

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 12 to 22 February 2024

The Government of Lithuania has requested the publication of this response. The CPT's report on the 2024 visit to Lithuania is set out in document CPT/Inf (2024) 25.

Strasbourg, 29 October 2024



**LIETUVOS RESPUBLIKOS NUOLATINĖ ATSTOVYBĖ PRIE
EUROPOS TARYBOS
REPRÉSENTATION PERMANENTE DE LA RÉPUBLIQUE DE
LITUANIE AUPRÈS DU CONSEIL DE L'EUROPE**

The Council of Europe's Committee for
the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment (CPT)
Council of Europe

Strasbourg, October 7, 2024
No. (77.11.4)577-132

Please find enclosed herewith a Report of the Government of the Republic of Lithuania on
measures taken or to be taken to implement the recommendations.

Please accept the assurances of my highest consideration.

Encl. 18 pages.

Sincerely,

Ambassador

Andrius Krivas

42, rue Schweighaeuser
67000 Strasbourg
FRANCE

Tel.: 03 90 41 17 50

E-mail: atstovybe.et@urm.lt

C. P. T.

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REPORT
OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
ON MEASURES TAKEN OR TO BE TAKEN TO IMPLEMENT THE
RECOMMENDATIONS DETAILED IN THE REPORT ON THE VISIT TO LITHUANIA
CARRIED OUT BY THE EUROPEAN COMMITTEE FOR THE PREVENTION OF
TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
(HEREINAFTER REFERRED TO AS THE COMMITTEE) FROM 12 TO 22
FEBRUARY 2024¹

Preliminary remarks

Request for information

- **The Committee would like to receive information on the adoption and implementation of amendments to the Criminal Code which substantially modify the rules governing the imposition of custodial sentences (paragraph 14).**

Amendments to the Criminal Code² which substantially modify the rules governing the imposition of sentences were adopted on 25 April 2024 (and will enter into force on 1 November 2024). Once the courts start applying the new provisions of the Criminal Code, the length of the custodial sentence imposed on the convicted persons will be oriented towards the minimum sentence specified in the sanction and only in special cases (for example, in the presence of aggravating circumstances) the length of the custodial sentence could be increased. As the penal policy of Lithuania becomes less strict, it is expected that the convicted persons will receive significantly shorter custodial sentences leading to a significant reduction in the number of prisoners.

In addition, the legislator is currently considering another draft amendments to the Criminal Code³, which, by significantly limiting the application of custodial sentence and expanding the scope of possibilities to apply alternative sanctions (specifying that a first-time offender should not be sentenced to imprisonment for less serious offences), propose to further ensure less strict penal policy of the country in case of less serious crimes. These amendments are scheduled to enter into force on 1 January 2025.

Following the introduction of the abovementioned amendments to the Criminal Code the scope of possibilities to apply alternatives to imprisonment is projected to become much broader, the rate of imprisonment to other penalties will be up to 15% and significantly shorter custodial sentences will be imposed, which will gradually lead to a significant reduction in the number of imprisoned persons in the future. Within a few years the number of imprisoned persons per 100 thousand inhabitants in Lithuania is expected to approach the average of the Council of Europe Member States.

On 18 July 2024, the amendments to the Code of Execution of Sentences⁴ entered into force, which, aiming to increase the professionalism of the activities of the Parole Commission by

¹ The Report was approved in the meeting of the Government of the Republic of Lithuania on 25 September 2024.

² <https://www.e-tar.lt/portal/lt/legal/Act/5e517ba0087c11e1bcbfb318996800a8>

³ [https://e-seimas.lrs.lt/portal/legal/Act/lt/LAI/d575a0f0127711ec97d7f4f65208a4ee?positionInSearchResults=1&searchModel\(UUUI\)=70e7c80b-507c-41a8-846a-2838b7c9831c](https://e-seimas.lrs.lt/portal/legal/Act/lt/LAI/d575a0f0127711ec97d7f4f65208a4ee?positionInSearchResults=1&searchModel(UUUI)=70e7c80b-507c-41a8-846a-2838b7c9831c)

⁴ <https://www.e-tar.lt/portal/lt/legal/Act/a80573a0444011efbdaca558dc59136c>

attracting the most highly qualified experts to its activities (for example, criminologists, scientists, representatives of non-governmental sector), make it possible to pay wages for their activities when serving in that Commission. Accordingly, following the revision of the Procedure for the establishment of the Parole Commission⁵ in September 2024, one Commission is foreseen to be established for considering parole related issues of convicted persons of all prisons. In order to ensure the independence and transparency of the activity of this Commission, it is provided that external experts will make up the majority of the members of this Commission. The process of forming the new Parole Commission is under way; the new Commission is expected to start its activities at the end of 2024. This change should unify the practice of applying parole to convicted persons and increase the scope of application of this institute (at present only about 50% of all convicted persons are released on parole).

Recommendation

- **The Committee once again 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 cellular-type accommodation (paragraph 18).**

As part of speeding-up process of converting prison estate to cellular-type accommodation, reconstruction works of 2 dormitory-type buildings (conversion to a 261 unit cellular-type accommodation) in Alytus Prison will be completed in October 2024. Following the purchase of necessary furniture, clean-up of the surroundings and the completion of construction work clearance procedures these buildings will become operational in 2025. In addition, in October 2024 a new sector (cellular-type accommodation with 11 new units) for prisoners with high re-offending risk (“TOG unit”) will be opened in Vilnius Prison. After the completion of the aforementioned work, the modernised cellular-type accommodation will account for 55.9% of the total number of accommodation.

