter regime (for example, to an ordinary regime, if they are on a lenient regime, or to a strict regime, if they are on an ordinary regime).

It should also be noted that the period under which the prisoner's regime may be made more lenient, if they comply with the criteria laid down, has been shortened from 6 to 3 months in the new Code of Execution of Sentences.

The prison director also has full discretion not to impose a stricter legal regime on a prisoner for their very serious or systematic violations, i.e., the prison director has a right not to impose the strictest penalty on a prisoner who has violated a respective rule.

- **The Committee would like to receive the observations of the Lithuanian authorities on the possibility laid down in the law to impose a stricter regime on prisoners who are not engaged in work activity. The Committee is concerned that also those prisoners who have expressed their willingness to work but have not been offered any may be transferred to a stricter regime (paragraph 87).**

Article 36 of the Code of Execution of Sentences, which lays down the criteria to transfer a prisoner to a more lenient or stricter regime, clearly states that only those prisoners who refuse to engage in work activities offered by the prison administration may face the negative consequences. Taking this into consideration, if a prisoner wants to engage in work activities, yet the prison administration cannot offer them any, such a prisoner is not considered as someone who has refused to engage in work activities and a stricter regime cannot be imposed on them.

The new Code of Execution of Sentences also states that individual work activities or engagement in various employment activities by NGOs, if they meet the requirements laid down, shall be treated as work activities for prisoners. In this way, prisoners are no longer required to engage in work activities.

MIGRANT DETENTION CENTRES

Introductory observations

Regarding the decrease in the number of accommodated persons and alternative detention measures applied in Lithuania:

- on 9 September 2022, the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter – SBGS) Medininkai Foreigners Registration Centre (hereinafter – Medininkai FRC) was closed, its infrastructure disassembled;
- on 26 October 2022, the SBGS Pabradė Foreigners Registration Centre (hereinafter – Pabradė FRC) modular houses wing was closed. Their infrastructure is disassembled;
- Kybartai FRC is planning to be closed since 1st 2023.

The issue of migrants' reception and accommodation system reform is under discussion with the focus on establishing a single institution responsible for organizing and implementing reception conditions (including healthcare, translation, and legal assistance services) across all foreigners' accommodation locations in the Republic of Lithuania.

Request for information:

- During the visit, the Committee's delegation was informed that families with children would be transferred out of the Foreigners registration centres to the two Reception centres placed under the responsibility of the Ministry of Social Security and Labour. The CPT would like to receive confirmation of these transfers, along with the description of the conditions in which families with children are accommodated in the reception centres, particularly as regards their freedom of movement (paragraph 92).

By 15 March 2022, all families with underage children were transferred from Medininkai FRC to the reception centres under the responsibility of the Ministry of Social Security and Labour (hereinafter – MSSL).

In 1st January 2023, families with 12 underage children were living in Pabradė FRC.

Pabradė FRC and reception centres under the responsibility of the MSSL have proper accommodation conditions in line with the requirements.

The reception centres under the responsibility of the MSSL have the following accommodation conditions:

- all families have a right to leave the territory of the centres;
- foreign nationals are accommodated in dormitory-type buildings;
- in Rukla Foreigners Reception Centre, foreign nationals are accommodated in block-type rooms (each block consists of 2, 3 or 4 rooms with refrigerators, necessary furniture). Each block has a sanitary unit and a shower. Each floor of the building has two shared kitchens with necessary kitchen cabinets and household appliances;
- in Naujininkai refugee camp in Vilnius, sanitary units, showers (privacy is ensured) and kitchens are shared;
- shared recreational areas are installed with games, books, TVs, video game consoles;
- classes are installed for children to study, where leisure activities for children are organized and educational events are hosted. From the start of the school year, children attend general secondary education institutions or early childhood education and pre-primary education institutions in cities or towns;
- children can go outside and are free to play in playgrounds within the territory of the centres. They can also visit playgrounds or sports fields or choose other leisure activities according to their needs in cities or towns.

III-treatment

Recommendations:

- The CPT recommends that it be strongly reiterated to staff having custodial responsibilities in the three visited centres, to all members of the SBGS, and to other law enforcement agents

- concerned, that all detained foreign nationals must be treated with respect and that all forms of ill-treatment, including verbal abuse, are unacceptable and will be sanctioned accordingly.
- The CPT recommends that the Lithuanian authorities take measures to ensure that no more force than is strictly necessary and proportionate should be used to bring those detained foreign nationals who are being violent under control. Resort to the use of special means, such as batons, handcuffs, tear gas or pepper spray should be duly recorded.
 - As regards the use of tasers/electrical discharge weapons in particular, reference is made to the principles enumerated in paragraphs 65 to 84 of the 20th General Report on the CPT's activities (paragraph 98).

The SBGS officers' activities are based on the principles of respect for human and state, fairness, integrity, impartiality, selflessness, responsibility, balance between publicity and confidentiality, and exemplarity. The SBGS officers' code of conduct states that an officer must:

- respect and protect every person's dignity, fundamental rights and freedoms;
- ensure the protection of rights and freedoms of every detained person and take immediate measures to provide medical or other necessary assistance, if there is a need;
- not engage in, encourage or in any other way tolerate torture or other inhumane or degrading acts.

The SBGS trains both the students undergoing initial vocational training at the Border Guard School and the officers and staff members already employed on how to ensure human rights.

When implementing the provisions of the Border Guard Modular Vocational Training Programme, the following competences of all students (future officers) are developed:

- safeguarding human rights and freedoms when enforcing border security;
- complying with the professional code of ethics and standards and respecting the diversity of human qualities disclosing the natural or publicly recognized social group identity.

When developing the above-mentioned competences, the focus is on tolerance, respect for human rights and person's choices.

In order to increase the employed officers' tolerance and respect for human rights and freedoms, the SBGS organizes various trainings on an annual basis.

The SBGS officers are repeatedly reminded that the detainees must be treated with respect and that all forms of ill-treatment, including verbal abuse, are unacceptable and will be disciplined accordingly, and they are repeatedly introduced to the use of force conditions laid down in the article 28 of the Republic of Lithuania Law on the State Border and the Guard Thereof. The article states that:

- a State Border Guard Service officer has a right to use force only in the case when the service requires so and only to the extent necessary to carry out the service duties;
- State Border Guard Service officer's use of force must be appropriate to circumstances and proportionate to the danger and specific situation, nature and intensity of the violation; individual qualities of the violator must be taken into consideration as well;
- physical force must only be used when psychological force has been ineffective or if any further delay may result in danger to life and health of the officer or any other person.

The SBGS officers must undergo trainings on the use of weapons and special means. Once a year, officers must pass a test on the use of weapons and special means.

According to paragraph 10 of the Description of the use of special means (handcuffs, batons, tear spray, etc.) approved by the Government, if the use of special means by an officer results in a death or health impairments of a person, the officer must immediately inform the officer from the operative management department or other officer authorized by the head of the institution about the incident, who, in turn, informs the head of the institution of the officer who applied the special means as well as the prosecutor.

In other cases, the officer has to write an official report for the head of their unit and include the fact of the use of force in this report. All official reports are registered in the electronic Document Management System. If the head of the unit has any suspicions that excessive use of force was applied after taking the circumstances of the event into account, they then launch disciplinary scrutiny. The SBGS has the Immunity Boards tasked with – among other things – controlling the legitimacy of the SBGS officers' activities.

The use of electrical discharge weapons in SBGS units is regulated under the Description of the procedure for the use of electrical discharge weapons by the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania approved by the Order of the Commander of the SBGS dated 22 January 2021. Paragraph 28 of this Description states that if an officer uses such a weapon, they must write an official report to the head of the SBGS structural unit or commander of the unit on the use of the weapon. The report must include the date, time, location or address, persons involved, type of the incident, the way the weapon was used, what happened to the person against whom the weapon was used, what measures were taken after the situation.

Conditions of detention

Recommendations

- The CPT recommends that measures be taken to significantly increase the living space available for foreign nationals in each of the three centres visited (paragraph 101).

In order to increase the living space available per foreign national at SBGS FRCs, the following measures have been taken:

- by 15 March 2022, families with children were transferred to registration centres under the MSSL;
- from 1 June 2022 to 1 January 2023, alternative detention measures without limiting their freedom of movement were applied to 2576 foreign nationals living in centres;
- the foreign nationals were offered a voluntary return promotion program – in 2022, 646 foreign nationals took advantage of this program and left Lithuania.

According to the data of 1st January 2023, 24 foreign nationals live in Kybartai FRC and 113 in Pabradė FRC.

SBGS FRCs ensure that the requirement laid down in paragraph 24(1) of the hygiene norms approved by the Minister of Health of the Republic of Lithuania called 'Public health safety requirements for temporary foreign nationals' accommodation in State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania Foreigners Registration Centre' (hereinafter – HN 61:2020), which states that minimum area per person in residential premises must be at least 4 square meters, is met.

- The CTP recommends that all dormitories/rooms in the three FRCs be equipped with sufficient furniture, including lockable storage space for personal belongings. All multiple occupancy rooms should offer tables and chairs commensurate with the number of persons detained (paragraph 102).

Taking the number of occupants into account, rooms in Kybartai FRC are fully equipped with basic furniture (beds, tables, chairs). In 2022, the Centre received additional locker cabinets to store personal belongings.

All rooms in Pabradė FRC contain sufficient furniture, including locker cabinets, to store personal belongings.

- Immigration detention centres should provide accommodation which is clean and in a good state of repair. The CPT recommends that Lithuanian authorities take all necessary measures to ensure that detained foreign nationals in Kybartai FRC have access to hot water on a daily basis and to a shower at least twice a week, preferably more, and in conditions which ensure their privacy (paragraph 104).

Foreign nationals are accommodated in SBGS FRCs in accordance with the HN 61:2020.

SBGS FRCs employ people who carry out cleaning and maintenance works in the premises on a daily basis. There is no shortage of employees. The employees of the SBGS FRCs Admittance Conditions Management Units help the foreign nationals accommodated in the centres develop their social and orderliness skills, provide methodical assistance.

In the floors (wing A) of the Kybartai FRC dormitory, where foreign nationals are accommodated, there is hot running water, and the showers and sanitary units have been restored. Foreign nationals have unlimited access to hot water at any time of the day. 4 shower cabins have been installed on every floor which ensure the privacy of the person using the shower. The number of shower cabins fully meet the needs of the persons accommodated on the floor.

- The CPT recommends that detained foreign nationals, in Kybartai and in all FRCs, should have the necessary utensils to eat and drink and, where relevant, cook (paragraph 105).

The occupants in the Kybartai FRC receive 3 free meals every day; the food is prepared in the FRC kitchen. The adult foreign nationals accommodated in the Pabradė FRC receive 3 free meals every day and minors receive 4 free meals; the food is prepared in the FRC kitchen. They may choose 1 of 4 meal types: traditional, alternative, vegetarian or special. The SBGS FRC occupants are able to eat in kitchens which are fully equipped with kitchenware. The SBGS FRC occupants are given additional utensils. The residential premises have kitchenettes, where occupants can prepare food, equipped with all the necessary utensils and appliances.

Request for information:

- In the letter dated 3 March 2022, the Committee was informed that public procurement procedures were taking place for the installation of hot water, repairs of showers and toilets. The CPT would like to receive confirmation that the above works have been completed and would like to be informed of other plans for renovation or upgrade (paragraph 106).

The renovation works in Kybartai FRC had been implemented according to the plan approved by the Commander of the SBGS. The following renovation works have been completed:

- kitchenettes to prepare food have been installed on every floor;
- in the the floors (wing A) where foreign nationals are accommodated, the premises have been repainted, hot water installed, showers and sanitary units renovated;
- in the wing A, floors 1, 2, and 5, smoking areas with ventilation system have been installed;
- 5 outdoor smoking areas (shelters with benches and tables) have been installed and designated;
- on all floors of the wings A and B, recreation rooms with beanbag chairs, couches, table football, music player devices, and TVs have been installed;
- the boiler-room has been reconstructed;
- outdoor recreational areas have been expanded (15 benches have been built);
- prayer rooms have been installed;
- bars in corridors have been removed, enclosures and excessive fencing within the territory have been disassembled, 90% of the barbed wire has been removed;
- the majority of unnecessary buildings have been demolished;

Recommendation:

- The CPT recommends that adjustments be made to the design and layout of the premises, in Kybartai FRC and in the detention block of Pabradė FRC, with a view to rendering them less carceral (paragraph 108).

When foreign nationals are being accommodated, their legal status is always taken into consideration and they are accommodated in specialized centres.

In 2021, during the migration crisis caused by the Belarusian regime, when the emergency at first and the state of emergency afterwards were announced in the Republic of Lithuania, temporary and urgent decisions were made on accommodation of foreign nationals. In 2022, temporary accommodation centres, for example, Medininkai FRC, were closed and the infrastructure of the currently operating SBGS FRCs is always being improved with regards to recommendations and standards.

In Kybartai FRC, bars in corridors have been removed, enclosures and excessive fencing within the territory have been disassembled, 90% of the barbed wire has been removed.

Pabradė FRC has been designed with a sectorial approach in mind in order to ensure the security of detained foreign nationals. It is not appropriate to implement infrastructural changes there at the moment. Two new multi-functional dormitory buildings are planned in Pabradė FRC currently (see the response regarding the recommendation in the Committee's report, paragraph 109). Once this project is implemented, the decisions regarding improvements to the infrastructure of the detention block will be made.

Request for information:

- In the letter dated 3 March 2022, the Committee was informed that public procurement procedures in order to improve infrastructure of the centres were taking place. The CPT would like to be informed of the nature of such improvements (paragraph 109).

The following public procurements have been carried out in Kybartai FRC:

- installation of sanitary units and hot water in the dormitory;
- renovation of the boiler house;
- disassembling of unnecessary concertina wire, bars and enclosures;
- acquisition of household appliances;
- acquisition of furniture;
- acquisition of kitchenware;
- refurbishment of other premises.

More detailed information on the improvements of Kybartai FRC is presented in the responses regarding the implementation of the Committee's recommendations in paragraphs 104–105, 106, and 108.

In Pabradė FRC public procurements for the construction of two multi-functional dormitories are currently underway. The plan is to complete the project by the end of 2023.

All the above-mentioned public procurements that have been implemented or their implementation is underway are related to changes to the centres' infrastructure in order to improve accommodation conditions in the FRCs.

