

Criminal Detention in the EU Conditions and Monitoring

Update of FRA's Criminal Detention Database
(FRANET)

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Part I: National standards

1. Cells

a) **Cell space:** What is the national standard for cell space available to detainees in m²? Are the calculation requirements spelled out by the CJEU in its *Dorobantu* ruling¹ observed?

The national standard is no less than 3.1 to 7 m² of cell space per detainee, depending on the type of facilities the detainee is held in, and whether the detainee is an adult or child.² Specifically:

- In cells, no less than 3.6 m² per adult detainee and no less than 4.1 m² per child, i.e. under the age of 18, detainee.

- In dormitory-type premises, no less no less than 3.1 m² per adult detainee and no less than 4.1 m² per child detainee.

- In Prison Hospital, 7 m² per detainee, except for the social care and supervision sector premises, where it is 5 m² per detainee.

Under national case-law, when calculating cell space, the European Court of Human Rights case-law in *Muršić v. Croatia* must be followed.³ Thus the same requirements, stipulated in the CJEU's *Dorobantu* ruling, must be observed when calculating space per detainee.

b) **Cell equipment, furniture and facilities:** Are there any national standards for cell equipment (heating, ventilation, cooling, etc.), furniture (bed, mattress, shelf, wardrobe, seating, table, etc.) and/or facilities (lighting, incl. windows, washbasin, toilet, shower etc.), including any measurements? If so, what do they require?

National standards for the living premises of detainees differ depending on whether they are for cell-type premises or dormitory-type premises.⁴ The former premises are

¹ For the CEU's calculation requirements please see: CJEU, [C-128/18, Dorobantu](#) [GC], Judgment of 15 October 2019, oper. part.

² Lithuania, Prison Department under the Ministry of Justice, [The Order on maximum number of detainees in remand prisons and arrest houses and minimum space per detainee in remand prison and arrest house cells](#) (*Įsakymas dėl didžiausio tardymo izoliatoriuje ir areštinėje leidžiamų laikyti asmenų skaičiaus ir minimalaus ploto, tenkančio vienam asmeniui, tardymo izoliatoriaus ir areštinės kameroje nustatymo*), 5 March 2019, No. V-109.

Lithuania, Prison Department under the Ministry of Justice, [The Order on maximum number of detainees in places of imprisonment and minimum space per detainee](#) (*Įsakymas dėl didžiausio laisvės atėmimo vietų įstaigose leidžiamų laikyti asmenų skaičiaus ir minimalaus ploto, tenkančio vienam asmeniui, nustatymo*), 5 February 2020, No. V-31, with subsequent amendments.

³ Lithuania, Supreme Administrative Court of Lithuania (*Lietuvos vyriausiasis administracinis teismas*), [A-2202-556/2020](#), 2 December 2020.

⁴ Lithuania, Ministry of Health, [Lithuanian hygiene standard HN 134:2015 "Health safety requirements for places of imprisonment and territorial police arrest houses"](#) (*Lietuvos higienos norma HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“*), 3 August 2015, No. V-908, with subsequent amendments.

Lithuania, Prison Department under the Ministry of Justice, [Order on places of imprisonment facilities' furnishing and other equipment](#) (*Įsakymas dėl Laisvės atėmimo vietų patalpų aprūpinimo baldais ir kitu inventoriumi normų patvirtinimo*), 7 June 2017, No. V-245.

Lithuania, Prison Department under the Ministry of Justice, [Order on the rules of correctional institutions' \(remand prisons'\) equipment and operation](#) (*Įsakymas dėl pataisos įstaigų (tardymo izoliatorių) įrengimo ir eksploataavimo taisyklių patvirtinimo*), 21 December 2020, No. V-389.

available in remand and conviction prisons, while the latter are limited to conviction prisons.

Cell-type premises:

- Cells must be heated and ventilated. Ventilation is either through windows that open, or mechanical ventilation or conditioning systems where available. The temperature in cells must be no lower than 18 °C and no higher than 28 °C.
- Each cell must contain the following furniture and equipment: 1 metal bed per detainee, 1 cabinet per 1 or 2 detainees, 1 table, 1 chair per detainee, 1 shelf section per detainee, no less than 2 coat hooks per detainee, 1 rubbish bin, 1 cleaning kit (brush and dustpan, bucket, cleaning cloths), 1 mirror, 1 electric kettle.
- Cells must contain natural and artificial sources of lighting. The artificial source of lighting must be no less than 200 lx.
- Each cell must be equipped with a toilet booth containing a toilet and a washbasin. Toilet booths in newly installed, reconstructed, or repaired cells (applicable from 22 December 2020) must offer no less than 1.42 m² of space.

Dormitory-type premises:

- Dormitories must be heated and ventilated. Ventilation is done through windows that open, or mechanical ventilation or conditioning systems where available. The temperature in the premises must be no lower than 18°C and no higher than 28°C.
- Each living quarters of a dormitory must contain the following furniture and equipment: 1 metal bed per detainee, 1 bedside cabinet per detainee, chairs “as needed” (clarification on how what is “needed” is determined is not provided in the legislation), 1 table, 1 rubbish bin, no less than 2 coat hooks per detainee, 1 cleaning kit (brush and dustpan, bucket, cleaning cloths).
- Dormitories must contain natural and artificial sources of lighting. The artificial source of lighting must be no less than 200 lx.
- Dormitories must be equipped with bathrooms containing at least 1 washbasin and 1 toilet per every 15 detainees.

c) **Video-surveillance of cells:** Are there any national standards for video-surveillance of cells? If so, what do they require?

There are no national standards for video-surveillance of cells.

d) **Hygienic conditions in cells:** Are there any national standards with regard to cleaning and/or cleanliness of cells? If so, what do they require?

National hygiene standards for cells or other living premises for detainees foresee the following:⁵

- The head of each detention institution establishes the rules for cleaning the living premises in their institution. If the living premises are cleaned by the detainees

⁵ Lithuania, Ministry of Health, [Lithuanian hygiene standard HN 134:2015 “Health safety requirements for places of imprisonment and territorial police arrest houses”](#) (*Lietuvos higienos norma HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“*), 3 August 2015, No. V-908, with subsequent amendments.

themselves, they must be supplied with appropriate cleaning equipment (brush and dustpan, cleaning cloths, bucket, cleaning agents).

- Bed linens and towels must be changed at least once a week.
- Detainees must be allowed to shower at least once a week.
- There must be no visible mould on the walls and ceilings.
- There must be no pests in detention institutions and regular pest control must be carried out.

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are different standards for cell space per detainee depending on the type of facilities the detainee is held in, and whether the detainee is an adult or child,⁶ as specified in previous sections. There are also different standards for equipment, furniture and facilities in detainees' living premises, depending on whether they are cell-type premises or dormitory-type premises,⁷ as specified in previous sections. The cell space standards do not differ depending on the type of detention regime.

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 1. a) – e), including their respective legal basis.

Detainees have the following remedies available:

- Detainees may complain about a breach or violation to the head of the detention institution within one month of the breach or violation, under the Penal Code.⁸
- Detainees may lodge a claim to a regional administrative⁹ court for pecuniary and non-pecuniary damages suffered due to a breach or violation, under the Civil Code.¹⁰ No separate permission for a detainee to lodge a claim is necessary, and detainees' correspondence with courts, and any other state institutions, cannot be checked.¹¹

⁶ Lithuania, Prison Department under the Ministry of Justice, [Order on maximum number of detainees in remand prisons and arrest houses and minimum space per detainee in remand prison and arrest house cells](#) (*Įsakymas dėl didžiausio tardymo izoliatoriuje ir areštiniėje leidžiamų laikyti asmenų skaičiaus ir minimalaus ploto, tenkančio vienam asmeniui, tardymo izoliatoriaus ir areštinės kameroje nustatymo*), 5 March 2019, No. V-109.

Lithuania, Prison Department under the Ministry of Justice, [Order on maximum number of detainees in places of imprisonment and minimum space per detainee](#) (*Įsakymas dėl didžiausio laisvės atėmimo vietų įstaigose leidžiamų laikyti asmenų skaičiaus ir minimalaus ploto, tenkančio vienam asmeniui, nustatymo*), 5 February 2020, No. V-31, with subsequent amendments.

⁷ Lithuania, Ministry of Health, [Lithuanian hygiene standard HN 134:2015 "Health safety requirements for places of imprisonment and territorial police arrest houses"](#) (*Lietuvos higienos norma HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“*), 3 August 2015, No. V-908, with subsequent amendments.

Lithuania, Prison Department under the Ministry of Justice, [Order on places of imprisonment facilities' furnishing and other equipment](#) (*Įsakymas dėl Laisvės atėmimo vietų patalpų aprūpinimo baldais ir kitu inventoriumi normų patvirtinimo*), 7 June 2017, No. V-245.

Lithuania, Prison Department under the Ministry of Justice, [Order on the rules of correctional institutions' \(remand prisons\) equipment and operation](#) (*Įsakymas dėl patalpos įstaigų (tardymo izoliatorių) įrengimo ir eksploataavimo taisyklių patvirtinimo*), 21 December 2020, No. V-389.

⁸ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 183.

⁹ Lithuania, [Law on Administrative Proceedings](#) (*Administracinių bylų teisenos įstatymas*), 14 January 1999, No. VIII-1029, with subsequent amendments. Article 20.

¹⁰ Lithuania, [Civil Code](#) (*Civilinis kodeksas*), 18 July 2000, No. VIII-1864, with subsequent amendments. Article 6.271.

¹¹ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

1. Seimas Ombudsmen's Office, "[Report on the human rights situation of detainees in Lukiškės Remand Prison and Prison Hospital](#)", 29 June 2018

Recommendations:

- To the Minister of Justice: "10.2. to implement measures to ensure that detention institutions are allocated sufficient funds for repairs to premises and detainees' material and domestic provisioning".

In Lithuanian: "10.2. laisvės atėmimo vietų įstaigoms būtų skiriama pakankamai lėšų einamajam patalpų remontui bei nuteistųjų materialiniam ir buitiniam aprūpinimui".

- To the Minister of Justice: "10.3. to implement measures that ensure that the minimum living space per person in accordance with the law is guaranteed in detention institutions".

In Lithuanian: "10.3. laisvės atėmimo vietų įstaigose būtų užtikrintas teisės aktuose nustatytas minimalus vienam asmeniui turintis tekti gyvenamasis plotas".

- To the Director of the Prison Department: "11.1.5. to implement measures that ensure that the minimum living space per person in accordance with the law is guaranteed in detention institutions".

In Lithuanian: "11.1.5. laisvės atėmimo vietų įstaigose būtų užtikrintas teisės aktuose nustatytas minimalus vienam asmeniui turintis tekti gyvenamasis plotas".

- To the Director of Lukiškės Remand Prison: "12.5. to implement measures that ensure that persons held in all cells are afforded at least the minimal living space per person stipulated in the law".

In Lithuanian: "12.5. visose kamerose laikomiems asmenims tektų bent minimalus vienam asmeniui teisės aktuose nustatytas gyvenamasis plotas".

- To the Director of Lukiškės Remand Prison: "12.6. to implement measures that ensure that hygiene rooms are adapted to the special needs of persons with disabilities (rails and handholds should be installed)".