Other infrastructure of prisons is being developed as well: special sector for convicted persons who are most at risk of violence (cellular-type accommodation with 12 units) was set up in Marijampolė Prison, new employment centre for prisoners was opened in Pravieniškės 1st Prison, identical employment centre for prisoners will be opened in November 2024 in Vilnius Prison. Installation work at half-way house in Plungė (with accommodation capacity of 28) is completed; the procedures for change in the use of building and land are currently underway and due to be completed by the end of 2024.

Negotiations with the potential investors concerning the construction and equipment of a new prison with accommodation capacity of 400 in Šiauliai by way of a public-private partnership are coming to an end. The project implementation contract with the selected private investor, who should build and equip the new prison by the end of 2027, is planned to be signed by the end of 2024.

In addition, the following activities financed by the state budget are planned to be started:

- reconstruction of dormitory-type building of Vilnius Prison by converting it into 144 unit cellular-type accommodation (technical project has already been prepared);
- construction and equipment of a new block of cellular-type accommodation in Kaunas Prison (with accommodation capacity of approx. 150-200).

⁵ <https://www.e-tar.lt/portal/lt/legalAct/id18a9e069cc11ef1bb8694c098bac5>

It is important to note that the aforementioned activities are planned to be finalised by using the support funds of the European Economic Area and Norwegian financial mechanisms for 2021-2028 in addition to other funds.

In addition, there are plans to further expand the network of open-type prisons (half-way houses) (2 to 3 new half-way houses will be opened in the next few years), prison infrastructure is being further developed in order to ensure that spaces necessary for the implementation of programme on long-term treatment of prisoners suffering from addictions (rehabilitation centres) are available in all prisons (at present they are available only in 5 prisons).

It is planned that following the implementation of the projects already planned, in 2027 modernised cellular-type accommodation will account for more than two thirds of all imprisonment accommodations and, taking into account further decline in the number of prisoners (*for more information refer to reply concerning the request in paragraph 14 of the Report*), the minimum living space recommended by the Committee will be ensured for approx. 90% of the total number of imprisoned persons (currently this percentage stands at 60).

Ill-treatment by staff

Recommendation

- **The Committee once again calls upon the Lithuanian authorities to take effective action, via prison management, to ensure that custodial staff receive the clear message that excessive use of force, 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 commensurate to the gravity of the crime.**

Furthermore, prison staff be clearly and regularly instructed that any staff tolerating, relying on, encouraging, or colluding in punitive action taken prisoners by other prisoners will be the subject of criminal or disciplinary proceedings.

Prison management should demonstrate increased vigilance by ensuring a regular presence of prison managers in detention areas, their direct contact with prisoners, effective investigation of complaints made by prisoners, and improved prison staff training (paragraph 29).

The practice of 2 prisons which started applying the dynamic security model in full shows that this model has been very successful because it has not only made a significant change in the culture of staff work with prisoners (constant presence of staff and communication with prisoners, assistance in solving prisoners' problems) but also contributes to the increase of overall security of prisons. In addition, prisoners serving sentences in prisons where the abovementioned model is applied became more open, willing to engage into individual and group activities, more actively involved in behaviour change programmes. All this also made it possible to reduce the number of complaints concerning possible ill-treatment by staff.

Taking into account the good practice gained as well as benefits to the penal enforcement system and public security, the dynamic security model will be introduced in all prisons. Prison staff at all levels will be trained in the application of the dynamic security model through a specially designed integrated programme. Prison officers are trained not only in skills necessary for communication with prisoners, but also in psychology, conflict management and de-escalation, which are essential for this job. While the average number of officers trained to apply the dynamic security model has

so far been around 120 per year, the scope of the training of officers is set to expand significantly in 2025 with the support of the European Economic Area and Norwegian financial mechanisms for 2021-2028. In addition, staff traineeships in prisons of Norway will be organised, during which staff members will be trained to apply the theoretical knowledge of the dynamic security model in practice; moreover, the staff will be trained by instructors from Norwegian prisons visiting Lithuania.

In order to further promote the culture of respectful and positive treatment of prisoners by staff, additional measures were taken to ensure that all prison staff members who have contacts with prisoners are obliged to use video recorders and controls on their use have been tightened. The new Procedure for the use of video recorders⁶ adopted stipulates that all video recordings made by video recorders shall be kept for at least 30 days (10 days under the previous provisions). In addition, the inspections of video recordings made by video recorders have been intensified in order to assess whether there are no cases of abuse, when video recorders are not switched on (switched off), whether the staff communicates with the prisoners in a respectful and constructive manner, whether no illegal actions are taken, whether the actions that the staff is required to carry out in a given situation are being carried out, and the like. In 2023 the number of such inspections amounted to 160, while in the first half of 2024 alone the number of such inspections amounts to 116. In the first half of 2024 3 cases of misuse of video recorders were identified and in all cases official investigations on possible ill-treatment of prisoners by staff were initiated.

Aiming to ensure that all staff is equipped with quality video recorders, the Lithuanian Prison Service will be equipped with 1300 items of modern video recorders by the end of 2024.

When assessing the level of use of force against prisoners, a decrease in the number of cases of use of special measures against prisoners posing real threat to staff or other prisoners is observed (in 2023 the number of cases when special measures against prisoners were used was 122, while during the first half of 2024 the number of such cases was 47). In all cases the verification of the legality of the use of special measures is carried out (in 2023 no cases of excessive use of force were identified, in 2024 one pre-trial investigation against an officer for possible excessive use of force against a prisoner was started).

In addition, prisoners again have a possibility to have an appointment with prison management to discuss personal matters, schedules of appointments have been approved. Managers of prisons and separate units thereof are obliged to attend the meetings of Prisoners' Councils at least once a month. Moreover, regular joint meetings of the representatives of Prisoners' Councils of all prisons, prison managers and management as well as managers of administration units of the Lithuanian Prison Service are held remotely. The agenda of such meetings is proposed by the representatives of Prisoners' Councils themselves on topics of interest to them.