Recommendations:

- The CPT recommends that all courtyards and outdoor facilities in the FRCs be equipped with a means of shelter against inclement weather, as well as chairs or benches. Further, all outdoor yards of sections which hold families should be equipped with a playground for children (paragraph 111).

In Kybartai FRC, after analysing the existing infrastructure, in addition to outdoors exercise areas (with shelters), 5 additional outdoor smoking areas (shelters with benches and tables) have been installed.

In Pabradė FRC, 3 outdoors playgrounds for children have been installed. All yards have shelters with benches. Some of the outdoor facilities in Pabradė FRC have no shelters, therefore, when improving the infrastructure of this centre (during the construction of new dormitories (462 beds), which is planning to be finished in 2023), the decision regarding the appropriateness of new shelters installation will be considered.

- The CPT recommends that measures be taken to ensure that purposeful activities are available to detained foreign nationals and – especially – their children in the three FRCs and in all centres accommodating detained foreign nationals (paragraph 116).

Taking the recommendations by the Committee into account, the following measures have been taken in Kybartai FRC:

- after assessing the needs of the occupants and arranging the issue with the representatives of the visiting religious communities, a prayer room has been installed. Services for representatives of different religions take place in accordance with the set schedule;
- recreation rooms have been installed in wings A and B with beanbag chairs, couches, board games, table football, music player devices, TVs. Board games and books have been handed out;
- every week, a foreign nationals' activities schedule is drawn up. On its basis, the following activities are organized: Lithuanian and English classes, art therapy classes, football games against the professional and school teams of the respective town, film screenings. Foreign nationals are allowed to attend entertainment events taking place outside the Kybartai FRC perimeter, such as X Factor.

The Committee's recommendations for Pabradė FRC have been fully implemented.

SBGS FRCs, in line with the good practices of other nations, is constantly improving its activities and is increasing the variety of measures for this purpose. NGOs are also actively involved and provide assistance.

- The CPT would like to receive detailed information about the possibilities for persons to access sports grounds, and the inside gym facilities in each of the FRCs (paragraph 117).

In Kybartai FRC, all foreign nationals have free and unlimited access to outdoor and indoor sports fields and are able to use all the sports equipment within the territory every day from 8 AM to 10 PM. The Pabradė FRC sports fields and gyms schedules are as follows:

Gym:

- men from the detained persons dormitory are able to attend it every day.
- foreign nationals accommodated on the 2nd floor, sector 1: Mondays from 10:40 AM to 11:10 AM and from 3 PM to 4 PM; Tuesdays from 9:40 AM to 10:40 AM and from 2 PM to 3 PM; Wednesdays from 3 PM to 4 PM; Thursdays from 9:40 AM to 10:40 AM and from 2 PM to 3 PM; Fridays from 10:40 AM to 11:40 AM; Saturdays from 9:40 AM to 10:40 AM and from 2 PM to 2:40 PM; Sundays from 10:40 AM to 11:40 AM;
- foreign nationals accommodated on the 2nd floor, sector 3: Mondays from 9:40 AM to 10:40 AM and from 2 PM to 3 PM; Tuesdays from 10:40 AM to 11:40 AM and from 3 PM to 4 PM; Wednesdays from 2 PM to 3 PM; Thursdays from 10:40 AM to 11:40 AM and from 2 PM to 3 PM; Fridays from 9:40 AM to 10:40 AM and from 2 PM to 2:40 PM; Saturdays from 10:40 AM to 11:40 AM and from 2:40 PM to 3:40 PM; Sundays from 9:40 AM to 10:40 AM and from 2 PM to 2:40 PM;

Sports fields:

- men from the detained persons dormitory: Mondays and Wednesdays from 2 PM to 3:30 PM, Saturdays from 11 AM to 1 PM;
- occupants of the asylum seekers dormitory and vulnerable persons dormitory are supplied with sports equipment and they themselves select a basketball court or a football stadium. Availability hours: Monday to Friday from 10:30 AM to 11:30 AM;
- occupants of the detained women dormitory are supplied with sports equipment and they themselves select a basketball court or a football stadium. Availability hours: Monday to Friday from 10 AM to 12 AM; Saturday to Sunday from 10 AM to 11 AM and 4 PM to 5 PM; Mondays and Wednesdays from 2 PM to 3:20 PM;
- for those whose freedom of movement is not restricted, access to the basketball court is not limited.

Request for information and recommendation:

- In the letter dated 3 March 2022, the Committee was informed that after their visit, the daily access to outdoor exercise had been increased for foreign nationals, they had been given a possibility to use phone, etc. The CPT welcomes these changes and would like to receive a full account of the regime in the formerly so-called detention blocks (exact perimeter of free movement, activities, access to outdoor exercise, contacts with the outside) as well as a copy of the updated Description of the Procedure.
- The Committee recommends that the use of means of restraint be considered on individual grounds and be based on the principle of necessity and proportionality. It should be altogether abandoned within the premises of Pabradė FRC (paragraph 122).

According to the Description of the conditions of and procedure for temporary accommodation of foreigners in the State Border Guard Services under the Ministry of the Interior of the Republic of Lithuania (hereinafter 'the Description of the procedure'), paragraph 25(4), "detained foreign nationals and detained asylum seekers are prohibited from having mobile connection devices within the territory of the centre".

Taking the current legislation into consideration, in Pabradė FRC, on the floors 2 and 3, landline phones are installed and foreign nationals are able to use them according to their needs. It should also be noted that it is possible to call a landline phone on every floor of the detention building from an outside phone. The landline phone number is displayed on the bulletin boards in every sector. The foreign nationals accommodated (detained) in the detention building also have a possibility to use their personal mobile phones twice a week (and more often in urgent cases) confidentially. Also, every Friday, from 10 AM to 4 PM, Lithuanian Red Cross (hereinafter – LRC) staff members allow the foreign nationals accommodated in the detention building use the LRC mobile phones.

In Kybartai FRC, the rest period is from 10 PM to 6 AM, the occupants' room doors remain unlocked. The rest of the time all foreigners, regardless of the wing they are accommodated in, are free to move in shared corridors, access the recreation zone. From 8 AM to 8 PM, they can use sports equipment and exercise in the

outdoor sports fields in the territory of every wing. Foreign nationals may participate in various activities, in accordance with the schedule established in advance, as well as use shared recreational premises.

If there is a need, detained foreign nationals in Kybartai FRC can use the Red Cross phone as well as have a right to use their phones for a few hours every day if they file a written request.

Occupants' room doors in Pabradė FRC are not locked. All foreigners are free to move in corridors of the sector, access the recreational zone.

Detained foreign nationals in Pabradė FRC have a right to walk outside for 4 hours every day with an access to outdoor fitness equipment (from 10 AM to 12 AM and from 2 PM to 4 PM).

In recreational premises, activities take place:

On the 2nd floor:

- on Mondays, Fridays, Sundays from 9:40 AM to 10:40 AM and from 2 PM to 3 PM;
- on Tuesdays, Thursdays, Saturdays from 10:40 AM to 11:40 AM and from 3 PM to 4 PM;
- on Wednesdays from 2 PM to 3 PM;

On the 3rd floor:

- on Mondays, Fridays, Sundays from 10:40 AM to 11:40 AM and from 3 PM to 4 PM;
- on Tuesdays, Thursdays, Saturdays from 9:40 AM to 10:40 AM and from 2 PM to 3 PM;
- on Wednesdays from 3 PM to 4 PM;

Officers working in SBGS FRCs use force in accordance with the provisions laid down in the Republic of Lithuania Law on the State Border and the Guard Thereof by assessing every individual case and in accordance with the principles of necessity and proportionality (see paragraph 98).

The officers working at Pabradė FRC have been additionally briefed on the conditions for the use of force.

Please find attached the copy of the FRC internal procedures.

Healthcare

Recommendations:

- The CPT recommends that the Lithuanian authorities further reinforce the healthcare personnel at the Foreigners Registration Centres by ensuring that a person with a recognized nursing qualifications is present on a daily basis, including weekends, in all three FRCs (paragraph 126).

Currently, two mobile medical teams, consisting of a physician and a nurse, are in charge of the healthcare services in Kybartai FRC. Considering the decrease in the number of healthcare professionals, medical teams visit Kybartai FRC at least 3 times a week. If there is a need, the secondary level healthcare services are provided for foreign nationals by taking them to nearby healthcare institutions. In urgent cases, ambulance is called. In October 2022, Kybartai FRC received the permission to provide individual healthcare services.

In Pabradė FRC, a GP is working on site Monday through Thursday from 8 AM to 4:20 PM and is consulting patients via phone on Fridays. General practice nurses work every day from 8 AM to 4:20 PM, including weekends, holidays and rest days; their schedules are flexible.

- The CPT recommends that the Lithuanian authorities take the necessary measures to ensure that all newly admitted foreign nationals at FRCs effectively benefit from a medical examination, including in the case of transfers between FRCs or between FRCs and other facilities accommodating foreigners.
- This medical screening upon admission should:
 - take place within 24 hours of arrival
 - include aspects such as the recording of any signs of injury, together with any relevant statements of the detained person and the doctor's conclusions. Further, a dedicated register on the injuries observed on detained persons during admission and detention should be put in place;
 - include a screening for transmissible diseases (namely, systematic TB screening and voluntary testing for HIV and hepatitis B and C) and the detection of any signs of mental

and traumatic antecedents (including sexual and gender-based violence or human trafficking) (paragraph 128).

In Kybartai FRC, every newly arrived foreign national is examined on the first day the physicians are working on site after their arrival. If the newly arrived persons display any signs of infectious diseases, they are accommodated separately from others; if there is a need, ambulance is called. During business days, mobile medical teams organize the necessary medical tests. At the moment, newly arrived foreigners are usually transferred to FRCs during business days and only in exceptional cases during non-business days.

In Pabradė FRC, every newly arrived foreign national undergoes an isolation period, after which they are examined by a GP. If their health condition is good, they can then be accommodated in common premises. Furthermore, during the isolation period, medical staff visits the foreign nationals on a daily basis from the first day of their arrival. If newly arrived persons have health issues, they are examined by a GP in the isolation premises on the very same day and receive the necessary treatment immediately.

In Pabradė FRC, during the primary examination by a GP, every newly arrived occupant is referred to undergo rapid TB and HIV tests. The referrals for rapid hepatitis C tests are made only if there are any indications of the disease. If there is a need (if the test is positive), occupants are referred to an infectious disease specialist in the tertiary level medical institution (Santara Clinic of Infectious Diseases).

The SBGS FRC records all the information, the conclusions by the doctor about the signs of injuries detected during the health examination and expressed by the person themselves, in a personal health card or electronic healthcare system (e.sveikata). All patients receive the necessary medical and psychological help. All newly arriving occupants are counselled by SBGS FRC psychologists, who carry out procedures to detect vulnerable persons and include them in the list of vulnerable persons, if there is such a need.

The vulnerability assessment by the SBGS FRCs is carried out in accordance with the procedure laid down in Order No. 4-597 dated 23 December 2016 approved by the Commander of the SBGS. During the assessment, any signs of mental violence or traumatic experiences (including sexual and gender-based violence or human trafficking) are taken into consideration. Psychologists working at the SBGS FRCs communicate with newly arriving persons during counselling sessions and vulnerability assessment.

- The CPT recommends that the Lithuanian authorities take the necessary measures to ensure that medical confidentiality is fully respected, and in that respect, that:
 - the distribution of medication is always carried out by nurses;
 - all detainees are able to request and obtain a medical consultation in a confidential manner, without such requests being filtered or controlled in any way by non-medical staff. If they are not processed directly by the nurse, requests for consultations should not contain any medical information;
 - in cases of detainees unable to converse in a common language with healthcare staff, professional interpretation services are made available.
 - all medical examinations of detained foreigners (under the different provisions of the law) are conducted out of hearing and – unless the healthcare professional concerned requests otherwise – out of sight of guards (paragraph 133).

At SBGS FRCs, foreign nationals may request to see a doctor without disclosing any medical or other type of confidential information. The SBGS officers respect the privacy of patients residing at SBGS FRCs and do not ask for any kind of personal information in any form when they register to see a doctor. Only the medical staff is authorised to use the data of the patient.

If there is a need, during the meeting with the medical staff, the foreign national is entitled to competent interpreters.

All medical examinations of foreign nationals are carried out without the presence of guards or other third persons except for the cases where a respective healthcare professional requests it, or where the security of the staff or the foreign national themselves is at risk.

In Pabradė FRC only the medical staff distributes medication in all cases.

In Kybartai FRC, in the case of the absence of any medical staff, social workers distribute medication following the recommendations and statements by the medical staff.

Requests for information:

- In a letter dated 3 March 2022, the Committee was informed that “in order to reduce the queues of patients in Medininkai FRC, doctors from the organisation “Doctors Without Borders” (MSF) provided assistance with testing for Covid-19, compiling patient lists, and providing non-urgent medical care on site”. The CPT would like to receive an update on the support provided by the MSF in Medininkai and in other centres (paragraph 135).

Since the number of occupants in SBGS FRCs has decreased significantly and there is no longer any need for them, the services of the organisation Doctors Without Borders have been discontinued. The organization members provided the most assistance in Medininkai FRC.

- In a letter dated 3 March 2022, the Committee was informed that several changes had been introduced, notably that since the beginning of 2022, healthcare services at Medininkai FRC were carried out by one single institution (Medical Centre of the Ministry of the Interior). They also indicated that “the documentation regarding the establishment of the doctor’s office in Kybartai FRC is being finalised”. The CPT would like to receive observations as to how this functioned in practice and how this has improved the follow up of patients (paragraph 136).

In October 2022, Kybartai FRC received the permission to provide individual healthcare services.

Legal safeguards

Recommendations:

- The CPT recommends that the Lithuanian authorities take the necessary steps to ensure that all foreign nationals who are deprived of their liberty under the foreigners’ legislation:
 - are effectively granted from the outset of their deprivation of liberty the right to inform a relative or another third party of their situation and the right of access to a lawyer and a doctor;
 - are fully informed of their abovementioned fundamental rights as from the very outset of their deprivation of liberty (that is, from the moment when they are obliged to remain with border police). This should be ensured by provision of clear verbal information immediately after apprehension, to be supplemented at the earliest opportunity by provision of a written form setting out the detained person’s rights in a simple and straightforward manner. This form should be available in an appropriate range of languages;
 - benefit from an effective legal remedy enabling them to have the lawfulness of their deprivation of liberty decided speedily by a judicial body. This judicial review should entail an oral hearing with legal assistance, provided free of charge for persons without sufficient means, and interpretation (if required) (paragraph 141).