In Lithuanian: "12.6. higienos patalpos būtų pritaikytos neįgaliųjų specialiesiems poreikiams (patalpose būtų įrengti turėklai ir ranktūriai)".

- To the Director of Lukiškės Remand Prison: "12.7. to implement measures that ensure that washrooms and toilets are properly and continuously cleaned, and they are properly ventilated".

In Lithuanian: "12.7. prausyklose ir tualetuose būtų nuolat ir tinkamai palaikoma švara, jos būtų tinkamai vėdinamos".

- To the Director of Lukiškės Remand Prison: "12.9. to implement measures that ensure that damaged and non-functioning appliances in sanitary facilities are replaced; and that toilet booth locks that ensure privacy are installed".

In Lithuanian: "12.9. pakeisti apgadinti ir neveikiantys sanitarinių mazgų mechanizmai; įrengti privatumą užtikrinantys tualetų kabinų užraktai".

- To the Director of Lukiškės Remand Prison: "12.10. to implement measures that ensure that personal hygiene rooms are supplied with hygiene products and cleaning supplies".

In Lithuanian: "12.10. asmens higienos patalpose būtų higienos priemonių ir patalpų valymo inventoriaus".

- To the Director of Lukiškės Remand Prison: "12.12. to implement measures that ensure that first and second section cells are repaired, and mould on walls and ceilings removed".

In Lithuanian: "12.12. pirmojo ir antrojo korpusų kamerose būtų atliktas remontas, panaikintas ant sienų ir lubų esantis pelėsis".

- To the Director of Lukiškės Remand Prison: "12.13. to implement measures that ensure that all detainees are allowed to shower at least twice a week".

In Lithuanian: "12.13. visiems laikomiems asmenims būtų sudarytos sąlygos nusiprausti bent du kartus per savaitę".

- To the Director of Prison Hospital: "13.1.5. to implement measures that ensure that cells (wards) and hygiene rooms are adapted to the special needs of persons with disabilities (entrances to cells and hygiene rooms are sufficiently wide for wheelchair entry; rails and handholds are installed in hygiene rooms)".

In Lithuanian: "13.1.5. kamerų (palatų) ir higienos patalpos būtų pritaikytos neįgaliųjų specialiesiems poreikiams (įėjimai į kameras ir higienos patalpas būtų pakankamai platūs įvažiuoti su neįgaliojo vežimėliu; higienos patalpose būtų įrengti turėklai ir ranktūriai)".

- To the Director of Prison Hospital: "13.1.7. to implement measures that ensure that shower rooms, washrooms, and toilets are properly and continuously cleaned, that toilet booth locks that ensure privacy are installed, hygiene products and cleaning supplies are available".

In Lithuanian: "13.1.7. dušinėse, prausyklose ir tualetuose būtų nuolat ir tinkamai palaikoma švara, įrengti privatumą užtikrinantys tualetų kabinų užraktai būtų prieinami higienos priemonės ir patalpų valymo inventorius"

2. Seimas Ombudsmen's Office, ["Report on the human rights situation in Alytus Correction House, Marijampolė Correction House, Vilnius Correction House, Pravieniškės Correction House – Open Colony, Panevėžys Correction House, and Šiauliai Remand Prison"](#), 21 October 2019

Recommendations:

- To the Minister of Health: "14. [...] ensure that the hygiene standards, approved by the Minister of Health 3 August 2015 order No. V-908 "Lithuanian hygiene standard HN 134:2015 "Health safety requirements for places of imprisonment and territorial police arrest houses", establish a requirement to ensure natural lighting, evaluated under natural lighting coefficient (limit values ranging from 1.0 to 1.5 percent), in correctional institutions cells, holding detainees serving life imprisonment and persons serving a custodial sentence in prison".

In Lithuanian: "14. [...] užtikrinti, kad Lietuvos Respublikos sveikatos apsaugos ministro 2015 m. rugpjūčio 3 d. įsakymu Nr. V-908 „Dėl Lietuvos higienos normos

HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“ patvirtinimo“ patvirtintoje higienos normoje būtų nustatytas reikalavimas užtikrinti natūralų apšvietimą, vertinamą pagal natūralios apšvietos koeficientą (ribinės vertės yra nuo 1,0 iki 1,5 proc.), pataisos įstaigų kameroje, kuriose laikomi laisvės atėmimo iki gyvos galvos bausmę atliekantys nuteistieji ir asmenys, kuriems teismas yra skyręs laisvės atėmimo bausmę atlikti kalėjime“.

- To the Director of the Prison Department: “15.3. to implement measures that ensure proper conditions of living, hygiene, and material and domestic provisioning for detainees serving life imprisonment and persons who are serving a custodial sentence in prison, in Alytus Correction House, Marijampolė Correction House, Panevėžys Correction House, Pravieniškės Correction House – Open Colony, and Šiauliai Remand Prison”.

In Lithuanian: “15.3. imtis priemonių, kad Alytaus PN, Marijampolės PN, Panevėžio PN, Pravieniškių PN-AK ir Šiaulių TI būtų užtikrintos tinkamos laisvės atėmimo iki gyvos galvos bausmę atliekančių nuteistųjų ir asmenų, kuriems teismas yra skyręs laisvės atėmimo bausmę atlikti kalėjime, laikymo, higienos, materialinio ir buitinio aprūpinimo sąlygos”.

2. Sanitary conditions

a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do detainees have access to these facilities without undue delay, even during the night? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

Detainees must be given access to toilets under national law: detainees held in dormitory-type premises must be ensured access to a toilet and cold-water source at all times,¹² and cell-type premises must be equipped with an in-cell toilet.¹³

Toilets in dormitory sanitary facilities must be in booths with partitions not lower than 1.5 m high.¹⁴ In-cell toilets must be in closed booths or, if installing a booth is impossible, enclosed from the rest of the cell with a ceiling-height partition.¹⁵ However, this latter requirement is only applicable to newly installed, reconstructed, or repaired cells (applicable from 22 December 2020).

Under national case-law, an in-cell toilet enclosed from the rest of the cell with a 1.5 m or lower partition, as well as an in-cell toilet whose entrance is only covered with a curtain, is not considered sufficient to ensure a detainee’s basic privacy and considered a violation of detainees’ rights.¹⁶

b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

¹² Lithuania, Ministry of Justice, [Order on Correctional institutions’ and remand prisons’ interior rules](#) (*Įsakymas dėl Pataisos įstaigų ir tardymo izoliatorių vidaus tvarkos taisyklių patvirtinimo*), 21 January 2020, No. 1R-25, with subsequent amendments.

¹³ Lithuania, Prison Department under the Ministry of Justice, [Order on places of imprisonment facilities’ furnishing and other equipment](#) (*Įsakymas dėl Laisvės atėmimo vietų patalpų aprūpinimo baldais ir kitu inventoriumi normų patvirtinimo*), 7 June 2017, No. V-245.

¹⁴ *Ibid.*

¹⁵ Lithuania, Prison Department under the Ministry of Justice, [Order on the rules of correctional institutions’ \(remand prisons’\) equipment and operation](#) (*Įsakymas dėl pataisos įstaigų (tardymo izoliatorių) įrengimo ir eksploatavimo taisyklių patvirtinimo*), 21 December 2020, No. V-389.

¹⁶ Lithuania, Supreme Administrative Court of Lithuania (*Lietuvos vyriausiosios administracinės teismas*), [A-452-822/2020](#), 25 March 2020.

Under the national health safety standards for prisons, shower rooms and washrooms have to be clean and disinfected every day that they are used; also, detainees must be allowed to shower at least once a week.¹⁷

Under the interior rules for prisons, all detainees must be allowed to shower at least twice a week.¹⁸

There are no specific standards, however, on ensuring privacy in shower/bathing facilities.

c) What are the national standards with regard to cleaning and cleanliness of sanitary facilities?

Shower rooms and washrooms have to be clean and disinfected every day that they are used.¹⁹ The head of each detention institution establishes the institution's rules for cleaning the living premises, which include in-cell toilets, and common use premises, which include common use toilets in prisons with dormitories. If the premises are cleaned by the detainees themselves, they must be supplied with appropriate cleaning equipment (brush and dustpan, cleaning cloths, bucket, cleaning agents).

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The standards differ depending on the type of premises detainees live in – cells or dormitories, as specified in previous sections. The hygiene standards do not differ depending on the type of detention regime.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 2. a) – d), including their respective legal basis.

Detainees have the following remedies available:

- Detainees may complain about a breach or violation to the head of the detention institution within one month of the breach or violation, under the Penal Code.²⁰
- Detainees may lodge a claim to a regional administrative²¹ court for pecuniary and non-pecuniary damages suffered due to a breach or violation, under the Civil Code.²²

¹⁷ Lithuania, Ministry of Health, [Lithuanian hygiene standard HN 134:2015 "Health safety requirements for places of imprisonment and territorial police arrest houses"](#) (*Lietuvos higienos norma HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“*), 3 August 2015, No. V-908, with subsequent amendments.

¹⁸ Lithuania, Ministry of Justice, [Order on Correctional institutions' and remand prisons' interior rules](#) (*Įsakymas dėl Pataisos įstaigų ir tardymo izoliatorių vidaus tvarkos taisyklių patvirtinimo*), 21 January 2020, No. 1R-25, with subsequent amendments.

¹⁹ Lithuania, Ministry of Health, [Lithuanian hygiene standard HN 134:2015 "Health safety requirements for places of imprisonment and territorial police arrest houses"](#) (*Lietuvos higienos norma HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“*), 3 August 2015, No. V-908, with subsequent amendments.

²⁰ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 183.

²¹ Lithuania, [Law on Administrative Proceedings](#) (*Administracinių bylų teisenos įstatymas*), 14 January 1999, No. VIII-1029, with subsequent amendments. Article 20.

²² Lithuania, [Civil Code](#) (*Civilinis kodeksas*), 18 July 2000, No. VIII-1864, with subsequent amendments. Article 6.271.

No separate permission for a detainee to lodge a claim is necessary, and detainees' correspondence with courts, and any other state institutions, cannot be checked.²³

f) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

1. Seimas Ombudsmen's Office, "[Report on the human rights situation of detainees in Lukiškės Remand Prison and Prison Hospital](#)", 29 June 2018

Recommendations:

- To the Director of Lukiškės Remand Prison: "12.6. to implement measures that ensure that hygiene rooms are adapted to the special needs of persons with disabilities (rails and handholds should be installed)".

In Lithuanian: "12.6. higienos patalpos būtų pritaikytos neįgaliųjų specialiesiems poreikiams (patalpose būtų įrengti turėklai ir ranktūriai)".

- To the Director of Lukiškės Remand Prison: "12.7. to implement measures that ensure that washrooms and toilets are properly and continuously cleaned, and they are properly ventilated".

In Lithuanian: "12.7. prausyklose ir tualetuose būtų nuolat ir tinkamai palaikoma švara, jos būtų tinkamai vėdinamos".

- To the Director of Lukiškės Remand Prison: "12.9. to implement measures that ensure that damaged and non-functioning appliances in sanitary facilities are replaced; toilet booth locks that ensure privacy are installed".

In Lithuanian: "12.9. pakeisti apgadinti ir neveikiantys sanitarinių mazgų mechanizmai; įrengti privatumą užtikrinantys tualetų kabinų užraktai".

