



CPT/Inf (2023) 02 - addendum

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 additional response. The CPT's report on the 2021 visit to Lithuania is set out in document CPT/Inf (2023) 01.

Strasbourg, April 2023

**FOLLOW-UP INFORMATION, PROVIDED IN THE REPORT OF THE GOVERNMENT
OF THE REPUBLIC OF LITHUANIA ON MEASURES TAKEN OR TO BE TAKEN TO
IMPLEMENT THE RECOMMENDATIONS DETAILED IN THE REPORT TO THE
LITHUANIAN GOVERNMENT ON THE VISIT TO LITHUANIA CARRIED OUT BY
THE COMMITTEE FROM 10 TO 20 DECEMBER 2021**

Reduction of impact of criminal subculture in prisons and prevention of ill-treatment

Full elimination of criminal subculture from Lithuanian prison system is hardly possible without modernisation and full conversion of prison infrastructure, by accommodating all prisoners in cells only. However, until this longstanding task will be completed, Lithuanian authorities implements other measures, contributing to reduction of the negative impact of criminal subculture and encouraging the prison staff for a zero tolerance to this phenomenon.

In order to determine the prevalence of criminal subculture, specific research has been carried out in Vilnius and Pravieniškės prisons. This research is a substantial part of comprehensive research of the quality of prison life (MQPL), which has started in 2022.

After summarizing the results of informal talks with prisoners and prison staff, as well as results from anonymous questionnaires, it is clear, that informal prison subculture is widespread among both prisoners and the staff. In some cases, prison staff clearly indicated that criminal subculture has positive aspects, because prisoners from higher casts assure the order inside prisons and the officers have to do less. It is likely, that the similar tolerance of criminal subculture exists in other Lithuanian prisons.

All prison governors were familiarized with the results of the research, and they were obliged to prepare and implement a plan of measures of gradual elimination the criminal subculture by choosing different targets (for example, at first – improvement of shopping algorithm, then the participation of prisoners in common events, then – organization of canteen services, etc.). Specific tasks for prison governors have been also formulated (to demonstrate in their daily work and decisions that criminal subculture is not tolerated; to inspire subordinated staff and prisoners not to put up with it; to support and encourage those who oppose criminal subculture; to spread awareness about the damage of criminal subculture, etc.). The effectiveness of aforementioned measures will be evaluated in accordance to the results of analogous researches, which will be conducted on regular basis.

Amendments to the Code of Enforcement of Sentences, which were adopted in December 2022, have empowered Lithuanian Prison Service to use additional preventive measures against the leaders of informal prison hierarchy (including application of temporary ban on communication with other prisoners). This new regulation contributed to the identification and much effective isolation of the persons, making a negative influence to the other prisoners.

A practice of application of disciplinary confinement has also significantly changed: compared with 2021, the total number of applications of the strictest disciplinary punishment – transfer to cellular confinement decreased by 30 percent in 2022 and this trend further continues in 2023, which mostly is affected by the new legal changes in 1st January 2023. All prison governors were instructed to revoke the practice of application of disciplinary penalties for those inmates, who refuse to live among the general prisoner population where they are not feeling safe. From now, in most cases these inmates are being confined in cells without application of disciplinary sanctions (i.e. punitive regime/additional restrictions are not applied for them). If the inmate refuses to reveal any indications

of possible treat to him and/or the results of investigation clearly show, that indicated threats are undoubtedly made up, prison administration however is obliged to propose for him at least few different options, where he could be placed. At the moment there are in total 22 inmates, who were disciplinarily punished for refusal to live among the general prisoner population and subsequently placed in disciplinary cellular confinement (For comparison, during Committee`s visit in Lithuania, there were 64 such inmates just in Alytus Prison).

Strengthening the prevention of ill-treatment and ensuring prompt use of body-worn video cameras, a control system is established: there were officers appointed in all prisons, who are responsible for checking recorded materials (at least 4 times per month). During these random checks it should be evaluated, whether prison officers always turn on body-worn video cameras, when they are interacting with prisoners; are they wearing body cameras in correct manner (video recording is informative), etc.

In cooperation with the Ministry of Health, the specific trainings are organised for contact officers to develop their skills to recognize the risk/indications of possible suicidal behaviour.

Prevention of omnipresence of illegal drugs in prisons and comprehensive support to addicted prisoners

To avoid influx of paper items (letters, magazines, etc.) having been pre-soaked in New Psychoactive Substances or sprayed with them, which prisoners receive by post, it is expected to start scanning all received prisoners` correspondence (with exception of letters from lawyers, public institutions and international organizations). Firstly, such practice will be piloted in one prison. After assessment of the results thereof, by elaborating the working schemes and, if necessary, adopting a respective regulation, this methodology could be started in all prison system. Officers from National Preventive Mechanism were already notified about ongoing preparations on application of the aforementioned practice.