At the moment, all the detained foreign nationals have a possibility to inform a relative or another third party of their situation from the outset of their deprivation of liberty.

Taking the legislation in force into consideration, all foreign nationals, regardless of their accommodation or detention location, are informed of the decisions made that are related to them (including decisions regarding detention, asylum application, accommodation, etc.) with signed confirmation and in the language they understand. Additional measures have been taken to be able to control the ways how the introduction to the decisions is implemented via the Lithuanian migration information system (MIGRIS).

All foreign nationals who are detained or seeking asylum, with regards to their legal status as well as in accordance with the procedures laid down, are granted state-guaranteed legal aid or they are allowed to reach a private lawyer.

Under the Republic of Lithuania Law on the Legal Status of Foreigners (hereinafter – LLSF), state-guaranteed legal aid is ensured in the following cases:

- under the LLSF article 35(2)(5) – for unaccompanied minor foreigners (regardless of their status);
- under the LLSF articles 116(1) and 140²²(1) – when a foreigner is referred to a court with a motion do detain them or to provide an alternative to detention.

Under Order No. 1V-233 dated 29 May 2009 'On Granting of Powers' of the Minister of the Interior, the SBGS is obliged to organize the provision of state-guaranteed legal aid to foreign nationals in the cases laid down in articles 35(2)(5) and 116(1) of the LLSF.

The SBGS ensures state-guaranteed legal aid for foreign nationals illegally staying in the Republic of Lithuania who are not asylum seekers. State-guaranteed legal aid is provided to foreign nationals in accordance with the legal aid provision sales agreements that the SBGS has entered into.

The SBGS ensures state-guaranteed legal aid during the interviews of unaccompanied minor foreigners (non-asylum seekers) and when a foreign national is referred to a court with a motion to detain them or to provide an alternative to detention, when SBGS officers address the court with a motion to detain the foreigner or to provide an alternative to detention.

For asylum seekers, state-guaranteed legal aid and interpretation services are ensured by the Migration Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter – Migration Department).

Interpretation services during court proceedings are ensured by the court.

Foreign nationals, newly accommodated at SBGS FRCs, are introduced in writing to the Internal Rules and Proceedings of the Foreigners' Registration Centre (hereinafter – IRR) approved by Order No. 4-413 dated 28 March 2018 of the Commander of the SBGS as well as the procedure for complaints and requests. The IRR have been translated into English, Arabic, Tamil, French, Russian, Kurmanji (Northern Kurdish), Sorani (Central Kurdish), Persian languages. If foreigners speak other languages, interpreters from the European Union Agency for Asylum (hereinafter – EUAA) are employed.

In shared premises of SBGS FRCs, in visible places, information bulletins prepared by the Migration Department as well as information on the provision of state-guaranteed legal aid for foreigners, foreign nationals' rights and duties, visits, reception of shipments, etc., are displayed. All the information is translated into the foreign languages which foreign nationals residing in the SBGS FRCs understand.

Interpretation services for foreign nationals are ensured for foreign nationals in accordance with interpretation services provision sales agreements that the SBGS has entered into. An interpreter participates in the foreigner's interview process and during the time when they are introduced to the decisions concerning them. In accordance with the above-mentioned agreements, interpretation services are provided when there is a need for them. A representative of the SBGS structural unit has to submit a letter to interpretation services providers with the place and time of the services to be provided. The letter must be submitted via electronic means of communication or fax. The letter concerning the need for services must be submitted no later than 12 hours in advance before the service is planned to take place. The services are provided during business days, weekends and holidays.

Currently, EUAA representatives providing interpretation services are taking shifts to work at SBGS FRCs. The EUAA interpreters work on site during business days and business hours. During the days off, services may be provided remotely.

- The CPT recommends that foreign nationals be given the opportunity to be provided with a full translation of the decisions taken in their respect (paragraph 144).

Foreign nationals are always introduced to the documents concerning them with signed confirmation and in the language they understand.

The issues mentioned in the Committee's report were caused by disproportionately large workload for officers and interpreters. At the moment, the number of foreign nationals accommodated in SBGS FRCs has decreased and so has the workload for officers.

Under the legislation of the Republic of Lithuania, providing translation of decisions by different institutions is not obligatory.

The Committee's recommendation on translation services will be taken into consideration during the implementation of the planned reform of migrants' reception and accommodation system.

- The Committee recommends that a list of lawyers and legal NGOs be provided in the accommodation units of the FRCs. Further, the CPT recommends that the Lithuanian authorities establish a system of duty lawyers to ensure the right of access to a lawyer for immigration detainees is rendered more effective in practice. Ideally an “in-person duty lawyer scheme”, where lawyers come to the immigration detention centres on a rotational basis, or at the very least are available by telephone at set times (paragraph 145).

All shared premises at SBGS FRCs contain bulletin boards with the lists of lawyers providing state-guaranteed legal aid as well as NGO lawyers together with their contact data. Foreigners in SBGS FRCs are able to reach a lawyer privately.

At the moment, in accordance with the legal aid services provision sales agreement in force, services at court must be provided during business days as well as weekends and holidays.

The Committee's recommendations regarding the system of duty lawyers will be taken into consideration during the implementation of the planned reform of migrants' reception and accommodation system.

- The Committee urges the Lithuanian authorities to take measures so as to ensure that foreign nationals be kept in conditions amounting to deprivation of liberty for the shortest period of time as possible and, in any case, never for longer than the maximum period of detention authorised under Lithuanian immigration law (18 months) (paragraph 146).

The grounds for detention of foreign nationals are laid down in articles 113 and 140¹⁷ of the LLSF.

Articles 114(5) and 140¹⁸ state that a foreign national may not be detained for a period longer than 18 months.

In accordance with the LLSF provisions, officers review the circumstances which may have an impact on the validity of the detention of the foreigner at least once every 3 months. If it is determined that the grounds for the detention have changed, they bring the case to the court with a request to review the decision to detain the foreigner and adopt a less stringent detention measure, if there are grounds for that.

In 2022, officers mostly addressed courts with a request to adopt a less stringent detention measure and to provide an alternative to detention (in accordance with the article 40¹⁹ of the LLSF) – namely accommodation of the foreigner at the SBGS or other appropriate location without restricting the freedom of movement.

Other issues

Request for information:

- The CPT trusts that foreigners accommodated in the FRCs are now able to purchase phones and related equipment on site and would like to receive confirmation from the Lithuanian authorities that this is indeed the case (paragraph 147).

In the Republic of Lithuania, the State of Emergency is declared in accordance with the provisions of the law of the Seimas of the Republic of Lithuania. The law allows SBGS officers to decide to limit the right to receive and share information, receive or send messages, make calls or get access to information in any other way via mobile and internet connection; if there is a need, the access to means of communication may be limited except for the cases when a person is using such means to address the state authorities and institutions of the Republic of Lithuania. At the moment, this provision is revoked. All foreign nationals accommodated in SBGS FRCs are allowed to use means of communication, except for the following exceptions:

- according to the Description of procedure paragraph 28(4), detained foreign nationals accommodated in SBGS FRCs as well as detained asylum seekers are prohibited from having mobile connection devices within the territory of the centre.
- according to the Description of procedure paragraph 29(8), all foreign nationals accommodated in SBGS FRCs may be subject to disciplinary sanctions – seizure of the mobile phone for up to 7 days.

Information on the possibilities for such persons to make calls using other phones is presented in the response to the recommendation in paragraph 122 of the Committee's report.

There are no stores at SBGS FRCs where foreign nationals could purchase phones and related equipment, yet it is possible to do so in accordance with the Description of the procedure paragraph 59, i.e., if medical, social, educational, catering and/or other services as well as psychological support are not provided in the

centre, the foreign nationals, who are not allowed to move freely within the territory of the Republic of Lithuania, may be allowed to leave the centre temporarily to receive the abovementioned services or acquire food products under the approval of the head of the centre or the person authorized by the head, when the risks of the foreign national fleeing the centre are managed. In this case, the foreign national shall submit a free-form application with the reasons stated to receive the approval to leave the centre temporarily.

The 'Description of procedures for acquiring goods for the needs of the detained persons accommodated in State Border Guard Service Foreigners' Registration Centres under the Ministry of the Interior' approved by the Commander of the SBGS regulates the procedure for the acquisition of material goods – food products, clothes and other necessary goods (hereinafter – goods) – necessary for foreign nationals' personal needs using their own funds. In accordance with this procedure, authorized employees of the centre are allowed to purchase additional goods for foreign nationals from stores located outside of the centre's grounds.

Recommendation:

- The CPT recommends that the immigration detainees in all places of accommodation be offered the possibility of regular visits from family and friends. They should be allowed at least one visit of one hour per week, and preferably more. Visits of lawyers should be unlimited in frequency and duration. Every effort should be made to ensure that these rights can be effectively exercised (paragraph 148).

In SBGS FRCs this recommendation by the Committee is effectively being implemented. Separate premises where privacy can be ensured are designated for visits. Frequency of visits is not limited. Foreign nationals' right to see other persons is ensured.

Visits are organized in accordance with the Description of the procedure and IRR.

Request for information:

- The rules of procedure governing the FRCs state that any decision regarding the imposition of a disciplinary sanction shall be in writing and must be taken by the Head of the Centre, that all disciplinary measures must be recorded in a register and that the foreigner has the right to appeal against the decision (to the Head of the State Border Guard Service). The rules do not specify whether the person concerned attends a disciplinary hearing. Further, two of the possible measures listed under the possible sanctions, call for comment (paragraph 149).

See the response to paragraph 153 of the Committee's report.

Recommendation:

- The Committee recommends that the regulations be amended so the restrictions on family contact in the context of a disciplinary offence should not be imposed (paragraph 150).

Disciplinary sanction "temporary restriction of visits" does not apply to family visits.

With regards to the Committee's recommendations, the plan is to clarify the provisions of the Description of the procedure, Chapter VI, Application of disciplinary sanctions and promotion measures.

Request for information:

- The Committee would like to receive from the Lithuanian authorities some clarification regarding the nature of and grounds for resorting to these various forms of solitary confinement (paragraph 151).

Under the paragraph 15 of the Description of the procedure, new foreign nationals who arrive to the centre themselves or are transferred there are accommodated in quarantine premises under the procedure of the IRR.

Under the paragraph 16 of the Description of the procedure, foreign nationals mentioned in paragraph 15 are transferred to common residential premises after medical examination – once it is clear that they are not infected with serious or very serious diseases; medical examination is carried out in accordance with the centre's GP procedures set by the Admittance Conditions Management Unit.

Foreign nationals are accommodated in quarantine premises in order to protect other occupants from potentially infectious diseases. The duration of quarantine is decided by the doctor.

Under the paragraph 29(5) of the Description of the procedure, the following disciplinary sanction may be applied: 'The foreign national is accommodated for up to 72 hours in a specially adapted room, separated from others, in order to assess their health condition or before they are transferred to another institution, if the person's behaviour becomes dangerous to themselves or others due to intoxication by alcohol, narcotic drugs, psychotropic substances, deterioration of (mental) health condition'.

The SBGS is of the opinion that the application of this paragraph provisions is directly related to termination of illegal activities as well as disciplinary effect yet agrees that in certain cases the activities defined in the paragraph may be related to the security enforcement in the centre. Therefore, taking the Committee's recommendations into account, the plan is to update the provisions of the Description of the procedure as well as assess the compliance of information presented in information bulletins with the legislation.

Recommendations:

- The Committee recommends that the relevant legislation, applicable internal rules and/or regulations must include appropriate procedural safeguards concerning the sanctions for detained foreigners by ensuring that they have the right to be heard in person by the decision-making authority, use professional interpretation services, call witnesses, be informed in writing of the decisions concerning them, and to have the right to appeal the decision. Further, healthcare staff should visit the detainees placed in solitary confinement at least once per day (paragraph 153).

At SBGS FRCs, when disciplinary sanctions are imposed, the respective procedural safeguards are put in place. The IRR state that before a decision regarding a disciplinary violation is made, the foreign national concerned provides an explanation. The report of the violation must contain all the circumstances of the incident as well as witness accounts. After evaluating the gathered material, the officer authorized to make the decision decides, whether it is necessary to see the foreigner. The foreigner also has a right to request to see the officer in charge of the case. The decision regarding the IRR violations is made in writing and the foreigner is introduced to the decision in the language they understand. The IRR state that the foreigner has a right to appeal. The foreigner is then introduced to the appeal procedures.

Taking the Committee's recommendation into consideration, the plan is to review the IRR provisions as well as the practices applied at SBGS FRCs and to evaluate the necessity of increasing frequency of isolated persons' medical care and examination procedures.

- The CPT recommends that the practice observed in Kybartai FRC, whereby foreign nationals were removed from their usual accommodation and temporarily separated from others, in conditions akin to solitary confinement, without any procedural safeguards, be halted (paragraph 153).

The procedures for isolating foreigners from others are defined in the Description of the procedures and the IRR provisions (see paragraph 151). The decisions on the application of disciplinary sanctions are registered in the electronic Document Management System in accordance with the documents plan approved by the Office of the SBGS. The date, duration and grounds for isolating the foreigner are recorded in the work registry of the FRCs officials on duty as indicated in the documents plan.

The officers at Kybartai FRC have been additionally briefed on the foreigners' isolation procedures.

Taking the Committee's recommendations into consideration, the plan is to review the IRR provisions as well as practices applied at SBGS FRCs.

Request for information:

- The CPT would like to receive an update on the staff complements in the three FRCs and the measures taken or envisaged, if any, to remedy staffing shortages (paragraph 155).

As the number of occupants in SBGS FRCs has decreased significantly, the shortages of staff are insignificant.

To address the issue of staff shortages, the SBGS organizes shorter introductory training at the Border Guard School, holds selection proceedings for vacant positions, executes personnel recruitment in other institutions, involves social partners into personnel recruitment processes. The SBGS is constantly promoting the border guard's job. On 1st January 2023 there were 4 vacancies at the Pabradė FRC Security Department.