- To the Director of Lukiškės Remand Prison: "12.10. to implement measures that ensure that personal hygiene rooms are supplied with hygiene products and cleaning supplies".

In Lithuanian: "12.10. asmens higienos patalpose būtų higienos priemonių ir patalpų valymo inventoriaus".

- To the Director of Lukiškės Remand Prison: "12.13. to implement measures that ensure that all detainees are allowed to shower at least twice a week".

In Lithuanian: "12.13. visiems laikomiems asmenims būtų sudarytos sąlygos nusiprausti bent du kartus per savaitę".

- To the Director of Prison Hospital: "13.1.5. to implement measures that ensure that cells (wards) and hygiene rooms are adapted to the special needs of persons with disabilities (entrances to cells and hygiene rooms are sufficiently wide for wheelchair entry; rails and handholds are installed in hygiene rooms)".

In Lithuanian: "13.1.5. kamerų (palatų) ir higienos patalpos būtų pritaikytos neįgaliųjų specialiesiems poreikiams (įėjimai į kameras ir higienos patalpas būtų

²³ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

pakankamai platūs įvažiuoti su neįgaliojo vežimėliu; higienos patalpose būtų įrengti turėklai ir ranktūriai)“.

- To the Director of Prison Hospital: “13.1.7. to implement measures that ensure that to implement measures that ensure that washrooms and toilets are properly and continuously cleaned and that toilet booth locks that ensure privacy are installed, hygiene products and cleaning supplies are available”.

In Lithuanian: “13.1.7. dušinėse, prausyklose ir tualetuose būtų nuolat ir tinkamai palaikoma švara, įrengti privatumą užtikrinantys tualetų kabinų užraktai būtų prieinami higienos priemonės ir patalpų valymo inventorius”

2. Seimas Ombudsmen's Office, [“Report on the human rights situation in Alytus Correction House, Marijampolė Correction House, Vilnius Correction House, Pravieniškės Correction House – Open Colony, Panevėžys Correction House, and Šiauliai Remand Prison”](#), 21 October 2019

- To the Director of the Prison Department: “15.3. to implement measures that ensure proper conditions of living, hygiene, and material and domestic provisioning for detainees serving life imprisonment and persons serving a custodial sentence in prison, in Alytus Correction House, Marijampolė Correction House, Panevėžys Correction House, Pravieniškės Correction House – Open Colony, and Šiauliai Remand Prison”.

In Lithuanian: “15.3. imtis priemonių, kad Alytaus PN, Marijampolės PN, Panevėžio PN, Pravieniškių PN-AK ir Šiaulių TI būtų užtikrintos tinkamos laisvės atėmimo iki gyvos galvos bausmę atliekančių nuteistųjų ir asmenų, kuriems teismas yra skyręs laisvės atėmimo bausmę atlikti kalėjime, laikymo, higienos, materialinio ir buitinio aprūpinimo sąlygos”.

3. Time out of cell

a) What is the national standard set for time per day/week spent by detainees outside of their cells:
a. Outdoors (within the boundary of the prison)?
b. Indoors in the common area?

a. Time the detainee is allowed to spend outdoors depends on the type of institution and regime the detainee is in:

- Detainees serving their sentences in correction houses must be allowed outdoor walks for 4 hours per day if they are under light regime (regime for detainees demonstrating progress towards rehabilitation, they have more freedoms in using the facilities and are typically allowed free movement in whole or part of the institution’s interior), 3 hours if they are under regular regime (typical regime, detainees might be allowed free movement in whole or part of the institution’s interior), and 2 hours if they are under disciplinary regime (a restrictive regime for detainees committing breaches of interior rules, detainees under disciplinary regime are confined to their living quarters).²⁴

²⁴ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Articles 73-75.

- Detainees serving their sentences in prisons must be allowed outdoor walks for 1.5 hours per day if they are under regular regime, and 1 hour if they are under disciplinary regime.²⁵

- Detainees serving their sentences in open colonies must be allowed unlimited free movement in the colonies' territory during the daytime.²⁶

- Detainees held in pre-trial detention must be allowed to walk outdoors for no less than 1 hour per day.²⁷

b. Access to common indoor areas also depends on the institution and regime the detainee is in:

- Detainees serving their sentences in open colonies as well as correction houses under light or regular regime are not confined to (locked in) their living quarters, and are allowed free use of common areas.²⁸ Detainees in correction houses under disciplinary regime may or may not be confined to their living quarters. If they are not, the above applies.

- Detainees serving their sentences in prisons, detainees in correction houses under disciplinary regime, who are confined to their quarters, and pre-trial detainees may be allowed out of their cells or living quarters, for work, studies, meals in the dining room, and other activities, such as participating in social rehabilitation sessions.²⁹ However, no specific time standards on this are set.

b) Do sports or other recreational and/or educational facilities have to be available to detainees? If so, what types?

Detention institutions must have the following recreational and/or educational facilities:³⁰

- Social rehabilitation programmes and activities room (space for social work with detainees).

- Room for detainees' leisure activities (not applicable to remand prisons).

- Courtyard for walks.

Other types of facilities may be constructed or installed as necessary, but no specific standards are available.

c) Is there a national standard for time spent in cells? If so, what does it require?

There are no national standards for time spent in cells.

²⁵ *Ibid.* Articles 85-86.

²⁶ *Ibid.* Article 91.

²⁷ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 29.

²⁸ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Articles 73-75, 91.

²⁹ Lithuania, Ministry of Justice, [Order on Correctional institutions' and remand prisons' interior rules](#) (*Įsakymas dėl Pataisos įstaigų ir tardymo izoliatorių vidaus tvarkos taisyklių patvirtinimo*), 21 January 2020, No. 1R-25, with subsequent amendments.

³⁰ Lithuania, Prison Department under the Ministry of Justice, [Order on the rules of correctional institutions' \(remand prisons'\) equipment and operation](#) (*Įsakymas dėl pataisos įstaigų (tardymo izoliatorių) įrengimo ir eksploataavimo taisyklių patvirtinimo*), 21 December 2020, No. V-389.

d) Are there any national standards with regard to activities and/or programmes that should be available to detainees when they are outside their cells? If so, what do they require?

All detainees serving a sentence must be involved in social rehabilitation programmes and activities,³¹ and allowed out-of-cell time to participate.³² Detainees' participation in social rehabilitation programmes and activities is mandatory, each detainees takes part in programmes and activities according to their individual rehabilitation plan.³³

All detainees, serving a sentence or in pre-trial detention, up to the age of 16 are enrolled in general education classes.³⁴ Older detainees may also be enrolled at their own request, and subject to the consent of the detention institution's administration. Detainees serving a sentence may be enrolled in professional education as well, however it is subject to availability, and detention institution administrations are not obliged to make it available.³⁵ Professional education is not available for pre-trial detainees.

Detainees serving a sentence can be offered work for up to 8 hours per day by the detention institution's administration, however, this is subject to available work and work places.³⁶ Pre-trial detainees can also be offered work for up to 8 hours per day, however this is also subject to consent from the prosecutor or court overseeing the case, in which the person is placed in pre-trial detention.³⁷

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Different standards are applicable depending on the detention institution and the regime the detainee is in, as specified in previous sections.

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 3. a) – e), including their respective legal basis.

Detainees have the following remedies available:

- Detainees may complain about a breach or violation to the head of the detention institution within one month of the breach or violation, under the Penal Code.³⁸

³¹ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Articles 136-137¹.

³² Lithuania, Ministry of Justice, [Order on Correctional institutions' and remand prisons' interior rules](#) (*Įsakymas dėl Pataisos įstaigų ir tardymo izoliatorių vidaus tvarkos taisyklių patvirtinimo*), 21 January 2020, No. 1R-25, with subsequent amendments.

³³ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 137¹.

³⁴ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 147.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 41.

³⁵ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 148.

³⁶ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 125.

³⁷ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 40.

³⁸ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 183.

- Detainees may lodge a claim to a regional administrative³⁹ court for pecuniary and non-pecuniary damages suffered due to a breach or violation, under the Civil Code.⁴⁰ No separate permission for a detainee to lodge a claim is necessary, and detainees' correspondence with courts, and any other state institutions, cannot be checked.⁴¹

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

1. Seimas Ombudsmen's Office, "[Report on the human rights situation of detainees in Lukiškės Remand Prison and Prison Hospital](#)", 29 June 2018

Recommendations:

- To the Director of the Prison Department: "11.1.10. to implement measures to increase the motivation of all convicted detainees to participate in various social rehabilitation events and measures".

In Lithuanian: "11.1.10. būtų stiprinama visų nuteistųjų motyvacija dalyvauti įvairiose socialinės reabilitacijos renginiuose ir priemonėse".

- To the Director of Lukiškės Remand Prison: "12.17. to implement measures to ensure that the effectiveness of social rehabilitation measures assigned to convicted detainees is monitored and assessed, and detainees are encouraged to actively participate in them".

In Lithuanian: "12.17. būtų stebimas ir vertinamas nuteistiesiems paskirtų socialinės reabilitacijos priemonių veiksmingumas, nuteistieji skatinami aktyviai jose dalyvauti".

- To the Director of Prison Hospital: "13.1.13. to implement measures to ensure that the effectiveness of social rehabilitation measures assigned to convicted detainees is monitored and assessed, and detainees are encouraged to actively participate in them".

In Lithuanian: "13.1.13. būtų stebimas ir vertinamas nuteistiesiems paskirtų socialinės reabilitacijos priemonių veiksmingumas, nuteistieji skatinami aktyviai jose dalyvauti".

2. Seimas Ombudsmen's Office, "[Report on the human rights situation in Alytus Correction House, Marijampolė Correction House, Vilnius Correction House, Pravieniškės Correction House – Open Colony, Panevėžys Correction House, and Šiauliai Remand Prison](#)", 21 October 2019

Recommendations:

³⁹ Lithuania, [Law on Administrative Proceedings](#) (*Administracinių bylų teisenos įstatymas*), 14 January 1999, No. VIII-1029, with subsequent amendments. Article 20.

⁴⁰ Lithuania, [Civil Code](#) (*Civilinis kodeksas*), 18 July 2000, No. VIII-1864, with subsequent amendments. Article 6.271.

⁴¹ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

- To the Director of the Prison Department: "15.5. ensure that all transferred convicted detainees, who attended a general education school prior to transfer, are given the opportunity to continue their education".

In Lithuanian: "15.5. užtikrinti, kad visiems perkeltiems nuteistiesiems, kurie prieš perkėlimą mokėsi bendrojo lavinimo mokykloje, būtų sudarytos galimybės tęsti mokymąsi".

- To the Director of the Prison Department: "15.6. take measures to provide work for transferred prisoners of working age".

In Lithuanian: "15.6. imtis priemonių, kad perkeltiems darbingo amžiaus nuteistiesiems būtų sudarytos sąlygos dirbti".

- To the Director of the Prison Department: "15.7. to ensure proper social rehabilitation of convicted detainees by taking measures to ensure that:

15.7.1. all correctional institutions draw up and review the individual social rehabilitation plans for all transferred convicted detainees, and carry out their criminal behaviour risk assessments;

15.7.2. Pravieniškės Correction House-Open Colony and Šiauliai Remand Prison organises and implements social rehabilitation programmes;

15.7.3. social skills development and healthy lifestyle programmes are organised;

15.7.4. positive behaviour programmes and positive activity measures for convicted detainees are organised;

15.7.5. convicted prisoners are allowed to visit the library of detention institutions, and access fiction of interest to them; to look for opportunities to supplement and renew the library selection;

15.7.6. closer cooperation with civil society organisations is sought".