Inter-prisoner violence

Recommendation

- **The Committee once again calls upon the Lithuanian authorities to ensure that injuries displayed by prisoners (on admission or following a violent incident) are recorded in a detailed and comprehensive manner, as required by the national legislation.**

⁶ <https://www.e-tar.lt/portal/lt/legalAct/977f3fe0a58011eea5a28e81e82193a8>

Further, all injuries should be photographed in detail and the photographs kept, together with body charts for marking traumatic injuries, in the prisoner's individual medical file. Where necessary, additional examinations should be carried out (imaging, gynaecological examination).

Steps should also be taken to ensure that the record drawn up after a comprehensive medical examination contains the doctor's observations including, where possible, the consistency between any statements made by the examined prisoner and the objective medical findings; if necessary, relevant legislative changes should be adopted.

In addition, a procedure should be established to ensure that whenever a doctor records injuries consistent with allegations of ill-treatment, the recorded information is systematically brought to the attention of the competent prosecuting bodies, namely the public prosecutor and the director of the establishment. The results of every examination, including the abovementioned statements and the healthcare professional's observations, are to be made available to the prisoner and their lawyer.

Moreover, the Committee recommends that the Lithuanian authorities ensure that special training be provided to healthcare professionals working in prisons. In addition to developing the necessary competence in the documentation, identification and recording 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 (including by fellow inmates). 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 33).

Amendments to the Procedure for recording, investigating body injuries of prisoners and storing documents⁷ that implement all recommendations of the Committee were approved. The Procedure provides that:

- in each case any injury to a prisoner must be photographed in detail;
- every injured prisoner or prisoner who has injured himself/herself must be examined by a medical staff member who must mark injuries on a body chart and fill in the prisoner's examination form. When filling this form the medical staff member is required, despite the prisoner's statements about the origin and type of injury, to indicate whether he/she suspects that the injury is of violent nature and may record his/her comments on possible origin and type of injury, prisoner's statements about the injury, their assessment, etc.;
- all documents related to injuries of prisoners (official notification, digital photographs of injuries, body charts and prisoners' medical examination forms) must be kept on a special register in an electronic document management system;
- medical examination form, photographs of injuries and body chart of the injured prisoner must be made available to a prisoner or his/her lawyer, representatives of national or international institutions dealing with violence prevention in prisons (for example Seimas Ombudsperson, members of the Committee) on their request;
- in each case when a medical staff member who examined the injured prisoner records that violence is suspected, such examination form of the injured prisoner and the documents related thereto (official notification about the incident, photographs of the injury, body

⁷ <https://www.e-tar.lt/portal/lt/legal/Act/eb52a13070c011ef9a4c2046a78b308>

chart of the person) must be submitted without delay to the officers performing a pre-trial investigation. Having assessed the information received, these officers must further interview the prisoner, decide on the need to perform additional expert investigations, initiation of a pre-trial investigation or referral to the prosecutor for the initiation of a pre-trial investigation (in cases when in the absence of the complaint of the victim a pre-trial investigation may be initiated at the prosecutor's request).

In November 2024, training on proper application of the new Procedure for recording prisoners' injuries and identification of cases when the use of violence is suspected for medical staff who work in prisons and record prisoners' injuries will be held. Such upgrading of knowledge will be organised each year.

Request for information

- **The Committee would like to know the results of the first pre-trial investigation into a violent incident against a prisoner which was initiated on 27 May 2024 at the prosecutor's demand and to be regularly updated on similar pre-trial investigations initiated at the prosecutor's demand (paragraph 40).**

The first pre-trial investigation into a violent incident against a prisoner, which was initiated on 27 May 2024 at the prosecutor's request, was terminated when the victim and potential witnesses flatly refused to cooperate with the investigators.

It was finally agreed during the meeting with the management of Prosecutor General's Office which was initiated by the Ministry of Justice and the Lithuanian Prison Service that in each case involving evident use of violence against a prisoner a pre-trial investigation will be initiated even in the absence of the victim's complaint, as it is considered that criminal offences committed under the special regime are of public importance and the position of the imprisoned victim who is at the disposal of the state cannot be decisive when taking a decision on the initiation of a pre-trial investigation.

As from 27 May 2024, 30 pre-trial investigations have been initiated at the prosecutor's request in the absence of the victim's complaint, of which:

- 1 prisoner was found guilty by a court of violence against another prisoner (criminal proceedings in this case have already ended);
- 2 criminal cases are dealt with in courts;
- 1 pre-trial investigation was terminated;
- 1 pre-trial investigation was suspended;
- 25 pre-trial investigations are being carried out.

The effectiveness of this algorithm will be constantly assessed and timely reviewed, if necessary, and/or other effective measures will be applied.

Recommendation

- **The Committee recommends that the Lithuanian authorities encourage the Lithuanian Prison Service to look assiduously into what factors (other than a considerably weaker manifestation of the informal prisoner hierarchy, with its unwritten rules forbidding complaints) are causing such a significant difference in numbers between Panevėžys Prison and the male prisons, and identify what good practices there, if any, should be adopted in male prisons (paragraph 42).**

Informal inter-prisoner rules which do not tolerate complaints on violent behaviour and cooperation with officers basically prevail in prisons for male. It is observed that signs of criminal subculture do not substantially manifest themselves in female population.

Overall relationship between prisoners and staff is another important factor contributing to higher security level in Panevėžys Prison (in Panevėžys Prison there is 1 officer per 1.33 prisoner and, for example, in Alytus Prison there is 1 officer per 3.33 prisoner). Accordingly, a significantly larger number of officers and other staff who work directly with prisoners may be ensured in Panevėžys Prison, thus female prisoners have more confidence in the ability of prison staff to defend them and, if necessary, seek help from it.