Since 9 September 2022, when Medininkai FRC was closed, all the statutory officers and contract staff have been offered positions in other SBGS branches. 6 statutory officers have been transferred to Pabradė FRC: 4 of them as junior specialists at the Security Department, 1 as a senior border guard at the Security Department and 1 as a specialist at the Investigations Department. One officer has been retransferred to the position of a chief specialist at the Security Department of Pabradė FRC. Two contract staff members have been transferred to equivalent positions at Pabradė FRC: they have been hired as the head of the Admittance Conditions Management Unit and an assistant to social workers at the Admittance Conditions Management Unit respectively.

From December 2021 to October 2022, 2 selection procedures were organized for the position of a junior specialist at the Pabradė FRC Security Department – during this period, suitable applicants were selected and 4 FTEs for junior specialists at the Security Department were created. One officer from the Public Security Service under the Ministry of the Interior was transferred to the Security Department as a junior specialist as part of official turnover procedures for different state agencies. 2 officers were appointed to Pabradė FRC after completing the introductory training at the Border Guard School, and 2 more officers were appointed after completing the initial vocational training at the Border Guard School.

Within one year from 1 October 2021, Kybartai FRC launched 13 selection procedures for 50 vacancies. From 1 December 2021 to October 2022, 17 officers were transferred from other units, 5 officers were appointed after completing the introductory training at the Border Guard School, 1 officer was appointed after graduating from the studies at Mykolas Romeris University.

Recommendations:

- The Committee recommends that steps be taken to ensure that foreign nationals detained at the FRCs receive, whenever necessary, the assistance of qualified interpreters. When and if in-person interpretation services are not possible, arrangements should be in place to ensure remote interpretation (by telephone if necessary) so that services are available seven days per week. Further, interpretation should not be limited to official interviews but be made accessible during, *inter alia*, healthcare consultations (and psychologist sessions), meetings with lawyers, and various exchanges with personnel (paragraph 156).

Interpretation services at SBGS FRCs are ensured by EUAA interpreters. EUAA interpreters work on site during the business days and hours. If there is a need, EUAA interpreters provide assistance by phone during the days off as well.

The SBGS additionally purchases translation and interpretation services from professional translation/interpretation agencies. The SBGS has entered into the following agreements: translation and interpretation service provision sales agreement dated 7 July 2021 with UAB House of Languages and translation and interpretation service provision sales agreement dated 9 July 2021 with UAB Dokana. In accordance with these agreements, interpretation services are also provided remotely using virtual tools.

During the asylum procedure application and hearings, interpretation services are ensured by the Migration Department.

In 2020, the SBGS acquired 12 electronic interpretation devices aimed at facilitating officers' communication with asylum seekers and citizens from the third countries.

During the implementation of the planned reform of migrants' reception and accommodation, efforts will be made to ensure continuity of this recommendation implementation.

- The CPT recommends that the Lithuanian authorities formalise the operation of the complaint procedures at the FRCs, so as to make sure that all detained foreign nationals are effectively enabled to send complaints in a confidential manner (and are duly informed of this possibility). Detainees should be able to make written complaints at any moment and place them in locked complaint boxes (to which only the Director and/or another designated management member

has the key) located in each accommodation unit. All written complaints should be recorded in a dedicated register. Internal complaints should be processed expeditiously (with any delays duly justified in writing) and detainees should be informed within clearly defined time periods of the action taken to address their concerns or of the reasons for considering the complaint not justified. In addition, statistics on the types of internal complaints made should be kept as an indicator to the management of areas of discontent within the establishments (paragraph 157).

When a foreign national arrives at a SBGS FRC, they are introduced to the complaint procedures with signed confirmation in a language they understand.

All complaints are handled in accordance with the Rules for handling personal requests and complaints at public administration entities approved by the Government.

Foreign nationals can file complaints using personal means of communication, file requests to meet representatives of NGOs and representatives of the Seimas Ombudsperson's as well as file requests and complaints via the SBGS FRCs administration and during planned and unplanned monitoring visits.

All complaints received by an SBGS FRC are registered in the Documents Management Registry in accordance with the set procedures and the person concerned is informed about the decision personally.

Lithuania will additionally assess possibilities to keep on improving complaint procedures by taking the Committee's recommendations into consideration.

- The CPT recommends that the telephone numbers of external bodies and organizations such as the Ombudsperson/NPM, the IOM and the UNHCR be posted in corridors of accommodation areas and in the common areas, where relevant (paragraph 158).

Telephone numbers of external bodies and organizations, such as the Seimas Ombudsperson's, IOM, UNHCR, etc., are provided in corridors and in the common areas of FRCs accommodation areas.

VILNIUS REPUBLICAN PSYCHIATRIC HOSPITAL

Means of restraint

Recommendations:

- The CPT recommends that the national template for recording measures of restraints be adapted, in order to capture *all* means of restraint which may be applied, and so as to include other types of information as per Committee's recommendations: reasons for resorting to means of restraint, the name of the doctor who ordered or approved the decision, the names of the staff who participated in the application of the restraint measure, and an account of the injuries sustained, if any (paragraph 163).

In accordance with the Law on Mental Health Care article 9(4), freedom of movement for mentally ill persons may be restricted using physical restrictive measures, i.e., arms (body force), special physical restriction measures, or by isolating the mentally ill patient in separate premises. Chemical restriction, defined as a form of medical restriction, when a drug is used to restrict patient's freedom or movements or to sedate them in certain cases, is not defined as a legal restrictive measure under this Law. It should be noted that, in accordance with the legislation in force, medical preparations are administered strictly according to therapeutic indications, taking the summary of the drug characteristics into consideration. Sedative and tranquillizing medicine cannot be used for the purposes of restraining freedom in Lithuania, they can only be administered in accordance with clinical indications, i.e., for correction of psychomotor agitation and general agitation as a symptom of condition.

However, taking the recommendations laid down in paragraphs 163 and 164 of the Committee's report into consideration, we are planning to hold discussions involving clinicians-practitioners on supplementing the Description of the procedure for the application of physical restraint measures on mentally ill patients and the monitoring of the application of physical restraint measures (approved by Order No. V-643 of the Minister for Health of 29 May 2019) (hereinafter – Description of the procedure of physical restraint) Annex (Monitoring Form) with the possibility to provide information (besides the restraint method) whether the restraint measures were applied together with rapid-action sedatives to correct the symptoms of the condition. This will make it possible to assess the scope of medicine used alongside the restraint measures for the sake of monitoring. In the meantime, it is not appropriate to amend the law provisions and allow administering drugs to restrain person's freedom of movement, since this is bad medical practice which goes against the legislation regulating the principles of healthcare practices that medicine is administered only when therapeutic indications are present.

- The Committee's delegation noted that Vilnius Psychiatric Hospital register only contains data related to measures of mechanical restraint; there is no possibility to include information on the application of measures of manual or chemical restraint. The CPT recommends that this shortcoming be remedied (paragraph 164).

Annex of the Description of the procedure for the application of physical restraint measures on mentally ill patients and the monitoring of the application of physical restraint measures includes a possibility to specify the physical restraint method by indicating the number of the method (1 – physical restraint using arms; 2 – physical restraint using special measures; 3 – isolation).

When it comes to chemical restraint, see the response to the recommendation presented in paragraph 163 of the Committee's report.

- The Committee reiterates its recommendation that steps be taken, including by amending the applicable legislation and/or regulations when relevant, to ensure that:
 - o patients subject to restraint measures are provided with appropriate personal supervision and are regularly offered meaningful human contact; patients subjected to mechanical restraint in particular must be under the permanent direct personal supervision of healthcare staff who maintain a therapeutic alliance with the patients and provides them with assistance; this assistance may also include accompanying the patient to the toilet or helping them to drink/eat. Clearly, video surveillance (CCTV) or through a window cannot replace continuous direct staff presence and human contact;

- patients subject to restraint measures are not exposed to other patients, unless they explicitly express a wish to remain in the company of a certain fellow patient. In this respect, the use of a curtain or blinds to hide a patient from the view of other patients present in the same room cannot be considered to be a satisfactory arrangement;
- once the means of restraint have been removed, a debriefing of the patient take place, to explain the reasons for the restraint, reduce the psychological trauma of the experience and restore the doctor-patient relationship. This also provides an opportunity for the patient, together with the staff, to find alternative means to maintain control over him/herself, thereby possibly preventing future eruptions of violence and subsequent restraint (paragraph 165).

The Description of the procedure of physical restraint states that when under physical restraint, the patient must be constantly observed by a healthcare institution staff member. Surveillance is carried out either directly or through a special window in the premises where isolation in separate premises (hereinafter – ISP) is applied, or using other measures. Hospitals, whenever possible, try to ensure direct surveillance by a staff member (there are special premises for this purpose), yet it is not always possible due to the shortage of staff. We are planning to discuss the possibility of supplementing the Description of the procedure of physical restraint with hospitals to include the provision that surveillance is carried out directly, and only in the cases when this cannot be ensured due to objective reasons, surveillance is carried out through a special window in the premises where ISP is applied or using other measures. In accordance with the current provisions, a mental health nurse assesses the patient's condition at least every 0.5 h (30 minutes) and fills out the patient's, who is subject to physical restraint measures, health monitoring sheet. During the discussions we will propose to shorten this health condition assessment frequency to every 15 minutes in those cases, when the patient is not observed directly by a staff member.

The Description of the procedure of physical restraint states that healthcare institution staff members must protect the privacy and dignity of the patient by asking other persons to leave the room before applying physical restraint and, if this is not possible, by using blinds during the application of physical restraint. Therefore, the legislative framework provides for regulation both to isolate a patient in separate premises and to protect patient's privacy and dignity. The main obstacle in practise is hospitals' infrastructure, since allocating single-patient wards is difficult and this would be a method of patient's isolation in separate premises which comes with its own drawbacks.

The Description of the procedure of physical restraint states that when physical restraint measures are applied, it is recommended to talk with the patient and explain them that the physical restraint measures are applied in order to protect them from danger. After the termination of physical restraint, a psychiatrist or a nurse must explain the patient, why the measures were applied, discuss, what are the possible methods of self-control that may prevent the threats in the future, and apply other treatment methods, depending on the need. The plan is to discuss with practitioners, whether it is appropriate to supplement the Description of the procedure of physical restraint by including the provision that once the patient's condition normalizes, the patient may be offered a psychologist's counselling session (or multiple sessions).

Legal safeguards in the context of involuntary hospitalisation and/or involuntary treatment

Recommendations:

- **The CPT recommends that the Lithuanian authorities take the necessary steps to ensure that, in Vilnius Republican Psychiatric Hospital:**
 - all patients are systematically provided with full, accurate and comprehensive information about their condition and the treatment prescribed for them and are placed in a position to give their free and informed consent;
 - an assessment of the patient's capacity to give valid consent to their treatment is systematically carried out;
 - all patients are in a position to withdraw their consent at any time and that the legal status of patients (voluntary/involuntary) be regularly reviewed, if necessary.

In addition, the CPT recommends that all consent forms and related documentation be scrupulously filled in/signed and kept in patients' files (paragraph 170).

The Hospital Quality Management Standard includes the obligation to provide the patient the information related to medical tests, treatment and patient's rights, and the doctor on duty/treating the patient is responsible for this obligation. Order No. V-604 of the Minister of Health dated 22 July 2005 on the approval of Lithuanian medical norm MN 53:2019 'Psychiatrist' obliges psychiatrists to comply with the professional ethics principles as well as ensure patients' rights. The obligation to provide the patient detailed information is also laid down in the Regulations of the Position of a Psychiatrist or a Psychiatrist/Head of Department. The duty to provide information is included in the internal rules of this hospital.

The Hospital Quality Management Standard states that a patient who is unable to reasonably assess their interests or who does not agree to the treatment, may be involuntarily treated for no more than 3 business days and only if there is a credible threat to the health and/or life of the patient and/or others. Position descriptions of a psychiatrist and the head of the department oblige them to provide high-quality mental health care services. The psychiatrist and the chief psychiatrist are responsible for ensuring compliance with the Mental Health Act as well as other legislation and safeguarding patients' rights. The Quality Management Standard obliges the psychiatrist to assess patient's mental condition on a daily basis, and the nursing staff is obliged to inform the doctor if the patient's condition gets worse. The Quality Management Standard also obliges the whole medical staff to ensure that the rights of patients and their family members are respected and not violated – the psychiatrist and the head of the department are responsible for this process.

Every patient is free to decline treatment at any time. The doctor on duty or the doctor treating the patient are responsible for providing this information. Patients can receive this information during the treatment. The patient may address any staff member orally and/or in writing. The patient also can address the hospital's administration (deputy director, ethics commission, chief medical auditor, etc.). The psychiatrist then discharges the patient or, if the clinical condition raises doubts, a consultation with the head of the department takes place or, if there is a need, a consultative commission may be convened, and if any indications of forced treatment are discovered, the procedures are carried out in accordance with Involuntary Treatment Regulations (the Quality Management Standard).

All forms of consent and related documents must be meticulously stored in the in-patient treatment registry as required and regulated by the Quality Management Standard. The psychiatrist and the head of the department are responsible for precise document management.

We would like to inform the Committee that Vilnius Republican Psychiatric Hospital puts an extremely strong emphasis on ensuring human rights when providing mental health care services:

- In 2021, the hospital was among the first ones to be evaluated by the World Health Organization (WHO) assessment tool QualityRights, the hospital community was introduced to the evaluation report, the evaluators' recommendations were submitted;
- In 2022, under the initiative of the Ministry of Health, the hospital is offered experts' consultations regarding the establishment of the plan on how to improve the services, so they would be in line with WHO QualityRights standards;
- In 2022, hospital's staff participated in the de-escalation training Strategies for abandoning the use of isolation and restriction measures with the main focus on de-escalation, conducted by the WHO-appointed lecturers.
- The CPT reiterates its recommendation according to which, in the context of civil involuntary hospitalisation and/or treatment and extensions thereof, the court should always seek an opinion from a psychiatrist who is not attached to the psychiatric institution admitting the patient concerned. The CPT recommends that the Lithuanian authorities take the necessary steps, including at legislative level, to remedy this shortcoming (paragraph 171).

According to the provisions of the Code of Civil Procedures (hereinafter – CCP) paragraph 582, a court may oblige applicants to submit additional evidence or gather evidence on their own initiative. Should the court have any doubts regarding the mental state resulting in involuntary hospitalization, the court may gather evidence on their own initiative.

