

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

The Code on Enforcement of Punishment states that inmates serving arrest and imprisonment sentences are guaranteed living and household conditions that meet Lithuania's hygiene standards.¹ The Law on Enforcement of Arrest indicates that the institution of places of deprivation of liberty while ensuring appropriate conditions for detention must obey the Constitution of Lithuania, international treaties of Lithuania, and other legal acts of Lithuania and the EU.²

Order of the Director of the Lithuanian Prisons Service *Regarding the determination of the maximum number of persons permitted to be held in places of deprivation of liberty and the minimum space per person*³ defines that the minimum space per person cannot be less than:

- 3.1 square meters – per inmate serving a sentence in semi-open or open regimes;
- 3.6 square meters – per inmate serving a sentence in closed regimes;
- 4.1 square meters – per child-inmate in Kaunas prison (address Technikos str. 12, 51334 Kaunas).
- 7 square meters per inmate in the unit of 2nd prison of Pravieniskiai, which provides health care services (address Pravieniskiai str. 57, 56371 district of Kaisiadorys); For inmates with disabilities - 5 square meters.

The order does not specify how the minimum space per inmate should be calculated. It is unclear whether the area occupied by sanitary facilities is not considered.

The personal space per inmate, as defined in the order, shows that the space factor remains an important factor in the assessment of the adequacy of conditions of detention. Considering the CJEU decision in *C 128/18, Dorobantu*,⁴ it could be that there is a violation of Article 3 of the ECHR if the space factor is coupled with other aspects of inappropriate physical conditions of detention, including lack of access to outdoor exercise, natural light or air, poor ventilation, inadequacy of room temperature, the impossibility of using the toilet in private, and non-compliance with basic sanitary and hygienic requirements.

The available space per inmate does not meet the Commission recommendation of 8.12.2022 on the procedural rights of suspects and accused persons subject to pre-trial detention and material detention conditions⁵. The Recommendation states that Member States should assign each detainee a minimum amount of surface area of at least 6 m² in single occupancy cells and 4 m² in multi-occupancy cells. In the order, the space allocated to the prisoner meets the minimum requirements.

¹ Lithuania, Seimas (2022), Law Amending the Code on Enforcement of Punishment ([Bausmių vykdymo kodekso pakeitimo įstatymas](#)), No XIV-1196, 28 June 2022, last amendment No XIV-1771, 23 December 2022, Article 92.

² Lithuania, Seimas (1996), Law on Enforcement of Arrest ([Suėmimo vykdymo įstatymas](#)), No I-1175, 18 January 1996, last amendment No XIV-1772, 23 December 2022.

³ Lithuania, Director of the Lithuanian Prisons Service (2023), Order Regarding the determination of the maximum number of persons permitted to be held in places of deprivation of liberty and the minimum space per person ([Dėl didžiausio laisvės atėmimo vietose leidžiamų laikyti asmenų skaičiaus ir minimalaus ploto, tenkančio vienam asmeniui, nustatymo](#)) No V-15, 3 January 2023, last amendment No V-529, 11 July 2023.

⁴ *C-128/18, Dorobantu* [GC], Judgment of 15 October 2019, para 75.

⁵ [RECOMMENDATION of 8.12.2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions, Para 34.](#)

b. Access to natural light and fresh air, cell equipment, furniture, and facilities

The rules for installing and operating correction institutions (detention facilities) establish general requirements for installing and operating convict and arrestee holding facilities, outdoor walking yards, long-term and short-term meeting facilities in correctional facilities, open colonies, halfway houses, and detention facilities. These Rules are mandatory for newly designed, newly built, reconstructed, and capital-repaired structures, and only those requirements of the rules that are not related to reconstruction or capital-repair works apply to operating correctional institutions.⁶

The rules provide that inmates held in correction institutions must be provided with living and domestic conditions that comply with the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions"⁷ The hygiene norm is mandatory for newly constructed, reconstructed and repaired buildings and premises. Only those hygiene norm requirements unrelated to the reconstruction or major repair of the building or premises are applied to operating locations.

Requirements for installing facilities for holding inmates in light and ordinary groups: Facilities must ensure access to natural daylight. Light windows must be installed on the roof if windows cannot be installed in the walls. In addition, all facilities must have artificial lighting, and night (standby) lighting must be installed in newly constructed, reconstructed, overhauled, and renovated (modernised) facilities. Artificial lighting must comply with Lithuanian hygiene norms. The premises must be heated and ventilated. Ventilation must be through windows, except those premises where a mechanical ventilation or air-conditioning system operates. If the conditions do not meet the hygiene norm HN 134:2015, the premises must have electric air heaters and fans.⁸

Requirements for prison cell installation: When installing new or reconstructing existing cells, they must be equipped with a sanitary unit with dimensions (area) of at least 100x142 cm or at least 1.42 m². A metal washbasin and a toilet or a stainless steel toilet must be installed in the sanitary unit cabin. When there are no technical possibilities for installing a sanitary unit cabin in the existing cell, the place of the sanitary unit must be separated from the rest of the cell area by a partition (up to the cell ceiling). The cells must have natural, artificial and night (standby) lighting. Artificial lighting must comply with Lithuanian hygiene norms. Electrical switches must be installed in the corridor next to the cell, which allows the control of the night lighting and power supply to the cell. Newly installed or reconstructed cells must have windows that allow natural daylight to enter the premises. Light windows must be installed on the roof if windows cannot be installed in the walls. The premises must be heated and ventilated. Ventilation must be through windows, except those premises where a mechanical ventilation or air-conditioning system operates. If the conditions do not meet the hygiene norm HN 134:2015, the premises must have electric air heaters and fans.⁹ The cell must have a system to call the supervising officer^{12.11}. All furniture in cells must be attached to the floor or walls. ^{12.12.}¹⁰

⁶ Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the installing and operating of correctional institutions (detention facilities) ([Dėl Pataisos įstaigų \(tardymo izoliatorių\) įrengimo ir eksploatavimo taisyklių patvirtinimo](#)), No V-389, 21 December 2020, last amendment No V-270, 21 July 2022, Articles 1 and 2.

⁷ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018.

⁸ Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the installing and operating of correctional institutions (detention facilities) ([Dėl Pataisos įstaigų \(tardymo izoliatorių\) įrengimo ir eksploatavimo taisyklių patvirtinimo](#)), No V-389, 21 December 2020, last amendment No V-270, 21 July 2022, Articles 11.5, 11.6 and 11.8.

⁹ Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the installing and operating of correctional institutions (detention facilities) ([Dėl Pataisos įstaigų \(tardymo izoliatorių\) įrengimo ir eksploatavimo taisyklių patvirtinimo](#)), No V-389, 21 December 2020, last amendment No V-270, 21 July 2022, Articles 12.5, 12.7, 12.8, 12.9, and 12.10.

¹⁰ Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the installing and operating of correctional institutions (detention facilities) ([Dėl Pataisos įstaigų \(tardymo izoliatorių\) įrengimo ir eksploatavimo taisyklių patvirtinimo](#)), No V-389, 21 December 2020, last amendment No V-270, 21 July 2022, Articles 12.5, 12.7, 12.8, 12.9, and 12.10.

Requirements of the Lithuanian hygiene norm HN 134:2015: Inmates in correctional institutions must be accommodated only in residential rooms (cells). The total artificial lighting of living rooms (cells) must be at least 200 lx. Natural lighting may not be installed in places where inmates are kept for no longer than 24 hours. The air temperature in living rooms (cells) must be no lower than 18 °C and no higher than 28 °C, relative air humidity - from 35% to 65%, air movement speed in the warm period of the year - 0.15-0.25 m/s, in the cold period of the year - 0.05-0.15 m/s; the air temperature in washrooms, showers, and changing rooms must not be lower than 20°C. It must be possible to ventilate the living rooms (cells). Living rooms (cells) should be ventilated through windows, except rooms with a mechanical ventilation or air conditioning system.¹¹

Living rooms (cells) for inmates are provided with furniture and other inventory following the Order of the Director of the Department of Prisons *Regarding the approval of the norms for furnishing the premises of places of deprivation of liberty with furniture and other inventory*.¹² The order is as follows:

Furnishing of a dormitory-type living room for inmates: metal bed - 1 unit per 1 person, bedside cabinet - 1 unit per 1 person, stool and/or chair and/or benches - as needed, table - 1 unit, trash can - 1 unit, cleaning supplies (brush (broom), bucket, trash can, garbage scoop, cleaning cloths) - 1 set, wall hanger or closet - at least 2 hooks per 1 person.

Kitchen of the dormitory-type living room, room for storing food: table - according to the area and need, cabinet - according to the area and need, bench or chair or stool - according to the area and need, electric stove - 1 unit, if technical possibilities exist, trash can - 1 unit, cleaning inventory (brush (broom), bucket, trash can, garbage scoop, cleaning cloths) - 1 set, washing machine - as needed, steam collector - 1 unit, as needed and technical capabilities, household refrigerator - as needed, wall towel hanger - 2 units, dish dryer - 1 unit, kettle - 1 kettle, microwave oven - 1 unit, dishes - suitable for contact with food and heat treatment, shelf - as needed, cooking tools - as needed.

Cells of the correctional institutions: Sanitary unit (toilet (can be squatted) and wash basin) - 1 set, metal bed - 1 unit for 1 person, cabinet - 1 unit for no more than 2 persons, table - 1 unit, bench or chair or stool - 1 seat for 1 person, food cabinet or shelf - 1 cabinet for no more than 2 people, in shelf one section for 1 person, hanger for outerwear - at least 2 hooks for 1 person, trash can - 1 unit, cleaning supplies (brush (broom), bucket, garbage can, garbage scoop, cleaning cloths) - 1 set, mirror - 1 unit, electric kettle - 1 unit.

Cells for disciplinary isolation: metal bed - 1 unit for 1 person, table 1 unit, stool and/or chair, and/or benches - 1 seat for 1 person, sanitary unit (toilet (can be squatted) and wash basin) - 1 set, wall hanger for outerwear - 2 hooks for 1 person, wall shelf for toiletries - 1 unit, trash can - 1 unit, cleaning equipment (brush (broom), bucket, trash can, garbage scoop, cleaning cloths) - 1 set.

Each detainee is provided with a separate sleeping place and bedding free of charge. However, detainees can use their own bedding (except blankets, mattresses, and pillows) if they wish.¹³

¹¹ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaių areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018, paras 13. 14. 15. 16. and 17.

¹² Lithuania, Director of the Department of Prisons (2017), Order Regarding the approval of the norms for furnishing the premises of places of deprivation of liberty with furniture and other inventory ([Dėl Laisvės atėmimo vietų patalpų aprūpinimo baldais ir kitu inventoriumi normų patvirtinimo](#)), No V-245, 7 June 2017.

¹³ Lithuania, Seimas (1996), Law on Enforcement of Arrest ([Lietuvos Respublikos suėmimo vykdymo įstatymas](#)), No. I-1175, 18 January 1996, last amendment No. XIV-1772, 23 December 2022, Article 25 (2).

c. Video-surveillance of cells

Instruction regarding the supervision of the protection of the Lithuanian Prison Service¹⁴ states that video surveillance systems are installed in prisons. The installed stationary video surveillance cameras aim to ensure a safe environment in the prison. Stationary video surveillance cameras are installed in the general territory of the prison, in residential and industrial outdoor areas, in the living, working, and common areas of prisoners, in security and supervision posts, and other places, if necessary, in compliance with the personal data protection requirements set out in normative legal acts. At the entrance to the prison and inside its territory, warning signs are posted in visible places where video cameras monitor the territory (para 114).

In prison, the image of daily activities can be monitored directly without recording, unobserved, but constantly recorded in the installed video surveillance system, monitored live, and recorded in the installed video surveillance system (para 122).

More specific regulation regarding the video surveillance of cells is not provided for in the legal acts.

d. NPM assessment

The most recent report of the CPT on its periodic visit to Lithuania covers the period from 10 to 20 December 2021.¹⁵

Lithuania designated the Seimas Ombudsmen's Office (Parliamentary Ombudsperson's Office) as NPM. The last available report of the Seimas Ombudsmen's Office related to this issue is the *2019 Report on the National Prevention of Torture*.¹⁶

Material housing conditions are not adequately guaranteed, and the lighting of cell-type premises in correction institutions, where life prisoners and persons sentenced by the court to serve a prison sentence are placed, does not meet the minimum requirements of natural light coefficients; accordingly, conditions are not created for ensuring minimum natural lighting (p.11 para 4)

In 2019, the Seimas Ombudsmen's Office also conducted a thematic study on the human rights situation in five prisons.¹⁷ The study presents the following opinion:

Original language

7.3. Konstatuotina, kad į Alytaus PN, Marijampolės PN, Pravieniškių PN-AK, Šiaulių TI ir Panevėžio PN perkeltiems asmenims materialinės laikymo sąlygos nėra tinkamai užtikrinamos, taip sudarant prielaidas pažeisti pataisos įstaigose laikomų nuteistųjų žmogiškąjį orumą.

8.4. Konstatuotina, kad pataisos įstaigose esančioms kamerų tipo patalpoms, kuriose laikomi apgyvendinti laisvės atėmimo iki gyvos galvos bausmę atliekantys nuteistieji ir asmenys, kuriems teismas yra skyęs laisvės atėmimo bausmę atlikti kalėjime <...> natūralios apšvietos koeficientai neatitinka net

¹⁴ Lithuania, Director of the Lithuanian Prison Service (2023), Order Regarding the approval of the Instruction of the supervision of the protection of the Lithuanian Prison Service ([Dėl Lietuvos kalėjimų tarnybos apsaugos ir priežiūros instrukcijos patvirtinimo](#)), No V-1070, 28 December 2023.

¹⁵ Strasbourg, European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment (CPT) (2023), [Report to the Lithuanian Government on the periodic visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 20 December 2021](#), CPT/Inf (2023) 01, 23 February 2023.

¹⁶ Lithuania, The Seimas Ombudsmen's Office (2019), [2019 Report on the National Prevention of Torture](#), December 2020.

¹⁷ Lithuania, Seimas Ombudsmen's Office (2019), Report on the human rights situation in Alytus Correctional Facility (Alytus CF), Marijampole Correctional Facility (Marijampole CF), Vilnius Correctional Facility (Vilnius CF), Open Colony of Praveniskiai Correctional Facility (Praveniskiai CF-OC), Panevezys Correctional Facility (Panevezys CF) and Siauliai Detention Centre (Siauliai DC) ([Ataskaita Dėl žmogaus teisių padėties Alytaus pataisos namuose, Marijampolės pataisos namuose, Vilniaus pataisos namuose, Pravieniškių pataisos namuose- atvirojoje kolonijoje, Panevėžio pataisos namuose ir Šiaulių tardymo izoliatoriuje](#)), No NKP-2019/1-1, 2019 October 2019.

mažiausio nustatyto analoginio natūralios apšvietos koeficiento reikalavimo gyvenamuosiuose kambariuose ir virtuvėje, kuris turi būti ne mažesnis kaip 0,5 proc., todėl yra pagrindas konstatuoti EŽTK nuostatų pažeidimą dėl netinkamų laikymo higienos sąlygų.

Translation

7.3. It should be stated that the material conditions of imprisonment for persons transferred to Alytus CF, Marijampole CF, Pravieniskiai CF-OC, Šiauliai DC, and Panevėžys CF are not adequately ensured, thus creating the prerequisites for violating the human dignity of sentenced persons held in correctional institutions.

8.4. It should be noted that the natural lighting coefficients for the cell-type rooms in correctional facilities, where convicts serving a life sentence and persons sentenced to prison by the court <...> do not meet even the minimum requirement for an analogue natural lighting coefficient in the living rooms and the kitchen, which must be at least 0.5 per cent; therefore it is the basis for establishing a violation of the provisions of the ECHR due to inadequate hygiene conditions.