The most risky places, through which illegal items (including drugs and psychotropic substances) are usually throw-over or transported with the help of drones in the prison territories were detected. This information will be used by selecting additional measures in light of the ongoing process of modernization prison perimeter security systems.

An algorithm for the provision of comprehensive assistance for prisoners using psychoactive substances has started to be implemented in practice. Presence of newly employed addiction consultants filled the gap for timely recognition of the users of psychoactive substances and offering substantial assistance according to individual needs: detoxication, assistance in day centres, rehabilitation and post-rehabilitation centres, substitution therapy, preparation of drug users for probation process (ensuring continuity of assistance measures), and other assistance and prevention measures are available.

As it was indicated in Government Report, the increase the capacities of rehabilitation and post-rehabilitation infrastructure for addicted prisoners is the highest priority: a new premises for post-rehabilitation centre has been recently allocated in Vilnius Prison, and the same centre will be shortly established in Alytus Prison. In addition, Lithuanian Prison Service is preparing for the designing of premises, where a new Rehabilitation centre will be established in Pravieniškės Prison.

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.

Practical cooperation with the Republican Centre for Addiction Disorders was launched. In accordance with the Bilateral Cooperation Plan for 2023, which has been adopted on 13th February, it is foreseen to provide theoretical and practical knowledge for prison staff about the application of motivational interviewing of addicts, organization of pharmacotherapy treatment and treatment of juvenile addicts.

Modernization of prison infrastructure and improvement of material imprisonment conditions

On 2nd February 2023, new open prison (half-way house) was opened in Šiauliai (capacity – 20 places).

The final preparations (purchase of furniture and household appliances, training of selected staff, selection of inmates, who will be transferred to, etc.) for the opening of a new open prison (half-way house) in Tauragė are ongoing. This establishment (capacity – 28 places) will be opened in June 2023.

Currently, repair works of the premises in Plungė are ongoing, where new open prison (half-way house) will be established. It is expected that the new penitentiary establishment (capacity – 27 places) will be opened in September 2023.

On March 2023, preparation for announcement of a call for procurement of the design services for the conversion of dormitory of Vilnius Prison into cell-type accommodation, has started. After conclusion of public procurement procedures, it is planning to sign an agreement for design services on 3Q 2023, and the technical design of reconstruction shall be completed by May 2024. It is expected the construction works will be finished by 2026 and all Vilnius Prison will be fully converted into cell-type accommodation.

By introducing the methodology on the resocialization of prolific reoffenders preparing them for the probation process (TOG) in the Lithuanian penitentiary system, at the end of 2022 the separate TOG unit has been opened in Pravieniškės Prison and at the end beginning of 2022 – temporal premises for TOG unit in Vilnius Prison (separate TOG unit in Vilnius Prison is under construction and will be opened in 4Q 2023).

On April 2023, public procurement for construction of the new closed prison in Šiauliai (capacity – 600 places) has been announced. It is expected to complete procedures of selection of a private partner and sign a public-private partnership contract by the end of 2023 – beginning of 2024. New prison shall start functioning by the end of 2026.

By the end of August 2023, modernization of heating/ventilation systems, increasing thermal insulation of the walls and roofs, installation of new windows, etc, will be completed in 3 buildings of Marijampolė Prison, 3 buildings of Pravieniškės Prison and 1 building in Alytus Prison.

With a view to improving material conditions for prisoners to engage in different activities, by the 3Q 2023 a newly constructed Occupational Centre for prisoners will be opened in Vilnius Prison and by April 2024 – the same newly constructed centre expected to be opened in Pravieniškės Prison.

Changes of legal regulation and further reduction of prison population

It is clearly visible that the new provisions of the Code of Enforcement of Sentences, which entered into force from 1st January 2023, had a very positive impact on inmates` motivation to coincide respective criteria as soon as possible and get a gradual facilitation of the applied regime (the right for week-end leaves at home, transfer to open prisons, etc.) and/or earlier conditional release. This already contributes to the reduction of prison population in closed and semi-open prisons and higher demand for the capacity open prisons. At the moment, the network of open prisons is expanding, and The Ministry of Justice shall inform the Committee, as soon as two more open prisons will be opened later this year.

The Ministry of Justice also implements it`s plans for the significant changes of national criminal policy:

At the first step, amendments of the Criminal Code, which foreseen reduction of terms of certain sentences, is already passed to the Parliament and shall be adopted by the end of April 2023. Due to expected legal changes, up to 2000 criminal cases shall be reconsidered for inmates, currently serving their sentences in prisons.

At the second step, amendments of the Criminal Code, which focusing on the application of alternative sanctions, establishing measures for the realization of less strict criminal responsibility and which shall also contribute to the reduction of prison population, will be passed for approval to the Government by the end of April 2023, and subsequently – for the adoption to the Parliament.

Aforementioned legal changes shall result in significant reduction of prison population: some categories of inmates will be immediately released at the end of their sentence; the other categories of prisoners shall become eligible for conditional release or transfer to open prisons.