In accordance with the provisions of the Law, article 12(3), a reasoned decision regarding the necessity of involuntary hospitalization and/or involuntary treatment of a mentally-ill patient that lasts more than 3 days is made by 3 persons after assessing the mentally-ill patient's mental health condition: 2 psychiatrists from

the mental health institution and 1 staff member from the institution's administration authorized by the head of the mental health institution. Same person can participate in the decision-making procedure concerning involuntary hospitalization and/or extension of involuntary treatment of the same patient no more than twice in a row. The law states that the mentally-ill patient has a right to additional mental health state assessment carried out by three psychiatrists who are not related to the mental health care institution in which the mentally-ill patient is involuntarily hospitalized and/or involuntarily treated. This assessment is available if the involuntarily hospitalized and/or involuntarily treated mentally-ill patient or their representatives agree to pay for the assessment themselves.

Since the Committee's recommendations implementation is related to amendments to legislative provisions as well as a need for additional funds from the public purse (because participation in the court by a psychiatrist is not a medical service) and a large need for additional human resources (there is a shortage of psychiatrists in the country), we will consider a possibility of organizing extensive discussions involving the Ministry of Justice, National Courts Administration and social partners/stakeholders regarding the appropriateness of implementing the recommendation.

Request for information:

- The CPT would like to receive updated information regarding the number of decisions on involuntary hospitalisations and/or involuntary treatment which have been appealed, if any, in the entire year of 2021 and in 2022 so far, along with the final outcome (paragraph 173).

The data on the appeals against court decisions to allow involuntary hospitalization and/or treatment to higher judicial instances is not collected.

Appendix to the Report

**RULES OF INTERNAL PROCEDURE OF THE FOREIGNERS' REGISTRATION CENTRE OF
THE STATE BORDER GUARD SERVICE UNDER THE MINISTRY OF THE INTERIOR OF
THE REPUBLIC OF LITHUANIA**

CHAPTER I

GENERAL PROVISIONS

1. The rules of internal procedure of the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter the 'Rules') regulate temporary accommodation of foreigners who have entered illegally the Republic of Lithuania or are illegally staying in the Republic of Lithuania as well as foreigners who have applied for asylum in the Republic of Lithuania (hereinafter the 'foreigners') or alternative measure to detention in the Foreigners' Registration Centre (hereinafter the 'Centre') of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter the 'Service'), procedure for the stay of foreigners in the Centre, their rights and obligations, applicable prohibitions and restrictions, registration, health care, material and household supplies, organisation of activities, submission of requests, organisation of meetings with visitors, departure of foreigners from the Centre and provision of other services.
2. The requirements, prohibitions, restrictions specified in the Rules are mandatory to all foreigners accommodated in the Centre. Failure to comply with the Rules shall be considered the infringement of the rules of internal procedure:
 - 2.1. during quarantine, emergency situation, in case of emergency or event that poses threat to foreigners accommodated in the Centre, health and life of the personnel of the Centre (hereinafter the 'extraordinary circumstances') additional requirements and (or) restrictions and (or) prohibitions may be applied to foreigners accommodated in the Centre on the instruction of the Head of the Centre;
 - 2.2. in case of extraordinary circumstances when the organisation of the process of reception services in the Centre is not possible by applying the everyday method of organising the process of reception services, it may, on the instruction of the Head of the Centre, be modified or temporarily suspended or a remote method of organising the process of reception services may be used taking into account the nature and extent of extraordinary circumstances in the Centre due to which the organisation of the process of reception services in the Centre is not possible by applying the everyday method of organising the process of reception services.
3. The categories of foreigners accommodated in the Centre and the procedure for their accommodation shall be regulated by the Description of the conditions and procedure for temporary accommodation of foreigners in the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter the 'Description'), approved by the Order No IV-340 of 4 October 2007 of the Minister for the Interior of the Republic of Lithuania on the approval of the Description of the conditions and procedure for temporary accommodation of foreigners in the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania.
4. The maximum number of foreigners accommodated in the Centre shall be determined in accordance with the minimum living space per person in the living area specified in the Order No V-836 of 28 October 2005 of the Minister for Health of the Republic of Lithuania on the approval of the Lithuanian Hygiene Standard HN 61:2020 'Public health safety requirements for the temporary accommodation of foreigners in the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania'.
5. The relations between the personnel of the Centre and the foreigners accommodated in it shall be based on the principle of mutual respect.
6. Personal relationship of any kind of the members of Centre's personnel with the foreigners accommodated therein that is not related to their official duties shall be prohibited.
7. The personnel of the Centre shall not have the right to use force against foreigners accommodated therein, except in self-defence or in the event of an attempt to escape and in the event of active or passive physical

resistance and only in accordance with the law. The members of the personnel compelled to use force shall be permitted to use it only to the extent necessary and must immediately notify about the use of force the Head of the Centre.

CHAPTER II

ADMITTANCE OF FOREIGNERS TO THE CENTRE

8. The procedure for accommodation of foreigners is described in Chapter II of the Description.
9. If the foreigners fail to meet the conditions and (or) submit the documents specified in point 6 of the Description, they may not be admitted to the Centre.
10. The admittance of foreigners brought to the Centre shall be organised by the officer of the Centre's Security Unit acting as the Centre's officer on duty (hereinafter the 'Centre's officer on duty').
11. When admitting a foreigner who has newly arrived or has been brought to the Centre, the officer of the Centre's Security Unit shall carry out the body search of the foreigner and inspect his/her belongings and draw up a protocol on the body search and inspection of person's belongings.
12. The foreigner shall be searched by a person of the same sex as the person being searched. In exceptional cases, if the officer searching a person is of the other sex, it is necessary to have invitees present.
13. The belongings of the foreigner shall be inspected in the presence of the owner. In cases when the inspection of belongings cannot be postponed, they may be inspected without the presence of the owner but with the presence of two invitees instead.
14. Following the inspection, items allowed in the Centre shall be returned to the foreigner. Their safety shall be the responsibility of the foreigner.
15. Items prohibited in the Centre shall be taken, stored, returned or destroyed in line with the procedure laid down in the Order No 4-68 of 8 February 2018 of the Head of the Service on the approval of the Description of the procedure for record-keeping, storage, return or destruction of items found or items taken for temporary storage that are prohibited in the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania.
16. When admitting a foreigner who has newly arrived or has been brought to the Centre, the Centre's officer on duty shall:
 - 16.1. familiarise, in line with the procedure laid down in point 19 of the Description, him/her with the Rules of the Centre. The Centre's officer on duty shall enter the information on the fact of such familiarisation in the register of the familiarisation of foreigners residing in the Centre with the rules of internal procedure which must be signed by the foreigner;
 - 16.2. provide him/her with a Questionnaire for a foreigner to be accommodated (Annex 1) in a language understood by the foreigner or, in the case of a foreigner who is a minor, a Questionnaire for a foreigner who is a minor to be accommodated (Annex 14). In cases when the officer has no possibility to provide a foreigner with a questionnaire in a language understood by him/her, such foreigner shall be provided with a questionnaire in a language understood by him/her within 10 calendar days from the date of accommodation of that foreigner in the Centre.
17. Upon arrival at the Centre, the foreigner shall undergo a medical examination, a social interview and receive the initial individual psychological consultation. The purpose of the admittance procedure and further contacts with the foreigner during his/her stay in the Centre is to determine whether the person belongs to a group of vulnerable persons. Activities related to vulnerable persons shall be carried out in line with Order No 4-597 of 23 December 2016 of the Head of the Service on the approval of the Description of the procedure for identification of foreigners with special needs, their accommodation and provision of assistance to them in the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania.

18. Foreigners newly arrived or brought to the Centre shall be accommodated in quarantine facilities in the Foreigners' reception building (hereinafter the 'FRB') and in the absence of vacancies, the Centre's officer on duty shall decide on the possibility of temporarily placing in the Centre the foreigner detained or accommodated. The personnel of the Centre shall ensure the following initial steps when accommodating a foreigner in quarantine facilities:

18.1. body search of a person and inspection of belongings following the arrival to the FRB shall be carried out by the duty shift officer of the Centre. During the registration a foreigner shall be informed of his/her rights and duties;

18.2. following the registration and search the foreigner shall be escorted to a sanitary facility where cleaning procedures shall be carried out. If necessary, the foreigner's clothes and other personal belongings shall be disinfected. The progress of the cleaning procedure shall be controlled by the disinfection officer of the Admittance Conditions Management Unit (hereinafter the 'ACMU') of the Centre or the officer substituting him/her (during their working hours) and, if the foreigner is received after working hours or on rest days or public holidays, on the next first working day;

18.3. after the cleaning procedures the foreigner shall be escorted to the quarantine facilities assigned to him/her. In quarantine facilities each foreigner shall be provided with a bed with auxiliary items (a mattress, a set of bed linen and two towels), a set of personal hygiene items and a set of locker keys;

18.4. the initial medical examination of the foreigner shall be carried out during the working hours of the Office of the General Practitioner (hereinafter the 'OGP') in the medical premises of the FRB and a quarantine period for the foreigner shall be determined. If the foreigner is received after working hours, the examination shall be carried out on the next first working day. The examination shall be carried out by the medical personnel of the OGP.

18¹. During the quarantine the foreigners shall be subject to procedural actions related to their legal status and shall be provided with basic social services (counselling, meals, medical services) and psychological support. Social occupation activities shall be partially restricted. The procedural actions related to the legal status of foreigners shall be carried out by the officers of the Investigation Unit of the Centre. Social services shall be provided by social workers of the ACMU and psychological support shall be provided by the psychologists of the ACMU or non-governmental organizations.

18². Food prepared for persons staying in quarantine facilities shall be delivered to their living premises.

CHAPTER III

REGISTRATION OF FOREIGNERS AND PROTECTION OF THEIR DATA

19. The foreigners accommodated in the Centre shall be registered as follows:

19.1. every foreigner brought to the Centre shall be registered:

19.1.1. in the register of foreigners brought to the Centre – by the Centre's officer on duty responsible for registration;

19.1.2. in the electronic journal of the Centre on the basis of available personal identification documents or data from a personal file of a person – by the officer of the Investigation Unit responsible for administration whose job description includes this function;

19.2. a code number shall be assigned to the file of the foreigner accommodated in the Centre containing the abbreviated code of the country of origin (according to ISO) and a serial number. If the foreigner holds documents proving his/her nationality, a code number based on nationality shall be assigned. If the foreigner does not hold such a document, a code number based on his/her habitual residence shall be assigned; if no habitual residence has been established, a code number based on the country with which he/she has had the most contact shall be assigned. Basic information from the person's file and the person's photograph shall be entered into the electronic journal of the Centre;

19.3. information contained in the electronic journal of the Centre shall be renewed in case additional information about the foreigner is received;

19.4. following the entry of initial information into the electronic journal of the Centre, an identification card containing person's photograph, name, surname, file code and a stripe of a certain colour (Annex 2) shall be made for a foreigner.

The identification cards of asylum seekers accommodated by decision of the Migration Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter the 'MD') shall be marked with a green stripe. The identification cards of foreigners who have been granted an alternative measure to detention, i.e., placement in the Centre without restricting freedom of movement, shall be marked with a yellow stripe. The identification cards of foreigners who have been granted an alternative measure to detention, i.e., placement in the Centre with the right to move only within the territory of the place of accommodation, shall be marked with a red stripe. The identification cards of foreigners awaiting the decisions of the authorised institutions concerned shall be marked with a black stripe;

19.5. a foreigner shall be in possession of the identification card during his/her stay in the Centre;

19.6. the personal data of foreigners shall be stored in the electronic journal of the Centre:

19.6.1. for 5 years from the date of departure of a foreigner from the Centre;

19.6.2. after 5 years the personal data of a foreigner shall be transferred into the archive of the electronic journal of the Centre and stored for 25 years;

19.7. access to the electronic journal of the Centre shall be granted on the instruction of the Head of the Centre or officer authorised by him/her;

19.8. right to access the data contained in the electronic journal of the Centre shall be granted to officers and members of personnel of the Centre implementing the objectives and functions specified in their job descriptions;

19.9. access to the electronic journal of the Centre shall be granted to officers and members of personnel of the Centre for the duration of their duties at the Centre.

CHAPTER IV

RIGHTS, DUTIES OF FOREIGNERS ACCOMMODATED IN THE CENTRE, PROHIBITIONS AND RESTRICTIONS APPLIED

20. The foreigners accommodated in the Centre shall have the rights specified in Chapter III of the Description.

21. The asylum seekers who have been granted temporary territorial asylum and who were accommodated by the decision of the MD, shall have the right to apply to the MD for a residence permit in a place of their choice, if the asylum seekers themselves so wish. The application for a permit may be submitted to the MD through the Centre.

22. Foreigners accommodated in the Centre must:

22.1. rationally and prudently use electricity and other material resources of the Centre;

22.2. carry the identification card at all times;

22.3. store food, clothing and other items only in places specifically equipped for the purpose;

22.4. not feed animals;

22.5. hang photographs, clippings and other items only in places specifically designated for the purpose;

22.6. use only electrical appliances that are in proper technical condition;

22.7. not violate security restricted areas of the Centre marked with information signs;

22.8. comply with the obligations specified in Chapter IV of the Description.

23. Person's refusal to take an alcohol test shall be assumed as a fact of alcohol consumption.

24. Foreigners accommodated in the Centre shall not be allowed to:
- 24.1. possess weapons, descriptions of ammunition or explosives, gas cylinders (excluding disposable lighters);
 - 24.2. possess any type of vehicle;
 - 24.3. possess instruments or tools the misuse of which could endanger the health or life of a person;
 - 24.5. possess publications, video or sound recordings advocating national, racial or religious hatred as well as pornography;
 - 24.6. possess topographical maps, compasses, military or other uniforms and their accessories;
 - 24.7. possess and use electric heating and cooking appliances without the authorisation of the management of the Centre;
 - 24.8. leave the Centre's living and other areas without authorisation (absent oneself) (except for asylum seekers who leave the Centre in accordance with the procedure laid down in the Rules);
 - 24.9. smoke outside designated zones;
 - 24.10. play gambling games in the territory of the Centre;
 - 24.11. hang photographs, clippings and other items outside places specifically designated for the purpose;
 - 24.12. use obscene words, jargon;
 - 24.13. possess items specified in Chapter V of the Description;
 - 24.14. take photographs and make videos of the office premises or the security perimeter in which the engineering security measures are installed or film, make audio-visual recordings without the authorisation / consent of the Centre's employee (foreigner).
25. In addition to prohibitions and restrictions specified in point 24 the foreigners shall not be allowed to visit living premises (floors of the building) other than those they were accommodated in.
26. Foreigners the freedom of movement of which is restricted by court decision must observe the following additional rules prohibiting to:
- 26.1. leave without the authorisation the residential buildings of the Centre and stay in the outdoor territory of the residential territory or territory of the Centre;
 - 26.2. change the living place without the authorisation of the administration of the Centre;
 - 26.3. possess computers with internet access;
 - 26.4. possess metal knives, shaving tools (except electric and mechanical shavers, shaving machines with cassettes, disposable shavers for beard) and other sharp-edged and pointed items;
 - 26.5. possess optical devices;
 - 26.6. possess audio, video recording equipment, electronic means of communication;
 - 26.7. possess photo cameras, video and film cameras, video materials, chemicals;
 - 26.8. do tattoos for himself/herself or other foreigners.