In 2023, Seimas Ombudsmen's Office conducted a thematic study on the Prevention of Hepatitis B, Hepatitis C, Tuberculosis, Hiv/Aids, and Sexually Transmitted Infections, and the availability of treatment for these diseases in Prison Places.¹⁸ The study also discusses the lightening conditions in Marijampole Correctional Facility (since 1 January 2023 – Marijampole prison), Alytus Correctional Facility (since 1 January 2023 – Alytus prison), and Open Colony of Praveniskiai Correctional Facility (since 1 January 2023 – Praveniskiai 1st prison). The study presents the following opinion:

Original language

3.3.23. Visose <...> tikrintų įstaigų nuteistųjų gyvenamosiose ir bendro naudojimo patalpose užtikrintas natūralus apšvietimas <...>.

Translation

3.3.23. Natural lighting is ensured in the sentenced persons' living and common areas of all <...> inspected institutions <...>.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office indicated they do not have additional information.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.¹⁹ During the coverage period, the following decisions were issued regarding the accommodation of sentenced persons.

The Seimas Ombudsperson, in decision No. 4D-2023/1-131, 9 May 2023, decided that the living conditions of the sentenced persons do not meet the established standards.²⁰

¹⁸ Lithuania, Seimas Ombudsmen's Office (2023), Study on the Prevention of Hepatitis B, Hepatitis C, Tuberculosis, Hiv/Aids, and Sexually Transmitted Infections, and the availability of treatment for these diseases in Prison Places ([Ataskaita dėl hepatito b, hepatito c, tuberkuliozės, živ / aids ir lytiškai plintančių infekcijų prevencijos ir šių ligų gydymo prieinamumo laisvės atėmimo bausmės atlikimo vietose](#)), No. NKP-2023/1-2, 2 May 2023.

¹⁹ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolierių įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

²⁰ Available at the Seimas Ombudspersons' website https://www.lrski.lt/?s=kal%C4%97jim%C5%B3&id=403&post_type=documents

Original language

17. Pareiškėjas skunde nurodė, kad ilgalaikio pasimatymo su sutuoktine metu patalpose buvo labai žema oro temperatūra, todėl jis kreipėsi į pareigūnus ir paprašė šildytuvo, bet pareigūnai jo nedavė. Po pasimatymo Pareiškėjas susirgo.

18. <...>Pravieniškių 1-asis kalėjimas ir Lietuvos kalėjimų tarnyba nurodė, jog Pareiškėjo pasimatymo metu pasimatymo patalpų temperatūra galėjo būti per žema ir neatitikti higienos normų reikalavimų, nes dar nebuvo pradėtas šildymo sezonas, tačiau nebuvo imtasi jokių aktyvių veiksmų situacijai pakeisti ir netgi nuteistajam paprašius šildytuvo, šis nebuvo išduotas.

19. <...> Pravieniškių 1-ojo kalėjimo administracija Pareiškėjui nurodė, jog šildytuvus gali būti išduodamas tik nuteistajam pateikus rašytinį prašymą. Seimo kontrolierės nuomone, reikalavimas pateikti rašytinį prašymą šiuo atveju laikytinas pertekliniu, nes prašymo nagrinėjimo procesas vilkins problemos sprendimą, o tinkamos patalpų oro temperatūros užtikrinimas yra pačios administracijos pareiga.

Be to, <...>, prašymai ar skundai gali būti pateikiami žodžiu, kai į juos galima atsakyti arba galima išspręsti asmeniui rūpimus klausimus iš karto arba ne vėliau kaip artimiausią institucijos darbo dieną. Todėl manytina, kad šildytuvų / ventiliatorių išdavimas nuteistiesiems / suimtiesiems neturėtų būti apsunkintas papildomos administracinės naštos sukūrimu, įpareigojant rašyti prašymus.

20. <...> [D]arytina išvada, kad Pravieniškių 1-ojo kalėjimo administracija nesielgė apdairiai ir rūpestingai, nereagavo į Pareiškėjo prašymą išduoti šildytuvą ir tokiu būdu neužtikrino tinkamų laikymo sąlygų, todėl ši Skundo dalis pripažįstama pagrįsta.

Translation

17. The applicant stated in the complaint that during the long-term meeting with his spouse, the air temperature in the premises was very low, so he asked the prison officers for a heater, but the officials did not give it. After the date, the Applicant fell ill.

18. <...> Pravieniskiai 1st Prison and the Lithuanian Prison Service indicated that the temperature of the meeting rooms during the Applicant's meeting could have been too low and did not meet the requirements of hygiene standards, because the heating season had not yet started; however, no active steps were taken to change the situation and even when the sentenced person asked for a heater, it was not given.

19. <...> The administration of Pravieniskiai 1st prison told the Applicant that the heater can only be given to the sentenced person upon submission of a written request. In the opinion of the Seimas Ombudsperson, the requirement to submit a written request, in this case, should be considered redundant, as the process of examining the request will delay the solution of the problem; ensuring the appropriate air temperature of the premises is the responsibility of the administration itself.

In addition, <...>, requests or complaints can be submitted orally when they can be answered, or the person's concerns can be resolved immediately or no later than the next working day of the institution. Therefore, it is considered that the provision of heaters/fans to sentenced/arrested persons should not be hampered by creating an additional administrative burden by requiring written applications.

20. <...> [I]t can be concluded that the administration of Pravieniskiai 1st Prison did not act prudently and carefully, did not respond to the Applicant's request for a heater and thus did not ensure proper conditions of stay. Therefore, this part of the Complaint is recognised as grounded.

Seimas Ombudsperson, in decision No. 4D-2022/1-1465, 28 March 2023, decided that beds in Šiauliai Prison (SP) are unsuitable for all prisoners.²¹

Original language

14. <...> Pareiškėjas kreipėsi į ŠK administraciją 2022-09-16 <...>, nurodė, jog dėl mažo ūgio sunku laiptoti į antro aukšto lovą, bei prašė pritvirtinti prie lovos kopėtėles. <...> ŠK <...> paaiškino, jog gyvenamųjų kambarių baldų konstrukcijos teisės aktai neregamentuoja. Visose ŠK kamerose įrengtos vienodos konstrukcijos dviaukštės lovos. Kalintiesiems, medicinine pažyma pagrindusiems savo ribotą judrumą, miegui skiriamas dviaukštės lovos apatinis gultas; ŠK Pareiškėjui rekomendavo kreiptis į medikus, kurie <...> pateiks rekomendacijas dėl specialiųjų poreikių.

15. <...> Seimo kontrolierė pabrėžia, kad, nors Pareiškėjas nesikreipė į medikus ir jam nėra nustatytas neįgalumas ir jis neturi specialiųjų poreikių, ŠK pareigūnai <...> turėtų rūpestingiau reaguoti į suimtųjų ir nuteistųjų prašymus, susijusius su aplinkos pritaikymu atsižvelgiant į individualius asmens poreikius. <...> [T]okia padėtis, kai lipant į lovą ar išlipant iš jos akivaizdžiai patiriamos kančios, kurios net gali būti pavojingos Pareiškėjo sveikatai, nėra toleruotina.

<...> [P]areigūnų elgesys, kai vietoj problemos sprendimo iš esmės laikomasi nereikalingų ar išgalvotų formalumų, nepagrįstai atsisakoma spręsti pareigūnų kompetencijai priklausančius klausimus, laikytinas biurokratizmu <...> ŠK administracijos atsakymas į Pareiškėjo prašymą, kai vietoj problemos sprendimo iš esmės, nurodoma kreiptis į medikus, nors toks reikalavimas teisės aktuose nenumatytas, yra dviprasmiškas, neatitinka gero viešojo administravimo bei humanizmo principo reikalavimo ir laikytinas biurokratinis.

Translation

14. <...> The applicant applied to the SP administration on 16/09/2022 <...>, indicated that it was difficult to climb into the bed on the second floor due to his small height, and asked for a ladder to be attached to the bed. <...> SP <...> explained that the legislation does not regulate furniture construction in residential cells. All SP cells are equipped with bunk beds of the same design. Prisoners with a medical certificate certifying their limited mobility are given the lower berth of a bunk bed. The SP recommended the Applicant consult doctors, who <...> will provide recommendations regarding special needs.

15. <...> The Seimas Ombudsperson emphasises that, although the Applicant has not consulted doctors, has not been diagnosed with a disability, and does not have special needs, SP officers <...> should respond more carefully to the requests of arrested and sentenced persons, regarding the adaptation of the environment taking into account the individual needs of the person. <...> [S]uch a situation, when a person is obviously suffering when getting into or out of bed, which may even be dangerous to the Applicant's health, is not tolerable.

<...> [T]he behaviour of officials, when instead of solving the problem in principle, unnecessary or fictitious formalities are followed, unreasonably refusing to solve problems within the competence of the officials, can be considered bureaucratic <...> the response of the SP administration to the Applicant's request, when instead of solving the problem in principle, they are instructed to consult a doctor, although such a requirement is not provided for in legal acts, it is ambiguous, does not meet the requirements of good public administration and the principle of humanism, and should be considered bureaucratic.

²¹ Available at the Seimas Ombudspersons' website https://www.lrski.lt/?s=kal%C4%97jim%C5%B3&id=403&post_type=documents

2. Allocation of detainees

a. Geographical allocation

The specific place of execution of the sentence for convicts is selected according to the list of places of arrest and imprisonment approved by the Director of the Lithuanian Prisons Service, which must indicate which sentenced person and in which place of execution of the sentence is serving arrest or imprisonment sentences.²²

Open regime correction institutions are divided into open houses and halfway houses. Persons convicted of crimes for which a prison sentence does not exceed one year serve prison terms in open houses (except for persons convicted of intentional crimes committed during temporary detention or arrest or serving a prison sentence). Sentenced persons who require intensive preparation for release from prison institutions serve their prison sentences in halfway homes.²³

Specific categories of sentenced persons held in open houses and/or half-way houses, taking into account their age, sex, nature of the crime committed and other circumstances that may have a positive impact during the execution of their sentence and public safety, as well as sentenced persons who require intensive preparation for release from correction institutions, the selection criteria for half-way houses are determined by Director of the Lithuanian Prisons Service.²⁴

Order of the Director of the Lithuanian Prisons Service *Regarding the approval of the list of the delivery of arrested and convicted persons to specific places of execution of punishment and the list of the places of execution of sentences of deprivation of liberty*²⁵ determines the places of arrest or places for serving the sentence. According to this document, the places of execution of sentences are as follows:

- Adult men whose sentence exceeds 10 years of imprisonment - in closed prisons in Pravieniškių 2nd, Alytus, Marijampolė, Šiauliai prisons, as well as former and current state politicians, law enforcement, courts, prosecutor's office, control, government and management institutions officials, those serving a prison sentence for the first time, - in Šiauliai prison;
- Adult men sentenced of crimes for which prison term exceeds 1 year up to 10 years - in semi-open prisons in Pravieniškii 1st and 2nd, Alytus, Marijampolė, Vilnius prisons, as well as former and current state politicians, law enforcement, courts, prosecutor's office, control, government and management institutions officials, those serving a prison sentence for the first time, - in Kaunas prison (address, Technikos g. 34, Kaunas);
- Men sentenced of crimes for which a prison term of up to 1 year was imposed - in open houses in Alytus, Marijampolė or Pravieniškių 1st prisons, and former and current state politicians, officials of law enforcement, courts, prosecutor's office, control, government and management

²² Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 3.

²³ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Articles 4¹-4³.

²⁴ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 4⁴.

²⁵ Lithuania, Director of the Lithuanian Prisons Service (2023), Order Regarding the approval of the list of the delivery of arrested and convicted persons to specific places of execution of punishment and the list of the places of execution of sentences of deprivation of liberty ([Dėl Suimtujų ir nuteistųjų pristatymo į konkrečias bausmės atlikimo vietas sąrašo bei arešto ir Laisvės atėmimo bausmių atlikimo vietų paskyrimo sąrašo patvirtinimo](#)), No V-61, 25 January 2023, last amendment No V-1012, 12 December 2023.

institutions who are serving a prison sentence for the first time - to an open house in Kaunas prison;

- Male children convicted of intentional crimes for which a prison term exceeds one year - to semi-open places in Kaunas prison (address Technikos g. 34, Kaunas);
- Women sentenced for crimes for which the prison term exceeds 1 year - to semi-open or closed type places in Panevėžys prison;
- Women sentenced for crimes for which the prison term does not exceed 1 year - in an open house in Vilnius prison;
- Pregnant women and mothers with children under the age of three, if they wish to raise their children themselves and if there are free places - in the Panevėžys Prison Children's (Baby) Home;
- Sentenced persons who require inpatient examination and/or treatment, who are suffering from open tuberculosis or who require inpatient examination due to tuberculosis (except those who have to serve sentences in open-type prisons) – in specialised health care unit in Pravieniškiau 2nd Prison;
- Sentenced persons (except those who have to serve sentences in open-type prisons), recognised by the court as having limited liability or recognised as non-independent or partially independent in need of long-term or short-term social care, are assigned (transferred): male children - to Kaunas prison (address Technikos g. 34, Kaunas), women - to Panevėžys prison, adult men - to the specialised unit at Pravieniškių 2nd prison (Social care sector).

When assigning a sentenced person to a specific place of execution, the recommendations of the employees performing criminal intelligence, accounting, protection and supervision, resocialisation, and psychological and health care and criteria established in Article 30(2) of the Code on Enforcement of Punishment are taken into account.²⁶

Article 30(2) of the Code on Enforcement of Punishment defines that when choosing a specific place of execution of the sentence, where the convicted person will have to serve the prison sentence, the danger posed by the convicted person, public safety, the dangerousness and nature of the committed criminal act, the convicted person's health, psychological characteristics, age, work capacity, available speciality are taken into account, and if there is a possibility, the interests of children of convicted person and the permanent place of residence of the sentenced person or his/her relatives.²⁷

b. Allocation within detention facilities

The Order Regarding the approval of the instructions for protection and supervision of the Lithuanian Prison Service defines that upon arrival at the prison, prisoners must be assigned to living quarters in the following order:²⁸

- men - separately from women;
- arrested persons - separately from convicted persons;
- children - separately from adults. Along with sentenced children, there can be inmates under the age of twenty-four who started serving their prison sentence as children when there is no

²⁶ Lithuania, Director of the Lithuanian Prisons Service (2023), Order Regarding the approval of the list of the delivery of arrested and convicted persons to specific places of execution of punishment and the list of the places of execution of sentences of deprivation of liberty ([Dėl Suimtuju ir nuteistųjų pristatymo į konkrečias bausmės atlikimo vietas sąrašo bei arešto ir Laisvės atėmimo bausmių atlikimo vietų paskyrimo sąrašo patvirtinimo](#)), No V-61, 25 January 2023, last amendment No V-1012, 12 December 2023, para 3.

²⁷ Lithuania, Seimas (2022), Law Amending the Code on Enforcement of Punishment ([Bausmių vykdymo kodekso pakeitimo įstatymas](#)), No XIV-1196, 28 June 2022, last amendment No XIV-1771, 23 December 2022, Article 30(2).

