



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

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List of issues prior to the submission of the third periodic report of Lithuania (CAT/C/LTU/3)*

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Articles 1 and 4

1. With reference to previous recommendations of the Committee (para. 5),¹ please provide information about any measures taken to incorporate into domestic law the definition of torture with all the elements of article 1 of the Convention and to appropriately punish torture in accordance with article 4 of the Convention. Please provide an update on any revisions of the rules and provisions on the statute of limitations to ensure that they are fully in line with the State party's obligations under the Convention, and that acts of torture, attempts to commit it, and acts by any person which may constitute complicity or participation in torture is investigated, prosecuted and punished without time limitations.

* The present list of issues was adopted by the Committee at its forty-fifth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

¹ Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/LTU/CO/2.

Article 2²

2. With reference to previous recommendations of the Committee (para. 6), please provide updated information on the human and financial resources allocated for the effective functioning of the Ombudsman institution and on any action taken by the State party to seek accreditation with the International Coordinating Committee of National Human Rights Institutions to ensure that it complies with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

3. Please provide information on measures taken by the State party to guarantee the rights of detained persons from the very outset of detention, including such fundamental legal safeguards as prompt access to legal counsel, medical examination by independent doctor, and the right to inform family members. Please provide information on any restrictions that may be imposed on these rights and the reasons for them. Please indicate if all persons detained are registered from the outset of detention. With reference to previous recommendations of the Committee (para. 7), please provide information on the number of doctors currently working in detention facilities and the system in place to ensure that detainees may have access to them and that doctors have full independence in their medical decisions. In this connection, please provide information concerning allegations that the rights of detained persons to have an attorney from the outset of detention are not respected, and that legal aid is not provided in all necessary cases.³

4. With reference to previous recommendations of the Committee (para. 11), please provide information on the measures taken by the State party to further reduce the duration of pre-trial and administrative detention of both adults and minors and measures taken to prevent the risk of their ill-treatment. Please indicate whether the State party has taken steps to ensure that juveniles placed in police detention facilities are accommodated separately from adult detainees. Please also indicate whether steps have been taken to ensure that juveniles do not make any statement or sign any document relating to the offence of which they are suspected without the benefit of a lawyer or a trusted adult being present to assist them.⁴ Please provide updated information on steps taken by the State party to reduce the duration of detention in custody and to develop and implement alternatives to deprivation of liberty, including probation, mediation, community service or suspended sentences.

5. With reference to previous recommendations of the Committee (para. 20), please provide information on the progress made by the State party to establish domestic violence as a specific crime. Please also provide an update on the efforts made by the State party to prevent, combat and punish domestic violence, including violence against women and children. Please indicate whether sufficient financial resources have been provided for the effective implementation of the National Strategy for Combating Violence against Women

² The issues raised under article 2 could imply also different articles of the Convention, including but not limited to article 16. As general comment No. 2 (2007) on implementation of article 2 by States parties, paragraph 3, states: “the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter ‘ill-treatment’) under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear.” See further chap. V of the same general comment.

³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), report on the visit to Lithuania, 21–30 April 2008, published on 15 September 2009, chap. II, sect. A (3).

⁴ *Ibid.*, para. 22.

and the results achieved assessed (A/63/38, para. 75). Please provide information on progress made by the State party in research and data collection on the extent of domestic violence, its prevalence, causes and consequences, as well as on complaints, investigations, prosecutions, convictions and sentencing in matters of domestic violence.

6. With reference to previous recommendations of the Committee (para. 21), please provide information on complaints, investigations, prosecutions, convictions and punishment of trafficking in persons, including through the strict application of relevant legislation. According to information before the Committee, seven suspects from an organized crime gang were charged with trafficking almost one hundred women to the United Kingdom of Great Britain and Northern Ireland. Please provide updated information regarding the follow-up to that investigation. Please also provide information about the effectiveness of the educational presentation, *Truth and Myths about Trafficking in Persons*.

7. According to the United Nations Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism, on 5 November 2009 the Lithuanian Parliament opened an investigation into the allegation that Lithuania hosted secret United States Central Intelligence Agency (CIA) detention facilities (A/HRC/13/42, para. 121). Please provide information on the status of investigations opened on 5 November 2009 by the Seimas National Security and Defense Committee into the role played by the country in this type of secret programme. Please provide information on any investigations, prosecution, conviction and sentencing of Lithuanian officials having worked with the CIA who may have broken applicable Lithuanian laws relating to lawless detention, assault, torture and, possibly, war crimes.