CHAPTER V

DISCIPLINARY MEASURES

27. The payment of cash allowances to asylum seekers holding the right to a cash allowance and accommodated in the Centre may be restricted, suspended or renewed by the decision of the Head of the Centre or another authorised person (Annex 15) in line with the Description of the procedure for the implementation of the right of an asylum seeker to receive a monthly cash allowance approved by Order No

A1-454/IV-588 of 25 August 2016 of the Minister for Social Security and Labour of the Republic of Lithuania and Minister for the Interior of the Republic of Lithuania on the approval of the Description of the procedure for the implementation of the right of an asylum seeker to receive a monthly cash allowance.

28. Foreigners accommodated in the Centre shall be held responsible for the breach of law provisions as provided by the laws of the Republic of Lithuania. The following disciplinary measures may be applied to foreigners in case of serious violation of the rules of internal procedure and aggressive behaviour:

28.1. temporary restriction on participation in activities;

28.2. measures specified in Chapter VI of the Description;

28.3. foreigners detained on the basis of a court decision the following additional disciplinary measures may be applied:

28.3.1. restrictions on meetings with visitors;

28.3.2. restrictions on purchase of food and other items.

28.¹ Serious violation of the rules of internal procedure shall include:

28.¹1. bringing of alcoholic beverages, their surrogates, narcotic, psychotropic, toxic or other intoxicating substances into the territory of the Centre, storage, production and dissemination thereof, state of being under the influence of them;

28.¹2. storage of weapons, ammunition, explosive, highly flammable materials;

28.¹3. incitement or organisation of interpersonal strife in the Centre;

28.¹4. damaging or destroying the property of the Centre and other foreigners accommodated in the Centre.

29. In the case of non-compliance with the procedure laid down in the Rules, a protocol on the violation of the Rules shall be drawn up (Annex 3).

30. The protocol shall be drawn up by the officer who has the right to do it following the receipt of the official notice about the violation of the Rules.

31. The protocol shall be drawn up in a clear, legible manner without erasures or crossed out text. Corrections must be confirmed by the signature of the officer who has drawn up a document.

32. The protocol shall consist of 4 sections: introductory part, explanation by the person, decision on the application of disciplinary measures, familiarisation.

33. Introductory part shall contain:

33.1. name of the unit;

33.2. date on which the protocol was drawn up, number of the protocol, place in which the protocol was drawn up;

33.3. title, name, surname, signature of the officer who has drawn up the protocol;

34.4. name, surname, date of birth, code number of the file of the foreigner responsible for the violation;

34.5. point of the Rules in which the violation is specified and its description;

34.6. witnesses confirming the violation of the Rules.

35. In the part containing the explanation of the person:

35.1. the foreigner shall explain the violation of the Rules, specifying the circumstances of violation;

35.2. the foreigner shall have the right to present explanations and remarks related to the content of the protocol to be attached to the protocol as well as to state the reasons for refusing to sign it;

35.3. if the **foreigner** cannot provide his/her explanation in writing, the officer who is drawing up the protocol shall record his/her explanation in the official notice;

35.4. if the **foreigner** refused to give his/her explanation, the officer shall state that in the section of the protocol dedicated for the explanation of the person.

36. The Head of the Centre or another authorised person shall, on the basis of the protocol on the violation of the Rules, take a decision on the application of disciplinary measures (hereinafter the 'decision') and formalise it in writing. The disciplinary measures shall take into account the circumstances in which the **foreigner** committed the violation, the number and nature of the disciplinary measures imposed, in particular as regards vulnerable persons, taking into account the principle of proportionality, as well as the **foreigner's** written explanation of the substance of the violation. In each case the decision shall be taken individually, objectively and impartially specifying the reason thereof. A disciplinary measure may be imposed only on the **foreigner** liable for the violation. A single disciplinary measure shall be imposed for several violations committed simultaneously. A disciplinary measure shall be imposed no later than five working days from the date on which the violation was detected or, if the violation is subject to an investigation, no later than five working days from the date on which the investigation was concluded. The disciplinary measure imposed shall be enforced immediately.

37. If the disciplinary measure is related to a temporary restriction of the **foreigner's** departure from the Centre, the exact date and time of commencement and termination of restriction shall be specified (e.g. measure applied in case a **foreigner** fails to perform his/her duties as the usher, shall contain a temporary restriction for a maximum of 48 hours of his/her departure from the Centre until these duties have been performed. The application of the disciplinary measure shall start on 1 January 2018 8:00. I withdraw the disciplinary measure form 2 January 2018 14:30).

38. The Head of the Centre or another authorised officer of the Centre may revoke or modify the decision on the disciplinary measure (e.g., the **foreigner** accommodated in the Centre falls ill or in other cases when the grounds for applying the disciplinary measure no longer exist or change). The **foreigner** may appeal against the decision to apply disciplinary measures to the Head of the Service within 10 days.

39. The officer of the Centre shall immediately inform the **foreigner**, in a language which he/she understands, of the disciplinary measure to be applied, explain the procedure for appealing against it and require signed acknowledgement.

40. The decision may be appealed against in accordance with the procedure laid down in point 38 of the Rules.

41. The application of all disciplinary measures to **foreigners** accommodated in the Centre shall be recorded in the register of the form approved by the order of the Head of the Service.

41¹. The Head of the Centre or another authorised officer of the Centre may grant the following incentives to **foreigners** for impeccable behaviour:

41¹.1. earlier termination of the penalty imposed;

41¹.2. possibility of additional participation in occupation activities;

41¹.3. extension of the duration of the meeting with visitors for a maximum of 4 hours.

CHAPTER VI

TEMPORARY STORAGE, RETURN, DESTRUCTION AND CONTROL OF ITEMS PROHIBITED IN THE CENTRE

42. Items not permitted to be held in the Centre shall be taken and stored, returned or destroyed in line with the procedure laid down in Order No 4-68 of 8 February 2018 of the Head of the Service on the approval of the Description of the procedure for record-keeping, storage, return or destruction of items found or items taken for temporary storage that are prohibited in the **Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania**.

43. Personal documents and documents identifying the foreigner shall be taken from the foreigner. All these documents shall be kept in the Investigation Unit.

CHAPTER VII

TRANSFERRAL OF PARCELS

44. Parcels for foreigners detained and accommodated in the Centre shall be handed over via the premises of Centre's officers on duty from 8:00 to 17:00 except hours when food is provided to foreigners.

45. The person who brought the parcel to be handed over shall present the identity document to the Centre's officer on duty, fill in two copies of the parcel transfer request form (Annex 4) and sign them. The officer, having checked the Centre's database to make sure that a foreigner indicated in the request form was detained or accommodated in the Centre, shall, in the presence of the person who brought the parcel, check whether the parcel contains any items which the foreigners detained and accommodated in the Centre are not allowed to possess as well as foodstuffs. The officer shall return the items which the foreigners detained and accommodated in the Centre are not allowed to possess as well as foodstuffs to the person who brought the parcel, cross them out in both copies of the request form and state the reasons of their return in the field for comments of the request form.

46. After checking the contents of the parcel to be handed over, the officer who accepted the parcel shall hand the first copy of the request to the foreigner together with the parcel. The second copy of the request, after it has been signed by the foreigner who has received the parcel, shall be registered by the officer in the register of internal documents of temporal storage of the Security Unit and placed in the document binder of officers on duty section for storage for one year.

47. A parcel delivered by the parcel service shall be checked in the presence of the consignee. In cases where the check of the parcel cannot be postponed, the parcel may be checked without the presence of the consignee, but with the presence of two persons invited. Items in the parcel that are not permitted in the Centre shall be taken and stored, returned or destroyed in accordance with the procedure laid down in Chapter VI of the Rules. Foodstuffs shall be handed over to the Admittance Conditions Management Unit (hereinafter the 'ACMU') of the Centre for destruction.

48. Persons attempting to hand over to foreigners detained and accommodated in the Centre items and objects the disposal of which is subject to administrative or criminal liability shall be held liable in accordance with the procedure provided for in the laws of the Republic of Lithuania.

CHAPTER VIII

BODY SEARCH OF A PERSON AND INSPECTION OF BELONGINGS

49. All foreigners accommodated in the Centre shall be subject to body search and all their belongings shall be subject to inspection in accordance with the procedure laid down in legislation.

50. The body search of a person and inspection of belongings shall be carried out in the following cases:

50.1. when the foreigner arrives or is brought to the Centre;

50.2. in case of suspicion that the foreigner possesses items prohibited in the Centre or identity or other documents that he/she wants to hide;

50.3. in case of suspicion that the foreigner is under the influence of alcohol, narcotic, toxic or psychotropic substances (in this case special technical means shall be used to determine whether the foreigner is under the influence of the abovementioned substances);

50.4. when the foreigner leaves the Centre.

52. Taking into account the criminogenic situation in the Centre and information available on violations of the Rules allegedly planned or committed by foreigners, planned body searches of foreigners as well as inspections of items and premises (hereinafter the 'preventive measures') shall be carried out in the Centre.

53. The planned preventive measures shall be implemented in accordance a pre-arranged plan. The plan for the implementation of preventive measures shall be drawn up in accordance with the provisions of the Regulation on operations and exercise of the Service.

54. The planned preventive measures may be implemented by the officers of the Centre and other structural units of the Service in line with the plan for the implementation of preventive measure approved by the Head of the Centre.

55. The planned preventive measures shall be implemented with the participation of social workers of the ACMU of the Centre or personnel of the ACMU or the Office of the General Practitioner (hereinafter 'OGP') of the Centre.

56. When implementing the planned preventive measure a plan shall be drawn up in line with the provisions of the Regulation on operations and exercise of the Service stating:

56.1. aim of the preventive measure;

56.2. duration of the preventive measure (start, end);

56.3. person responsible for the preventive measure;

56.4. place of implementation of the preventive measure;

56.5. forces participating in the preventive measure (structural units, number of officers);

56.6. distribution of forces, technical and special means used in the preventive measure:

56.6.1. purpose, composition, tasks and head of the groups (territory protection, body search, protection of foreigners, interpreters/translators, operational, psychologists, social workers, reserve, etc.) formed;

56.6.2. weaponry, special and other technical means required and their distribution;

56.7. order of implementation of measures;

56.8. place where the body search of foreigners is carried out and place where foreigners stay after the body search;

56.9. places where prohibited items taken during the implementation of the preventive measure are kept and stored;

56.10. place where officers who participate in the implementation of the preventive measure are instructed and time of such instructions;

56.11. place where forces are mobilised.

57. Non-routine preventive measures shall be implemented:

57.1. when a foreigner is brought to the Centre;

57.2. when a foreigner arrives to the Centre;

57.3. when a foreigner leaves the Centre;

57.4. when organising the meetings of foreigners detained and accommodated in the Centre with visitors;

57.5. in case of suspicion that foreigners possess prohibited items;

57.6. when a foreigner whose freedom of movement is not restricted returns to the residential territory of the Centre;

57.7. when it is necessary to verify information that a foreigner is planning an unauthorised departure from the Centre.

58. Body search of a person may be superficial, partial and thorough. Body search of a person shall be carried out by officers of the same sex as the foreigner being searched. Thorough body search shall be carried out

only in exceptional cases when there are grounds to suspect that a foreigner, taking advantage of the principles of personal privacy and inviolability, acts in breach of law incurring criminal liability.

59. Body searches of foreigners and inspection of their belongings shall be carried out in a separate room. Officers must wear rubber gloves when performing body searches of foreigners and inspection of their belongings.

60. Before the start of the body search a person shall be offered to hand over items which the foreigners are prohibited to possess in the territory of the Centre.

61. Superficial body search of a person shall be carried out by technical means, touching the clothes.

62. Partial body search of a person shall be carried out by technical means, touching the clothes and checking the contents of pockets.

63. Thorough body search of a person shall be carried out by technical means, touching the clothes, checking the contents of pockets and instructing a person to take off outer clothes.

64. If during the body search of a foreigner or inspection of his/her belongings items which a foreigner is prohibited to possess in the Centre are taken, a protocol shall be drawn up.

65. Officers implementing the preventive measures must be demanding in relation to foreigners, act in a correct manner, show respect to their dignity and must not damage items belonging to them. Technical and special means may be used when implementing the preventive measures.

66. When the fact of unauthorised departure of foreigners from the Centre is established, the living premises of the departed persons shall be immediately inspected. The officer of the Security Unit and specialist of the ACMU shall participate in the inspection. Following the inspection, the unoccupied premises shall be cleaned.

CHAPTER IX

HEALTH CARE OF FOREIGNERS

67. Health care services for foreigners accommodated in the Centre shall be provided by the OGP. The health care of foreigners accommodated in the Centre shall be carried out in accordance with the Order No 4-83 of 21 February 2018 of the Head of the Service on the approval of the Description of internal rules of the Office of General Practitioner of the Admittance Conditions Management Unit of the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania.

CHAPTER X

ACTIONS OF THE CENTRE'S PERSONNEL WHEN A FOREIGNER ANNOUNCES A HUNGER STRIKE

68. Before announcing a hunger strike, a foreigner must inform in writing the Head of the Centre thereof stating the reasons and motives of a hunger strike. The foreigner must inform in writing the Head of the Centre about the termination thereof.

69. The management of the Centre must immediately take actions to ensure the fulfilment of the legitimate requests of the hunger striker.

70. If possible, the hunger striker may be accommodated in a separate special room by decision of the Head of the Centre.