Information about measures taken to increase the security of prisoners and inevitability of responsibility of violent prisoners in all prisons is provided in replies to recommendations in paragraphs 40 and 78 of the Report.

Request for information

- **The Committee would like to be updated on the unit in Marijampolė Prison designated as a safe area for victims of inter-prisoner violence and recommends establishing similar units in other prisons as well (paragraph 44).**

In July 2024 a specifically established sector became operational in Marijampolė Prison to accommodate prisoners who are at high risk of violence. In order to guarantee that these prisoners have no contact with the rest of the prison population, the work activities of accommodated prisoners in the same sector are ensured.

12 accommodation units were prepared in the sector of Marijampolė Prison to accommodate convicted persons who are at the highest risk of violence; prisoners are selected to these units by eliminating the risk of violence between them.

The results of operation of this sector which is in fact a new pilot project as well as experience gained will be assessed in the beginning of 2025 and a decision will accordingly be taken on the establishment of such sectors in other prisons. In addition to this project, other measures that contribute to the reduction of inter-prisoner violence are also taken. For example, a decision was taken to keep persons serving a custodial sentence for the first time isolated from the rest of prison population; or, following the identification of potential violence users or prisoners who pose other risk to their inmates, to isolate them without delay from other prisoners (*for more information refer to reply concerning the recommendation in paragraph 70 of the Report*).

Illicit drug use

Requests for information

- **The Committee would like to receive information on the results of the updated project “Safe Letter” (paragraph 51).**

The assessment of the results of the pilot project “Safe Letter”, the aim of which was to reduce the amount of drugs getting into prisons via letters sent to prisoners by handing copies of letters received to prisoners posing the highest risk, implemented in Vilnius Prison in 2023, led to a decision to start applying this practice in full in all prisons.

According to the approved procedure⁸, all letters (including postcards, photographs sent with the letter) received by prisoners are scanned and destroyed in their presence, a prisoner is given only copies of the letter (postcards, photographs) or they are saved in a storage media of a prisoner. The abovementioned procedure is not applied only in cases of letters received by a prisoner from state or municipal institutions, lawyers or in case of prisoners who serve the sentence in open-type prisons.

Taking into account of the fact that certain preparation is necessary for practical application of such procedure (prisons must have multifunctional copying, paper shredding equipment), all prisons will start to apply this procedure by the end of 2024 (at present the new procedure is applied in full in Alytus and Panevėžys Prisons, while in other prisons it is applied only in case of detained and convicted persons who serve a sentence under closed regime and disciplinary groups).

- **The Committee would like to receive the comments of the Lithuanian authorities on excessive and unjustified criteria applied in Alytus Prison (for example, requirements related to language skills or a vague exception for persons with mental health disorders) which limit prisoners' access to addiction rehabilitation services, as well as information as to whether similar criteria exist in other prisons (paragraph 55).**

A common procedure for all prisons has been adopted, setting out the following clear criteria for a person serving a sentence to qualify for long-term addiction rehabilitation services (for admission to a rehabilitation centre):

- a prisoner has been diagnosed with an addiction to psychoactive substances;
- a prisoner must be willing to participate in a long-term addiction psychosocial rehabilitation programme;
- a prisoner has completed the introductory phase of the programme (the programme lasts from 2 to 4 weeks, group sessions of the programme in all prisons are run by addiction counsellors).

The transfer of eligible prisoners can only be postponed if there are no vacancies in the rehabilitation centres at the time.

This procedure makes it possible to ensure that after completing a long-term rehabilitation and post-rehabilitation programme the prisoners will be able to leave prison without returning to a prison environment posing a high risk of relapse. All prisoners wishing to get treatment for their addiction prior to their admission to a long-term rehabilitation programme have access to consultations provided by a psychiatrist, social worker, addiction counsellors, meetings of alcoholics anonymous / narcotics anonymous, symptomatic and substitution medical treatment, treatment of comorbid somatic and psychiatric conditions. In addition, convicted persons are referred to participate in resocialisation programmes that include management of addiction related behaviour alongside other social skills training.

Moreover, further development of infrastructure needed to ensure quality addictions treatment is planned by using resources of the state budget as well as funds of the European Economic Area and Norwegian financial mechanisms for 2021-2028.

In addition, in order to increase the incentive for the prisoners to undergo addiction treatment under a long-term rehabilitation programme, the time they spend when participating in this programme

⁸ <https://www.e-tar.lt/portal/lt/legalAct/44144a40404b11c1hdaca558dc59136c>

is regarded as work activity time of convicted persons. These convicted persons may engage in work activity only if they wish to do so.

Recommendations

- **The Committee recommends reinforcing their efforts by further strengthening cooperation with the Drug, Tobacco and Alcohol Control Department and the Republican Centre for Addiction Disorders, particularly by standardising the rehabilitation programmes, further diversifying Opioid Agonist Therapy (OAT) treatments and, most importantly, by employing the necessary numbers of multi-disciplinary staff.**

The Committee also calls upon the Lithuanian authorities to do more to protect prisoners who do not (yet) use drugs from exposure to pressure to become drug users in environments filled with illicit drug use and through the encouragement of fellow inmates, specifically by providing them with drug-free units with clear criteria for residence (paragraph 60).

The plan of specific measures which the Republican Centre for Addiction Disorders undertakes to apply in order to contribute to addiction treatment and strengthen addiction prevention in prisons is updated each year in cooperation with the abovementioned centre.