Article 3

8. With reference to previous recommendations of the Committee (para. 9), please provide information on measures undertaken by the State party to ensure that the relevant judicial and administrative authorities carry out a thorough and exhaustive examination, prior to making an expulsion order, in all cases of foreign nationals who have entered or stayed in Lithuania unlawfully, including individuals who may constitute a security threat, in order to ensure that the persons concerned would not be subjected to torture, inhuman or degrading treatment or punishment in the country where they would be returned. Please also provide information regarding guarantees at all stages of the proceedings, including an opportunity for effective, independent and impartial review of decisions on expulsion, return or extradition. Please provide information on any measures taken to establish legal and administrative procedures, including review by an independent judicial body of negative decisions in such cases, in order to ensure that due consideration is given to each individual case before a final decision is reached.

9. According to the information before the Committee, the investigation by the Seimas Committee on National Security and Defense concluded that Lithuanian officials cooperated in the construction of a CIA secret prison in Lithuania during the United States-led “war on terror”, in which up to eight terrorist suspects were held and questioned by the CIA in 2004 and 2005 in a detention facility in Antaviliai, near Vilnius. According to the joint study, the findings of the Seimas Committee “can in no way constitute the final word on the country’s role” (A/HRC/13/42, para. 122). Would the Lithuanian authorities be in a position to confirm these reports? If so, please provide information on the outcome of those investigations. Also, according to information before the Committee, the Seimas Committee on National Security and Defense concluded that CIA aircraft had landed without border checks and that security officials had failed to notify the President and Prime Minister, in violation of domestic law. Please provide information on the outcome of investigations in this connection, including on a direct flight on 20 September 2004 from

Bagram Airbase near Kabul, Afghanistan, to Vilnius and a flight on 28 July 2005 from Kabul to Vilnius (A/HRC/13/42, para. 120), and on the results of any investigation regarding the submission of false flight plans and destinations to European aviation authorities.

Articles 5, 7 and 8

10. Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

Article 10

11. With reference to previous recommendations of the Committee (para. 8), please provide information on any training and sensitization provided to medical personnel, social staff in reception centres and others involved in the refugee status determination procedure concerning torture or ill-treatment in order to enable them to identify such cases at an early stage for referral to the appropriate medical and psychological services.

12. With reference to previous recommendations of the Committee (para. 10), please provide information on any new educational programmes developed to ensure that all officials, including law enforcement officials, prison staff and border guards, are fully aware of the provisions of the Convention, that breaches will not be tolerated and will be investigated and that offenders prosecuted. Please also provide information on whether the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) has been translated into Lithuanian and become an integral part of training provided to physicians and how many persons have been trained. Please provide information on whether the State party has developed and implemented a methodology to assess the effectiveness and impact of the cited training/educational programmes on the reduction of cases of torture, violence and ill-treatment.

13. With reference to previous recommendations of the Committee (para. 21), please provide information about the conduct of any nationwide awareness-raising campaigns with regard to trafficking in human beings, and on any training for law enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation.

Article 11

14. With reference to previous recommendations of the Committee (para. 12), please provide updated information on the efforts made by the State party to reduce overcrowding in penitentiary institutions, in particular in remand prisons, which are said not to meet international standards, including in pretrial wards and the Hospital of Imprisonment Institutions. The conditions in some police detention centres were described as inhuman and degrading, such as those prevailing at the Siauliai city police headquarters and Lukiškės Remand Prison.⁵ Please indicate whether the 10 out of 39 police detention centres

⁵ CPT report, para. 26.

where conditions did not meet international standards have been closed, as announced. In particular, please indicate whether the two “waiting cells” at the Jonava Region Police Department and the detention facilities at the Jonava, Kupiškis and Trakai as well as the Lukiškės Remand Prison have been closed.⁶ Please provide an update regarding the renovation of Vilnius prison, the Rokiškis Regional Police Department⁷ and the Kaunas Juvenile Remand Prison and Correction Home.⁸ Please provide information on whether the quality and quantity of food at the Rokiškis Psychiatric Hospital has been improved.⁹ In addition, please provide information on the application of alternative measures to imprisonment and on whether increase have been made in budgetary allocations to develop and renovate the infrastructure of prisons and further improve living, including hygienic, conditions in detention facilities.