71. The doctor of the OGP must examine the foreigner on a hunger strike and make entries in the outpatient health records.

72. The foreigner on a hunger strike shall have the right to receive information on the clinical implications of fasting and to choose his/her doctor in agreement with the doctor of the Centre (in line with Recommendation No R (98)7 of the Committee of Ministers of the Council of Europe concerning the Ethical and Organisational Aspects of Health Care in Prison (paragraphs 60-63) and Declaration of Malta on Hunger Strikers of the World Medical Association (September of 1992).

73. Food shall be brought to the hunger striker's room at set times each day. It shall be left in the premises the foreigner is accommodated in for two hours. The Centre's officer on duty shall record the time of food delivery in the work register of the officer on duty. Unconsumed food shall be returned to the canteen of the Centre.

CHAPTER XI

MATERIAL AND HOUSEHOLD PROVISIONS, ORGANISATION OF ACTIVITIES

74. The material and household provisions, organisation of activities for foreigners accommodated in the Centre shall be arranged in line with the requirements of Chapter VIII of the Description.

75. The foreigners accommodated in the Centre shall have the right to use household appliances and other equipment in residential areas carefully and without damaging them.

76. The foreigners accommodated in the Centre shall pay for any damage or destruction of the property of the Centre in accordance with the procedure laid down in the laws of the Republic of Lithuania.

77. The foreigners accommodated in the Centre shall be provided with free meals in accordance with the approved standards. Meals shall be provided in accordance with the daily schedule of foreigners temporarily accommodated in the Foreigners' Registration Centre (hereinafter the 'daily schedule') approved by the Head of the Centre. The arrangement of baby feeding shall be the responsibility of the OGP of the Centre.

78. The residential territory shall be cleaned by the foreigners accommodated in the Centre.

79. A daily schedule shall be set for the foreigners accommodated in the Centre which shall be approved by the Head of the Centre.

CHAPTER XII

PURCHASE OF GOODS NECESSARY TO MEET THE NEEDS OF DETAINED FOREIGNERS

80. Every foreigner shall have the right to purchase with his/her own funds food, clothes and other essential items to meet his/her needs.

81. The purchase of goods shall be governed by Order No 4-556 of 24 November 2016 of the Head of the Service on the approval of the Description of the procedure for the purchase of goods necessary to meet the needs of detained foreigners accommodated in the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania.

CHAPTER XIII

IMPLEMENTATION OF THE RIGHT OF FOREIGNERS TO A MONTHLY CASH ALLOWANCE TO COVER PETTY EXPENDITURE IN THE FOREIGNERS' REGISTRATION CENTRE

82. Foreigners, from the date of a certain decision to examine an asylum application submitted and their accommodation in the Centre, who are entitled to a cash allowance and have submitted a written application for a cash allowance (Annex 16), until the date on which they lose their status of asylum seekers or are relocated to another place of residence, shall have the right to receive a monthly cash allowance specified in sub-paragraph 23.4 of the Description.

83. The cash allowance in the Centre shall be paid once a month, on the 6th working day of the month, for the previous period, except in cases when the foreigner leaves the Centre earlier. The time of payment of the allowance shall be from 10:00 till 12:00.

84. On the second working day of each month the officer of the Investigation Unit shall draw up the allowance payment sheet (Annex 5) which is subject to the approval of the Head of the Centre or another authorised officer and submit it to the Head of the Investigation Unit and Payment, Record-Keeping and Accountability Unit of the Economy, Strategic Planning and Record-Keeping Board.

85. The allowance shall be paid in line with the allowance payment sheet approved by the Head of the Centre or another authorised officer by the employee of the Payment, Record-Keeping and Accountability Unit of

the Economy, Strategic Planning and Record-Keeping Board at the place indicated by the Head of the Centre or another authorised officer.

86. If the foreigner stays in the Centre with the family, the foreigner whose file number is marked with '1' shall be granted an allowance in the name of the family.

87. The foreigner shall confirm the receipt of a cash allowance by signing the allowance payment sheet.

88. If the foreigner fails to take a cash allowance for a justified reason (hospitalisation, court hearing, etc.), a cash allowance shall be paid upon his/her return to the Centre. If the foreigner fails to take a cash allowance without a justified reason, a cash allowance shall be paid to him/her in the following month in accordance with the procedure laid down in point 83 of the Rules.

89. If the foreigner refuses to take a monthly cash allowance, he/she is entitled to, he/she shall make a written explanation. The cash allowance of that month shall not be paid to him/her.

90. In case a foreigner is resettled, a cash allowance shall be paid on the day of his/her departure for the period from the first day of the month until his/ her departure, excluding the day of his/her departure.

91. The payment of a cash allowance for foreigners entitled to a cash allowance shall be discontinued on the grounds set out in the Description of the procedure for the implementation of the right of an asylum seeker to receive a monthly cash allowance approved by Order No A1-454/1V-588 of 25 August 2016 of the Minister for Social Security and Labour of the Republic of Lithuania and Minister for the Interior of the Republic of Lithuania on the approval of the Description of the procedure for the implementation of the right of an asylum seeker to receive a monthly cash allowance.

92. The payment of a cash allowance for foreigners entitled to a cash allowance shall be discontinued by the decision of the Head of the Centre or another authorised officer.

93. The payment of a discontinued cash allowance shall be renewed by the decision of the Head of the Centre or another authorised officer on the grounds set out in the Description of the procedure for the implementation of the right of an asylum seeker to receive a monthly cash allowance approved by Order No A1-454/1V-588 of 25 August 2016 of the Minister for Social Security and Labour of the Republic of Lithuania and Minister for the Interior of the Republic of Lithuania on the approval of the Description of the procedure for the implementation of the right of an asylum seeker to receive a monthly cash allowance.

94. Foreigners entitled to a cash allowance shall be informed about the decision to limit, discontinue and renew the payment of a cash allowance by presenting such a decision to him/her for signing. If foreigners at that time are not in the Centre, the decisions shall be presented to them on the day on which they return to the Centre.

95. The decisions to limit, discontinue and renew the payment of a cash allowance may be appealed against in accordance with the procedure laid down in the Law on Public Administration of the Republic of Lithuania and (or) the Law on Administrative Proceedings of the Republic of Lithuania.

CHAPTER XIV

ORGANISATION OF MEETING OF FOREIGNERS WITH PERSONS VISITING THEM

96. The foreigners accommodated in the Centre may, subject to the permission of the Head of the Centre or another authorised officer, meet in the territory of the Centre with persons visiting them. Such permit may be refused in case the foreigner is liable for the violation of the Rules.

97. The foreigners accommodated in the Centre shall write a request for permission to meet with visitors (Annex 6) addressed to the Head of the Centre indicating the date, time of the planned visit, surname of the visitor, relationship with the visitor and purpose of the visit.

98. The visits shall be arranged by the Centre's officer on duty.

99. The permission for a visit granted shall be a one-time permission. No more than 4 visitors shall be allowed to visit a foreigner at the same time, not including children under 16.

100. Visitors must familiarise themselves with the procedure for organising meetings of foreigners accommodated in the Centre with persons visiting them and sign it.

101. If a visitor refuses to sign the procedure for organising meetings of foreigners accommodated in the Centre with persons visiting them, no meeting is arranged.

102. Visitors who are not in a possession of identity documents shall be not allowed to meet with the foreigners accommodated in the Centre.

103. If due to extraordinary circumstances meetings are temporarily not organised or occupation activities are limited, officers of the Security Unit together with the ACMU shall immediately inform the foreigners accommodated in the Centre thereof.

104. The Centre's officer on duty shall determine the duration of the visit taking into account the flow of visitors, their work load as well as the work load of officers of the Security Unit and other circumstances. It is recommended that a visit should last up to 2 hours.

105. Visitors shall meet with the foreigner accommodated in the Centre in the premises dedicated for the purpose.

106. Visits shall be arranged on working days from 8:30 till 17:00 and in exceptional cases – on rest days or public holidays. The Centre's officer on duty shall have the right to arrange a visit at other times if the circumstances so require.

107. After the visit a search of the foreigner accommodated in the Centre shall be carried out.

108. During the meeting the foreigners accommodated in the Centre and their visitors shall be prohibited from:

108.1. leaving the premises of the meeting without the permission of the Centre's officer on duty;

108.2. using alcohol, toxic and other intoxicating substances, drugs of unknown origin, narcotic, psychotropic substances;

108.3. inciting nationality, race, religion-based discord;

108.4. encouraging the foreigners accommodated in the Centre to incite discord among themselves, violate the Rules;

108.5. inciting the foreigners accommodated in the Centre to refuse to obey the legal requirements of the employees of the Centre;

108.6. doing tattoos;

108.7. damaging or destroying the property of the Centre;

108.8. smoking in the premises.

109. During the meeting visitors shall be prohibited from possessing and handing over the following items and means:

109.1. alcoholic beverages;

109.2. narcotic or psychotropic substances and their precursors;

109.3. poisonous, toxic and other intoxicating substances;

109.4. weapons, ammunition, explosive, poisonous and highly flammable materials as well as items containing explosive, poisonous and highly flammable materials;

109.6. radio apparatus;

109.7. photo cameras, video recording cameras;

109.8. mobile phones;

- 109.9. instruments or tools which, if used inappropriately, may cause threat to person's health or life;
- 109.10. publications, video or sound recordings encouraging nationality, race, religion-based discord;
- 109.11. topographical maps, compasses, military or other uniforms and their accessories;
- 109.12. electric heating and cooking appliances;
- 109.13. animals.

110. The Centre's officer on duty shall have the right to stop the visit, if the visitors or the foreigner accommodated in the Centre fail to observe the prohibitions and restrictions. Such failure shall be deemed to constitute the violation of the Rules.

CHAPTER XV

MEETINGS OF FOREIGNERS WITH PUBLIC, NON-GOVERNMENTAL ORGANISATIONS, PRODUCERS OF PUBLIC INFORMATION

- 111. Meetings of the foreigner accommodated in the Centre with the representatives of public, non-governmental organisations and producers of public information in the territory of the Centre shall take place only with the permission of the Head of the Centre or in line with the procedure stipulated in the agreements signed.
- 112. The contacts between the foreigners and the representatives of public, non-governmental organisations, producers of public information shall take place in the Centre only with the consent of a foreigner.
- 113. The representatives of public, non-governmental organisations, producers of public information shall be prohibited from making video recordings and taking photographs of faces of foreigners without their consent.
- 114. The foreigners must give a three days' written notice to the Head of the Centre of their wish to meet with the representatives of public, non-governmental organisations, producers of public information, get the permission and adjust the time and place of the meeting.

CHAPTER XVI

TEMPORARY DEPARTURE OF FOREIGNERS FROM THE CENTRE

- 115. The foreigner accommodated in the Centre whose freedom of movement is not restricted may leave the Centre without the permission of administration for a maximum of 24 hours.
- 116. The foreigner accommodated in the Centre whose freedom of movement is not restricted and who have not been granted by the court the alternative measure to detention, i.e., accommodation in the Centre, may leave the Centre with the permission of the Head of the Centre or another authorised officer for a maximum of 72 hours.
- 116¹. Decision to grant a temporary permit to leave the place of residence referred to in point 116 of the Rules shall be taken individually and objectively and if the decision is negative, the reasons thereof shall be indicated.
- 117. The departure from the territory shall be arranged and controlled by the Centre's officer on duty.
- 118. The foreigner whose freedom of movement is not restricted and who expressed his/her wish to leave the Centre for a maximum of 24 hours shall arrive at the premises of Centre's officers on duty.
- 119. The Centre's officer on duty shall check whether there are any actions related to the examination of the application for asylum in the Republic of Lithuania or any other actions planned or whether he/she has been appointed as a steward during the period of the foreigner's absence from the Centre. If such actions are planned, the departure of the asylum seeker from the Centre may be restricted by the decision of the Centre's officer on duty for a maximum of 48 hours.

120. The foreigner whose freedom of movement is not restricted wishing to leave the Centre for a period of up to 72 hours shall submit via the unit of Centre's officers on duty a request for permission to leave the Centre for a period of more than 24 hours addressed to the Head of the Centre (hereinafter the 'request') (Annex 7) three working days before the intended day of departure. The Head of the Centre or another authorised officer shall assess the validity of the request to leave the Centre for a period of up to 72 hours and take a decision on it. The foreigner who submitted the request shall familiarise himself/herself with the decision presented by the Centre's officer on duty and sign it.

121. The foreigner who leaves the Centre for the first time shall familiarise himself/herself with the procedure applied to persons leaving the Centre (Annex 8) presented by the Centre's officer on duty and sign it. The information signed by the foreigner shall be stored in the personal file of the foreigner.

122. The Centre's officer on duty shall issue to the foreigner temporarily leaving the Centre a card confirming the foreigner's temporary accommodation in the Centre (hereinafter the 'card') (Annex 9). The Security Unit shall be responsible for preparation, validation and registration of the cards.

123. Once the card has been issued to the foreigner, the identification card shall be taken from the foreigner for the period of absence from the Centre.

124. The Centre's officer on duty shall enter the information on the departure from and return to the Centre of the asylum seeker into the computer by automatically scanning the asylum seeker's personal card.

125. If the asylum seeker fails to return to the Centre after a specified or declared time after his/her departure, the Head of the Centre, officer of the Investigation Unit concerned and the officer on duty of the National Coordination Centre of the Border Control Organisation Board of the Service shall be informed thereof.

CHAPTER XVII

FOREIGNERS' VISITS TO MEDICAL TREATMENT FACILITIES, BANK OR OTHER INSTITUTIONS OR ORGANISATIONS

126. In case the foreigner accommodated in the Centre have health problems which cannot be solved efficiently by means available in the Centre, the foreigners, upon referral of the general practitioner of the OGP, shall be transported to medical treatment facilities to consult a specialist or receive in-patient treatment.

127. The foreigners whose freedom of movement is not restricted may go to the medical treatment facilities on their own and unaccompanied by the officers and medical personnel or social workers of the Centre.

128. The foreigners whose freedom of movement is restricted by a court decision shall be transported to medical treatment facilities by the transport of the Centre, in urgent cases they shall be transported by the emergency medical service.

129. The foreigners whose freedom of movement is restricted by a court decision must be escorted to the medical treatment facility by the officer of the Centre and, if necessary, by a nurse of the OGP or another member of the ACMU personnel performing social work-related functions.