The 2024 plan of cooperation measures mainly focuses on training of prison staff in the field of provision of services to prisoners addicted to psychoactive substances, assistance (mediation) through non-governmental organisations. Such cooperation has helped to attract a number of non-governmental organisations that provide low-threshold and other services both in prisons and to persons who left them. In prisons non-governmental organisations and their volunteers usually provide assistance related to education and harm reduction, perform anonymous tests for infectious diseases, give educational lectures, distribute information leaflets. Non-governmental organisations also contribute a lot by seeking to ensure successful integration of the prisoners into the society. For example, as part of cooperation with non-governmental organisations which provide post-prison assistance, volunteers of such organisations come to prisons to conduct motivational interviews with prisoners in order to plan further post-prison assistance. In addition, three addictions rehabilitation programmes are planned to be in place by the end of 2024 to enable the prisoners prepare emotionally and physically to participate in further recovery process.

In addition, the Cooperation Agreement between the Lithuanian Prison Service and the Drug, Tobacco and Alcohol Control Department was updated under which the latter provides methodological assistance related to measures aimed at reducing the use of drugs and other psychoactive substances in prisons, holds joint training for prison specialists working in the field of addictions.

2023-2026 plan of measures aimed at implementing the National Agenda for Drug, Tobacco, and Alcohol Control, Prevention of Consumption and Harm Reduction has been approved and launched. This plan includes horizontal measures aimed at increasing access for prisoners with addictions to treatment and rehabilitation services with sufficient coverage. For example, in cooperation with the Ministry of Health, a new addiction treatment and rehabilitation standard based on the principle of patient's path will be prepared, infrastructure necessary for treatment of prisoners and rehabilitation services will be further developed, and effective measures to attract specialists and motivate prisoners to use these services will be sought.

Substitution treatment in prisons includes several medicinal products (opioid antagonists). Methadone remains the most popular and frequently applied medicinal product, but substitution therapy by using combined buprenorphine-naloxone product is also applied. This product is usually prescribed by a psychiatrist when there are side effects from taking methadone, a transfer of a prisoner to a long-term rehabilitation programme or release from prison is planned (when a prisoner so wishes).

In addition, measures allowing to separate from the rest of prison population and keep isolated prisoners who do not use any substances with psychoactive properties and do not support informal inter-prisoner rules have been planned and put in place. Such separation is started to be applied to first-time prisoners (*for more information refer to reply concerning the recommendation in paragraph 70 of the Report*).

The scope of testing for the use of substances with psychoactive properties and identification of prisoners using those substances has been significantly increased in all prisons:

	2023	1 st half of 2024
Number of checks for use of substances with psychoactive properties	5955	5074
Number of intoxications due to the use of substances with psychoactive properties identified	972	676

In addition, education of prisoners who do not use substances with psychoactive properties on harm caused by them has been intensified. Such measures aimed at educating and motivating not to use substances with psychoactive properties are taken on a regular basis. In this field prisons' addiction counsellors are particularly helped by non-governmental organisations.

- **The Committee recommends that the Lithuanian authorities introduce a supervised intake procedure for medications prone to abuse in all prisons, to be performed solely by healthcare staff. The supervised intake procedure should be introduced as one of the key components of OAT programmes, to minimise the possibility of doses being sold onto the black market. In addition, it also helps to ensure that adequate blood and tissue levels of OAT are maintained (therefore reducing the need for additional opioids) and to provide an opportunity for healthcare staff to make a daily assessment of compliance with the programme and of the general health and well-being of the prisoner (paragraph 61).**

The Procedure for applying substitution treatment in prisons⁹ has been amended in June 2024 to include the supervised opioid agonist intake procedure recommended by the Committee, according to which:

- opioid agonists are given only in the healthcare premises of prisons, the consumption of these medications is supervised by a healthcare staff member and an officer responsible for the supervision of a prisoner;
- before giving a dose of a medication one must re-check that it is given to the prisoner to whom it was prescribed (identity of a prisoner is checked);
- in order to be sure that a prisoner has swallowed the medication given to him/her, he/she is offered to drink water and say a certain sentence agreed;

⁹ <https://kalejimai.lrv.lt/media/vicsa/saugykla/2024/6/p19c3WqYfYe.pdf>

- if a prisoner refuses to demonstrate that he/she had certainly swallowed the medication given to him/her, he/she is not taken back to accommodation premises until it is ascertained that a medication was certainly consumed;
- the procedure of giving the opioid agonists and consumption thereof is recorded by a video recorder.

Since the launch of the new supervised opioid agonist intake procedure no cases of prisoners taking unconsumed medications to their accommodation premises have been identified.

Other medications with psychoactive properties prescribed by a psychiatrist are also given to prisoners only in prescribed doses by healthcare staff.

- **The Committee recommends that the Lithuanian authorities introduce additional harm reduction measures (needle-exchange programmes, health promotion interventions focused on safer injecting behaviour and reduced sexual risk behaviour, etc.) in all prisons. Information, education, and counselling on harm reduction should be widely implemented, including awareness on the risks of overdosing. Full information on the existence of such harm reduction measures should be given to prisoners by healthcare staff immediately after admission, using relevantly comprehensible formats as necessary (paragraph 62).**

Currently synthetic drugs are predominant in Lithuania's prisons, thus the number of persons using drugs intravenously significantly declines. In addition, as a result of intense explanatory work of prisoners' healthcare and addictions counsellors with prisoners using drugs intravenously, more and more prisoners become motivated to start substitution therapy.

The number of prisoners who receive substitution therapy constantly increases:

	1 st half of 2023	2 nd half of 2023	1 st half of 2024	3 rd quarter of 2024
Average number of prisoners participating in substitution therapy	165	213	223	263

The implementation of measures foreseen in the 2024-2030 Action plan for prevention and control of HIV and sexually transmitted diseases¹⁰, prepared in cooperation with the Ministry of Health and approved in December 2023 increases the coverage of services related to testing of prisoners for these diseases and prevention thereof.