The Ministry of Justice permanently monitors legal environment and looking to the other options for reduction of prison population. As soon as the results of aforementioned legal changes will be visible in practice and taking into account to the fact, that 199 newly reconstructed cell-type prison places in Alytus prison shall start to be used in 4Q of 2023, it will become possible to take decisions on official reduction of total capacity in Lithuanian prisons by assuring Committee`s recommended minimum standard¹ for personal living space in all prison establishments.

¹ 4 m² in multiple-occupancy cells and 6 m² in single-occupancy cells.

DETALŪS METADUOMENYS

Dokumento sudarytojas (-ai)	LIETUVOS RESPUBLIKOS TEISINGUMO MINISTERIJA 188604955, Gedimino pr. 30, LT-01104 Vilnius
Dokumento pavadinimas (antraštė)	RE: REQUEST FOR AUTOMATIC PUBLICATION PROCEDURE AND UPDATE OF INFORMATION
Dokumento registracijos data ir numeris	2023-04-18 Nr. (1.22E) 7R-1682
Dokumento gavimo data ir dokumento gavimo registracijos numeris	–
Dokumento specifikacijos identifikavimo žymuo	ADOC-V1.0
Parašo paskirtis	Suderinimas
Parašą sukūrusio asmens vardas, pavardė ir pareigos	Tauras Rutkūnas, Patarėjas, Bausmių vykdymo politikos grupė
Sertifikatas išduotas	TAURAS RUTKŪNAS, Lietuvos Respublikos teisingumo ministerija LT
Parašo sukūrimo data ir laikas	2023-04-13 15:17:59 (GMT+03:00)
Parašo formatas	XAdES-EPES
Laiko žymoje nurodytas laikas	–
Informacija apie sertifikavimo paslaugų teikėją	ADIC CA-B, Asmens dokumentu israsymo centras prie LR VRM LT
Sertifikato galiojimo laikas	2021-11-25 14:12:03 – 2024-11-24 14:12:03
Parašo paskirtis	Suderinimas
Parašą sukūrusio asmens vardas, pavardė ir pareigos	Marius Rakštelis, Vadovas, Bausmių vykdymo politikos grupė
Sertifikatas išduotas	MARIUS RAKŠTELIS, Lietuvos Respublikos teisingumo ministerija LT
Parašo sukūrimo data ir laikas	2023-04-13 15:20:21 (GMT+03:00)
Parašo formatas	XAdES-EPES
Laiko žymoje nurodytas laikas	–
Informacija apie sertifikavimo paslaugų teikėją	ADIC CA-B, Asmens dokumentu israsymo centras prie LR VRM LT
Sertifikato galiojimo laikas	2021-11-10 08:58:17 – 2024-11-09 08:58:17
Parašo paskirtis	Pasirašymas
Parašą sukūrusio asmens vardas, pavardė ir pareigos	Ewelina Dobrowolska, Teisingumo ministrė, TM vadovybė
Sertifikatas išduotas	EWELINA DOBROWOLSKA LT
Parašo sukūrimo data ir laikas	2023-04-18 11:25:41 (GMT+03:00)
Parašo formatas	XAdES-T
Laiko žymoje nurodytas laikas	2023-04-18 11:25:54 (GMT+03:00)
Informacija apie sertifikavimo paslaugų teikėją	EID-SK 2016, AS Certifitseerimiskeskus EE
Sertifikato galiojimo laikas	2022-05-31 10:15:35 – 2027-05-30 23:59:59
Informacija apie būdus, naudotus metaduomenų vientisumui užtikrinti	"Registravimas" paskirties metaduomenų vientisumas užtikrintas naudojant "RCSC IssuingCA, VI Registru centras - i.k. 124110246 LT" išduotą sertifikatą "Dokumentų valdymo sistema Avilys, Lietuvos Respublikos teisingumo ministerija, į.k.188604955 LT", sertifikatas galioja nuo 2022-09-21 15:31:19 iki 2025-09-20 15:31:19
Pagrindinio dokumento priedų skaičius	1
Pagrindinio dokumento pridedamų dokumentų skaičius	–
Priedamo dokumento sudarytojas (-ai)	–
Priedamo dokumento pavadinimas (antraštė)	–
Priedamo dokumento registracijos data ir numeris	–
Programinės įrangos, kuria naudojantis sudarytas elektroninis dokumentas, pavadinimas	Dokumentų valdymo sistema Avilys, versija 3.5.60
Informacija apie elektroninio dokumento ir elektroninio (-ių) parašo (-ų) tikrinimą (tikrinimo data)	Atitinka specifikacijos keliamus reikalavimus. Visi dokumente esantys elektroniniai parašai galioja (2023-04-18 11:29:13)
Paieškos nuoroda	–

DETALŪS METADUOMENYS**Papildomi metaduomenys**

Nuorašą suformavo 2023-04-18 11:29:13 Dokumentų valdymo sistema Avilys