130. If the foreigner whose freedom of movement is restricted by a court decision is transported to the medical treatment facility for consultation, the officer of the Centre escorting that foreigner shall escort him/her back to the Centre following the consultation.

131. If the foreigner whose freedom of movement is restricted by a court decision is transported to the medical treatment facility for in-patient treatment or, following a consultation, has to stay in the medical treatment facility in order to receive in-patient treatment, the officer of the Centre escorting that foreigner may leave him/her in the medical treatment facility only after the arrangement of security of the detained foreigner in the medical treatment facility is ensured.

132. The officer of the Centre, nurse of the OGP or another member of the ACMU personnel performing social work related functions escorting the foreigner whose freedom of movement is restricted by a court decision shall inform the employee concerned of the medical treatment facility about the status the foreigner has while staying in the Republic of Lithuania, i.e. about the fact that the foreigner's freedom of movement is restricted. In addition, that person shall inform about the powers delegated to him/her and discuss the

options for how the medical treatment facility will notify the Centre about the end of the in-patient treatment of the foreigner (he/she shall indicate the contact telephone numbers of the Centre).

133. The foreigner whose freedom of movement is restricted by a court decision wishing to receive a bank transfer, a postal parcel or in case he/she needs to leave the territory of the Centre for other reasons, shall write a request addressed to the Head of the Centre.

134. The Head of the Centre or another authorised person, having verified the necessity for the foreigner to leave the Centre and having assessed the risk factors, shall, if possible, arrange the transportation of the foreigner by the transport of the Centre to the institution indicated in the foreigner's request. The foreigner must be escorted by the officers of the Centre.

135. The Centre's officer on duty shall enter the information about the foreigner's departure from and return to the Centre in the register used for the purpose.

CHAPTER XVIII

ACCESS TO THE FOREIGNER'S PERSONAL FILE

136. Persons indicated in Articles 577, 585, 587 of the Code of Administrative Offences of the Republic of Lithuania shall have the right to access in the Centre to the information contained in the file of the foreigner accommodated in the Centre (hereinafter the 'case file') and, with the permission of the Head of the Centre, make copies of information contained in the file for a remuneration or for free by own means (by copying, making a photograph, etc.).

137. Access to classified information contained in the file shall be granted only to persons who hold security clearances necessary for work with or access to classified information and need access to classified information when performing their official duties. Such persons are required to present a targeted authorisation of the head of the institution wherewith they are employed (Article 25(1) of the Law on State Secrets and Official Secrets of the Republic of Lithuania).

138. The Head of the Centre shall not take decisions on requests for access to pre-trial investigation data of the participants in the proceedings. Such requests shall be dealt with in accordance with the procedure laid down in Article 181 of the Code of Criminal Procedure of the Republic of Lithuania.

139. Decision on whether to grant access to the case file and make copies thereof shall be taken by the Head of the Centre or another authorised person.

140. Decision on the request for access to the file of the case pending before the court shall be taken no later than the next working day from the day of receipt of the request by the Centre.

141. If the access requested is not granted, the reasons shall be stated in the resolution. Access to the case file and possibility to make copies thereof may not be refused, if:

141.1. the name, surname, place of residence, personal identification number of a person wishing to get access to the case file, particular case file(s) to which a person wishes to have access and the purpose of the access to the case file are not stated;

141.2. the case file to which a person wishes to have access is not public or access to it is restricted;

141.3. a person abuses his/her rights to access to the case file;

141.4. it is not possible to hide file information access to which is not permitted to a person in such a way that a person could access to information he/she is interested in without accessing the said restricted information or if the hiding of certain information on the case file would involve disproportionate effort and/or expenses or if the hiding of certain information on the case file in order to adequately protect restricted information would result in damage of the file. At person's request an extract of the case file he/she is interested in containing no restricted information may be issued;

141.5. access to a case file granted to a person would violate the right to privacy of the persons related to the case in order to ensure the protection of personal data;

141.6. the case file has been made available for access for another person, the case file was not returned by a higher court, the case file is delivered to law enforcement authorities or it is unavailable for other technical reasons;

141.7. there are other important circumstances justifying the restrictions placed on the person's right to access the case file or have copies thereof.

142. The Head of the Centre or another authorised person who has granted a person access to the case file shall, following person's access to the case file, state in addition to other information, whether the person may be provided with a copy of the case file, or whether the person may take photographs or record data in some other way.

143. The copies of the case file shall be certified in accordance with the procedure laid down in Order No V-118 of July 2011 of the Chief Archivist of Lithuania on the approval of Rules on document management and record keeping; copies and extracts of electronic documents shall be certified in accordance with the procedure laid down in Order No V-67 of 4 December 2013 of the Chief Archivist of Lithuania on the approval of the Recommendations for printing of copies and extracts of electronic documents.

144. Access to case files or parts thereof shall be free of charge.

145. Fees for copies of files and documents contained therein kept in the Centre shall be as follows:

145.1. A5 copy – Eur 0.04 per page;

145.2. A4 copy – Eur 0.07 per page;

145.3. A3 copy – Eur 0.14 per page;

145.4. scanned A4 copy saved in computer storage media – Eur 0.07 per page plus the price of computer storage media indicated in the storage media acquisition documents;

145.5. scanned A4 copy sent via e-mail – Eur 0.07 per page.

146. If copies are made using personal equipment (by copying, taking a photograph, etc.), no fee shall be charged for making copies of a case file.

147. The person shall pay for the copies according to the payment slip (Annex 10) to the bank account of the Office.

148. Person wishing to get access to a case file, receive a copy thereof shall submit to the Head of the Centre a request specifying a particular case file in the prescribed form (Annex 11). When a representative applies, he/she shall also submit a document confirming the representation (power of attorney, representation agreement, order of the lawyer, etc.) if there is no such document in the file.

149. If the request is rejected, the applicant shall be informed in writing about the reasons of such refusal no later than 3 working days after the examination of the request.

150. If a decision to grant access to a case file is taken, the applicant shall be informed about the possibility to access to the file no later than within 5 working days (in case of voluminous file - within 7 working days) from the day on which the request was submitted.

151. The pages of files which a person is allowed to access to shall be sewn and numbered.

152. Persons conducting research shall be granted access to case files appropriate to the subject of their research and subject to the conditions set out in point 138 of the Rules. These persons shall be instructed that personal data and other information protected by law must be altered in research results, scientific papers, monographs, etc., in such a way that makes it impossible to identify such personal data or the content of other information to be protected and that such data and information must not be used for any other purpose than that of research and shall confirm the familiarisation with such instructions in writing.

153. One shall be granted access to the case files in the premises of the Centre on presentation of an identity document and in the presence of the officer of the Investigation Unit of the Centre.

154. The officer of the Investigation Unit of the Centre responsible for the arrangement of access to case files shall inform the applicant about the procedure for access to case files laid down in the Rules. The person shall confirm the fact of his/her familiarisation with the procedure by signing the request.

155. When familiarising with the case file the person must exercise care and caution.

156. The person who familiarises with the case file shall be prohibited from:

156.1. taking the case file outside the premises designed for access to the files;

156.2. handing over the file to other persons for familiarisation;

156.3. folding pages, writing remarks, crossing out, tearing or otherwise damaging the case file.

157. The person who has familiarised with the case file shall return it to the officer concerned of the Investigation Unit of the Centre who shall check the returned file and record in the journal for keeping records on the files made available (hereinafter the 'journal') the time of its return, the volume of the case file which was accessed (indicating the number of volumes, pages). The person shall confirm his/her access to the case file in the journal.

158. Following the familiarisation with the case file or issuance of copies of the case file the request shall be sewn into the file.

159. If it is established that the person who familiarises with the case file has violated the rules of this chapter, the familiarisation process shall be immediately terminated (when the violation is established during the familiarisation process) and a report of a prescribed form (Annex 12) shall be drawn up, to be signed by the responsible officer of the Investigation Unit of the Centre and the person who familiarises with the case file. If the person refuses to sign the report, this fact shall be stated in the report.

160. The officer of the Investigation Unit of the Centre who supervises the familiarisation process may prevent the persons who have violated the rules of this chapter from continuing the familiarisation process and must inform the Head of the Centre thereof.

161. A person who wishes to have copies of the case file after the familiarisation with the case file shall not be required to make a separate request. In that case the person's wish shall be expressed in a written form by indicating it in a section of the request dedicated for the purpose. If the person wishes to copy a case file using his/her own equipment (to make a photo, film or scan), he/she shall indicate such information in the request.

162. If a person is allowed to make copies of a case file using his/her own equipment, the officer of the Investigation Unit of the Centre responsible for the arrangement of access to case files shall make sure that only the pages of a case file indicated in the decision are copied.

163. When copies are made using the equipment of the Centre, the officer of the Investigation Unit who is responsible for ensuring proper arrangement of access procedure in the premises shall calculate and record in the request the amount of money to be paid for the copies. The date and number of the document certifying the payment for the copies shall also be recorded.

164. The preparation and certification of copies of the file documents shall be organised by the officer of the Investigation Unit of the Centre examining the case.

165. The person who has received a copy of the case file shall confirm its receipt by signing the request.

166. In case a person violates the procedure for access to the case files, the Head of the Centre or another authorised person may revoke the decision to grant access to the case file. Persons who have violated the procedure for access to the case files shall also be held liable in accordance with laws of the Republic of Lithuania.

CHAPTER XIX

RELOCATION OF FOREIGNERS TO THE KUKLA REFUGEE RECEPTION CENTRE

167. Foreigners in respect of whom the MD has taken decisions on a refugee status, provision of supplementary protection or other relevant decisions shall be relocated to the Rukla Refugee Reception Centre (hereinafter the 'RRRC').

168. The Centre shall notify the RRRC in writing about the foreigners to be relocated and agree with the RRRC the date of relocation of foreigners to the RRRC no later than 3 working days after notification.

169. The foreigners may go to the RRRC on their own, by the transport of the RRRC or the Service.

170. When a vulnerable person is relocated to the RRRC, a statement on the vulnerability of a person shall be submitted to the Director of the RRRC.

171. On the day of departure the foreigners going to the RRRC shall be issued with the relevant medical certificate and shall receive a cash allowance for minor expenses paid for the current month of their stay in the Centre once they have cleaned their rooms they lived in and returned to the Centre everything they have received for temporary use.

CHAPTER XX

RETURN OF FOREIGNERS TO THEIR COUNTRY OF ORIGIN OR THEIR REMOVAL FROM THE REPUBLIC OF LITHUANIA

172. The removal / return of foreigners accommodated in the Centre shall be organised by the Investigation Unit of the Centre and shall be carried out by the Investigation Unit, Security Unit, the ACMU.

173. The removal / return of foreigners shall be based on the following principles: the rule of law, respect to human rights and freedoms, confidentiality, proportionate use of coercive measures in the light of the dangerous situation, non-discrimination on the grounds of race, religion, sex, sexual orientation, social class, etc.

174. The removal / return of foreigners shall be carried out in accordance with the Description of the procedure for taking and enforcing decisions regarding foreigner's obligation to leave, removal, return and passing in transit through the territory of the Republic of Lithuania approved by Order No IV-429 of 24 December 2004 of the Minister for the Interior of the Republic of Lithuania on the approval of the Description of the procedure for taking and enforcing decisions regarding foreigner's obligation to leave, removal, return and passing in transit through the territory of the Republic of Lithuania.

175. The removal of a foreigner shall be organised and carried out once the decision on the removal of a foreigner from the Republic of Lithuania of the competent institution has been taken.

176. The foreigners shall be removed / returned from the Republic of Lithuania at their own cost or at the cost of natural or legal persons which invited them or provided material support to them or at the cost of a state.

177. The removal or return of a foreigner may be postponed if he/she needs urgent medical help.

178. Before the removal or return the general practitioner of the OGP shall assess the health status of a foreigner and issue a certificate attesting his/her health status (Annex 13) that allows to travel to the country of origin.

179. In the absence of objective circumstances preventing the execution of the decision on the removal of a foreigner from the Republic of Lithuania the officers of the Centre concerned must:

179.1. *(no longer valid)*;

179.2. escort the foreigner, if necessary, to the country of origin or another foreign country or to the state border of the Republic of Lithuania and hand him/her over to the senior officer of the border inspection post shift together with the following documents:

179.2.1. decision on the removal of a foreigner from the Republic of Lithuania;

179.2.2. travel documents and travel tickets of a person.

180. The senior officer of the border inspection post shift shall record information about the departure of a foreigner from the Republic of Lithuania vis the state border of the Republic of Lithuania in the decision on the removal of a foreigner from the Republic of Lithuania and return these documents to the officers of the Centre escorting the foreigner.

181. The officers of the Investigation Unit the Centre shall submit the decision on the removal of a foreigner from the Republic of Lithuania enforced to the MD in accordance with the procedure laid down by the Minister for the Interior.

182. If the competent authority of another country refuses to accept the foreigner removed from the Republic of Lithuania who has been residing in the Centre prior to his/her removal, the officers of the border inspection post shall inform the Centre thereof.

183. The officers of the Centre escorting foreigners removed / returned, if necessary and in accordance with the procedure laid down in the legislation of the Republic of Lithuania, may use special measures. The use of special measures shall be notified to the Head of the Centre.

184. In order to ensure that the special needs of vulnerable persons to be removed are taken into account when organising the removal, return to the country of origin or relocation to another institution, persons assigned to the escort shall include, if necessary, the staff member of the ACMU acting as a social worker or a nurse responsible for general care of the OGP.

185. The copies of travel documents of foreigners who lived in the Centre and later left the country shall be stored in the Centre.

186. The removal of foreigners from the Republic of Lithuania shall be monitored in accordance with the procedure laid down by the Minister for the Interior of the Republic of Lithuania.

CHAPTER XXI

DEPARTURE OF FOREIGNERS FROM THE CENTRE

187. Foreigners shall leave the Centre permanently only after the competent authorities have taken a decision to that effect, their legal status in the Republic of Lithuania has been established and on the grounds specified in point 67 of the Description.

188. Before permanently leaving the Centre the foreigner must account for material supplies provided to him/her by the Centre.

189. Information on the permanent departure of the foreigner from the Centre shall be recorded in:

189.1. the register of foreigners brought to the Centre - by the Centre's officer on duty responsible for registration;

189.2. in the electronic journal of the Centre - by the personnel of the Investigation Unit.