In Lithuanian: "15.7. užtikrinti tinkamą nuteistųjų socialinę reabilitaciją, imantis priemonių, kad:

15.7.1. visose patalpose įstaigose būtų sudaryti, peržiūrėti visų perkeltų nuteistųjų ISRP ir atlikti nusikalstamo elgesio rizikos vertinimai;

15.7.2. Pravieniškių PN-AK ir Šiaulių TI būtų organizuojamos ir vykdomos socialinės reabilitacijos programos;

15.7.3. būtų organizuojamos socialinės įgūdžių lavinimo, sveikos gyvensenos programos;

15.7.4. būtų organizuojamos nuteistiesiems skirtos pozityvaus elgesio programos ir pozityvaus užimtumo priemonės;

15.7.5. būtų sudaromos sąlygos nuteistiesiems lankytis įstaigų bibliotekoje, gauti juos dominančią grožinę literatūrą; ieškoti galimybių bibliotekos fondams papildyti bei atnaujinti;

15.7.6. būtų siekiama glaudesnio bendradarbiavimo su visuomeninėmis organizacijomis".

4. Solitary confinement

a) What are the national standards regarding solitary confinement?

Convicted detainees may be placed in solitary confinement, i.e. isolated from other detainees, for up to 48 hours when there is a threat to a detainee's health or life, also when a detainee is committing gross violations which cannot be prevented by other

means and the detainee must be isolated.⁴² This is a preventive and protective, rather than a disciplinary measure. It cannot be extended beyond a maximum of 48 hours.

Convicted detainees may also be temporarily moved from dormitory to cell-type premises as disciplinary action for systemic or gross violations of the detention institution's regime.⁴³ Adults may be moved to the cell-type premises for up to 30 days, and children for up to 5 days. The 30 and 5 days respectively are the maximum allowed times under a single disciplinary sanction, however, there is no prohibition to order a repeated sequential sanction of the same type. There is no requirement that detainees under this disciplinary measure be kept alone in the cell, thus they can be moved to a cell with other detainees. This disciplinary measure is not applicable to pregnant women, women with children up to 3 years old, and persons who cannot be moved to cells due to medical reasons.

Convicted detainees who are moved to cell-type premises for disciplinary reasons are not allowed to work, receive visits or make phone calls, except for visits and calls to their defence lawyer, receive packages, or have any items, except for clothes, hygiene products, stationery, and books, newspapers, magazines and other literature.⁴⁴ They are allowed daily outside walks for 1 hour; children, persons with disability or illness are allowed 2 hours.

Detainees in pre-trial detention may also be placed in solitary confinement, called "disciplinary isolator" in national law, as a temporary preventive measure for up to 24 hours.⁴⁵ This measure can be used when the detainee is committing a violation or violations which cannot be prevented by other means and the detainee must be isolated. It cannot be extended beyond a maximum of 24 hours.

However, pre-trial detainees can also be placed in solitary confinement, or "disciplinary isolator", as a disciplinary measure for repeated or gross violations as well.⁴⁶ Adult detainees can be kept in solitary confinement for up to a maximum of 10 days, and children up to a maximum of 5 days. They are kept alone; additional solitary confinement for further offences while in solitary confinement, cannot be ordered.⁴⁷ This disciplinary measure is not applicable to pregnant women and women with children up to 3 years old, and persons who cannot be kept in solitary confinement due to medical reasons.

Pre-trial detainees in solitary confinement are not allowed to receive visits or make phone calls, except for visits and calls to their defence lawyer, receive packages, or have any items, except for clothes, hygiene products, stationery, and books, newspapers, magazines and other literature.⁴⁸ They are allowed daily outside walks for 1 hour; children, persons with disability or illness are allowed 2 hours.

b) Are there any national standards with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement? If so, what do they require?

There are no national standards on checking or monitoring the wellbeing of detainees in solitary confinement.

⁴² Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 70.

⁴³ *Ibid.* Article 142.

⁴⁴ *Ibid.* Article 145.

⁴⁵ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 37.

⁴⁶ *Ibid.* Article 34.

⁴⁷ *Ibid.* Article 38.

⁴⁸ *Ibid.* Article 38.

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Different standards are applicable to convicted detainees and detainees in pre-trial detention, as described in the previous section.

d) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 4. a) - c), including their respective legal basis.

Detainees have the following remedies available:

- Detainees may complain about a breach or violation to the head of the detention institution within one month of the breach or violation, under the Penal Code.⁴⁹

- Detainees may lodge a claim to a regional administrative⁵⁰ court for pecuniary and non-pecuniary damages suffered due to the breach or violation, under the Civil Code.⁵¹ No separate permission for a detainee to lodge a claim is necessary, and detainees' correspondence with courts, and any other state institutions, cannot be checked.⁵²

e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

Seimas Ombudsmen's Office, "[Report on the human rights situation in Alytus Correction House, Marijampolė Correction House, Vilnius Correction House, Pravieniškės Correction House – Open Colony, Panevėžys Correction House, and Šiauliai Remand Prison](#)", 21 October 2019

Note: this report does not specifically deal with solitary confinement, however it indicates that some convicted detainees are serving their sentences in de facto solitary confinement, which the report calls "*isolated detention*". This is because these detainees are the only persons in their respective institutions serving their sentences under specific regimes, i.e. prison regime or life imprisonment, and are kept alone and isolated from other detainees of the same institution, but in different regimes.

Recommendations:

- To the Director of the Prison Department: "15.1. implement measures to ensure that convicted detainees serving their sentences in isolated detention are provided

⁴⁹ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 183.

⁵⁰ Lithuania, [Law on Administrative Proceedings](#) (*Administracinių bylų teisenos įstatymas*), 14 January 1999, No. VIII-1029, with subsequent amendments. Article 20.

⁵¹ Lithuania, [Civil Code](#) (*Civilinis kodeksas*), 18 July 2000, No. VIII-1864, with subsequent amendments. Article 6.271.

⁵² Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

with preventive and interventional meetings with the institutions' psychologists, involve them in joint activities with convicted detainees from the same regime, and to provide them with opportunities for social contacts with other persons".

In Lithuanian: "15.1. imtis priemonių užtikrinti, kad nuteistiesiems kurie atlieka bausmes izoliuoto kalinimo sąlygomis, būtų organizuojami prevenciniai ir intervenciniai susitikimai su įstaigų psichologais, kad jie būtų įtraukiami į bendrus užsiėmimus su to paties režimo nuteistaisiais, būtų sudaromos galimybės palaikyti socialinius ryšius su kitais asmenimis".

5. Access to healthcare

a) What is the national standard with regard to access to medical services in prisons, including emergency care? (E.g.: Do detainees have prompt access to medical services within prisons and/or externally? Do detainees have access to dentists, opticians, etc.?) If so, what does it require?

Access to medical services is one of a detainee's general rights under national law.⁵³ This includes primary and specialised healthcare services. Primary healthcare services must be accessible in the detention institution in which the detainee is held.⁵⁴ Specialised healthcare services are provided in the Prison Hospital or, if they cannot be provided in the Prison Hospital, in the closest available public healthcare institution which can offer the required services, while ensuring the detainee's protection.

Primary healthcare services in detention institutions include general practice services, provided by a general practitioner or general practice nurse, dental services, provided by a dentist or assistant dentist, and primary mental healthcare services, provided by a psychiatrist, mental health nurse, medical psychologist, or social worker.⁵⁵ Specialised healthcare services are provided according to referrals from the primary healthcare specialists in detention institutions.⁵⁶

Detainees confined to their living quarters, i.e. cells or dormitories, must be allowed to leave them to receive medical services in emergencies or according to the time allocated by the healthcare specialist.⁵⁷ Officers of a respective detention institution are responsible for ensuring detainees' access to the healthcare specialists.⁵⁸

Under national law, detainees must receive medical services under the regular, i.e. same as for free people, patient protection and quality standards, however, in

⁵³ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 11.

⁵⁴ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 174.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 45.

⁵⁵ Lithuania, Ministry of Health and Ministry of Justice, [Order on the rules of organization and provision of healthcare services for persons held in imprisonment institutions](#) (*Įsakymas dėl asmens sveikatos priežiūros paslaugų organizavimo ir teikimo asmenims, laikomiems laisvės atėmimo įstaigoje, tvarkos aprašo patvirtinimo*), 30 September 2019, No. V-1103/1R-279, with subsequent amendments.

⁵⁶ *Ibid.*

⁵⁷ Lithuania, Ministry of Justice, [Order on Correctional institutions' and remand prisons' interior rules](#) (*Įsakymas dėl Pataisos įstaigų ir tardymo izoliatorių vidaus tvarkos taisyklių patvirtinimo*), 21 January 2020, No. 1R-25, with subsequent amendments.

⁵⁸ Lithuania, Ministry of Health and Ministry of Justice, [Order on the rules of organization and provision of healthcare services for persons held in imprisonment institutions](#) (*Įsakymas dėl asmens sveikatos priežiūros paslaugų organizavimo ir teikimo asmenims, laikomiems laisvės atėmimo įstaigoje, tvarkos aprašo patvirtinimo*), 30 September 2019, No. V-1103/1R-279, with subsequent amendments.

emergencies, first aid can also be administered to detainees by non-medical staff of the detention institution.⁵⁹

b) Are there any national standards concerning the availability of qualified medical and nursing personnel? If so, what do they require?

National standards cover the availability of qualified medical and nursing personnel in detention institutions for primary healthcare services, and in the Prison Hospital, for specialised healthcare services.⁶⁰

Requirements for **primary healthcare personnel** in detention institutions are established by specifying the number of posts, i.e. full-time positions, that have to be made available for each specialist:

- 1 general practitioner position in institutions holding up to 750 convicted detainees or 500 pre-trial detainees, 1.75 in institutions holding up to 1250 convicted detainees and 2 in institutions holding up to 1000 pre-trial detainees, and 2.25 in institutions holding 12501 or more convicted detainees or 3 in institutions holding 1001 or more pre-trial detainees. Also, 3.5 general practice nurse positions, if working 12-hour shifts, or 6 general practice nurse positions, if working 24-hour shifts, plus the same number of additional general practice nurse positions as general practitioner positions in the institution.

- 1 psychiatrist in institutions holding up to 1000 convicted detainees or 500 pre-trial detainees, 3 psychiatrists in institutions holding more detainees. Also, 0.5 mental health nurse position per each practitioner position in the institution.

- 1 dentist position in institutions holding up to 750 detainees, and 1.5 in institutions holding more detainees. Also, the same number of assistant dentist positions as dentist positions.

- 0.5 radiologist position in institutions holding more than 50 pre-trial detainees. Also, 1 assistant radiologist position in institutions holding up to 1000 pre-trial detainees, and 1.5 positions in institutions holding more than 1000 pre-trial detainees.

The following specialised healthcare personnel must be available in the different departments of the **Prison Hospital**:

- Admission department: doctors and nurses who have completed at least 36 hours of additional professional development training on the provision of emergency medical care to adults during the last 5 years. There must be at least one general practice nurse available in the department 24 hours per day, and a doctor must be available within 1 hour at all times.