²⁸ Lithuania, Minister of Justice (2023), Order Regarding the approval of the instructions for protection and supervision of the Lithuanian Prison Service ([Dėl Lietuvos kalėjimų tarnybos apsaugos ir priežiūros instrukcijos patvirtinimo](#)), No V-1070, 28 December 2023, Article 179; Lithuania, Seimas (2022), Law Amending the Code on Enforcement of Punishment ([Bausmių vykdymo kodekso pakeitimo įstatymas](#)), No XIV-1196, 28 June 2022, last amendment No XIV-1771, 23 December 2022, Article 26.

reason to transfer them to another place of execution of the sentence according to the requirements set out in the Code of Enforcement of Punishment;

- those sentenced to arrest - separately from those serving a term of imprisonment or life imprisonment;
- former and current state politicians, officials of law enforcement, courts, prosecutor's office, control, government and management institutions:
 - arrested officers - separately from other arrested persons;
 - those serving the arrest sentence for the first time - separately from other arrestees;
 - those serving a prison sentence for the first time - separately from other convicts;
- separately from each other participants in the same criminal proceedings after receiving a written instruction from the prosecutor leading or conducting the pre-trial investigation or the court having jurisdiction over the case;
- separately from others, prisoners suffering from open pulmonary tuberculosis or other infectious diseases. These prisoners walk in the yards separated from others;

The following prisoners may be held in isolation or separately from each other in the prison:²⁹

- when coming to prison for the first time - separately from other prisoners;
- who do not fulfil their duties and/or do not comply with the prohibitions imposed on them;
- to whom inpatient personal health care services are provided or on the recommendation of these specialists;
- prisoners assigned separately to each of the groups - light, ordinary and disciplinary groups;
- who have been identified as having a high risk of criminal behaviour - separately from prisoners who have been identified as having a low or medium risk of criminal behaviour;
- those who are not making progress in reducing the risk of criminal behaviour - separately from prisoners who are making such progress;
- when otherwise it is not possible to ensure the safety of prisoners and prison employees;
- temporarily isolated for other reasons by the decision of the chief specialist for the duty shift.

c. NPM assessment

Lithuania designated the Seimas Ombudsmen's Office (Parliamentary Ombudsperson's Office) as NPM. The last available report of the Seimas Ombudsmen's Office related to this issue is the *2019 Report on the National Prevention of Torture*.³⁰

The right of the convicted to be informed of a specific transfer decision taken in respect of the convicted person is restricted, family members and relatives are not informed about the transfer in advance and conditions are not created for appeal against such a decision following the procedure laid down by legal acts; (p.11 para 2)

In 2019, the Seimas Ombudsmen's Office also conducted a thematic study on the human rights situation in five prisons.³¹ The study presents the following opinion:

²⁹ Lithuania, Minister of Justice (2023), Order Regarding the approval of the instructions for protection and supervision of the Lithuanian Prison Service ([Dėl Lietuvos kalėjimų tarnybos apsaugos ir priežiūros instrukcijos patvirtinimo](#)), No V-1070, 28 December 2023, Article 180; Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 20.

³⁰ Lithuania, The Seimas Ombudsmen's Office (2019), [2019 Report on the National Prevention of Torture](#), December 2020.

³¹ Lithuania, Seimas Ombudsmen's Office (2019), Report on the human rights situation in Alytus Correctional Facility (Alytus CF), Marijampole Correctional Facility (Marijampole CF), Vilnius Correctional Facility (Vilnius CF), Open Colony of Praveniskiai Correctional Facility (Praveniskiai CF-OC), Panevezys Correctional Facility (Panevezys CF) and Siauliai Detention Centre (Siauliai DC) ([Ataskaita Dėl žmogaus teisių padėties Alytaus pataisos namuose, Marijampolės pataisos namuose, Vilniaus pataisos namuose, Praveniškių pataisos namuose- atvirojoje kolonijoje, Panevėžio pataisos namuose ir Šiaulių tardymo izoliatoriuje](#)), No NKP-2019/1-1, 2019 October 2019.

Original language

5.3. Konstatuotina, kad apribojant visų nuteistųjų, kuriuos planuota perkelti į kitas pataisos įstaigas <...>, teisės būti supažindintiems su konkrečiu nuteistojo atžvilgiu priimtu nutarimu dėl jo perkėlimo, iš anksto apie perkėlimą informuoti šeimos narius, artimuosius bei [teisę] šį nutarimą apskųsti <...>, taip pat nevertinant <...> apribojimų taikymo individualumo ir proporcingumo, buvo pažeistos nuteistųjų teisės, neužtikrinta, kad būtų laikomasi teisės aktuose įtvirtinto proporcingumo principo reikalavimų.

6.3. Konstatuotina, kad iš šimto (100) patikrinimo metu pataisos įstaigose buvusių perkeltų asmenų tik trečdaliui (dvidešimt aštuoniems (28) asmenims) perkėlimas į kitas pataisos įstaigas yra palankus socialiniams ryšiams su artimaisiais palaikyti. Taigi skirstant asmenis į kitas pataisos įstaigas nebuvo atsižvelgta į nuteistųjų ir jų sutuoktinių, giminaičių ir kitų artimųjų gyvenamąją vietą, taip sudarant kliūtis nuteistiesiems efektyviai palaikyti socialinius ryšius su išoriniu pasauliu.

Translation

5.3. It should be stated that by restricting the rights of all sentenced persons who are planning to be transferred to other correctional institutions <...> to be informed about the decision regarding his transfer, to inform family members and relatives in advance about the transfer and about the right to appeal this decision <...>, as well as not assessing the individuality and proportionality of the application of <...> restrictions, the rights of the sentenced persons were violated; it is not ensured that the requirements of the principle of proportionality enshrined in legal acts are met.

6.3. It should be noted that out of one hundred (100) transferred persons who were in correctional institutions at the time of the inspection, only one-third (twenty-eight (28) persons) of the transfer to other correctional institutions is favourable for maintaining social relations with relatives. Thus, the place of residence of sentenced persons and their spouses, relatives, and other relatives were not considered when assigning persons to other correctional institutions, thus creating obstacles for them to maintain social relations with the outside world effectively.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office indicated they do not have more recent or additional information.

3. Hygiene and sanitary conditions

a. Access to toilets

Legal regulation specifies that detainees at the place of arrest are locked in cells, and convicts at the place of execution are in residential floors, living quarters (cells), or wards. Still, they must be allowed to use a toilet and access a water source.³²

Each cell of the correctional institutions has a sanitary unit (toilet (that can be squatted) and wash basin).³³ When installing new or reconstructing existing cells, they must have a sanitary unit with dimensions (area) of at least 100x142 cm or at least 1.42 m². A metal washbasin and a toilet or a stainless steel toilet must be installed in the sanitary unit cabin. When there are no technical possibilities for

³² Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 23.

³³ Lithuania, Director of the Department of Prisons (2017), Order Regarding the approval of the norms for furnishing the premises of places of deprivation of liberty with furniture and other inventory ([Dėl Laisvės atėmimo vietų patalpų aprūpinimo baldais ir kitu inventoriumi normų patvirtinimo](#)), No V-245, 7 June 2017; Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the installing and operating of correctional institutions (detention facilities) ([Dėl Pataisos įstaigų \(tardymo izoliatorių\) įrengimo ir eksploatavimo taisyklių patvirtinimo](#)), No V-389, 21 December 2020, last amendment No V-270, 21 July 2022, Article 8.7

installing a sanitary unit cabin in the existing cell, the place of the sanitary unit must be separated from the rest of the cell area by a partition (up to the cell ceiling).³⁴

In prison, a sanitary and hygiene unit for inmates (for each squad) must be installed in the housing blocks of inmates who are assigned to the light and ordinary groups, as well as in open-type correction institutions and halfway houses.³⁵ The norm is 1 toilet (can also be squat) or urinal (for men only) for no more than 15 persons. Toilets are installed in cabins with partitions not lower than 1.5 m. The law does not specify more detailed requirements for these groups of inmates for access to toilets.

b. Access to showers and warm and running water

All places of deprivation of liberty must have drinking water³⁶ according to Lithuanian hygiene norm HN 24:2003 „Drinking water safety and quality requirements.“³⁷

Hot water must be supplied to the shower, laundry, hairdresser, and rooms for conjugal visits. Persons held in places of deprivation of liberty can take a shower at least once a week.³⁸

The Lithuanian hygiene norm HN 134:2015 sets the requirements for washrooms. Reusable washing utensils (bowls, bathtubs) must be washed and disinfected after each use, and showers and washrooms must be cleaned and disinfected every day of use.³⁹

c. Access to sanitary products

An arrested or sentenced person arriving for the first time at the correction institution who does not have any hygiene products with him/her is immediately issued a free package of sanitary products (towel, toilet paper (2 rolls), toilet soap (90 g), toothpaste (75 ml), toothbrush, hygiene packages (20 units, for women) and deodorant or antiperspirant (50 ml). When a person does not have all the mentioned sanitary products, only those which the person does not have are issued. Later, under their written request, sanitary products are issued to arrested persons and insolvent detained or convicted persons.⁴⁰ An inmate is considered insolvent if, within one month before the date of submission of the request to provide him/her with hygiene items, he/she had in his/her bank account and/or spent no

³⁴ Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the installing and operating of correctional institutions (detention facilities) ([Dėl Pataisos įstaigų \(tardymo izoliatorių\) įrengimo ir eksploatavimo taisyklių patvirtinimo](#)), No V-389, 21 December 2020, last amendment No V-270, 21 July 2022, Articles 11.5, 11.6 and 11.8.

³⁵ Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the installing and operating of correctional institutions (detention facilities) ([Dėl Pataisos įstaigų \(tardymo izoliatorių\) įrengimo ir eksploatavimo taisyklių patvirtinimo](#)), No V-389, 21 December 2020, last amendment No V-270, 21 July 2022, Articles 6.7. and 9.5.

³⁶ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018.

³⁷ Lithuania, Minister of Health (2003), Order Regarding the approval of the Lithuanian hygiene norm HN 24:2003 "Drinking water safety and quality requirements" ([Dėl Lietuvos higienos normos HN 24:2003 „Geriamojo vandens saugos ir kokybės reikalavimai“ patvirtinimo](#)), No V-455.23 July 2003, last amendment No V-141, 31 January 2023.

³⁸ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018, paras 18 and 44.

³⁹ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018, para 28.

⁴⁰ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Articles 303 and 304.

more than 0,5 of the basic social allowance.⁴¹ From 1 January 2024, the basic social allowance is 55 Eur.⁴² When an inmate uses his/her money to buy tobacco products, he/she is not considered insolvent.

Body and hair wash dispensers are installed in the shower rooms of arrested and convicted persons and filled as needed. Inmate can also buy these sanitary products for their own money.⁴³

d. Hygienic conditions in cells

The Lithuanian hygiene norm HN 134:2015 requires that there should be no arthropods, rodents and other pests in the place of deprivation of liberty. At the place of deprivation of liberty, continuous monitoring of arthropods and rodents must be carried out.⁴⁴ When traces of arthropods and/or rodents are detected, their destruction must be ensured following the description of the procedure for the Mandatory Prophylactic Environmental Harm Removal (disinfection, dissection, deratization) approved by the Minister of Health.⁴⁵

Cells and other residential premises for inmates in correction institutions are cleaned according to the procedure established by the head of the correction institution.⁴⁶ Cleaning equipment (floor brush, mop, dustpan, bucket, cleaners) must be provided for rooms that are cleaned by the inmates themselves (e.g., living quarters of a prison or rooms for conjugal visits). No visible mould must be on the walls and ceilings of living and common areas. Inmates must be provided with conditions for washing and drying personal underwear and outerwear if they are not washed centrally and if inmates are not provided with clean underwear and outerwear. Mattresses, pillows, and blankets must have covers made of fabric impermeable to liquids, resistant to surface cleaning and disinfectants, or made of fabric suitable for washing and/or disinfection with means in a correction institution, e.g. in a disinfection chamber. It is prohibited to hand over undisinfected, unwashed (uncleaned) mattresses, pillows, blankets, unwashed bed linen, towels, and clothes of inmates to other inmates. Bed linen and towels (if provided) must be changed, considering their contamination, but at least once a week.⁴⁷

e. NPM assessment

The most recent report of the CPT on its periodic visit to Lithuania covers the period from 10 to 20 December 2021.⁴⁸

⁴¹ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 310.

⁴² Lithuania, SODRA (2024), Main social indicators ([Paagrindiniai socialiniai rodikliai](#)), attended at 22 April 2024.

⁴³ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Articles 42.3 and 308

⁴⁴ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaių areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018, para 20.

⁴⁵ Lithuania, Minister of Health (2009), Order Regarding the approval of the description of the procedure for the Mandatory Prophylactic Environmental Harm Removal (disinfection, dissection, deratization) ([Dėl Privalomojo profilaktinio aplinkos kenksmingumo pašalinimo \(dezinfekcijos, dezinfekcijos, deratizacijos\) tvarkos aprašo patvirtinimo](#)), No V-55, 2 February 2009, last amendment No V-1045, 29 August 2016.

⁴⁶ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaių areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018, para 35.

⁴⁷ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaių areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018, paras 37-43.

⁴⁸ Strasbourg, European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment (CPT) (2023), [Report to the Lithuanian Government on the periodic visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 20 December 2021](#), CPT/Inf (2023) 01, 23 February 2023.

Lithuania designated the Parliamentary Ombudsman's Office (Seimas Ombudsmen's Office) as NPM. In 2019, Seimas Ombudsmen's Office conducted a thematic study on the human rights situation in five prisons.⁴⁹ The study presents the following opinion:

Original language

7.3. Konstatuotina, kad į Alytaus PN, Marijampolės PN, Pravieniškių PN-AK, Šiaulių TI ir Panevėžio PN perkeltiems asmenims materialinės laikymo sąlygos nėra tinkamai užtikrinamos, taip sudarant prielaidas pažeisti pataisos įstaigose laikomų nuteistųjų žmogiškąjį orumą.

Translation

7.3. It should be stated that the material conditions of imprisonment for persons transferred to Alytus CF, Marijampole CF, Praveniskiai CF-OC, Šiauliai DC, and Panevėžys CF are not adequately ensured, thus creating the prerequisites for violating the human dignity of sentenced persons held in correctional institutions.

In 2023, Seimas Ombudsmen's Office conducted a thematic study on the Prevention of Hepatitis B, Hepatitis C, Tuberculosis, Hiv/Aids, and Sexually Transmitted Infections, and the availability of treatment for these diseases in Prison Places.⁵⁰ The study also discusses the hygienic conditions in Marijampole Correctional Facility (since 1 January 2023 – Marijampole prison), Alytus Correctional Facility (since 1 January 2023 – Alytus prison), and Open Colony of Praveniskiai Correctional Facility (since 1 January 2023 – Praveniskiai 1st prison). The study presents the following opinion:

Original language

3.3.23. Visose patikrinimų metu lankytose tikrintų įstaigų nuteistųjų gyvenamosiose ir bendro naudojimo patalpose <...> palaikyta patenkinama higiena. Marijampolės kalėjimo pareigūnų teigimu, būrių patalpose reguliariai vykdomi generaliniai tvarkymaisi, kurių metu vykdoma patalpų dezinfekcija cheminėmis priemonėmis. Vis dėlto, <...> Marijampolės kalėjimo ir Alytaus kalėjimo būrių bendro naudojimo patalpose, taip pat kai kuriose kamerose buvo jaučiamas stiprus rūkalų kvapas, tvyrojo cigarečių dūmai, taigi šiose patalpose tinkama ventilacija nebuvo užtikrinta.

Translation

3.3.23. Satisfactory hygiene conditions were found in the sentenced persons' living and common areas of all <...> inspected institutions <...>. According to Marijampole prison officials, general maintenance is regularly carried out in the premises of the squads, during which the premises are disinfected with chemical means. However, in the common rooms of the squads of Marijampole Prison and Alytus Prison <...>, and some cells, a strong smell of cigarettes was felt, and cigarette smoke was felt, so adequate ventilation was not ensured in these rooms.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office indicated they do not have additional information.

⁴⁹ Lithuania, Seimas Ombudsmen's Office (2019), Report on the human rights situation in Alytus Correctional Facility (Alytus CF), Marijampole Correctional Facility (Marijampole CF), Vilnius Correctional Facility (Vilnius CF), Open Colony of Praveniskiai Correctional Facility (Praveniskiai CF-OC), Panevezys Correctional Facility (Panevezys CF) and Siauliai Detention Centre (Siauliai DC) ([Ataskaita Dėl žmogaus teisių padėties Alytaus pataisos namuose, Marijampolės pataisos namuose, Vilniaus pataisos namuose, Pravieniškių pataisos namuose- atvirojoje kolonijoje, Panevėžio pataisos namuose ir Šiaulių tardymo izoliatoriuje](#)), No NKP-2019/1-1, 2019 October 2019.

⁵⁰ Lithuania, Seimas Ombudsmen's Office (2023), Study on the Prevention of Hepatitis B, Hepatitis C, Tuberculosis, Hiv/Aids, and Sexually Transmitted Infections, and the availability of treatment for these diseases in Prison Places ([Ataskaita dėl hepatito b, hepatito c, tuberkuliozės, živ / aids ir lytiškai plintančių infekcijų prevencijos ir šių lių gydymo prieinamumo laisvės atėmimo bausmės atlikimo vietose](#)), No. NKP-2023/1-2, 2 May 2023.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.⁵¹ During the coverage period, the following decisions were issued regarding the hygiene and sanitary conditions for sentenced persons.