Every new prisoner arriving to a prison is informed about all harm reduction measures applied in a prison, prophylaxis and prevention of sexually transmitted diseases, offered to carry out prevention tests on HIV and hepatitis C, educated on harm caused by drugs used, safe sexual behaviour, preventive measures; information material is also available in places accessible to prisoners.

As a result of continuous motivational work, the number of prisoners who refuse to make preventive tests for sexually transmitted diseases is declining; although in the previous years 20 to 30% of the total prisoner population refused to undergo preventive tests, the percentage of such prisoners in the first half of 2024 was only 14%. In order to further encourage those refusing to

¹⁰ <https://www.e-lar.lt/portal/lt/legal/Act/9d75fc709fc011cca5a28c81c82193a8>

test, in July 2024 the opportunity to prisoners was provided, in cooperation with a non-governmental organisation, to make anonymous tests for sexually transmitted diseases by means of rapid tests (hepatitis B and C, HIV, syphilis). Approx. 100 prisoners made use of this possibility. As it is expected that this measure will encourage the prisoners who anonymously became aware of being infected with a certain disease to receive treatment of sexually transmitted diseases, anonymous testing by rapid tests is planned to be carried out again in the end of 2024 as well as in the future.

The number of prisoners infected with HIV remains stable – approx. 190. 24 new cases of HIV were identified in prisons in 2023 and 4 new cases of HIV were identified during the first half of 2024 (all cases identified are related to newly-arrived prisoners).

Efforts of prisons' healthcare staff (continuous education of patients / regular persuasion of persons refusing to receive treatment and other proactive measures) continue to reduce the number of persons infected with HIV who refuse to be treated by antiretroviral medications. For example, although only 69.5% of prisoners infected with HIV participated in antiretroviral therapy in 2023, the percentage of prisoners infected with HIV participating in antiretroviral therapy in the first half of 2024 is higher – 85%.

In the light of the reinforced hepatitis C prevention measures (cooperation with the Lithuanian Society of Infectious Diseases enabled the Lithuanian Prison Service to use fibroscan equipment twice a month) the identification of prisoners infected with this disease (523 new cases were identified in 2023, 259 new cases were identified during the first half of 2024) and administration of timely treatment have improved considerably.

Prisoners with risky behaviour being released from prison are provided with a naloxone kit in all prisons. It consists of a medicinal product containing an active substance of naloxone hydrochloride, a single-use syringe, alcohol wipes and information leaflet. Persons being released from prison are made aware of the opioid addiction treatment possibilities outside prison, symptoms of opioid overdose, principles of first aid in the event of opioid overdose, they are given addresses and contacts of units providing low-threshold services and non-governmental organisations active in this field, including a detailed description of services, as well as information on the availability of naloxone kits outside prison.

Informal prisoner hierarchy

Recommendation

- **The Committee once again calls upon the Lithuanian authorities to adopt a dedicated strategy to counter the informal prisoner hierarchy, which should be based on the latest research (paragraph 70).**

Aiming to implement the recommendation of the Committee, the Plan on the elimination of criminal subculture in prisons¹¹ has been prepared and approved.

The key factor that could completely minimise the manifestations of informal prisoner hierarchy is full conversion to cellular-type prison infrastructure. To speed up this process, additional sources of financing are sought for the implementation of already planned projects on the development of new prison infrastructure and reconstruction of old infrastructure into cellular-type accommodation enabling the number of cellular-type accommodation to account for more than

¹¹ <https://kalejimai.lrv.lt/public/canonical/1726232937/1522/2024-09-12%20Nr.%20V-754.pdf>

two thirds of the total number of accommodation by 2027 (*for more information refer to reply concerning the recommendation in paragraph 18 of the Report*).

The Plan on the elimination of criminal subculture in prisons also includes measures that can effectively contribute to the minimalization of manifestations of informal prisoner hierarchy:

- promotion of intolerance to informal inter-prisoner rules;
- differentiation of prisoners;
- development of the dynamic security model;
- development of communication channels;
- elimination of concrete manifestations of criminal subculture.

In order to ensure that prison staff is able to identify all forms of manifestation of informal inter-prisoner rules as well as prisoners following these rules, the Competency Development Board of the Lithuanian Prison Service will develop a special staff training programme by the end of 2024. It is expected that staff of all prisons will gradually be trained according to this programme.

The collection of information about the expression of informal prisoner rules of each prisoner is started and if a prisoner is identified as a prisoner who follows the informal inter-prisoner rules, it will have a significant impact on the results of his/her criminal behaviour risk assessment, individual measures will be designed for him/her to help him/her stop following the aforementioned rules.

In addition, taking into account the existing infrastructure capacity, measures are in place to differentiate between prisoners so that prisoners who do not follow the informal inter-prisoner rules or who do not want to follow them are completely isolated in a safe environment free from informal prisoner hierarchy. First of all, the plan is to separate from the general prison population the first-time prisoners as well as those prisoners who are at a particularly high risk of potential violence. As the number of cellular-type accommodation is increasing, it is expected that during the period of 2027-2030 all persons who do not follow the informal inter-prisoner rules will be fully separated from those who follow them, and prisoners addicted to psychoactive substances will be fully separated from prisoners who do not use these substances.

Moreover, further increase in the number of staff and time of its contact work with prisoners in accommodation areas of prisons is foreseen. Compared to 2023, the number of officers actually working in accommodation areas has increased by 60% and will increase by a further 25% in 2025. In 2025 approx. 90% of posts for these contact officers will be installed in accommodation areas; moreover, having modernised the processes of sentences enforcement, not less than 60% of the total working time of these officers will be devoted to direct contact work with prisoners assigned to them.