- Department of internal medicine: internal medicine physicians and general practice nurses. There must be at least 1 internal medicine physician and 1 general practice nurse available on duty at the department outside working hours.

- Department of supportive care and nursing: medical doctors, or internal medicine physicians, or general practitioners. The Head of the Prison Hospital may allocate other specialists to the department. Department services must be available 24 hours per day.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

- Department of reanimation and intensive care:⁶¹ doctors anaesthesiologists-resuscitators or intensive care physicians, anaesthesiology-intensive care nurses, assistant nurses.
- Inpatient and outpatient adult tuberculosis treatment department: pulmonologist, radiologist, other physicians as needed, general practice nurses, disinfection specialist.
- Psychiatry department: psychiatrist (24 hours per day), psychotherapist (as needed), medical psychologist, mental health nurse (24 hours per day), social worker and other specialists (as needed).
- Specialist outpatient healthcare services department: as assigned by the Head of the Prison Hospital.

The specific number of professionals that have to be available in each department of the Prison Hospital is determined by the Director of the Prison Hospital in coordination with the Director of the Prison Department.

c) Are there any national standards for an initial medical examination upon deprivation of liberty or transfer of a detainees? If so, what do they require?

All detainees must undergo a physical medical examination upon arrival at each detention institution. The examination results are entered in the detainee's health history.⁶²

d) Are there any national standards relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly detainees, the mentally ill, drug addicted detainees, etc.) If so, what do they require?

Specialist healthcare services are available as described in sections 5. a) and b).

Also, detention institutions are required to ensure the necessary conditions for convicted detainees with addiction diseases to be treated for these diseases.⁶³ Detainees with addiction diseases are treated in the Rehabilitation Centre for Detainees with Addiction Diseases voluntarily, under referrals from mental health professionals and administration of the institution where the detainee is serving their sentence, in accordance with rules approved by the Ministry of Justice and the Ministry of Health.⁶⁴

e) Are there any national standards with regard to a medical treatment of the detainee's own choosing? If so, what do they require?

There are no specific national standards covering medical treatment of the detainee's own choosing.

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

⁶¹ Lithuania, Ministry of Health, [Order on the conditions and rules of reanimation and intensive care services provision for children and adults](#) (*Įsakymas dėl reanimacijos ir intensyviosios terapijos paslaugų teikimo vaikams ir suaugusiesiems sąlygų ir tvarkos aprašų patvirtinimo*), 27 October 2005, No. V-827, with subsequent amendments.

⁶² Lithuania, Ministry of Justice, [Order on Correctional institutions' and remand prisons' interior rules](#) (*Įsakymas dėl Pataisos įstaigų ir tardymo izoliatorių vidaus tvarkos taisyklių patvirtinimo*), 21 January 2020, No. 1R-25, with subsequent amendments.

⁶³ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 175.

⁶⁴ Lithuania, Ministry of Justice, Ministry of Health, [Order on the rules of treatment of detainees with addiction diseases in imprisonment institutions](#) (*Įsakymas dėl priklausomybės ligomis sergančių nuteistųjų gydymo laisvės atėmimo vietose tvarkos patvirtinimo*), 22 April 2003, No. 118/V-234.

Access to healthcare standards is very similar for different detention regimes. There are some differences in the number of healthcare specialists that must be available in detention institutions depending on the number of convicted detainees or pre-trial detainees they hold, as described in section 5. b). Also, unlike pre-trial detainees, convicted detainees must be provided access to treatment for addiction diseases, as described in section 5. d).

g) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 5. a) – f), including their respective legal basis.

Detainees have the following remedies available:

- Detainees may complain about a breach or violation to the head of the detention institution within one month of the breach or violation, under the Penal Code.⁶⁵
- Detainees may lodge a claim to a regional administrative⁶⁶ court for pecuniary and non-pecuniary damages suffered due to the breach or violation, under the Civil Code.⁶⁷ No separate permission for a detainee to lodge a claim is necessary, and detainees' correspondence with courts, and any other state institutions, cannot be checked.⁶⁸
- Detainees have a right to compensation for pecuniary and non-pecuniary damages suffered due to receiving inadequate healthcare services, under the Law on the Rights of Patients and Compensation of the Damage to their Health.⁶⁹ This right can be exercised by lodging a complaint directly to the healthcare institution which provided the services. The institution's decision can be appealed to the courts of general jurisdiction. No separate permission for a detainee to lodge a claim with the healthcare institution is necessary, and detainees' correspondence with it cannot be checked.⁷⁰

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

Seimas Ombudsmen's Office, "[Report on the human rights situation of detainees in Lukiškės Remand Prison and Prison Hospital](#)", 29 June 2018

Recommendations:

⁶⁵ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 183.

⁶⁶ Lithuania, [Law on Administrative Proceedings](#) (*Administracinių bylų teisenos įstatymas*), 14 January 1999, No. VIII-1029, with subsequent amendments. Article 20.

⁶⁷ Lithuania, [Civil Code](#) (*Civilinis kodeksas*), 18 July 2000, No. VIII-1864, with subsequent amendments. Article 6.271.

⁶⁸ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

⁶⁹ Lithuania, [Law on the Rights of Patients and Compensation of the Damage to their Health](#) (*Pacientų teisių ir žalos sveikatai atlyginimo įstatymas*), 3 October 1996, No. I-1562, with subsequent amendments.

⁷⁰ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

- To the Director of the Prison Department: "11.1.2. to consider ensuring the need for nursing services (medical examinations, proper medicine dispensing, administering, monitoring of effects, and documentation of consumption) in Lukiškės Remand Prison at night (for example, by concluding a service purchase agreement with a health care institution and allocating the necessary funding)".

In Lithuanian: "11.1.2. būtų apsvarstyta galimybė užtikrinti slaugos (medicininės apžiūros, tinkamo vaistų išdavimo, sugirdymo, preparatų poveikio stebėjimą bei suvartojimo dokumentavimo) paslaugų poreikį Lukiškių TIK nakties metu (pavyzdžiui, sudarius paslaugų pirkimo sutartį su asmens sveikatos priežiūros įstaiga ir skyrus tam reikalingą finansavimą)".

- To the Director of the Prison Department: "11.1.4. to ensure training of health care workers in detention institutions on how to identify potential ill-treatment of detainees by officers, how to interview a person who may have been ill-treated, and how to record a medical examination, the statements of the examinee relevant to the medical examination and the conclusion on how much the person's statements correspond to the examination results".

In Lithuanian: "11.1.4. būtų organizuoti įkalinimo įstaigose dirbančių sveikatos priežiūros darbuotojų mokymai, kaip atpažinti buvus pareigūnų galimai netinkamą elgesį su laikomais asmenimis, kaip apklausti asmenį, su kuriuo galėjo būti netinkamai elgiamasi, bei kaip fiksuoti medicininę apžiūrą, apžiūrimo asmens teiginius, reikšmingus medicininei apžiūrai, ir išvadą, kiek asmens teiginiai atitinka objektyvius medicininės apžiūros rezultatus".

- To the Director of Lukiškės Remand Prison: "12.4. to ensure that there are 5 employees in the psychological service, and that during a long-term leave (childcare leave), that services are provided by a substitute psychologist".

In Lithuanian: "12.4. psichologinėje tarnyboje dirbtų 5 darbuotojai, o ilgos trukmės atostogų metu (vaiko priežiūros) pagalbą teiktų pavaduojantis psichologas".

6. Special measures in place to protect young detainees

a) Are there any national standards with regard to the separation of young detainees from adults? If so, what do they require? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)

Convicted detainees who are children, i.e. under the age of 18, have to be kept separately from adults by keeping them in different correctional institutions or isolated from each other in the same institution.⁷¹ As an exception, convicted detainees under the age of 24, who started serving their sentences as children and who pose a low risk of criminal behaviour, can be kept with convicted detainees who are children.

Pre-trial detainees who are children have to be kept isolated from adults, i.e. kept in different remand prison cells.⁷² As an exception, a child who becomes an adult in the course of their pre-trial detention, can be kept with pre-trial detainees who are children, as long as the adult is under the age of 21 and keeping them together meets the minors' interests. Under the current rules of pre-trial detainee allocation, all pre-trial detainees who are children must be held in one institution – Kaunas Juvenile

⁷¹ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 70.

⁷² Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 10.

Remand Prison – Correction House (children who require inpatient healthcare can also be moved to the Prison Hospital).⁷³

b) Please indicate the age categories of young persons falling under your country's (juvenile) detention regime.

Persons from the age of 14 and under the age of 18 are considered as juveniles.⁷⁴ Persons from the age of 18 are considered adults.

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

Rules of child and adult detainees' separation differ slightly depending on whether they are serving a sentence or in pre-trial detention, as described in section 6. a).

d) Please indicate any remedies available to young detainees in case of a breach or violation of the standards addressed under 6. a) – c), including their respective legal basis.

Detainees have the following remedies available:

- Detainees may complain about a breach or violation to the head of the detention institution within one month of the breach or violation, under the Penal Code.⁷⁵

- Detainees may lodge a claim to a regional administrative⁷⁶ court for pecuniary and non-pecuniary damages suffered due to the breach or violation, under the Civil Code.⁷⁷ No separate permission for a detainee to lodge a claim is necessary, and detainees' correspondence with courts, and any other state institutions, cannot be checked.⁷⁸

e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

1. Seimas Ombudsmen's Office, "[Report on the human rights situation of detainees in Lukiškės Remand Prison and Prison Hospital](#)", 29 June 2018

⁷³ Lithuania, Prison Department under the Ministry of Justice, [Order on allocation of persons, who have been ordered pre-trial detention, to institutions carrying out pre-trial detention](#) (*Įsakymas dėl asmenų, kuriems paskirta kardomoji priemonė – suėmimas, skyrimo į kardomąją priemonę – suėmimą vykdančias įstaigas*), 15 May 2019, No. V-204, with subsequent amendments.

⁷⁴ Lithuania, [Criminal Code](#) (*Baudžiamasis kodeksas*), 26 September 2000, No. VIII-1968, with subsequent amendments. Article 13.

⁷⁵ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 183.

⁷⁶ Lithuania, [Law on Administrative Proceedings](#) (*Administracinių bylų teisenos įstatymas*), 14 January 1999, No. VIII-1029, with subsequent amendments. Article 10.

⁷⁷ Lithuania, [Civil Code](#) (*Civilinis kodeksas*), 18 July 2000, No. VIII-1864, with subsequent amendments. Article 6.271.

⁷⁸ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

2. Seimas Ombudsmen's Office, "[Report on the human rights situation in Alytus Correction House, Marijampolė Correction House, Vilnius Correction House, Praveniškės Correction House – Open Colony, Panevėžys Correction House, and Šiauliai Remand Prison](#)", 21 October 2019

There are no relevant recommendations in the above reports.

7. Special measures in place to protect detainees from violence

a) Are any special measures in place to protect detainees against violence from guards/prison staff, including sexual violence? (E.g.: Are there emergency call buttons? Do guards receive special training? Do detainees have access to a complaints mechanism?)