The Seimas Ombudsperson, in decision No. 4D-2023/1-1014, 21 December 2023, recommended that a shower be available after sports.⁵²

Original language

15. <...> Seimo kontrolierė Lietuvos kalėjimų tarnybos direktoriui rekomenduoja imtis priemonių, kad Šiaulių kalėjime laikomiems suimtiesiems (nuteistiesiems) <...> būtų sudaromos sąlygos po sporto pasinaudoti dušu.

Translation

15. <...> The Seimas Ombudsperson recommends to the Director of the Lithuanian Prison Service to take measures so that the detainees (convicts) held in the Šiauliai prison <...> can take a shower after sports.

The Seimas Ombudsperson, in decision No. 4D-2023/1-7, 3 April 2023, recommended that a shower be available after sports.⁵³

Original language

13. <...> [P]agal Šiaulių kalėjime nustatytą tvarką <...> suimtieji ir nuteistieji dušu turėjo teisę pasinaudoti du kartus per savaitę, tačiau, <...> buvo atsisakyta sudaryti jiems sąlygas papildomai pasinaudoti dušu po sporto. <...> Šiaulių kalėjimo pareigūnai, <...> nesiimdami efektyvių priemonių suderinti aktyvaus nuteistųjų laisvalaikio užimtumo ir naudojimosi dušu tvarkaraščių, sukūrė situaciją, kai užimtumo priemonė (šiuo atveju – sportas) priešpriešinama poreikiui tinkamai laikytis asmens higienos (šiuo atveju – pasinaudoti dušu), ir tokiu būdu pažeidė <...> bausmės atlikimo vietoje laikomų asmenų <...> teisę į tinkamas ir žmogaus orumo nežeminančias laikymo sąlygas.

16 <...> Seimo kontrolierė Lietuvos kalėjimų tarnybos direktoriui rekomenduoja imtis priemonių, kad ateityje Šiaulių kalėjime laikomiems suimtiesiems / nuteistiesiems <...>, būtų sudaromos sąlygos po sporto pasinaudoti dušu.

Translation

13. <...> [A]ccording to the procedure established in the Siauliai prison <...>, the arrested and sentenced persons had the right to use the shower twice a week; however, <...> they were denied the opportunity to use the shower after sports additionally. <...> Siauliai prison officials, <...> without taking effective measures to coordinate the convicts' schedules of active free time and use of the shower, created a situation where the positive activity (in this case – sports) is opposed to the need to properly observe personal hygiene (in this case – to use the shower), and in this way violated <...> the right of persons held at the place of execution <...> to appropriate conditions of detention that do not degrade human dignity.

⁵¹ Lithuania, Seimas (1998), Law on Seimas Ombudspersons (*Seimo kontrolierių įstatymas*), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

⁵² Available at the Seimas Ombudspersons' website https://www.lrski.lt/?s=kal%C4%97jim%C5%B3&id=403&post_type=documents

⁵³ Available at the Seimas Ombudspersons' website https://www.lrski.lt/?s=kal%C4%97jim%C5%B3&id=403&post_type=documents

16 <...> The Seimas Ombudsperson recommends to the director of the Lithuanian Prison Service to take measures so that in the future, detained/sentenced persons held in the Šiauliai prison <...> can take a shower after sports.

The Seimas Ombudsperson, in decision No. 4D-2023/1-47, 7 February 2023, found several violations of the living and hygiene conditions of the person.⁵⁴

Original language

10.1. Kameroje, kurioje laikomas Pareiškėjas, yra įrengta sanitarinio mazgo patalpa, tačiau ji neturi durų.

<...> Vilniaus kalėjimas neužtikrina Pareiškėjui higienos požūriu tinkamų laikymo sąlygų, nes sanitarinio mazgo patalpa (kabina) neatskirta durimis nuo likusios gyvenamosios erdvės, dėl ko kameroje gali laikytis nemalonus kvapas. <...>

10.2. Kameroje, kurioje laikomas Pareiškėjas, sanitarinio mazgo patalpa yra neprižiūrėta, nešvari, joje nėra valymo priemonių.

<...> Pareiškėjui Vilniaus kalėjime neužtikrinta galimybė naudotis higieniškais sanitariniais įrenginiais.

10.3. Kameroje, kurioje laikomas Pareiškėjas, langas nėra įstiklintas; lango rėme vietoj stiklo įstatyta šviesai nelaidi putų polistireno plokštė; yra trys lubiniai šviestuvai (dirbtinis apšvietimas), du iš jų neveikiantys (išdaužti), bei neveikianti (išdaužta) naktinio (budinčio) apšvietimo lemputė.

<...> Vilniaus kalėjime nėra laikomasi [teisės aktų] reikalavimų, nes kameroje, kurioje laikomas Pareiškėjas, nėra tinkamai įrengtas dirbtinis ir naktinis (budintis) apšvietimas, o taip pat <...> neužtikrintas natūralios dienos šviesos patekimas į patalpas.

Translation

10.1. The cell where the Applicant is kept has a sanitary facility, but it does not have a door.

<...> Vilnius prison did not provide the Applicant with suitable conditions of stay from the point of view of hygiene because the room (cabin) of the sanitary unit is not separated by a door from the rest of the living space, as a result of which an unpleasant smell may linger in the cell. <...>

10.2. In the cell where the Applicant is kept, the room of the sanitary unit is unmaintained and dirty, and there are no cleaning products in it.

<...> The applicant cannot use hygienic sanitary facilities in Vilnius prison.

10.3. The window in the cell where the Applicant is kept is not glazed; instead of glass in the window frame, a light-proof polystyrene foam plate is installed; there are three ceiling lights (artificial lighting), two of which do not work (broken), and a night (standby) light that does not work (broken).

<...> the requirements of [legislative acts] are not complied with in the Vilnius prison because the cell where the Applicant is kept is not properly equipped with artificial and night (on-call) lighting, and also <...> the entry of natural daylight into the premises is not ensured.

⁵⁴ Available at the Seimas Ombudspersons' website https://www.lrski.lt/?s=kal%C4%97jim%C5%B3&id=403&post_type=documents

The Seimas Ombudsperson, in decision No. 4D-2023/1-406, 7 August 2023, found that the courtyard environment does not meet the requirements of legal acts ⁵⁵

Original language

19. <...> Marijampolės kalėjimo pasivaikščiojimo kiemelių sienų danga vietomis yra nubyrėjusi ir pažeista drėgmės. Šios aplinkybės leidžia teigti, kad Pareiškėjo teiginiai, jog pasivaikščiojimo kiemeliai neatitinka teisės aktų reikalavimų iš dalies buvo patvirtinti. Marijampolės kalėjimo pareigūnai taip pat pripažino, kad pirmiau nurodytoje bausmės atlikimo vietoje esantys pasivaikščiojimo kiemeliai neatitinka teisės aktų reikalavimų, todėl šiuo metu yra vykdomi jų atnaujinimo darbai.

Translation

19. <...> The covering of the walls of the walking yards of the Marijampole prison has fallen off and is damaged by moisture in places. These circumstances allow us to state that the Applicant's claims that the walking yards do not meet the requirements of legal acts have been partially confirmed. Marijampole prison officials also admitted that the walking yards in the above-mentioned place of execution do not meet the requirements of legal acts. Hence, their renovation work is currently underway.

4. Nutrition

a. Quality and quantity of food

Order of the Minister of Justice *Regarding implementing the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest* define general rules regarding food provided to inmates.⁵⁶ The order states that the correction institution organises meals for inmates. Inmates are fed according to menus approved by the director of the correctional institution. Minors, pregnant women and nursing mothers are fed 4 times a day, and other inmates are fed 3 times a day. The feeding schedule must be made so that the intervals between feedings are not shorter than 3 and not longer than 5 hours (excluding the time for sleeping). For inmates kept in cells, food is delivered to the cells in heating devices. Others eat in the cafeteria. The correction institution's director approves the meal schedule for inmates in the canteen. Food must be prepared 3 or 4 times a day according to the requirements of technological processes and food hygiene norms and menus. The dishes specified in the menus are prepared according to recipes approved by the director of the correction institution. The temperature of hot food (dish) inside it must not be lower than +75 °C. Food must be prepared 20-30 minutes before serving or pouring into heat-retaining devices. If the arrestees or convicts are fed in 2 or 3 shifts, the prepared food must be stored in heat-supporting facilities at a temperature not lower than +68 °C and consumed on the day of preparation. In exceptional cases, cooled food, which must be served hot, can be kept in the refrigerator at a temperature no higher than +4 °C for no longer than 24 hours. After repeated heat treatment, food must be consumed within 1 hour. Mixing fresh food with previously prepared dishes or their leftovers is forbidden. Inmates cannot take food (except bread and fruit) from the canteen.

⁵⁵ Available at the Seimas Ombudspersons' website https://www.lrski.lt/?s=kal%C4%97jim%C5%B3&id=403&post_type=documents

⁵⁶ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest (*Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo*) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Articles 311-319.

The *Rules for the organisation of food for persons kept in pre-trial detention and deprivation of liberty places*, approved by the order of the Director of the Department of Prisons, determine the procedure for purchasing, cooking, and serving food to such persons.⁵⁷

Inmates are fed according to the following menus: Menu for working men, Menu for non-working men, Menu for working women, Menu for non-working women, Menu for minors, Menu for pregnant women, Menu for breastfeeding women, Menu for working men (vegetarians), Menu for non-working men (vegetarians), Menu for working women (vegetarians), Menu for non-working women (vegetarians), Diet menu, Menu for vegans, Menu for working vegans, Menu (pork-free) for working men, Menu (pork-free) for non-working men, Menu (pork-free) for working women and Menu (pork-free) for non-working women.⁵⁸

The menu is approved for one month. It shows the names of dishes and their weight in grams for breakfast, lunch, and dinner. In addition, the names and amounts of the products that make up the menu dishes (ration) are also defined, as well as the chemical composition (proteins, fats, and carbohydrates) and caloric content of each daily food ration.

b. Drinking water

All places of deprivation of liberty must have drinking water⁵⁹ according to Lithuanian hygiene norm HN 24:2003 „Drinking water safety and quality requirements.“⁶⁰

Detainees locked in cells at the place of arrest and convicts locked at the place of execution on residential floors, living quarters (cells), or wards must have access to a toilet and a water source.⁶¹

c. Dietary requirements

The Director of the Department of Prisons by the order *Regarding the amendment of the order of the Director of the Prisons Department under the Ministry of Justice of the Republic of Lithuania dated May 2, 2006, No. 4/07-117 "On the approval of the rules for the organisation of meals for persons held in remand prisons and places of deprivation of liberty"*,⁶² defined that inmates are fed following the diets that conform to physiological nutritional norms and, as far as possible, to their religious beliefs. Inmates for whom the doctor has prescribed dietetic nutrition based on the patient's illness are fed according to dietetic nutrition menus. For those suffering from tuberculosis or having other confirmed medical conditions that require high-calorie food rations, inmates are fed according to the Menu for working

⁵⁷ Lithuania, Director of the Department of Prisons (2006), Order on the Approval of Rules for the organisation of food for persons kept in pre-trial detention and deprivation of liberty places ([Dėl Asmenų, laikomų kardomojo kalinimo ir laisvės atėmimo vietose, maitinimo organizavimo taisyklių patvirtinimo](#)), No 4/07-117, 2 May 2006, last amendment No V-490, 7 November 2018.

⁵⁸ Lithuania, Director of the Department of Prisons (2017), Order Regarding the approval of menus for arrested and convicted persons ([Dėl valgiaraščių suimtiesiems ir nuteistiesiems patvirtinimo](#)), No V-447, 7 November 2017, last amendment No V-387, 18 December 2020.

⁵⁹ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaių areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018.

⁶⁰ Lithuania, Minister of Health (2003), Order Regarding the approval of the Lithuanian hygiene norm HN 24:2003 "Drinking water safety and quality requirements" ([Dėl Lietuvos higienos normos HN 24:2003 „Geriamojo vandens saugos ir kokybės reikalavimai“ patvirtinimo](#)), No V-455.23 July 2003, last amendment No V-141, 31 January 2023.

⁶¹ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 23.1.

⁶² Lithuania, Director of the Department of Prisons (2015), Order Regarding the amendment of the order of the Director of the Prisons Department under the Ministry of Justice of the Republic of Lithuania dated May 2, 2006 no. 4/07-117 "On the approval of the rules for the organization of meals for persons held in remand prisons and places of deprivation of liberty" ([Dėl Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2006 m. gegužės 2 d. įsakymo Nr. 4/07-117 „Dėl Asmenų, laikomų kardomojo kalinimo ir laisvės atėmimo vietose, maitinimo organizavimo taisyklių patvirtinimo“, pakeitimo](#)), No V-100, 3 March 2015.

men, Menu for working women, Menu for minors, Menu for pregnant women, Menu for breastfeeding women, Menu for working men (vegetarians) or Menu for working women (vegetarians).

d. NPM assessment

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office indicated they do not have remarks regarding nutrition.

5. Time spent outside the cell and outdoors

a. Time spent outdoors

In closed prisons, convicted persons assigned to the ordinary group have the right to walk for an hour and a half every day, while persons with disabilities with 0-40 per cent working capacity or those who have high or moderate special needs, pregnant women, and patients (based on doctors' opinion)—three hours per day.⁶³

In closed prisons, convicted persons assigned to the disciplinary group have the right to walk for an hour every day, while persons with disability with 0-40 per cent working capacity or those who have high or moderate special needs, pregnant women, and patients (based on doctors' opinion)—three hours per day.⁶⁴

In semi-open prisons, convicts assigned to the ordinary group can walk for three hours daily.⁶⁵

In semi-open, convicted persons assigned to the disciplinary group have the right to walk for two hours every day, while persons with disability with 0-40 per cent working capacity or those who have high or moderate special needs, pregnant women, and patients (based on doctors' opinion)—three hours per day.⁶⁶

Convicted persons assigned to the light group in semi-open prisons have the right to walk for four hours daily.⁶⁷

Convicts serving their sentences in open-type prisons have the right to walk freely in the designated area from the moment they wake up until the time they go to bed.⁶⁸

For impeccable behaviour and progress in reducing the risk of criminal behaviour, convicts serving prison sentences can be given an incentive - an extension of the walking time.⁶⁹

⁶³ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 33 (4) and 44.

⁶⁴ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 33(5) and 44.

⁶⁵ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 34(3) and 44.

⁶⁶ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 34(5) and 44.

⁶⁷ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 34(6) and 44.

⁶⁸ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 35(3) and 44.

⁶⁹ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 35(3), 44 and 77.

Convicted persons who are in solitary confinement as a disciplinary penalty can walk for one hour every day. In contrast, minors, persons with disability with 0-40 per cent working capacity or those who have high or moderate special needs, and patients (based on doctors' opinions)—have three hours per day.⁷⁰

Detainees can walk in the fresh air for at least one hour daily. Minors, persons with disabilities with 0-40 per cent working capacity or those with high or moderate special needs, pregnant women, and sick people are given the right to walk for at least three hours daily based on a doctor's opinion.⁷¹

Arrested and convicted persons can walk in the fresh air at the time specified in their agenda.⁷² The walk may not take place, or its duration may be shortened only in case of unfavourable weather conditions if the convict agrees.⁷³ The walk is terminated if, during the walk, the arrested or convicted persons use physical or mental violence against other persons, insult, make noise, do not protect the property of the prison institution or commit other violations, as well as at the request of the arrested or convicted person to stop the walk.⁷⁴ Arrested persons may have extended walking time for good behaviour.⁷⁵

b. Time spent indoors

The institution of places of deprivation of liberty must offer various meaningful activities to each arrested person so that the total time the detainee spends outside the cell is at least four hours daily.⁷⁶

The institution of places of deprivation of liberty must strive to ensure that every convict spends at least five hours a day in meaningful activities that meet their and society's interests.⁷⁷

These activities are carried out outside the cells.

c. Recreational facilities

The legal acts state that a room for leisure activities (for each squad) and a yard for walking are installed in the housing blocks of the prisoners. Premises for other purposes can also be installed. However, it is not detailed what kind and for which purpose.⁷⁸

⁷⁰ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 81(1).