Owing to support from the Norwegian financial mechanisms for 2014-2021, approx. 40% of all staff of prisons (all staff in 2 of these prisons) have already been trained to apply the methods of working with prisoners based on the principles of dynamic security. Instructors who received special training continue the training of the remaining prison officers financed by the state budget and when the funding from the European Economic Area and Norwegian financial mechanisms for 2021-2028 will become available, this process will be accelerated even more and the methods of working with prisoners based on the principles of dynamic security will be applied in all prisons. This should significantly help to minimise the manifestations of informal prisoner hierarchy.

The Plan also includes measures aimed at developing information channels between prisoners and management of prisons, involving the prisoners themselves into the process of minimising the manifestations of informal prisoner hierarchy. Efforts are made to intensify contacts between the managerial staff of prisons and the prisoners (updated schedules of appointments to discuss personal matters, visits of heads to accommodation areas). The prison management will be obliged to meet with the representatives of Prisoners' Councils on a regular basis, monitoring of feedback on the problems they have indicated will be carried out. Each prisoner will be provided with the possibility to report anonymously about violence or other manifestations of informal prisoner hierarchy via a charge-free helpline of the Lithuanian Prison Service. In addition, comprehensive surveys of the quality of life in each prison will be carried out on a regular basis and new target measures aimed at eliminating the manifestations of informal prisoner hierarchy identified will be developed on the basis of the findings of such surveys.

The Plan also includes measures aimed at focusing on the fields in which the manifestation of informal inter-prisoner rules is mostly evident. For example, purchase of uniform crockery and cutlery for prisoners, changes in the organisation of flows to the canteen and adjustments to prisoners' shopping processes in prison shops are planned. The attention is mainly focused on measures related to prisoners' employment activities: plans are underway to make it compulsory for all convicted persons to participate in work activities (at least for a few hours) and ensure that all convicted persons perform tasks delegated to them on their own. Moreover, an algorithm to monitor prisoners' self-employment activity will be developed by 2025 to ensure that individual prisoners are not able to simulate such activity and thus evade the obligation to engage in the work activity offered to them.

Measures included in the Plan on the elimination of criminal subculture in prisons may be revised or supplemented, if shortcomings are identified or additional methods to minimise the spread of informal inter-prisoner rules more effectively are found during their application in practice.

Recommendation and request for information

- **The Committee recommends that the Lithuanian authorities review the application of the mechanism under which prisoners' self-employment activity is recognised as their employment activity and inform the Committee of the steps taken to limit the opportunities for potential abuse of the self-employment system (paragraph 73).**

In July 2024, the Procedure for recognising prisoners' self-employment activity as their employment activity¹² was changed to include stricter criteria for recognising prisoners' self-employment activity as their employment activity, control of such activity and a simplified mechanism for elimination of such recognition in case there are grounds to suspect that the convicted person simulates a self-employment activity.

In addition, a uniform practice for monitoring a self-employment activity is being developed, prison staff controlling this activity are being trained on how to recognise fake self-employment activity, check whether the convicted person is actually able to carry out such activity which he/she is willing to carry out or is carrying out and whether the sale price of products produced during such activity is real, i.e. whether no sham transactions are being made.

The Lithuanian Prison Service further encourages the convicted persons to engage into various creative and self-employment activities, however priority will always be given to their engagement

¹² <https://www.e-tar.lt/portal/lt/legal/Act/44144a40404b11a1bdaca558de59136c>

in the employment activity offered by the prison administration. To that end, it is planned that possibilities to engage into at least temporal work activity will be offered to all the convicted persons with special focus on persons promoting informal prisoner hierarchy.

Lack of staff presence in accommodation areas

Recommendation

- **The Committee once again calls upon the Lithuanian authorities to find an urgent solution to significantly increase the number of custodial staff working in direct contact with prisoners. If this is not achieved, decreasing the influx of illegal drugs and eradicating the influence of the informal prisoner hierarchy, and thereby substantially reducing inter-prisoner violence, will be virtually impossible (paragraph 78).**

Urgent solutions to involve officers who ensure external (perimeter) security of prisons into work requiring direct contact with prisoners were taken. For example, following the modernisation of Alytus Prison perimeter security system and discontinuation of physical protection of this prison, 39 officers who previously performed functions related to perimeter protection of Alytus Prison were transferred to posts of contact officers. During 2024 the total number of contact officers should increase by approx. 100 and amount to 271. An additional 65 contact officer posts are planned to be filled during 2025.

To make work in prisons more attractive, almost all prison staff received a pay rise of around 16% compared to 2023. During 2024 48 new officers and 13 trainees completed the introductory course and started their service as prison officers and 25 more persons will complete the introductory course by the end of 2024.

The new, modern vocational training infrastructure for prison officers (a new training centre), where 20 trainees have started their vocational training studies, is expected to help attract more people to work in prisons. In addition, information material (leaflets, short videos, notices on social media) designed to present and promote the profession of a prison staff member to various groups of persons was updated. In particular, intensive work is carried out with final-year school pupils by introducing them to work of penal enforcement system officers and organising excursions to prisons; active participation in career fairs and cooperation with 7 higher education institutions are ensured (in 2024 alone, 54 students practised in prisons and another 24 students carried out a wide range of research projects in prisons as part of their academic work).

Other issues regarding healthcare in prisons

Recommendations

- **The Committee recommends that urgent steps be taken to increase the presence of a general practitioner and to fill the vacant post of the psychiatrist at Alytus Prison (paragraph 79).**

Lithuanian Prison Service is constantly seeking healthcare specialists to fill the vacant medical positions (including Alytus Prison).