Under a general principle in national laws on pre-trial and post-trial detention, detainees cannot be subjected to torture, cruel or degrading treatment.⁷⁹

The regime and protection of detention institutions is enforced by the institutions' officers (i.e. prison guards/staff), who can, under special circumstances, use "protection measures" to ensure and protect the institution's regime, which can range from technical and engineering measures, such as lockdowns of cells or blocks, to coercive measures which include violence.⁸⁰ Detainees must be informed by the institution's administration about any measures it can use, that can endanger a person's life and health. National law restrictively allows officers to use physical violence (physical force or measures such as handcuffs or other restraints, firearms) and/or psychological violence (warnings of intent to use physical violence) in the following circumstances:⁸¹

- Physical violence may only be used when psychological violence was not effective, or when any delay endangers the life or health of the correctional officer or other person.
- When officers need to protect themselves or other persons from a threat to their life or health.
- When detainees do not comply with the requirements of internal rules or instructions, in order to force a person to obey.
- When trying to detain a person, if they resist.
- When repelling attacks on an officer's firearm or other equipment and trying to recover these items, also when repelling attacks on buildings, vehicles, property, and the institution's territories.
- When entering areas and during a search, also when preventing criminal offences.

⁷⁹ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 5.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 7.

⁸⁰ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 11.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 114.

⁸¹ Lithuania, Prison Department under the Ministry of Justice, [Order on the instructions of protection and supervision of places of imprisonment](#) (*Įsakymas dėl laisvės atėmimo vietų įstaigų apsaugos ir priežiūros instrukcijos patvirtinimo*), 1 April 2020, No. V-88, with subsequent amendments.

- In special situations – riots, organised resistance to the administration, illegal group action in gross violation of internal rules, and hostage situations.

Violence (except for psychological violence and measures of physical restraint) cannot be used against persons with disabilities, pregnant women, children, and other persons who have the right to immunity.⁸²

Prison guards must report in writing any use of violence to the head of the institution with details on the use of violence – time, place, against who, under what circumstances, and what type of violence and measures were used.⁸³ Instances of use of violence must also be included in the institution’s log. These uses of violence are subjected to official internal inspections and documented.

Prison guards must undergo a 54 academic hour course on use of violence, including firearms and other measures, such as handcuffs, truncheons etc.⁸⁴ One of the expected results of the course is the guards’ ability to use violence in accordance with the standards of human rights protection.

Detainees have the right to petition, complain to, or otherwise address any State or international institutions, as well as non-governmental organisations.⁸⁵ Contents of correspondence of this sort cannot be checked by the detention institution’s administration.

b) Are any special measures in place to protect detainees against violence from other detainees, including sexual violence? (E.g.: Are detainees supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do detainees have access to a complaints mechanism?)

As a general rule in detention institutions, detainees are prohibited from using physical or psychological violence against other persons.⁸⁶

The regime and protection of detention institutions is enforced by the institution’s officers (i.e. prison guards/staff), who can, under special circumstances, use “protection measures”, to ensure and protect the institution’s regime, which can range from technical and engineering measures, such as lockdowns of cells or blocks, to coercive measures which include violence.⁸⁷ One of the situations where officers can use physical or psychological violence is when it is necessary to protect other persons, i.e. detainees, from a threat to their life or health.⁸⁸

When a detainee is committing violations, which cannot be prevented by other means, and must be isolated from other detainees, the detainee can be placed in solitary

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ Lithuania, Prison Department under the Ministry of Justice, [Order on training programme on use of firearms and special measures in places of imprisonment](#) (*Įsakymas dėl šaunamųjų ginklų ir specialiųjų priemonių panaudojimo laisvės atėmimo vietose mokymo kursų programos patvirtinimo*), 25 March 2015, No. V-136.

⁸⁵ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

⁸⁶ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 32.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 110.

⁸⁷ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 11.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 114.

⁸⁸ Lithuania, Prison Department under the Ministry of Justice, [Order on the instructions of protection and supervision of places of imprisonment](#) (*Įsakymas dėl laisvės atėmimo vietų įstaigų apsaugos ir priežiūros instrukcijos patvirtinimo*), 1 April 2020, No. V-88, with subsequent amendments.

confinement, as a temporary protective measure.⁸⁹ Pre-trial detainees can be kept in solitary confinement for up to 24 hours, and convicted detainees – up to 48 hours. Solitary confinement cannot be extended beyond the maximum of 24 or 48 hours respectively.

c) Are there any special measures in place to protect LGBTI detainees, who are particularly vulnerable to violence/sexual violence?

There are no special measures in place to protect LGBTI detainees.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards depending on the regime.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 7. a) – d), including their respective legal basis.

Detainees have the following remedies available:

- Detainees may complain to the police or a prosecutor's office regarding any criminal offences committed against them.⁹⁰ Contents of correspondence of this sort cannot be checked by the detention institution's administration.

- Detainees have the right to petition, complain to, or otherwise address any State or international institutions, as well as non-governmental organisations.⁹¹ Contents of correspondence of this sort cannot be checked by the detention institution's administration.

- Detainees may complain about a breach or violation to the head of the detention institution within one month of the breach or violation, under the Penal Code.⁹²

- Detainees may lodge a claim to a regional administrative⁹³ court for pecuniary and non-pecuniary damages suffered due to the breach or violation, under the Civil Code.⁹⁴

⁸⁹ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suëmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 37.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 70.

⁹⁰ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suëmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

⁹¹ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suëmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

⁹² Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 183.

⁹³ Lithuania, [Law on Administrative Proceedings](#) (*Administracinių bylų teisenos įstatymas*), 14 January 1999, No. VIII-1029, with subsequent amendments. Article 20.

⁹⁴ Lithuania, [Civil Code](#) (*Civilinis kodeksas*), 18 July 2000, No. VIII-1864, with subsequent amendments. Article 6.271.

No separate permission for a detainee to lodge a claim is necessary, and detainees' correspondence with courts, and any other state institutions, cannot be checked.⁹⁵

f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

1. Seimas Ombudsmen's Office, "[Report on the human rights situation of detainees in Lukiškės Remand Prison and Prison Hospital](#)", 29 June 2018

Recommendations:

- To the Director of the Prison Department: "11.1.3. assess the possibility of adapting the Police School's programme on the use of violence to the needs of supervision of detainees and to provide officers with an electronic proficiency test, while taking into account the recommendations of the Office of the United Nations High Commissioner for Human Rights and the Office on Drugs and Crime on the use of force".

In Lithuanian: "11.1.3. būtų įvertinta galimybė adaptuoti Policijos mokyklos parengtą programą prievartos panaudojimo klausimais atsižvelgiant į laikomų asmenų priežiūros įkalinimo įstaigose poreikį ir pareigūnams laikyti elektroninį žinių patikrinimo testą, taip pat kartu atsižvelgti į Jungtinių Tautų Žmogaus teisių komisaro biuro ir Narkotikų ir nusikalstamumo tarnybos rekomendacijas dėl prievartos naudojimo".

- To the Director of the Prison Department: "11.1.4. to ensure training of health care workers in detention institutions on how to identify potential ill-treatment of detainees by officers, how to interview a person who may have been ill-treated, and how to record a medical examination, the statements of the examinee relevant to the medical examination and the conclusion on how much the person's statements correspond to the examination results".

In Lithuanian: "11.1.4. būtų organizuoti įkalinimo įstaigose dirbančių sveikatos priežiūros darbuotojų mokymai, kaip atpažinti buvus pareigūnų galimai netinkamą elgesį su laikomais asmenimis, kaip apklausti asmenį, su kuriuo galėjo būti netinkamai elgiamasi, bei kaip fiksuoti medicininę apžiūrą, apžiūrimo asmens teiginius, reikšmingus medicininei apžiūrai, ir išvadą, kiek asmens teiginiai atitinka objektyvius medicininės apžiūros rezultatus".

- To the Director of the Prison Department: "11.1.9. to ensure that in all detention institutions, the conclusion of an official investigation into the use of violence would assess whether the principle of proportionality enshrined in the TKDS was applied when using force (i.e. applied only to the extent necessary to perform the duty, adequately to the circumstances, and proportionate to the threat, with regard to the nature of the offence, intensity and individual characteristics of the offender); also that the account of the person, against whom violence was used, on the use of force or account of the circumstances of their injuries, is assessed".

⁹⁵ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

In Lithuanian: "11.1.9. visose įkalinimo įstaigose tarnybinio tyrimo dėl prievartos panaudojimo išvadoje būtų vertinama, ar, taikant prievartą, buvo vadovautasi ir TKDS įtvirtintu proporcingumo principu (t. y., taikyta tik tiek, kiek to reikia tarnybinei pareigai įvykdyti, adekvačiai esamoms aplinkybėms ir proporcingai esamam pavojui, atsižvelgiant į konkrečią situaciją, teisės pažeidimo pobūdį, intensyvumą ir individualias pažeidėjo savybes); taip pat būtų įvertintos asmens, prieš kurį buvo panaudota prievarta, nurodytos aplinkybės pareigūnams naudojant prievartą bei aplinkybės patyrus sužalojimus".

- To the Director of Lukiškės Remand Prison: "12.6. to implement measures to ensure that the medical examination report of an injured person in all cases contains the person's statements on how they suffered the injury, and an assessment (as far as possible) of whether the statements correspond to the results of the medical examination".

In Lithuanian: "12.6. sužaloto asmens medicininės apžiūros pažymoje visais atvejais būtų nurodomi asmens teiginiai, kaip jis patyrė sužalojimą, bei įvertinimas (pagal galimybes), ar teiginiai atitinka medicininės apžiūros rezultatus".

- To the Director of Prison Hospital: "13.1.11. to implement measures to ensure that the medical examination report of an injured person in all cases contains the person's statements on how they suffered the injury, and an assessment (as far as possible) of whether the statements correspond to the results of the medical examination".

In Lithuanian: "13.1.11. sužaloto asmens medicininės apžiūros pažymoje visais atvejais būtų nurodomi asmens teiginiai, kaip jis patyrė sužalojimą, bei įvertinimas (pagal galimybes), ar teiginiai atitinka medicininės apžiūros rezultatus".

8. Women in detention

a) Are there any national standards for conditions of detention of women in general? If so, what do they require?

There are no specific national standards covering conditions for female pre-trial detainees. A person can be held in pre-trial detention for up to 18 months (or 12 month for children) in the pre-trial investigation stage, and detention can be extended further once the case reaches court and before a judgment is handed down, however a person cannot spend more than two-thirds of the maximum sentence for the incriminated offence in pre-trial detention.⁹⁶

Female convicted detainees, children and adults, serve their sentences in Panevėžys Correction House, which is exclusively reserved for women.⁹⁷ The only exception to this rule is women sentenced to a custodial sentence of less than a year: they serve their sentence under a light, "open colony" regime, with less protection and free movement within the colony's territory, and can be sent to serve their sentence in any of the open colonies in Lithuania, alongside male detainees.⁹⁸

⁹⁶ Lithuania, Code of [Criminal Procedure](#) (*Baudžiamojo proceso kodeksas*), 14 March 2002, No. IX-785, with subsequent amendments. Article 127.

⁹⁷ Lithuania, Prison Department under the Ministry of Justice, [Order on rules of allocation of persons, who have been sentenced to arrest, custodial sentence, or life imprisonment, to specific imprisonment institutions](#) (*Įsakymas dėl nuteistųjų, kuriems teismo nuosprendžiu paskirta arešto, terminuoto laisvės atėmimo ir laisvės atėmimo iki gyvos galvos bausmė, paskyrimo į konkrečią laisvės atėmimo vietų įstaigą tvarkos aprašo patvirtinimo*), 30 June 2020, No. V-197, with subsequent amendments.