⁷¹ Lithuania, Seimas (1996), Law on Enforcement of Arrest ([Lietuvos Respublikos suėmimo vykdymo įstatymas](#)), No. I-1175, 18 January 1996, last amendment No. XIV-1772, 23 December 2022, Article 17 (1).

⁷² Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 120.

⁷³ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 44(2).

⁷⁴ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 124.

⁷⁵ Lithuania, Seimas (1996), Law on Enforcement of Arrest ([Lietuvos Respublikos suėmimo vykdymo įstatymas](#)), No. I-1175, 18 January 1996, last amendment No. XIV-1772, 23 December 2022, Article 28.

⁷⁶ Lithuania, Seimas (1996), Law on Enforcement of Arrest ([Lietuvos Respublikos suėmimo vykdymo įstatymas](#)), No. I-1175, 18 January 1996, last amendment No. XIV-1772, 23 December 2022, Article 21 (1).

⁷⁷ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 55(2).

⁷⁸ Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the installing and operating of correctional institutions (detention facilities) ([Dėl Pataisos įstaigų \(tardymo izoliatorių\) įrenqimo ir eksploataavimo taisyklių patvirtinimo](#)), No V-389, 21 December 2020, last amendment No V-270, 21 July 2022, Articles 6-10.

d. Educational activities

The legal acts state that a room for leisure activities (for each squad) and a yard for walking are installed in the housing blocks of the prisoners. Premises for other purposes can also be installed. However, it is not detailed what kind and for which purpose.⁷⁹

The closed and semi-open institutions of places of deprivation of liberty provide the facilities required for general education schools. They also pay for operating, repairing, and purchasing school furniture for these premises.⁸⁰

The closed and semi-open institutions of places of deprivation of liberty provide the necessary premises for the vocational training of convicts at the place of execution of the sentence and pay the costs of operating, repairing, and purchasing furniture for these premises. Other vocational training costs are paid from the Lithuanian state budget.⁸¹

The prison institution provides the facilities required for the general education school for Arested. It also pays for operating, repairing, and purchasing school furniture for these premises. Education funds are allocated from the Lithuanian state budget to implement the educational plan, purchase textbooks and other teaching aids, and improve the school economy.⁸²

e. NPM assessment

The most recent report of the CPT on its periodic visit to Lithuania covers the period from 10 to 20 December 2021.⁸³

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office indicated they do not have remarks regarding time spent outside the cell and outdoors.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.⁸⁴ During the coverage period, the following decisions were issued regarding the sentenced persons' time spent outside the cell and outdoors.

The Seimas Ombudsperson, in decision No. 4D-2023/1-1150, 11 April 2024, found that the prison does not provide sufficient conditions for sports.⁸⁵

Original language

⁷⁹ Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the installing and operating of correctional institutions (detention facilities) (*Dėl Pataisos įstaigų (tardymo izoliatorių) įrengimo ir eksploatavimo taisyklių patvirtinimo*), No V-389, 21 December 2020, last amendment No V-270, 21 July 2022, Articles 6-10.

⁸⁰ Lithuania, Seimas (2002), Code on execution of sentences (*Lietuvos Respublikos Bausmių vykdymo kodeksas*), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 65.

⁸¹ Lithuania, Seimas (2002), Code on execution of sentences (*Lietuvos Respublikos Bausmių vykdymo kodeksas*), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 66.

⁸² Lithuania, Seimas (1996), Law on Enforcement of Arrest (*Lietuvos Respublikos suėmimo vykdymo įstatymas*), No. I-1175, 18 January 1996, last amendment No. XIV-1772, 23 December 2022, Article 22.

⁸³ Strasbourg, European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment (CPT) (2023), [Report to the Lithuanian Government on the periodic visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 20 December 2021](#), CPT/Inf (2023) 01, 23 February 2023.

⁸⁴ Lithuania, Seimas (1998), Law on Seimas Ombudspersons (*Seimo kontrolierių įstatymas*), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

⁸⁵ Available at the Seimas Ombudspersons' website https://www.lrski.lt/?s=kalc4%97jim%C5%B3&id=403&post_type=documents

4.1. „Pravieniškų 2-ajame kalėjime Pareiškėjas atlieka laisvės atėmimo iki gyvos galvos bausmę uždaro tipo bausmės atlikimo vietoje <...>.

10. Pareiškėjas Skunde nurodė, kad <...> būryje esančioje krepšinio sporto aikštelėje jis norėtų sportuoti po valandą laiko kiekvieną dieną, tačiau pareigūnai leidžia sportuoti tik pagal sudarytą nuteistųjų sporto aikštyno grafiką, pagal kurį Pareiškėjas gali sportuoti tris kartus per savaitę – pirmadieniais, trečiadieniais, penktadieniais nuo 15 iki 16 val.

12. <...> pagal šiuo metu Pareiškėjui nustatytą lankymosi sporto aikštyne grafiką Pareiškėjas turi galimybę sportuoti atvira ore tris valandas per savaitę ir tai neatitinka CPT, Europos kalėjimų taisyklėse rekomenduojamų standartų. Fizinis krūvis, trunkantis vieną valandą kasdien, yra minimalus, kuris turėtų būti taikomas visiems nuteistiesiems, nepriklausomai nuo jų kitų užsiėmimų. Kartu Seimo kontrolierė pastebi, kad nuteistųjų dienotvarkė ir joje nustatytas laikas sportui turėtų periodiškai keistis, atsižvelgiant ir į nuteistųjų poreikius.

19. <...> Seimo kontrolierė Lietuvos kalėjimų tarnybos direktoriui rekomenduoja užtikrinti, kad Pareiškėjas galėtų kasdien, esant tinkamoms oro sąlygoms, ne mažiau nei vieną valandą per dieną mankštintis atvira ore bei periodiškai keisti lankymosi sporto aikštyne grafiko laiką.

Translation

4.1. In Pravieniskiai 2nd prison, the Applicant is serving a life sentence in a closed type of prison <...>.

10. The applicant stated in the Complaint that he wants to exercise for an hour every day on the basketball court located in the <...> unit, but the officials allow him to exercise only according to the convicts' exercise schedule on the court; according to which the Applicant can exercise three times a week - on Mondays, Wednesdays, Fridays from 15:00 to 16:00.

12. <...> [A]ccording to the applicant's schedule of visiting the sports field, the applicant can play sports in the open air for three hours a week, which does not meet the standards recommended by the CPT, the European Prison Rules. Physical activity lasting one hour daily is the minimum that should apply to all sentenced persons, regardless of their other activities. At the same time, the Seimas Ombudsperson observes that the sentenced persons' agenda and the time set for sports should be changed periodically, considering the sentenced persons' needs.

19. <...> The Seimas Ombudsperson recommends to the Director of the Lithuanian Prison Service to ensure that the Applicant can exercise in the open air for at least one hour a day, under suitable weather conditions, and periodically change the time of his visit to the sports field.

6. Solitary confinement

a. Placement in solitary confinement

Convicts who do not comply with the requirements of prison officials, organise pickets, rallies, demonstrations and other group events without the permission of the prison institution and participate in them, consume alcoholic beverages or their substitutes, narcotic, psychotropic or other psychedelic substances or toxic means, as well also uses medication without a doctor's permission, incites other convicts and detainees to refuse to comply with the demands of prison officials, demands any service from other convicts or detainees, uses physical or mental violence against other persons, as well as convicts who, before the violation, have been punished three times within administrative and/or

disciplinary penalties of one year, a disciplinary penalty may be imposed - their isolation for up to thirty days, and for juvenile convicts - up to five days.⁸⁶

Convicts assigned to the disciplinary group are kept locked in residential premises (cells). In contrast, those sentenced to arrest and convicts assigned to the ordinary group are kept locked in residential premises (cells) if it is necessary to ensure their separate detention or they, due to their personal characteristics, may have a negative influence on other convicts, pose a danger to other persons health or life or if it is necessary for the purpose of ensuring the security of the institution of deprivation of liberty.⁸⁷

b. Monitoring of detainees

Legal regulation does not specify any rules related to checking and/or monitoring the well-being of detainees in solitary confinement.

c. NPM assessment

The most recent report of the CPT on its periodic visit to Lithuania covers the period from 10 to 20 December 2021.⁸⁸

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office indicated they do not have remarks regarding solitary confinement.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.⁸⁹ During the coverage period, the following decisions were issued regarding solitary confinement.

The Seimas Ombudsperson, in decision No. 4D-2022/1-985, 14 February 2023, found that the prison violated the conditions of placing a sentenced person in solitary confinement.⁹⁰

Original language

22. <...> Pareiškėjas 2022-07-27 savavališkai pasišalino iš įstaigos teritorijos, buvo sulaukytas ir 2022-07-27 Alytaus kalėjimo Saugumo valdymo skyriaus vyriausiojo specialisto nutarimu izoliuotas 48 valandoms. Praleidęs 48 valandas kamerų tipo patalpose, Pareiškėjas buvo iš naujo laikinai izoliuojamas 48 valandoms, iš viso izoliacija buvo tęsiama iki 2022-08-18. Alytaus kalėjimo administracija patvirtino, kad nuo 2022-07-27, izoliavus nuteistąjį ir patalpinus jį į kamerų tipo patalpas, jis negalėjo apsipirkti pataisos namų parduotuvėje, negalėjo skambinti telefonu (išskyrus skambučiai advokatui), negalėjo žiūrėti televizoriaus, taigi, Pareiškėjui nepagrįstai buvo apribotos jo iki izoliavimo turėtos teisės ir

⁸⁶ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 79 (2).

⁸⁷ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 23.4.

⁸⁸ Strasbourg, European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment (CPT) (2023), [Report to the Lithuanian Government on the periodic visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 20 December 2021](#), CPT/Inf (2023) 01, 23 February 2023.

⁸⁹ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolierių įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

⁹⁰ Available at the Seimas Ombudspersons' website https://www.lrski.lt/?s=kal%C4%97jim%C5%B3&id=403&post_type=documents

nepagrįstai buvo taikomas griežtesnis režimas. <...> [I]zoliacija, o tuo pačiu ir Pareiškėjo teisių suvaržymas tęsėsi ilgą laiką, 22 dienas.

23. <...> [M]anytina, kad Alytaus kalėjimo administracijos veiksmai vis iš naujo skiriant izoliavimą 48 valandoms ir jį tęsiant 22 dienas, negali būti vertinami kaip teisėti (galimybės vis iš naujo skirti izoliaciją tuo pačiu pagrindu teisės aktai iš viso nenumato) ir atitinkantys proporcingumo principą.

Pažymėtina, kad izoliacija gali būti skiriama tik išimtiniais konkrečiais [Bausmių vykdymo kodekso] numatytais atvejais, o 48 valandų laikotarpis yra skirtas sprendimams dėl tolesnio nuteistojo statuso priimti.

24. <...> Alytaus kalėjimo administracija, nuo 2022-07-27 iki 2022-08-18 laikydama Pareiškėją izoliuotą, nepagrįstai apribojo jam priklausančias teises ir tokiu būdu nepagrįstai taikė griežtesnį nei priklausė režimą, nesilaikė teisėtumo bei proporcingumo principų <...>.

Translation

22. <...> The applicant left the territory of the prison on 27/07/2022; he was detained and isolated for 48 hours by the decision of the chief specialist of the Security Management Department of Alytus Prison on 27/07/2022. After spending 48 hours in the cell, the Applicant was placed in temporary isolation again for 48 hours; in total, the isolation was continued until 18/08/2022. The Alytus prison administration confirmed that from 27/07/2022, after isolating the convict and placing him in a cell, he could not shop in the correctional facility's store, could not make phone calls (except for calls to the lawyer), could not watch TV; therefore, the Applicant's rights were unreasonably restricted and a stricter regime was unjustifiably applied. <...> [T]he isolation, and at the same time the limitation of the Applicant's rights, continued for a long time, 22 days.

23. <...> [I]t can be assumed that the actions of the Alytus prison administration in re-imposing isolation for 48 hours and continuing it for 22 days cannot be regarded as legal (the possibility of re-imposing isolation on the same basis is not provided for in the legislation at all) and following the principle of proportionality.

It should be noted that solitary confinement can only be imposed in exceptional specific cases provided for in the [Sentencing Code], and the 48-hour period is reserved for decisions on the further status of the convicted person.

24. <...> The administration of Alytus prison, keeping the Applicant in isolation from 27/07/2022 to 18/08/2022, unreasonably limited his rights and thus unreasonably applied a stricter regime than he deserved, did not follow the principles of legality and proportionality <...>.

The Seimas Ombudsperson, in decision No. 4D-2022/1-748, 21 September 2022, indicated that decisions to place a person in solitary confinement are not always properly reasoned.⁹¹

Original language

15. <...> Marijampolės PN įgalioto pareigūno priimtas sprendimas laikytinas nepakankamai motyvuotu, jame nėra pateikta jokių aiškių argumentų, kuo remiantis Pareiškėjas perkeliamas į laikino sulaikymo patalpas (prie sprendimo taip pat nebuvo pridėtas dokumentas (tarnybinis pranešimas), kuriame

⁹¹ Available at [the Seimas Ombudspersons' website](#)

nurodyti sprendimo motyvai), sprendime nėra nurodytas galiojantis teisinis pagrindas, sprendimo kopija nebuvo pateikta Pareiškėjui.

Translation

15. <...> The decision taken by the authorised official of Marijampolė PN shall be considered insufficiently motivated; it does not provide any clear arguments based on which the Applicant is transferred to solitary confinement (the decision was also not accompanied by a document (official notice) stating the reasons for the decision); the decision does not indicate a valid legal basis; a copy of the decision was not provided to the Applicant.

7. Work and education of detainees to promote social reintegration

a. General measures to promote social reintegration

The institution of deprivation of liberty organises and implements the resocialisation of arrested and convicted people. This activity also involves other institutions and organisations and reliable volunteers. The purpose of resocialising convicts is to reduce their recidivism. This is based on managing the risk of criminal behaviour and implementing restorative justice.⁹²

Resocialisation is carried out according to the personal resocialisation plan drawn up for the convict. The resocialisation plan must be drawn up within fifteen working days from the date of the convict's arrival at the place of execution of the sentence. An individual resocialisation plan is drawn up, taking into account the circumstances determined during the risk assessment of the convicted criminal behaviour and the results of this assessment. The risk of criminal behaviour is assessed following the methodologies and programs approved by the director of the institution of deprivation of liberty. A resocialisation plan is drawn up for juvenile convicts, considering their social maturity and personality development needs. The form of the personal resocialisation plan, its preparation and review methodology is approved by the Minister of Justice.⁹³

Measures for the resocialisation of convicts are individual and group work with convicts, during which the convicts' abilities to live without crime are developed, and their resocialisation is promoted; means of meeting the spiritual and social needs of convicts; assistance in solving personal and social problems of convicts; measures for the development of social skills and promotion of positive activities; implementation of behaviour correction programs approved by the director of the prison institution; individual or group psychotherapy; psychological assistance; restorative measures aimed at reconciling the convicted and the victim and compensating for the damage caused by the criminal act; other measures, the implementation of which would help convicts to resocialise successfully.⁹⁴

To reduce the negative impact of imprisonment and help convicts acquire knowledge, skills and qualifications that help them integrate more easily into society when they are released from the place of execution of the sentence the positive activities (meaningful activities that meet their and society's interests) are organised in the institutions of deprivation of liberty. Such activities are the work at the place of execution of the sentence; work outside the place of execution of the sentence; general education, vocational training, higher education; individual activities; participation in cultural, educational, sports and other activities that help convicts resocialise; participation in the activities of

⁹² Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 28, 51 and 52.

⁹³ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 52 and 53.