To resolve this situation, the Lithuanian Prison Service in 2020-2021 signed contracts with all public healthcare institutions in the areas where prisons are located for the provision of outpatient

healthcare services (family doctor, odontologist, and psychiatrist) to the persons held in those prisons, when the prisons don't have the necessary medical personnel.

Taking that into account, both in Alytus Prison and in other prisons with a shortage of doctors (for example, Šiauliai, Panevėžys Prisons), the outpatient healthcare services that the prisoners need are provided under contracts by the doctors of public healthcare institutions.

- **The Committee recommends that the Lithuanian authorities develop, as matter of urgency, a comprehensive and robust suicide prevention policy and develop ongoing suicide prevention programme. The policy on suicide prevention should ensure, *inter alia* that all persons identified as presenting a risk of suicide benefit from mental health assessment and treatment, counselling and support, and appropriate monitoring and association with other inmates.**

Furthermore, the Committee reiterates its previous recommendation regarding the development of a strategy to combat the informal prisoner hierarchy since its massively detrimental effects may very much contribute to the risk of suicide among prisoners (paragraph 81).

To implement the measures outlined in the National Suicide Prevention Action Plan for 2023-2026, a sectoral suicide prevention training programme for Lithuanian Prison Service specialists is being developed. The training of specialists under this programme will take place in 2025-2026.

Also, by the end of 2024, the specialist teams (social workers, psychologists, addiction counsellors, occupational specialists) of prisons will complete the dialectical behaviour therapy training aimed at working with persons with borderline personality disorder, i.e. impulsive, prone to self-harm, suicidal, possessing poor emotional control and coping skills.

The measures of suicide prevention and the algorithm of reaction to possible suicidal behaviour that are implemented in the prisons are fully consistent with the measures recommended in the National Suicide Prevention Action Plan, i.e. suicide prevention is carried out when the person arrives at the prison, when he/she has served the sentence to some extent, and when a crisis occurs; each prison has designated specific specialists (crisis management team), who are responsible for implementing specific actions.

For a new prisoner, the suicide prevention action algorithm is applied as follows:

- when a new prisoner arrives, the prison psychologist carries out his/her initial assessment;
- if the assessment identifies a risk of suicidal behaviour, the psychologist carries out additional psychosocial assessment, the person is entered into a register of prisoners at risk of self-harm or attempted suicide, the psychologist submits a recommendation to the head of the prison on specific features of supervision and communication with the person etc.;
- according to the recommendations of the psychologist, further enhanced supervision of the newly arrived prisoner with the risk of suicide is carried out by his/her supervising officers, who, in case of any signs of suicide risk, immediately notify the crisis management team;
- when the term of assigned recommendations has expired, the psychologist prepares and submits to the head of the prison a recommendation on either cessation or extension of further enhanced personal supervision;
- when a prisoner suffering from a suicide crisis or assigned to group of prisoners at risk of self-harm or suicide is being transferred to another prison, the coordinator of the crisis

management team of the other prison is contacted and verbally informed about important information regarding the prisoner's being transferred suicide risk, he/she then forwards that information to the prison psychologist.

If a prisoner, who earlier was not assessed as at risk of suicidal behaviour, encounters a crisis situation, the further algorithm is applied:

- any prison employee, upon noticing or receiving information about prisoner's suicidal intent, self-harm, or attempt at suicide, immediately informs the crisis management team coordinator and the head of the prison;
- this information is then submitted to the psychologist, who immediately carries out the psychosocial assessment of that prisoner, and, in case there is such a need, drafts a Personal self-protection plan. Such prisoner is also provided with psychological, social, and medical help;
- if risk of suicidal behaviour is noticed after the administration working hours (for example, at night, during the weekends), information about the event is submitted to the senior duty officer, who ensures immediate enhanced personal prisoner's supervision, and ensures that all the officers working at the prison are informed about the event or suicide risk;
- the psychologist prepares and submits recommendation on prisoner's enhanced personal supervision to the head of the prison. The head of the prison then assigns the appropriate specialists to implement the psychologist's recommendations;
- in case of a suicide, the crisis management team has 1 working day to submit a measure plan for managing the crisis situation to the head of the prison, prison psychologists provide psychological counselling to the prisoners affected by the suicide (for example, witnesses of the suicide), and specifically assigned prison administration psychologists provide counselling to the prison employees affected by the suicide.

Particular attention is paid to teach the whole prison staff (i.e. not limited only to the crisis management team) to recognise possible prisoners' suicidal behaviour risks. Trainings are organised, a suicide prevention in prisons manual is prepared for prisons' staff.

Additionally, prisoners' access to receive psychological counselling from various non-governmental organisations vis communication channels is being expanded, and the contacts of organisations providing such counselling are published in the areas accessible to the prisoners (calls on those lines are free).

Other information

To ensure a smooth process of execution of sentences, and fulfil the main needs and expectations of the prisoners, the internal rules for prisons¹³, amended on 12 July 2024, also stipulate:

- prisoners being arrested can receive parcels of clothing and footwear, and to go to the funerals of relatives;
- women serving a sentence who are raising children (babies) have unrestricted access to buy items and products for children's (babies) needs, and children and babies are also provided with strollers;
- the catalogue of free hygiene products and items that the prisoners can have was expanded;

¹³ <https://www.e-tar.lt/nortal/lt/legal/act/44144a40404b11efbdaea558de59136c>

- an obligation to make an audio record of interview to assess the risk of the prisoner was introduced;
- to ensure legal certainty, specific criteria on when a prisoner held in an open-type prison is considered a danger and has to be returned to a stricter regime prison were introduced.

These changes also aid in creating positive relations between prisoners and prisons' staff, reducing the number of conflict situations, and setting the standards that are understood the same way by everyone.