⁹⁸ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 90.

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|---|
| b) Are there any national standards for holding and accommodating male and female detainees separate from each other? If so, what do they require? |
| Female and male detainees, both in pre-trial and post-trial, must be kept separate from each other. ⁹⁹ The only exception to this rule is women who are serving their sentence under a light, “open colony” regime, who can be held alongside male detainees. ¹⁰⁰ |
| c) Are there any national standards for special hygiene conditions and/or hygiene products for female detainees? If so, what do they require? |
| <p>Upon arrival at a detention institution, all women receive 10 sanitary pads in addition to other hygiene products issued to all detainees (towel, toilet paper, soap, toothpaste, toothbrush, deodorant).¹⁰¹ Hygiene products are then re-issued monthly to all detainees, with women receiving 20 sanitary pads monthly in addition to other restocked products. Detainees are also issued with underwear: socks and underpants, with women receiving 6 pairs and men 3, women are issued with 3 bras. Hygiene and sanitary conditions, including cleaning of clothes, bed linens and towels, as well as access to bath and shower facilities are the same for female and male detainees.</p> <p>The above hygiene products and clothes are issued free of charge if the detainees do not bring and acquire their own.¹⁰² After the initial issue of hygiene products upon arrival, re-issues are subject to a written request from the detainee.</p> |
| d) Are there any national standards for special healthcare for female detainees that respond to their specific needs, including i.e. pregnancy and post-natal treatment, and treatment/support of mother and child? If so, what do they require? |
| There are no specific national standards covering special healthcare for female detainees responding to their specific needs. Women detainees have access to primary healthcare services in detention institutions, i.e. general practice services, dental services, and primary mental healthcare services, ¹⁰³ as well as specialised healthcare services under referrals from primary healthcare specialists in detention institutions, ¹⁰⁴ as per general rules. See section 5, “Access to healthcare”, for more information. |
| e) Are there any national standards on pregnant detainees in terms of special prison cells for pregnant detainees and/or special facilities for female detainees with babies or young children? If so, what do they require? |
| National standards on cells and other facilities for pregnant detainees and women detainees with young children in both, pre-trial and post-trial detention, foresee the following: |

⁹⁹ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 10.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 70.

¹⁰⁰ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 70.

¹⁰¹ Lithuania, Ministry of Justice, [Order on rules of household items provision to persons held in places of imprisonment](#) (*Įsakymas dėl laisvės atėmimo vietose laikomų asmenų materialinio buitinio aprūpinimo tvarkos aprašo patvirtinimo*), 9 June 2004, 1R-139, with subsequent amendments.

¹⁰² *Ibid.*

¹⁰³ Lithuania, Ministry of Health and Ministry of Justice, [Order on the rules of organization and provision of healthcare services for persons held in imprisonment institutions](#) (*Įsakymas dėl asmens sveikatos priežiūros paslaugų organizavimo ir teikimo asmenims, laikomiems laisvės atėmimo įstaigoje, tvarkos aprašo patvirtinimo*), 30 September 2019, No. V-1103/1R-279, with subsequent amendments.

¹⁰⁴ *Ibid.*

Pre-trial detention:¹⁰⁵

- Pregnant detainees must receive "better living and household conditions".
- Pregnant detainees must be allowed at least 2 hours of walks outside every day.
- Pregnant detainees cannot be placed in solitary confinement.
- Children of detainees cannot be held in remand prisons with their parents. Children of parents placed in pre-trial detention are left with other family members, close relatives, or other persons or institutions who take up guardianship.¹⁰⁶

Post-trial detention:¹⁰⁷

- Women detainees may be allowed to raise and care for their children in the detention institution until they are 3 years old.
- Pregnant detainees and detainees with children up to 3 years of age must be sent to serve their sentence in a correction house with a children's (infants') home. They are sent there within 10 days of the judgment coming into force, despite the stage of pregnancy for pregnant detainees.¹⁰⁸ Detainees who become pregnant while serving their sentence must be moved to a correction house with a children's (infants') home. This has to be done 56 days before delivery.¹⁰⁹
- Children's (infants') homes in correction houses must adhere to the following standards:¹¹⁰ they have to contain living rooms for mothers and children, facilities for children's care and education, playrooms, as well as an outdoor area with playgrounds and greenery. Living rooms for mothers and children for two, for or six persons with at least 10 m² of space per each mother and child. The living room must be equipped with a bed for a mother, a child's bed (hard bottom), a washbasin, a table, a chair, diaper changing table, and a wardrobe for clothes and clean bedding.
- Pregnant detainees and detainees with children up to 3 years may be allowed by the correction house administration to live outside the territory of the correction house, in nearby accommodation, rented or owned by the correction house, and under constant supervision by the administration. This permission is granted until the child reaches the age of 3, and may be extended in the interests of the child, but for no longer than until the child starts their primary education.
- Pregnant detainees and breastfeeding detainees must receive "better living and household conditions".
- Pregnant detainees (valid as of determination of the pregnancy) and detainees with children up to 3 years of age cannot serve their sentence in the prison (strictest) regime.

¹⁰⁵ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Articles 7, 29, 34, 44.

¹⁰⁶ Lithuania, [Code of Criminal Procedure](#) (*Baudžiamojo proceso kodeksas*), 14 March 2002, No. IX-785, with subsequent amendments. Article 129.

¹⁰⁷ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Articles 83, 142, 151-153, 173.

¹⁰⁸ Lithuania, Ministry of Justice and Ministry of Health, [Order on the rules of sending or moving pregnant women and women with children up to three years old to correction houses with children's \(infants'\) homes](#) (*Įsakymas dėl nėščių moterų ir vaikų iki trejų metų turinčių motinų siuntimo ir perkėlimo į pataisos namus, turinčius vaikų (kūdikių) namus, tvarkos patvirtinimo*), 22 April 2003, No. 115/V-231, with subsequent amendments.

¹⁰⁹ *Ibid.*

¹¹⁰ Lithuania, Ministry of Health, [Order on the rules of children's \(infants'\) homes in correctional institutions' equipment and operation and provision for children](#) (*Įsakymas dėl pataisos namuose esančių vaikų (kūdikių) namų įrengimo ir eksploatavimo reikalavimų bei vaikų aprūpinimo sąlygų patvirtinimo*), 13 May 2003, No. V-274, with subsequent amendments.

- Pregnant detainees and detainees with children up to 3 years of age cannot be moved to cell-type premises as disciplinary action for violations of the detention institution's regime.

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are different standards and different access to special facilities in pre-trial and post-trial detention as described in sections 8. a) and e). Also, women detainees serving their custodial sentences in an open regime ("open colony"), can be held alongside male detainees, unlike in other regimes, as described in section 8. b).

g) Please indicate any remedies available to female detainees in case of a breach or violation of the standards addressed under 8. a) – f), including their respective legal basis.

Detainees have the following remedies available:

- Detainees may complain about a breach or violation to the head of the detention institution within one month of the breach or violation, under the Penal Code.¹¹¹

- Detainees may lodge a claim to a regional administrative¹¹² court for pecuniary and non-pecuniary damages suffered due to the breach or violation, under the Civil Code.¹¹³ No separate permission for a detainee to lodge a claim is necessary, and detainees' correspondence with courts, and any other state institutions, cannot be checked.¹¹⁴

- Detainees have a right to compensation for pecuniary and non-pecuniary damages suffered due to receiving inadequate healthcare services, under the Law on the Rights of Patients and Compensation of the Damage to their Health.¹¹⁵ This right can be exercised by lodging a complaint directly to the healthcare institution which provided the services. The institution's decision can be appealed to the courts of general jurisdiction. No separate permission for a detainee to lodge a claim with the healthcare institution is necessary, and detainees' correspondence with it cannot be checked.¹¹⁶

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

¹¹¹ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 183.

¹¹² Lithuania, [Law on Administrative Proceedings](#) (*Administracinių bylų teisenos įstatymas*), 14 January 1999, No. VIII-1029, with subsequent amendments. Article 20.

¹¹³ Lithuania, [Civil Code](#) (*Civilinis kodeksas*), 18 July 2000, No. VIII-1864, with subsequent amendments. Article 6.271.

¹¹⁴ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

¹¹⁵ Lithuania, [Law on the Rights of Patients and Compensation of the Damage to their Health](#) (*Pacientų teisių ir žalos sveikatai atlyginimo įstatymas*), 3 October 1996, No. I-1562, with subsequent amendments.

¹¹⁶ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

1. Seimas Ombudsmen's Office, "[Report on the human rights situation of detainees in Lukiškės Remand Prison and Prison Hospital](#)", 29 June 2018

2. Seimas Ombudsmen's Office, "[Report on the human rights situation in Alytus Correction House, Marijampolė Correction House, Vilnius Correction House, Pravieniškės Correction House – Open Colony, Panevėžys Correction House, and Šiauliai Remand Prison](#)", 21 October 2019

There are no relevant recommendations in the above reports.

9. Nutrition

a) Are there any national standards with regard to nutrition in detention in general? If so, what do they require?

Detainees must be provided with food free of charge.¹¹⁷ Food provided to detainees must comply with "physiological dietary norms" and, as far as possible, their religious beliefs, and for detainees who have been prescribed a diet for medical reasons, the diet requirements.¹¹⁸

Detainees also have the right to buy their own food in detention institutions.¹¹⁹ However, the specific foodstuffs detainees are allowed to own are subject to limitations depending on the regime – light, regular, disciplinary, or pre-trial detention – the detainee is in, i.e. the foodstuffs allowed are restricted to a specific list for each regime.¹²⁰ The food that can be bought by detainees ranges from coffee and tea, sweets and snacks to most ingredients for a self-prepared meal, including fruit, vegetables, dairy products, eggs, bread, flour and flour based products, etc. Except for raw meat and fish, though processed meats and fish are allowed.

b) Are there any national standards with regard to frequency and regularity of provision of meals (warm and cold)? If so, what do they require?

Detainees must be served 3 meals per day, with the exception of children, pregnant, and breastfeeding detainees, who must be served 4 meals per day.¹²¹ At least one of these daily meals has to be warm. A specific menu for each day of the month is laid out in the detention institution's rules on nutrition; this information has to be made available to detainees in the eating premises or at their request.¹²²

¹¹⁷ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 44.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 173.

¹¹⁸ *Ibid.*

¹¹⁹ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 28.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Articles 92, 97.

¹²⁰ Lithuania, Ministry of Justice, [Order on Correctional institutions' and remand prisons' interior rules](#) (*Įsakymas dėl Pataisos įstaigų ir tardymo izoliatorių vidaus tvarkos taisyklių patvirtinimo*), 21 January 2020, No. 1R-25, with subsequent amendments.

¹²¹ Lithuania, Prison Department under the Ministry of Justice, Order on adoption of rules on the organization of nutrition of persons', held in places remand and conviction imprisonment ([Įsakymas dėl asmenų, laikomų kardo mojo kalinimo ir laisvės atėmimo vietose, maitinimo organizavimo taisyklių patvirtinimo](#)), 2 May 2006, No. 4/07-117, with subsequent amendments.