⁹⁴ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 28 and 52.

the Councils of Sentenced Persons.⁹⁵ The procedure for organising the work of the Councils of Sentenced Persons and the operational guidelines are determined by the regulations of the Councils of Sentenced Persons, approved by the Director of the Lithuanian Prisons Service.⁹⁶

The institution of deprivation of liberty must strive to keep convicts busy with positive activities for at least five hours a day.⁹⁷

The institution of places of deprivation of liberty can equate the time of the convict's participation in the activities organised by other institutions and organisations to the working time when the convict engages in this activity for at least 80 hours per month. If the convict studies in general education or vocational training schools or studies in higher education in permanent studies - at least 40 hours per month; the activity corresponds to the convict's profession or speciality, work skills, work experience or qualification.⁹⁸

b. Access to work

The employment of arrested and convicted prisoners is organised by the employment organisers of the prison institution (hereinafter – employment organiser).⁹⁹ Arrested are included in work only if they want to work and employment organisers have something to offer them.¹⁰⁰ The employment organiser must offer a job to the convict within one month of his arrival at the place of execution of the sentence (for arrested persons – within one month of the date of submission of their request to engage in work activities). While the convicted person is selected for a job, the employment organiser assigns him to perform maintenance activities in the prison institution's premises and/or territory. If the convict does not agree to work on the offered job, he must submit a written refusal to the employment organiser.¹⁰¹

The employment organizer selects a job for an arrested or convicted person taking into account his/her level of work capacity and other restrictions applied due to his/her health condition to perform specific work activities; profession or specialty, work experience and skills; the existing obligation to support one's children, to pay the victim(s) the damage caused by the crime(s) and/or other financial obligations; the risks that may arise to the safety of oneself or other arrested or convicted persons, if it is necessary to engage in work activities together with other arrested or convicted persons and behavior, personal qualities, ability to cooperate and work in a team, if working activities will have to be done together with other arrested or convicted persons (person is not included in the list of those who tend to attack and/or escape or has no valid penalties for violations of legal acts committed during the execution of

⁹⁵ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 29 (2) and 55.

⁹⁶ Lithuania, Director of the Lithuanian Prisons Service (2023), Order Regarding the Approval of the Regulation of the Councils of Sentenced persons ([Dėl Nuteistųjų kolektyvo tarybų nuostatų patvirtinimo](#)), No V-502, 30 June 2023.

⁹⁷ Lithuania, Seimas (2002), Code on execution of sentences (Lietuvos Respublikos Bausmių vykdymo kodeksas), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 55 and 56 (1).

⁹⁸ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 298.

⁹⁹ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 271.

¹⁰⁰ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 273.

¹⁰¹ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Articles 275 and 276.

the sentence¹⁰²); personal motivation to engage in meaningful activities that meet his own and society's interests.¹⁰³

Arrested and sentenced do not need to work when they are persons with disability who have a level of 0-40 per cent of working capacity or have a high or medium level of special needs; retirement age; limited capacity; minors who study in general education or vocational training schools; pregnant - until the end of pregnancy and maternity leave; mothers who have children up to 3 years of age, whom they raise in the children's (infant's) home of the place of execution of the sentence or residential premises belonging to the institution of deprivation of liberty, located near the place of execution of the sentence; performing individual activities that are equivalent to work; participating in activities organised by other institutions and organisations if these activities are equated to work.¹⁰⁴

If the convict meets the requirements, he may be allowed to work at a job offered by the institution of deprivation of liberty or found by himself, the location of which is not at the place of execution of the sentence.¹⁰⁵

Arrested and convicted persons can engage in creative, artistic and other forms of individual activity during their free time. At the request of the arrested or convicted person and if possible, the institution of places of deprivation of liberty provides them with separate premises suitable for carrying out individual activities, helps to purchase the necessary tools for carrying out these activities, mediates in the sale of created products (organises auctions, organises online shops).¹⁰⁶

At the request of the convicted person, the institution of deprivation of liberty may treat his individual activity as work if the convicted person carried out his individual activity for at least 3 months after registration with the State Tax Inspectorate; the average income during the last 3 months, was not less than the minimum wage of convicts; the convicted person's individual activity is not fake, that is, the convicted person actually carries out this activity; the convicted person undertakes that all income received from his/her individual activities will be transferred to his/her personal account administered by the prison institution.¹⁰⁷

The Director of the Department of Prisons has approved the Description of the procedure for including convicts in work activities¹⁰⁸. The description determines the conditions and procedure for the inclusion of convicts in work activities, the procedure for issuing a permit for the work carried out by the convict outside the territory of the institution of deprivation of liberty, the conditions and procedure for the organisation of the individual activities of the convicts, to reduce the negative influence of

¹⁰² Lithuania, Director of the Department of Prisons (2022), Order Regarding the approval of the description of the procedure for the inclusion of convicts in work activities ([Dėl Nuteistųjų įtraukimo į darbinę veiklą tvarkos aprašo patvirtinimo](#)), No V-368, 21 October 2022, para 9.

¹⁰³ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 274.

¹⁰⁴ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 272

¹⁰⁵ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 63 (1).

¹⁰⁶ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 287.

¹⁰⁷ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 291.

¹⁰⁸ Lithuania, Director of the Department of Prisons (2022), Order Regarding the approval of the description of the procedure for the inclusion of convicts in work activities ([Dėl Nuteistųjų įtraukimo į darbinę veiklą tvarkos aprašo patvirtinimo](#)), No V-368, 21 October 2022.

imprisonment, to facilitate convicts' acquiring of knowledge, skills and qualifications that would help them integrate more easily into society after leaving the prison.

The Director of the Department of Prisons has approved the Procedure for calculating payments to arrested and convicted persons for the results of work activities. Following the Procedure, monetary payments for the results of work activities are calculated for arrested and convicted persons.

The Director of the Lithuanian Prisons has approved the Accounting procedure for personal cash funds of arrested (convicted) persons.¹⁰⁹ It determines the accounting of the personal funds of the arrested (convicted) in the institution of deprivation of liberty, the procedure for submitting information about the receipts and expenses of the funds in their personal accounts and the preparation of required documents.

c. Access to education

General education of convicts is organised in closed and semi-open institutions of places of deprivation of liberty. It is carried out following the procedure established by the Lithuanian legal acts regulating the organisation of the education system.¹¹⁰

General education is provided to convicted persons older than 16 at their request. People with disabilities and partially capacitated receive general education at their request, with the consent of the official authorised by the director of the institutions of places of deprivation of liberty and with the permission of the doctor.¹¹¹

The municipalities in whose territory the institutions of places of deprivation of liberty are established organise convicted persons' general education.¹¹²

Education funds are allocated from the Lithuanian state budget to implement the educational plan, purchase textbooks and other teaching aids, and cover the school's organisational costs. Organisational issues regarding the general education of convicted persons can be discussed in agreements between institutions of places of deprivation of liberty and schools providing general education for convicted persons.¹¹³

Convicts held in open-type prisons and other convicts who are allowed to study outside the prison by the institutions of places of deprivation of liberty can have general education outside the prison.¹¹⁴

Vocational training for convicts held in closed and semi-open prisons is organised following the procedure established by Lithuanian legal acts regulating the organisation of vocational training. Vocational training, or part of it, can occur in companies, institutions, and organisations employing convicts.¹¹⁵

¹⁰⁹ Lithuania, Director of the Lithuanian Prisons Service (2023), Order Regarding the approval of the description of the accounting procedure for personal cash funds of arrested (convicted) persons ([Dėl Suimtuju \(nuteistuju\) asmeniniu piniginiu lésu apskaitos tvarkos aprašo patvirtinimo](#)), No V-479, 23 June 2023.

¹¹⁰ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmiu vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 65.

¹¹¹ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmiu vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 65.

¹¹² Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmiu vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 65.

¹¹³ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmiu vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 65.

¹¹⁴ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmiu vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 65 and 69.

¹¹⁵ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmiu vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 66.

A vocational training school carries out the training in accordance with the contract signed by the institution of places of deprivation of liberty and the training provider.¹¹⁶

Convicts held in open-type prisons and other convicts allowed by the institution of deprivation of liberty to study at a vocational training school located outside the prison are trained in vocational schools outside the prison.¹¹⁷

General education for arrestees under the age of sixteen is organised in the institution of deprivation of liberty. General education for arrestees over the age of sixteen is organised upon their written request and with the consent of the director of the institution of deprivation of liberty. General education is carried out according to the procedure established by the laws of Lithuania regulating the organisation of the education system.¹¹⁸

The municipalities in whose territory the detainees are detained organise their general education. Organisational issues related to general education can be discussed in agreements between institutions of deprivation of liberty and schools providing general education.¹¹⁹

Vocational training and higher education studies are not organised for arrested persons.¹²⁰

Convicts who are serving their sentence can study in high school and university. With the permission of the institution of deprivation of liberty, Convicts can study full-time in college, university, or another school of higher education. For those who do not have such permission, the Director of the Department of Prisons approved the Procedure, which regulates the procedure for establishing the conditions for remote study at a higher education institution for convicts serving a prison sentence who do not have the right to leave without a guard or escort outside the territory of the correctional institution.¹²¹ The Procedure states that correctional institutions must ensure that such convicts are provided with conditions for independent learning in their living quarters (cells), library/reading room or special study facilities. According to the procedure established by the director of the correctional institution, such convicts are allowed to use computers and the Internet for learning. Those who want to study remotely at a vocational training institution have the same conditions.¹²²

For detainees and convicts who do not have the right to leave the place of execution of their sentence and who wish to study remotely at a vocational training institution or study at a higher education institution, the prison institution provides opportunities to familiarise themselves with possible education or study programs and, if necessary, helps them submit the necessary documents so that the arrested or convicted persons can start (continue) education (studies).¹²³

¹¹⁶ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 66.

¹¹⁷ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 66.

¹¹⁸ Lithuania, Seimas (1996), Law on Enforcement of Arrest ([Lietuvos Respublikos suėmimo vykdymo įstatymas](#)), No. I-1175, 18 January 1996, last amendment No. XIV-1772, 23 December 2022, Article 22.

¹¹⁹ Lithuania, Seimas (1996), Law on Enforcement of Arrest ([Lietuvos Respublikos suėmimo vykdymo įstatymas](#)), No. I-1175, 18 January 1996, last amendment No. XIV-1772, 23 December 2022, Article 22.

¹²⁰ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 66.

¹²¹ Lithuania, Director of the Department of Prisons (2021), Order on the approval of the description of the procedure for convicted persons to study by remote way in a higher school ([įsakymas dėl sąlygų nuteistiesiems nuotoliniu būdu studijuoti aukštojoje mokykloje sudarymo tvarkos aprašo patvirtinimo](#)), No V-414, 30 December 2021.

¹²² Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 176.

¹²³ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 175.

Monthly monetary allowances for convicts who study well are provided for good students to encourage them to study in general education or vocational schools.¹²⁴

d. NPM assessment

Lithuania designated the Seimas Ombudsmen's Office (Parliamentary Ombudsperson's Office) as NPM. The last available report of the Seimas Ombudsmen's Office related to this issue is the *2019 Report on the National Prevention of Torture*.¹²⁵

Possibilities to continue studying at schools of general education and to work are not provided, thus violating their right to engage in all kinds of meaningful activities; social rehabilitation documents of the relocated prisoners are handled only partially, and their social skills development and healthy lifestyle programmes are not implemented; the convicted have no access to literature adapted to their needs, activities with public organisations focused on moral education do not include other forms of positive activities for the convicted or such meetings do not take place; there are no risk assessments of criminal behaviour of relocated inmates, the number of websites available to relocated inmates in different correction institutions ranges from 1 to 107, and in some institutions, computer equipment is very outdated. (p. 11 para 5).

In 2019, Seimas Ombudsmen's Office conducted a thematic study on the human rights situation in five prisons.¹²⁶ The study presents the following opinion.

Original language

4.3. Konstatuotina, kad Alytaus PN, Panevėžio PN, Šiaulių TI ir Pravieniškių PN-AK nesiimama priemonių, siekiant palaikyti perkeltų nuteistųjų socialinius įgūdžius, dėl ko gali kilti grėsmė jų psichinei ir fizinei sveikatai ir yra pagrindas nustatyti galimų kankinimo požymių.

4.2.2. Alytaus PN <...> yra tik vienas nuteistasis, kuris atlieka bausmę kalėjimo režimu. Šiam asmeniui nesudaromos sąlygos bendrauti su kitais nuteistaisiais, pvz., šis nuteistasis yra vedamas į poilsio kambarį vienas žaisti stalo tenisą, t. y. jam nėra sudaromos sąlygos turėti žaidimo partnerį, numatytą stalo teniso žaidimo laiką poilsio kambaryje nuteistasis praleidžia vienas, nors <...> pats asmuo pageidauja žaisti su kitu nuteistuoju; nuteistasis nėra vedamas į bendrus susitikimus su visuomeninėmis organizacijomis, laikomas vienvietėje kameroje;

4.2.3. Panevėžio PN yra perkeltas tik vienas nuteistasis, kuris atlieka bausmę iki gyvos galvos. Jam nesudaromos galimybės bendrauti su kitais nuteistaisiais, pvz., nėra vedamas į įstaigoje vykdomus bendrus grupinius užsiėmimus, pozityvaus užimtumo priemones ar kultūrinius renginius, gyvena vienvietėje kameroje (siekiama užtikrinti izoliavimą nuo kitų nuteistųjų);

4.2.4. Šiaulių TI ir Pravieniškių PN-AK yra perkeltų nuteistųjų, atliekančių bausmę iki gyvos galvos, kurie nuolat vengia kontakto su kitais nuteistaisiais, įstaigų darbuotojais, t. y. atsisakančių eiti į bendrus užsiėmimus, pasivaikščioti į kiemelius, visą laiką praleidžiančių savo kameroje, taip pat atsisakančių

¹²⁴ Lithuania, Director of the Department of Prisons (2022), Regarding the approval of the description of the procedure for determining the amount of monthly cash payments for the encouragement of convicts serving a sentence of deprivation of liberty, who study well in general education or vocational training institutions (*Dėl Laisvės atėmimo bausmę atliekančių nuteistųjų, qerai besimokančių bendrojo ugdymo ar profesinio mokymo įstaigose, skatinimui skiriamų mėnesinių piniginių išmokų dydžio nustatymo kriterijų tvarkos aprašo patvirtinimo*), No V-244, 11 July 2022.

¹²⁵ Lithuania, The Seimas Ombudsmen's Office (2019), [2019 Report on the National Prevention of Torture](#), December 2020.

¹²⁶ Lithuania, Seimas Ombudsmen's Office (2019), Report on the human rights situation in Alytus Correctional Facility (Alytus CF), Marijampole Correctional Facility (Marijampole CF), Vilnius Correctional Facility (Vilnius CF), Open Colony of Praveniskiai Correctional Facility (Praveniskiai CF-OC), Panevezys Correctional Facility (Panevezys CF) and Siauliai Detention Centre (Siauliai DC) (*Ataskaita Dėl žmogaus teisių padėties Alytaus pataisos namuose, Marijampolės pataisos namuose, Vilniaus pataisos namuose, Pravieniškių pataisos namuose- atvirojoje kolonijoje, Panevėžio pataisos namuose ir Šiaulių tardymo izoliatoriuje*), No NKP-2019/1-1, 2019 October 2019.

bendrauti su darbuotojais. Patikrinimo metu šie nuteistieji atsisakė bendrauti su Seimo kontrolierių įstaigos Žmogaus teisių biuro darbuotojais;

4.2.5. minėtiems nuteistiesiems (žr. 4.2.4 punktą) nėra teikiama psichologinė pagalba, nėra atlikti jų psichoemocinės būsenos vertinimai, nėra parengtų pagalbos planų, kuriuose būtų numatytos priemonės dėl nuteistųjų socialinių įgūdžių atkūrimo. Darbuotojai neturi žinių, kokia pagalba turi būti minėtiems nuteistiesiems, siekiant su jais užmegzti ryšį.

10.3. Konstatuotina, kad į Alytaus PN bei Pravieniškių PN-AK perkeltiems nuteistiesiems nėra užtikrinamos galimybės tęsti mokymosi bendrojo lavinimo mokyklose, o Alytaus PN, Marijampolės PN, Pravieniškių PN-AK ir Šiaulių TI nesudarytos galimybės dirbti, taip pažeidžiant jų teisę užsiimti visų rūšių prasminga veikla.