15. Also with reference to previous recommendations of the Committee (para. 12), please provide information on steps taken by the State party to systematically and effectively monitor all places of detention and document incidents of inter-prisoner violence with a view to discovering the root causes and designing appropriate prevention strategies. Please provide detailed data disaggregated by relevant indicators. Please provide information regarding any assessment of the effectiveness of violence prevention programmes in places of imprisonment. In addition, please provide information regarding the approach to prevention of drug abuse and the management of drug-addicted prisoners¹⁰ as well as agitated and/or violent prisoners.¹¹

16. Please provide information on any measures taken by the State party to amend legislation on the management by prison administrations of life-sentence and other long-term prisoners, taking into account or Recommendation (2003) 23 of the Committee of Ministers of the Council of Europe.¹²

17. Please provide information on any new interrogation rules, instructions, methods and practices, as well as arrangements for the custody of persons subject to any form of arrest, detention or imprisonment, that may have been introduced since the consideration of the last periodic report, and the frequency with which they are reviewed, with a view to preventing any cases of torture or ill-treatment. Please provide information on measures taken to halt the practice of obliging prisoners to face the wall when staff pass by at the Kaunas Juvenile Remand Prison and Correction Home.¹³

18. Please provide information on the measures taken by the State party to ensure that vulnerable prisoners who are victims of violence by other prisoners but who refuse to reveal the names of the (potential) perpetrators, while also refusing to stay in the original cell, are afforded protection and are no longer subjected to a disciplinary regime consisting of confinement in cells for 23 hours a day for long periods.¹⁴

⁶ Ibid., chap. II, sect. B.

⁷ Ibid., chap. II, sect. B.

⁸ Ibid., chap. II, sect. B.

⁹ Ibid., chap. II, sect. C.

¹⁰ Ibid., para. 65.

¹¹ Ibid., paras. 81–82.

¹² Ibid., paras. 50–52.

¹³ Ibid., para. 72.

¹⁴ Ibid. para. 42.

Articles 12 and 13

19. With reference to previous recommendations of the Committee (para. 14), please provide information on complaints, investigations, prosecutions, conviction and punishment of torture and ill-treatment, including excessive use of force, committed by law enforcement officials. Please provide recent examples of such complaints. Please provide an update on specific measures taken by the State party to ensure prompt, impartial and effective investigations into allegations of torture and ill-treatment. In addition, please provide information on:

(a) Allegations of ill-treatment by police officers during questioning, apparently intended to obtain confessions, to which juveniles appear to be particularly vulnerable, including to treatment such as kicks, punches slaps and blows with truncheons or other hard objects such as wooden bats and chair legs, as well as asphyxiation using a plastic bag or gas mask, including allegedly in certain cases by drunken prison officers,¹⁵ and whether any cases concerning ill-treatment perpetrated by police officers and other officials were opened or investigated. Please indicate if such investigations are undertaken by an independent body (para. 14 (a) that is not under the control of the police;

(b) The allegation that prosecutors and judges do not act on claims of torture and mistreatment when they are brought to their attention. Please also explain the low number of convictions (para. 13);

(c) Whether the perpetrators of prima facie cases of torture and ill-treatment are subject to suspension or reassignment during the process of investigation, especially in case of risk that they might impede the investigation (para. 14 (b)). Please indicate whether appropriate sanctions and disciplinary penalties proportional with the offences are imposed on those convicted in order to eliminate impunity for law enforcement personnel responsible for violations prohibited by the Convention;

(d) Detailed information about the number of complaints of alleged ill-treatment or torture received by the Human Rights Ombudsman's Office, the number of investigations carried out, the number of cases that went to trial and the outcomes of such trials, including information on the kinds of punishments meted out and compensation offered to victims;

(e) Measures taken by the State party to ensure that throughout the prison system investigations into possible ill-treatment by prison staff are not conducted by members of staff from the establishment concerned;¹⁶

(f) Recent examples of investigations and their outcomes should be provided for items mentioned in subparagraphs (a), (c), d) and (e) above.

20. With reference to previous recommendations of the Committee (para. 22), please provide comprehensive and disaggregated statistical data on complaints, investigations, prosecutions and convictions of torture and ill-treatment by law enforcement officials, and on the penal or disciplinary sanctions applied regarding such cases, including excessive use of force, allegedly committed by law enforcement officials and adequate reparation, including compensation, granted to the victims. Please provide comprehensive and disaggregated statistical data on complaints, investigations, prosecutions, convictions and sentencing relating to domestic, including sexual, violence and marital rape, as well as trafficking in human beings. In this connection, please provide detailed information on the

¹⁵ Ibid., paras. 10 and 36.

¹⁶ Ibid., para. 38.

outcome of any investigations, prosecutions, convictions and sentencing regarding physical abuse of children. Please provide information on the effectiveness of the “Child Line” and “Youth Line” hotlines. In addition, please provide information regarding children in street situations.