¹²² *Ibid.*

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| <p>c) Are there any national standards with regard to healthy food, special diets or dietary restrictions? If so, what needs to be provided to detainees?</p> |
| <p>There are no specific standards regarding healthy food. Foodstuffs for detention institutions are acquired under public procurement procedures.¹²³</p> <p>There is a general requirement that food provided to detainees who have been prescribed a diet for medical reasons, must comply with the diet requirements.¹²⁴ Under the detention institution's rules on nutrition, meals for detainees who are ill must be balanced individually according to their health data and methodological recommendations of the Lithuanian Society of Nutritionists; their menus are based on regular meals and adjusted by a person appointed by the director of the detention institution and the head of the institution's Health Service.¹²⁵</p> <p>There are no specific standards for provisions in the detention institution's rules on nutrition dealing with personal and/or religious dietary preferences.</p> |
| <p>d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).</p> |
| <p>Depending on the regime the detainee is in – light, regular, disciplinary, or pre-trial detention – personal foodstuffs they are allowed to buy and have in detention institution differ, as described in section 9. a).¹²⁶</p> <p>Also, the detention institution's rules on nutrition prescribe different monthly meals menus for 7 categories of detainees: men who are working, men who are not working, women who are working, women who are not working, children, pregnant detainees, and breastfeeding detainees.¹²⁷ The menus have to be implemented in each institution by its administration.¹²⁸</p> |
| <p>e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 9. a) – d), including their respective legal basis.</p> |
| <p>Detainees have the following remedies available:</p> <ul style="list-style-type: none"> - Detainees may complain about a breach or violation to the head of the detention institution within one month of the breach or violation, under the Penal Code.¹²⁹ |

¹²³ *Ibid.*

¹²⁴ Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 44.

Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 173.

¹²⁵ Lithuania, Prison Department under the Ministry of Justice, Order on adoption of rules on the organization of nutrition of persons', held in places remand and conviction imprisonment ([Įsakymas dėl asmenų, laikomų kardomojo kalinimo ir laisvės atėmimo vietose, maitinimo organizavimo taisyklių patvirtinimo](#)), 2 May 2006, No. 4/07-117, with subsequent amendments.

¹²⁶ Lithuania, Ministry of Justice, [Order on Correctional institutions' and remand prisons' interior rules](#) (*Įsakymas dėl Pataisos įstaigų ir tardymo izoliatorių vidaus tvarkos taisyklių patvirtinimo*), 21 January 2020, No. 1R-25, with subsequent amendments.

¹²⁷ Lithuania, Prison Department under the Ministry of Justice, Order on adoption of rules on the organization of nutrition of persons', held in places remand and conviction imprisonment ([Įsakymas dėl asmenų, laikomų kardomojo kalinimo ir laisvės atėmimo vietose, maitinimo organizavimo taisyklių patvirtinimo](#)), 2 May 2006, No. 4/07-117, with subsequent amendments.

¹²⁸ *Ibid.*

¹²⁹ Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 183.

- Detainees may lodge a claim to a regional administrative¹³⁰ court for pecuniary and non-pecuniary damages suffered due to the breach or violation, under the Civil Code.¹³¹ No separate permission for a detainee to lodge a claim is necessary, and detainees' correspondence with courts, and any other state institutions, cannot be checked.¹³²

f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

Seimas Ombudsmen's Office, "[Report on the human rights situation of detainees in Lukiškės Remand Prison and Prison Hospital](#)", 29 June 2018

- To the Minister of Justice: "10.2. to implement measures to ensure change in the legal regulation by allowing detainees serving sentences in cell-type premises to store (non-) perishable foodstuffs in refrigerators".

In Lithuanian: "10.5 būtų pakeistas teisinis reguliavimas, leidžiant nuteistiesiems, bausmę atliekantiems kamerų tipo patalpose, (ne) greitai gendančius maisto produktus laikyti šaldytuvuose".

¹³⁰ Lithuania, [Law on Administrative Proceedings](#) (*Administracinių bylų teisenos įstatymas*), 14 January 1999, No. VIII-1029, with subsequent amendments. Article 20.

¹³¹ Lithuania, [Civil Code](#) (*Civilinis kodeksas*), 18 July 2000, No. VIII-1864, with subsequent amendments. Article 6.271.

¹³² Lithuania, [Penal Code](#) (*Bausmių vykdymo kodeksas*), 27 June 2002, No. IX-994, with subsequent amendments. Article 100.

Lithuania, [Law on the Execution of Pre-trial Detention](#) (*Suėmimo vykdymo įstatymas*), 18 June 1996, No. I-1175, with subsequent amendments. Article 15.

Part II: National jurisprudence

Lithuania, Supreme Administrative Court of Lithuania, (*Lietuvos vyriausioji administracinis teismas*), Vilnius / Case No. A-2202-556/2020, 2 December 2020

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| Thematic area | 1. Cells a) Cell space |
| Decision date | 2 December 2020 |
| Reference details | Case. No. A-2202-556/2020 |
| Key facts of the case | The applicant was a male detainee held in Šiauliai Remand Prison between 19 December 2018 and 27 February 2019. He sought compensation for damages suffered due to lack of sufficient space in the prison cell. |
| Main reasoning/argumentation | The applicant complained that the cells he was placed in held between 2 and 4 detainees at all times and lacked space, which was further exacerbated by in-cell furniture taking up most of the cell space. |
| Key issues (concepts, interpretations) clarified by the case | In assessing whether there was a violation of Article 3 of the European Convention on Human Rights, i.e. less than 3 m ² of cell space per detainee, the European Court of Human Rights case-law in <i>Muršić v. Croatia</i> must be observed: to determine whether each detainee receives at least 3 m ² of cell space, the toilet surface area is subtracted from the total cell surface area, the surface area occupied by in-cell furniture must also be taken into account in assessing whether the detainee was able to move normally in the cell. |
| Results (sanctions) and key consequences or implications of the case | The court found that the applicant had at least 3.84 m ² of cell space at all times – in line with the national requirement of 3.6 m ² of cell space per adult detainee. After subtracting the toilet area from the total cell area, each detainee had at least 3.13 m ² of cell space, which was found to be in line with requirements of Article 3 of the European Convention on Human Rights, i.e. no less than 3 m ² of cell space per detainee. |
| Key quotation in original language and translated into English with reference details | Under the newest case-law of the European Court of Human Rights (see, e.g. [...] <i>Muršić v. Croatia</i>), when determining whether in a specific case there is a presumption of a violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – the Convention), i.e. whether one person had less than 3 m ² of living space, the in-cell toilet area should be subtracted from the total cell area. In determining whether a violation of Article 3 of the |

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| | <p>Convention occurred, the court should also take into account that the area occupied by furniture is important in assessing whether the detainee is able to move normally in the cell.</p> <p><i>(Vadovaujantis naujausia Europos Žmogaus Teisių Teismo praktika (žr., pvz., [...] Muršić prieš Kroatiją [...]), sprendžiant, ar konkrečiu atveju kilo Žmogaus teisių ir pagrindinių laisvių apsaugos konvencijos (toliau – ir Konvencija) 3 straipsnio pažeidimo prezumpcija, t. y. ar vienam asmeniui teko mažiau nei 3 kv. m gyvenamojo ploto, iš bendro kameros ploto turėtų būti atimtas kameroje esančio sanitarinio mazgo plotas. Spręsdamas, ar buvo Konvencijos 3 straipsnio pažeidimas, teismas taip pat turėtų atsižvelgti į tai, jog baldų užimamas plotas svarbus vertinant, ar kalinamas asmuo turėjo galimybę normaliai judėti kameroje.)</i></p> |
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Lithuania, Supreme Administrative Court of Lithuania, (*Lietuvos vyriausioji administracinis teismas*), Vilnius / Case No. A-452-822/2020, 25 March 2020

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| Thematic area | 2. Sanitary conditions a) [toilet privacy] |
| Decision date | 25 March 2020 |
| Reference details | Case. No. A-452-822/2020 |
| Key facts of the case | The applicant was a male detainee held in Šiauliai Remand Prison between 26 September 2016 and 16 January 2018. He sought compensation for damages suffered due to lack of privacy in using the in-cell toilet. |
| Main reasoning/argumentation | The applicant complained that the in-cell toilet did not guarantee his privacy and that it was not partitioned up to the ceiling from the rest of the cell. |
| Key issues (concepts, interpretations) clarified by the case | In determining whether a detainee's privacy was violated, the European Court of Human Rights case-law in <i>Kalashnikov v. Russia</i> , <i>Grishin v. Russia</i> , and <i>Glotov v. Russia</i> , must be taken into account. Under this case-law if an in-cell toilet is not partitioned from the rest of the cell or is partitioned by a 1-1.5 m high wall, it deprives the person of any privacy when using the toilet. Also, the case-law in <i>Varga and Others v. Hungary</i> must be considered, under which partitioning the in-cell toilet from the living space with only a curtain does not guarantee the required privacy of detainees. |
| Results (sanctions) and key consequences or implications of the case | The court found that the detention institution, Šiauliai Remand Prison, did not prove that in-cell toilets were sufficiently partitioned from the rest of the cells, and also that in at least one cell entrance to the in-cell toilet was only covered by a curtain. The court found that the applicant's right to privacy when using the in-cell toilet was violated for 424 days. |
| Key quotation in original language and translated into English with reference details | According to the assessment by the European Court of Human Rights, installation of cells in such a way that the toilet is not separated from the living space or is only separated by a partition of approx. 1–1.5 m high, is not only reprehensible from a hygienic point of view, but also deprives the person of any privacy when using the toilet, because he remains seen by other detainees and guard, looking through the observation opening / peephole (see, e.g., [...] <i>Kalashnikov v. Russia</i> , [...] <i>Grishin v. Russia</i> , [...] <i>Glotov v. Russia</i>), [...]. The Court has also found that separating the living space and toilet by a curtain does not guarantee the privacy needed by detainees (see, e.g. <i>Varga and Others v. Hungary</i>). The duty of detention institutions to guarantee the privacy of pre-trial detainees (convicted detainees) while using the |

toilet is also established in the case-law of the Supreme Administrative Court of Lithuania [...].

Europos Žmogaus Teisių Teismo vertinimu, kamerų įrengimas taip, jog tualetas neturi jokio atskyrimo nuo gyvenamosios erdvės arba yra atskirtas maždaug 1–1,5 m aukščio pertvara, yra ne tik smerktinas higienos požiūriu, bet ir atima iš asmens bet kokią privatumą naudojantis tualetu, kadangi jis lieka visą laiką matomas kitų kalinių bei prižiūrėtojų, žvelgiančių per stebėjimo angą / akutę (žr., pvz., [...] Kalashnikov prieš Rusiją [...], [...] Grishin prieš Rusiją [...], [...] Glotov prieš Rusiją [...]), [...]. Teismas taip pat yra konstatavęs, jog gyvenamosios erdvės ir tualetų atskyrimas užolaida neužtikrina kalinamiesiems reikiamo privatumo (žr., pvz., [...] Varga ir kt. prieš Vengriją [...]). Pataisos įstaigų pareiga garantuoti, kad naudojantis tualetu būtų užtikrintas suimtųjų (nuteistųjų) privatumas, yra konstatuota ir Lietuvos vyriausiojo administracinio teismo praktikoje [...].