11.3. Konstatuotina, kad visose įstaigose <...> nėra vykdomos <...> nuteistųjų socialinių įgūdžių lavinimo programos, sveikos gyvensenos programos; nuteistiesiems nesudaryta galimybė naudotis nuteistųjų poreikius atitinkančia literatūra, užsiėmimai su visuomeninėmis organizacijomis orientuoti į dvasinį ugdymą, neįtraukiant kitų nuteistųjų pozityvaus užimtumo priemonių formų <...>, arba tokie susitikimai apskritai nevykdomi, taip pažeidžiant <...> nuteistųjų teisę į tokį bausmių vykdymą, kuris būtų orientuotas į nusikaltimą padariusio asmens perauklėjimą.

12.3. Konstatuotina, kad visose aplankytose pataisos įstaigose yra įrengtos Ribotos interneto prieigos naudojimosi vietos, tačiau perkeltiems nuteistiesiems skirtingose pataisos įstaigose prieinamų internetinių svetainių skaičius svyruoja nuo 1 iki 107, kai kuriose įstaigose kompiuterinė technika yra labai pasenusi, todėl neužtikrinama nuteistųjų teisė susipažinti su juos dominančia leidžiama informacija, taip pat ne visose vizituotose įstaigose yra užtikrinamas nuteistųjų privatumas Ribotos interneto prieigos naudojimosi metu.

Translation

4.3. It should be stated that measures are not taken in Alytus CF, Panevezys CF, Siauliai DC, and Pravieniskiai CF-OC to support the social skills of transferred sentenced persons, which may threaten their mental and physical health and is a basis for identifying possible signs of torture.

4.2.2. Alytus CF <...> has only one sentenced person serving a sentence in a closed regime. This person is not given the conditions to communicate with other inmates; for example, this person is taken to the activity room to play table tennis alone; that is, he is not given the conditions to have a playing partner, the sentenced person spends the scheduled time of playing table tennis alone in the activity room, although <...> the person <...> wishes to play with another inmate; the sentenced person is not taken to joint meetings with nongovernmental organisations, is kept in solitary confinement;

4.2.3. Panevėžys CF has <...> only one sentenced person who is serving a life sentence. He does not have the opportunity to communicate with other inmates; for example, he is not taken to joint group activities held in the institution, positive occupation measures, or cultural events, and he lives in a solitary cell (the aim is to ensure separation from other inmates);

4.2.4. In the Siauliai DC and Pravieniskiai CF-OC, there are <...> convicted persons serving a life sentence who constantly avoid contact with other inmates and the staff of the institution of deprivation of liberty, that is, they refuse to go to common activities, take a walk in the yard, spend all their time in their cells, and also refuse to communicate with the staff of the institution <...> these convicts refused to communicate with the employees of the Seimas Ombudsmen's Office;

4.2.5. the above-mentioned sentenced persons (see point 4.2.4) are not provided with psychological assistance, no assessments of their psycho-emotional state have been carried out, and no assistance plans have been prepared, which would include measures for reestablishing the sentenced persons'

social skills. The staff of the institution of deprivation of liberty do not know what kind of help should be given to the mentioned sentenced persons to establish a relationship with them.

10.3. It should be stated that the sentenced persons transferred to Alytus CF and Pravieniskiai CF-OC cannot continue their education in general education schools. At the same time, Alytus CF, Marijampolė CF, Pravieniskiai CF-OC and Siauliai DC cannot work. This violates their right to engage in all kinds of meaningful activities.

11.3. It should be noted that all institutions <...> do not implement <...> social skills training programs, healthy lifestyle programs for sentenced persons; sentenced persons do not have access to literature that meets their needs, classes with nongovernmental organisations are focused on spiritual education, excluding other forms of positive activity for sentenced persons <...>, or such activities are not performed at all; thus violating the right of <...> sentenced persons to the execution of such sentences, which would be oriented re-education of the person who committed the crime.

12.3. It should be noted that all the visited correctional institutions are equipped with places for using Limited Internet Access, but the number of Internet sites accessible to transferred convicts in different correctional institutions varies from 1 to 107; in some institutions, the computer equipment is very outdated; therefore the convicts' right to access permitted information of interest to them is not ensured; also not all visited institutions ensure the privacy of convicts during the use of limited Internet access.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office noted that finding jobs is the biggest obstacle for convicts to work. They had no additional comments on other issues.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.¹²⁷ During the coverage period, the following decisions were issued regarding the work and education of detainees to promote social reintegration.

The Seimas Ombudsperson, in decision No. 4D-2023/1-1260, 19 March 2024, found insufficient counselling of sentenced persons on employment issues and assistance in finding a job in Praveniskiai 1st prison.¹²⁸

Original language

14. Seimo kontrolierė daro išvadą, kad šiuo atveju pareigūnai neteikė konsultacijų dėl įsitraukimo į darbinę veiklą, tinkamai nepaaiškino ir nepasiūlė Pareiškėjui visų įmanomų galimybių įsidarbinti, į kurias jis galėtų pretenduoti pateikdamas prašymą, todėl Skundas dėl Pravieniškių 1-ojo kalėjimo pareigūnų veiksmų (neveikimo), susijusių su galimybės įsidarbinti nesuteikimu, kiek tai susiję su tinkamos ir pakankamos informacijos teikimu, yra pagrįstas.

16 <...> Seimo kontrolierė Kalėjimų tarnybos direktoriui rekomenduoja: siekiant užtikrinti nuteistojo užimtumą, organizuoti su Pareiškėju susitikimą, kurio metu būtų išsiaiškinti konkretūs darbo poreikiai bei pateikti galimi pasiūlymai dėl įsidarbinimo.

¹²⁷ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolierių įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

¹²⁸ Available at the Seimas Ombudspersons' website https://www.lrski.lt/?s=kal%C4%97jim%C5%B3&id=403&post_type=documents

Translation

14. The Seimas Ombudsperson concludes that, in this case, the officials did not provide consultations regarding involvement in work activities, did not adequately explain, and did not offer the Applicant all possible employment options, which he could address; therefore Complaint regarding the actions (inaction) of the officers of Pravieniškias 1st Prison, related to not ensuring access to all options for employment, as far as the requirement to provide adequate and sufficient information is not fulfilled, is grounded.

16 <.....> The Seimas Ombudsperson recommends that the Director of the Prison Service organise a meeting with the Applicant to ensure the convict's access to employment. During this meeting, specific work needs would be clarified, and possible offers for employment would be presented.

The Seimas Ombudsperson, in decision No. 4D-2023/1-1176, 6 February 2024, found insufficient cooperation between the staff of Pravėniškiai 2nd prison and sentenced persons regarding employment.¹²⁹

Original language

24. <...> Seimo kontrolierė Lietuvos kalėjimų tarnybos direktoriui rekomenduoja užtikrinti, kad kuo daugiau nuteistųjų būtų įtraukiami į darbinės veiklas, o atsisakymai įdarbinti būtų priimami atsižvelgiant į objektyvias aplinkybes, nepiktnaudžiaujant diskrecijos teise ir tinkamai motyvuojami.

26. <...> Seimo kontrolierė Lietuvos kalėjimų tarnybos direktoriui rekomenduoja imtis priemonių ir užtikrinti, kad ateityje visi pareiškėjų kreipimaisi būtų išnagrinėjami teisės aktuose nustatyta tvarka ir terminais, tinkamai motyvuojami ir pagrįžiami.

Translation

24. <...> The Seimas Ombudsperson recommends to the director of the Lithuanian Prison Service to ensure that as many convicted persons as possible should be included in work activities, and the refusals to employ should be made taking into account objective circumstances, without abusing the right of discretion and properly motivated.

26. <...> The Seimas Ombudsperson recommends to the Director of the Lithuanian Prison Service to take measures to ensure that in the future, all appeals of applicants are examined following the procedure and deadlines established by legal acts, properly motivated and substantiated.

The Seimas Ombudsperson, in decision No. 4D-2023/1-1061, 16 January 2024, has concluded that the Praveniskiai 1st Prison and the Prison Service officials did not properly advise the sentenced person on work matters.¹³⁰

Original language

11. <...> [P]areigūnai tinkamai nepadėjo Pareiškėjui suprasti, kokia darbo vieta yra laisva, į kurią jis galėtų pretenduoti pateikdamas prašymą, neteikė konsultacijų dėl įsitraukimo į darbinę veiklą, todėl skundas dėl Pravieniškių 1-ojo kalėjimo ir Kalėjimų tarnybos pareigūnų veiksmų (neveikimo), susijusių su galimybės įsidarbinti nesuteikimu, kiek tai susiję su tinkamos ir pakankamos informacijos suteikimu, yra pagrįstas.

¹²⁹ Available at [the Seimas Ombudspersons' website](#).

¹³⁰ Available at [the Seimas Ombudspersons' website](#).

Translation

11. <...> [T]he officers did not properly help the Applicant to understand what kind of job is available, which he could apply for when submitting an application, and did not provide advice on engaging in work activities; therefore, the complaint regarding the actions (inaction) of officers of the Praveniskiai 1st Prison and the Prison Service related due to the failure to provide adequate and sufficient information about the possibility of employment, is grounded

The Seimas Ombudsperson, in decision No. 4D-2023/1-820, 31 October 2023, has found that the sentenced person was not granted a short-term leave because he did not work, although the Praveniskiai 2nd Prison could not offer him a job.¹³¹

Original language

12. <...> Pareiškėjas 2023 metais pateikė šešis prašymus dėl trumpalaikės išvykos suteikimo. Pravieniškių 2-ojo kalėjimo administracija <...> atsakymuose nurodė, kad Pareiškėjui trumpalaikė išvyka nebus suteikta, nes jis neatitinka vienos iš sąlygų – nedirba paskutinius tris mėnesius.

14. <...> Pareiškėjas 2023 metais ne kartą kreipėsi į Pravieniškių 2-ojo kalėjimo administraciją su prašymais įdarbinti, tačiau ilgą laiką įdarbintas nebuvo dėl darbo vietų trūkumo. Įvertinus šias aplinkybes konstatuotina, kad Pravieniškių 2-ojo kalėjimo administracijos sprendimai atsisakyti suteikti Pareiškėjo prašomą trumpalaikę išvyką į namus vien tuo pagrindu, kad jis nedirba, nors darbo nesuteikė pati administracija, laikytini nepagrįstais ir prieštaraujančiais gero viešojo administravimo principams.

Pastebėtina, kad būtent laisvės atėmimo vietų įstaiga, <...> yra atsakinga už darbo vietų paiešką, taip pat turi teikti praktinę pagalbą <...> darbo vietų, esančių ne bausmės atlikimo vietoje <...>, ieškantiems nuteistiesiems, tarpininkauti jiems įsidarbinant.

15. <...> [D]arytina išvada, kad Pravieniškių 2-ojo kalėjimo administracija, netenkindama Pareiškėjo prašymų dėl trumpalaikės išvykos vien tuo pagrindu, kad jis paskutinius tris mėnesius nedirbo, nors darbo nesuteikė pati kalėjimo administracija, laikytini nepagrįstais ir prieštaraujančiais gero viešojo administravimo principams.

Translation

12. <...> In 2023, the applicant submitted six requests to grant a short-term leave. The administration of Pravieniškiau 2nd Prison <...> indicated in their answers that the Applicant will not be granted a short-term leave as he does not meet one of the conditions – he has not worked for the last three months.

14. <...> In 2023, the applicant repeatedly applied to the administration of the Praveniskiai 2nd Prison with requests for employment. Still, he was unemployed for a long time due to the lack of jobs. After evaluating these circumstances, it can be stated that the decisions of the administration of the Praveniskiai 2nd Prison to refuse to grant the Applicant a short-term trip home, solely on the basis that he does not work, even though the administration itself did not provide work, are considered unreasonable and contrary to the principles of good public administration.

It should be noted that it is the institution of the places of deprivation of liberty <...> is responsible for finding jobs and must also provide practical assistance <...> to sentenced persons looking for jobs located outside the place of execution of sentence <...>, mediate for them in employment.

¹³¹ Available at [the Seimas Ombudspersons' website](#).

15. <...> [I]t can be concluded that the administration of the Praveniskiai 2nd Prison, by refusing the Petitioner's requests for a short-term leave solely on the basis that he did not work for the last three months, although the work was not provided by the prison administration itself, should be considered unreasonable and contrary to the principles of good public administration.

The Seimas Ombudsperson, in decision No. 4D-2023/1-329, 15 June 2023, established that the Alytus prison did not take all available measures to include the sentenced person in resocialisation activities.

¹³²

Original language

9. <...> Pareiškėjui [Individualų socialinės reabilitacijos plano sudaryto 2018-12-06] priemonės buvo vykdomos tik iki 2021 m. pabaigos, kadangi tiek apie 2022 m., tiek apie 2023 m. Plano priemonių vykdymą jokių įrašų <...> nėra.

[Lietuvos kalėjimų tarnyba] pateiktoje informacijoje nėra nurodyta informacijos apie tai, kad Pareiškėjui buvo taikomos kokios nors kitos užimtumo veiklos. Iš pateiktos informacijos nėra aišku, kodėl pareigūnai nepasiūlė Pareiškėjui raštu pateikti prašymą dėl dalyvavimo užimtumo veiklose.

Seimo kontrolierė atkreipia dėmesį, kad pareigūnų bendravimas su nuteistaisiais kartu ir informacijos jiems teikimas turi atitikti žmoniškąjį ir socialinį bendravimo lygį. Pareigūnai turi pozityvią pareigą imtis aktyvių veiksmų, siekdami tinkamai įgyvendinti nuteistojo reintegracijos principą: supažindinti nuteistąjį su resocializacijos galimybėmis, pradėti dialogą su asmeniu apie tai, kokiose programose jis pageidautų dalyvauti ir kurios pozityvaus užimtumo priemonės galėtų turėti teigiamos įtakos jo taisymosi procesui, motyvuoti ir skatinti nuteistąjį savo noru aktyviai naudotis siūlomomis galimybėmis.

Translation

9. <...> For the applicant, the measures of the [Individual social rehabilitation plan drawn up on 06/12/2018] were implemented only until the end of 2021; since there are no records <...> about the implementation of the measures of the plan for 2022 and 2023.

The information the [Lithuanian Prison Service] provided does not indicate that any other occupational activities were applied to the Applicant. This makes it unclear why the officials did not offer the Applicant to submit a written request for participation in occupational activities.

The Seimas Ombudsperson draws attention to the fact that officials' communication with sentenced persons and the provision of information to them must meet the human and social level of communication. Officials have a positive duty to take active steps to properly implement the principle of reintegration of the sentenced person: to introduce the sentenced person to the possibilities of resocialisation, to start a dialogue with the person about which programs he would like to participate in, and which positive occupational measures could have a positive influence on his correction process, to motivate and encourage the sentenced person to use the offered opportunities actively.

The Seimas Ombudsperson, in decision No. 4D-2023/1-272, 15 June 2023, Marijampole prison administration did not help the sentenced person get a job. ¹³³

Original language

9. <...> Pareiškėjas į Marijampolės kalėjimo administraciją su prašymais kreipėsi du kartus <...>. Pateiktuose kreipimuose Pareiškėjas prašo galimybės įsidarbinti pagal jo turimus profesinio mokymosi diplomus. <...> [N]eturėdamas galimybės įsidarbinti, negali apmokėti ir jam paskirtų baudų.

¹³² Available at [the Seimas Ombudspersons' website](#).

¹³³ Available at [the Seimas Ombudspersons' website](#).

Marijampolės kalėjimas 2022 m. liepos 4 d. pateikė atsakymą <...>, kuriame nurodė, kad šiuo metu laisvų darbo vietų nėra. Į Pareiškėjo 2023-03-15 kreipimąsi Kalėjimų tarnyba 2023 m. kovo 16 d. pateikė atsakymą <...>, kuriame <...> nurodyta, kad šiuo metu Marijampolės kalėjime laisvų darbo vietų nėra.