Article 14

21. With reference to previous recommendations of the Committee (para. 16), please provide information on measures taken by the State party since the examination of the last periodic report in 2008 to develop a specific programme of assistance for victims of torture and ill-treatment. Please provide information on measures offering compensation, redress and rehabilitation, and, in particular, any reparation programmes, including treatment of trauma and other forms of rehabilitation provided to victims. In addition, please provide information on the allocation of resources to ensure the effective functioning of such programmes, including the number of requests made, the number granted, the amounts of compensation ordered and those actually provided in each case. Please provide information on the status of the amendment to the Law on the Compensation for the Damage caused by Violent Crimes which was submitted to the Seimas on 31 October 2007.

22. With reference to previous recommendations of the Committee (para. 20), please provide updated information on the direct participation of the State party in rehabilitation and legal assistance programmes for victims of domestic violence. Please indicate whether there is a sufficient number of safe and adequately funded shelters and whether crisis centres are still mostly operated by non-governmental organizations (NGOs). Please provide information on redress, compensation and rehabilitation measures provided to victims of domestic violence, including rape and sexual assault, as well as violence against children.

23. With reference to previous recommendations of the Committee (para. 21), please provide information on programmes of assistance, recovery and reintegration for victims of trafficking.

Article 15

24. With reference to previous recommendations of the Committee (para. 18), please provide information on whether domestic criminal legislation has been brought into line with the provisions of article 15 of the Convention so as to exclude explicitly any evidence obtained as a result of torture. Please provide information of any case where evidence has been held inadmissible for those reasons.

Article 16

25. With reference to previous recommendations of the Committee (para. 15), please provide detailed information on the effective measures taken by the State party to prevent and combat ill-treatment of conscripts in the army, including the practice of hazing, and to ensure prompt, impartial and thorough investigations into all allegations of ill-treatment and to prosecute and punish the perpetrators with appropriate penalties. Please provide information on whether the examination of complaints against military personnel is carried out by an independent and impartial body.

26. With reference to previous recommendations of the Committee (para. 20), please provide information on whether the State party has undertaken awareness campaigns for officials such as judges, law officers, law enforcement agents and welfare workers who are

in contact with victims of violence against women and children. Please provide information on whether police officers are reminded at regular intervals that all forms of ill-treatment, including verbal abuse, of persons deprived of their liberty are incompatible with the Convention.¹⁷

27. With reference to previous recommendations of the Committee (para. 19), please provide updated information on:

(a) The efforts made by the State party to combat discrimination and ill-treatment of ethnic minorities, in particular Roma, including through the strict application of relevant legislation and regulations providing for sanctions;

(b) The measures taken by the State party to ensure prompt, impartial and thorough investigations into acts of discrimination and ill-treatment, including hate speech and hate crimes, of ethnic minorities;

(c) Whether the perpetrators are prosecuted and punished taking into account the grave nature of their acts;

(d) The status of the new national antidiscrimination programme for 2009–2011 and whether the necessary budgetary allocations have been made for its effective implementation;

(e) Whether adequate training and instructions are given to law enforcement bodies and whether sensitization of the judiciary has been carried out with regard to acts of discrimination and ill-treatment of ethnic minorities, including hate speech and hate crimes.

28. Please provide information on the number of persons trafficked in the State party, including disaggregated by professional category and country of origin, since the consideration of its previous periodic report in 2008.

29. Please provide information on any legislative steps taken by the State party to distinguish clearly between the procedure for involuntary placement in a psychiatric institution and the procedure of involuntary psychiatric treatment.¹⁸

30. With reference to previous recommendations of the Committee (para. 8), please provide information on progress made by the State party to ensure appropriate reception conditions for asylum-seekers with special needs, such as single women, women with children and traumatized asylum-seekers, by providing them with separate accommodation.

Other issues

31. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers; the number and types of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

¹⁷ Ibid., para. 13.

¹⁸ Ibid., para. 129.

32. With reference to previous recommendations of the Committee (paras. 23 and 24), please provide updated information on the progress regarding the State party's ratification of the Optional Protocol to the Convention against Torture. In addition, please provide information on progress regarding the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and the International Convention for the Protection of All Persons from Enforced Disappearance as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol).

33. With reference to previous recommendations of the Committee (para. 26), please provide information on the status of submission of the core document in accordance with the requirements of common core documents in the harmonized guidelines on reporting, as approved by the international human rights treaty bodies (HRI/GEN/2/Rev.6).

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

34. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the second report, including any relevant jurisprudential decisions.

35. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level, that have occurred since the second periodic report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results.

36. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the last report in 2008, including the necessary statistical data, as well as on any events that occurred in the State party and are relevant under the Convention.