10. <...> [K]alėjimo administracijai buvo žinomas Pareiškėjo noras dirbti, tačiau per daugiau nei devynių mėnesių laikotarpį administracija neužtikrino, kad jis būtų įtrauktas į darbinę veiklą.

<...> Pareiškėjui pateikus kreipimusis <...> nei Marijampolės kalėjimo administracija, nei Kalėjimų tarnyba neteikė Pareiškėjui jokių pasiūlymų dėl įsitraukimo į jo įgytą profesiją, turimus darbo įgūdžius, darbo patirtį ar kvalifikaciją atitinkančią veiklą, neteikė konsultacijų, ką Pareiškėjas turėtų daryti ir kaip elgtis, kad padidėtų įsidarbinimo galimybės ir pan., visi sprendimai dėl Pareiškėjo prašymų buvo grindžiami tik laisvų etatų trūkumu.

Iš to darytina išvada, kad tiek Marijampolės kalėjimo, tiek ir Kalėjimų tarnybos administracija nepadėjo Pareiškėjui įsidarbinti, kad jis, be kitų galimybių, turėtų ir galimybę susimokėti pinigines baudas.

Translation

9. <...> The applicant applied to the Marijampole prison administration twice <...>. In the submitted applications, the Applicant requests employment based on his professional education diplomas. <...> [N]ot having the opportunity to get a job, he cannot pay the fines imposed on him.

On July 4, 2022, Marijampole prison submitted a response <...>, stating that there are currently no vacancies. On March 16, 2023, the Prison Service submitted a response to the Applicant's 15/03/2023 request <...>, which <...> states that there are currently no vacancies in Marijampole prison.

10. <...> [T]he prison administration knew the Applicant's desire to work. Still, during a period of more than nine months, the administration did not ensure that he was included in work activities.

<...> After the Applicant submitted requests <...> neither the Marijampolė prison administration nor the Prison Service gave the Applicant any suggestions regarding involvement in the profession he had acquired, work skills, work experience or activities corresponding to his qualifications, did not provide consultations on what the Applicant should do and how to behave, to increase employment opportunities, etc., all decisions regarding the Applicant's requests were grounded only on the lack of vacancies.

From this, it can be concluded that both the Marijampole prison and the Prison Service administration did not help the Applicant to get a job, so that he would have, among other opportunities, the opportunity to pay fines.

The Seimas Ombudsperson, in decision No. 4D-2022/1-1386, 24 April 2023, found that sentenced persons in Marijampole prison cannot participate in resocialisation activities.¹³⁴

Original language

19. Pareiškėjas Skunde informavo, kad jam nėra užtikrinamas užimtumas, jis nėra vedamas į sporto salę.

21. Seimo kontrolierė atkreipia dėmesį, jog nuteistųjų užimtumo tikslas yra mažinti neigiamą kalinimo įtaką, suteikti galimybę nuteistiesiems įgyti žinių, įgūdžių ir kvalifikacijų, kurios padėtų jiems lengviau

¹³⁴ Available at [the Seimas Ombudspersons' website](#).

integruotis į visuomenę išėjus iš pataisos įstaigos. Asmeniui nuolat būnant izoliuotam nuo kitų asmenų ypač svarbu, kad jam būtų užtikrinama kuo įmanoma daugiau resocializacijos priemonių.

22. <...> [D]arytina išvada, kad Pareiškėjo skundo dalis dėl Marijampolės kalėjimo pareigūnų veiksmų neužtikrinant jam užimtumo yra pagrįsta.

Translation

19. In the complaint, the applicant stated that he is not provided with activities and is not taken to the gym.

21. The Seimas Ombudsperson points out that the purpose of sentenced persons' activities is to reduce the negative influence of imprisonment and to give convicts the opportunity to acquire knowledge, skills, and qualifications that would help them integrate more easily into society after leaving the correctional institution. When a person is constantly isolated from other people, it is especially important that he is provided with as many resocialisation activities as possible.

22. <...> [I]t can be concluded that the part of the Applicant's complaint regarding the actions of Marijampolė prison officials in not ensuring his involvement in the activities is grounded.

The Seimas Ombudsperson, in decision No. 4D-2022/1-419, 28 July 2022, found that the Alytus prison administration did not organise the sentenced person's employment and did not help him find a job.¹³⁵

Original language

13. Pareiškėjas su [šešiais] prašymais kreipėsi į Alytaus [pataisos namai] dėl galimybės dirbti. <...> [P]er daugiau nei pusės metų laikotarpį administracija neužtikrino, kad jis būtų įtrauktas į darbinę veiklą, visi sprendimai dėl Pareiškėjo prašymų buvo grindžiami tik laisvų etatų trūkumu. <...> Alytaus [pataisos namai] administracija neteikė Pareiškėjui jokių pasiūlymų dėl įsitraukimo į jo įgytą profesiją, turimus darbo įgūdžius, darbo patirtį ar kvalifikaciją atitinkančią veiklą, neteikė konsultacijų, ką Pareiškėjas turėtų daryti ir kaip elgtis, kad padidėtų įsidarbinimo galimybės ir pan. <...> Iš to darytina išvada, kad Alytaus [pataisos namų] administracija neorganizavo Pareiškėjo užimtumo ir tuo pačiu nepadėjo Pareiškėjui įsidarbinti <...>.

Translation

13. The applicant submitted [six] applications to the Alytus [Correctional Facility] requesting a job. <...> [D]uring the period of more than half a year, the administration did not ensure that he was included in work activities; all decisions <...> were grounded only on the lack of vacancies. <...> The administration of the Alytus [Correctional Facility] did not provide the Applicant with any recommendations regarding involvement in his acquired profession, available work skills, work experience, or activities corresponding to the qualification, did not provide consultations on what the Applicant should do and how to behave to increase chances to get a job, etc. <...> It can be concluded that the Alytus [Correctional Facility] administration did not organise the Applicant's employment and, at the same time, did not help the Applicant to get a job <...>.

The Seimas Ombudsperson, in decision No. 4D-2022/1-283, 9 June 2022, found that Pravienskiai CF-OC officials did not create conditions for the sentenced person to work and did not solve the problem of unemployment:¹³⁶

¹³⁵ Available at [the Seimas Ombudspersons' website](#).

¹³⁶ Available at [the Seimas Ombudspersons' website](#).

Original language

12. Pareiškėjas su prašymu (2022-01-13 <...>) kreipėsi į PPN-AK dėl galimybės dirbti. PPN-AK <...> pateikė atsakymą, kuriame nurodė, jog įstaiga turi diskrecijos teisę siūlyti laisvas darbo vietas pirmiausia lengvojoje ir paprastojoje grupėje esantiems nuteistiesiems, o Pareiškėjas šiuo metu bausmę atlieka drausmės grupėje, bei paminėjo, jog šiuo metu nėra laisvų darbo vietų ir, kai tokia galimybė atsiras, pasiūlys darbą ir Pareiškėjui, be to, rekomendavo rinktis kitas užimtumo formas, t. y. tęsti mokymąsi, dalyvauti kultūrinėje, švietėjiškoje ir sporto veikloje.

Atkreiptinas dėmesys į tai, kad PPN-AK, siūlydami Pareiškėjui alternatyvias veiklas, nepasiūlė nieko konkretaus, tinkamo konkrečiai Pareiškėjui, nesiėmė jokių veiksmų, padėsiančių spręsti susidariusią situaciją dėl darbo ir užimtumo.

<...> Skundas dėl PPN-AK pareigūnų veiksmų (neveikimo), galimai nesudarant Pareiškėjui sąlygų dirbti ir nesprendžiant užimtumo problemas, yra pagrįstas.

Translation

12. The applicant applied (13/01/2022 <...>) to Pravieniskiai CF-OC for the opportunity to work. Pravieniskiai CF-OC <...> submitted an answer in which it was stated that the institution has the discretion to offer available jobs primarily to convicts in the light and ordinary group, and the Applicant is currently serving his sentence in the disciplinary group and mentioned that there are currently no vacancies; when such an opportunity arises, the Applicant will be offered a job and, in addition, recommended to choose other forms activities, i.e. continuing education, participating in cultural, educational and sports activities.

It should be noted that Pravieniskiai CF-OC while offering alternative activities to the Applicant, did not offer anything specifically suitable for the Applicant and did not take any steps to help solve the situation regarding work and employment.

<...> The complaint regarding the actions (inaction) of Pravieniskiai CF-OC officials, possibly not creating conditions for the Applicant to work and not solving employment problems, is grounded.

8. Healthcare (note – section 11 contains specific questions concerning female detainees)

a. Access to healthcare

The personal health care of persons in prisons is classified as state-guaranteed (free) health care.¹³⁷ These persons are insured at the expense of the state.¹³⁸

The Description of the Procedure for the Provision of Personal Health Care Services to Detainees and Convicts determines the procedure for providing first, second, and third levels of health care to detainees and convicts serving arrest and imprisonment sentences in closed and semi-open prisons.¹³⁹ The Description specifies that emergency medical care is provided to patients held in places of

¹³⁷ Lithuania, Seimas (1994), Health System Law ([Sveikatos sistemos įstatymas](#)), No I-552, 19 July 1994, last amendment No XIV-2191, 10 October 2023, Article 47 (2)(4).

¹³⁸ Lithuania, Seimas (1996), Health Insurance Law ([Sveikatos draudimo įstatymas](#)), No. I-1343, 21 May 1996, last amendment No XIV-2335, 14 December 2023, Article 6 (4)(22).

¹³⁹ Lithuania, Minister of Health and Minister of Justice (2022), Order Regarding the approval of the description of the procedure for the provision of personal health care services to arrested and convicted persons ([Dėl Asmens sveikatos priežiūros paslaugų teikimo suimtiesiems ir nuteistiesiems tvarkos aprašo patvirtinimo](#)) No V-1914/1R-427, 22 December 2022

deprivation of liberty in the same manner as to persons at liberty. In the event of an acute life-threatening illness or accident, emergency medical aid to the patient is provided by the qualified staff of the prison. First-level outpatient healthcare is provided by the medical staff of the Hospital for Places of Deprivation of Liberty. Non-prison medical clinics provide first-level medical services during the off-duty hours of the Hospital for Places of Deprivation of Liberty medical staff. Non-prison medical clinics and hospitals provide healthcare services not available at the Hospital for Places of Deprivation of Liberty.

Order Regarding the approval of the description of the procedure for the provision of first-level outpatient personal health care services in the hospital of places of deprivation of liberty, approved by the Director of the Department of Prisons,¹⁴⁰ defines first-level outpatient health care services available at the institution of deprivation of liberty as well as the number of personnel allocated in each institution of deprivation of liberty. In each institution of deprivation of liberty, services of Family doctors, Dentists, Dental assistants, and General practice nurses are available.

Personal health care services provided in each institution of deprivation of liberty must comply with these hygiene norms:¹⁴¹

- Lithuanian hygiene norm HN 74:2011 "Odontological care (assistance) facilities: general installation requirements"¹⁴²
- Lithuanian hygiene norm HN 47:2011 "Personal health care facilities: general health safety requirements"¹⁴³
- Lithuanian hygiene norm HN 47-1:2012 "Personal Health care institutions. Infection Control Requirements"¹⁴⁴

b. Availability of medical staff

Order Regarding the approval of the description of the procedure for providing first-level outpatient personal health care services in the Hospital of Places of Deprivation of Liberty, approved by the Director of the Department of Prisons¹⁴⁵ indicates the number of first-level outpatient personnel allocated in each institution of deprivation of liberty. The work of the first-level outpatient division is organised by the division's leader, a healthcare specialist with the professional qualifications of a doctor or nurse.

Institutions of deprivation of liberty with up to 500 inmates have 1 family doctor. Institutions with between 501 and 1000 inmates have 2 family doctors, and institutions with 1001 or more inmates have 3 family doctors. An additional 0.5 positions are established if at least 20 children are held in a prison.

¹⁴⁰ Lithuania, Director of the Department of Prisons (2020), *Order Regarding the approval of the description of the procedure for the provision of first-level outpatient personal health care services in the hospital of places of deprivation of liberty* ([Dėl pirminio lygio ambulatorinių asmens sveikatos priežiūros paslaugų teikimo Laisvės atėmimo vietų ligoninėje tvarkos aprašo patvirtinimo](#)), No V-250, 11 August 2020.

¹⁴¹ Lithuania, Minister of Health (2015), *Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions"* ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018.

¹⁴² Lithuania, Minister of Health (2011), *Order On the approval of the Lithuanian hygiene norm HN 74:2011 "Odontological care (assistance) facilities: general installation requirements"* ([„Odontologinės priežiūros \(pagalbos\) įstaigos: bendrieji įrengimo reikalavimai“](#)), No. V-715, 22 July 2011, last amendment No V-299, 21 March 2013.

¹⁴³ Lithuania, Minister of Health (2011), *Order On the approval of the Lithuanian hygiene norm HN 47:2011 "Personal health care facilities: general health safety requirements"* ([„Asmens sveikatos priežiūros įstaigos: bendrieji sveikatos saugos reikalavimai“](#)), No. V-737, 29 July 2011, last amendment No V-298, 21 March 2013.

¹⁴⁴ Lithuania, Minister of Health (2012), *Order On the approval of the Lithuanian hygiene norm HN 47-1:2012 "Personal Health care institutions. Infection Control Requirements"* ([„Asmens Sveikatos priežiūros įstaigos. Infekcijų kontrolės reikalavimai“](#)), No V-946, 19 October 2012, last amendment No V-148, 25 January 2022.

¹⁴⁵ Lithuania, Director of the Department of Prisons (2020), *Order Regarding the approval of the description of the procedure for the provision of first-level outpatient personal health care services in the hospital of places of deprivation of liberty* ([Dėl pirminio lygio ambulatorinių asmens sveikatos priežiūros paslaugų teikimo Laisvės atėmimo vietų ligoninėje tvarkos aprašo patvirtinimo](#)), No V-250, 11 August 2020.

Institutions of deprivation of liberty with up to 750 inmates have 1 Dentist and 1 Dental assistant. Institutions with 751 or more inmates have 1,5 Dentists and 1,5 Dental assistants.

Institutions of deprivation of liberty with up to 19 inmates have 4.5 (if services are provided 12 hours a day) or 6.5 (if services are provided 24 hours a day) general practice nurses. Institutions with between 20 and 50 inmates have 5 (if services are provided 12 hours a day) or 7 (if services are provided 24 hours a day) general practice nurses. Institutions with between 51 and 100 inmates have 5.5 (if services are provided 12 hours a day) or 7.5 (if services are provided 24 hours a day) general practice nurses. Institutions with 101 or more inmates have 6 (if services are provided 12 hours a day) or 8 (if services are provided 24 hours a day) general practice nurses. Additionally, the same number of general practice nurses are assigned as many family doctors are there.

The description of the procedure for providing first-level outpatient personal health care services in the Hospital of Places of Deprivation of Liberty also notes that the Hospital also provides primary-level outpatient mental health care services. A team of specialists is formed to provide them, following The Description of the Procedure for the Provision of Primary Outpatient Mental Health Care Services, approved by the Minister of Health¹⁴⁶ The number of team positions is determined by the Director of the Hospital. However, the Description requires that the team consist of a psychiatrist, a mental health nurse, a social worker and a medical psychologist.

c. Medical examination upon admission

Legal regulation does not specify procedures regarding medical examinations at the beginning of a period of deprivation of liberty, including the transfer of a detainee.

d. Preventive care

The prevention and control of infectious diseases is carried out following *the Law on Prevention and Control of Human Infectious Diseases*.¹⁴⁷ Paragraph 5 of Article 9 of the Law stipulates that necessary hospitalisation and/or necessary isolation of persons without a court decision may be applied until the person no longer poses a danger to other persons, but no longer than 7 calendar days.

Following the *Description of the procedure for the preventive health check-up of arrested and convicted persons for dangerous and especially dangerous infectious diseases*, convicted persons are preventively checked for the presence and absence of the Human Immunodeficiency Virus (HIV) upon their first arrival at the prison, 4 weeks after the first examination, and then once a year; for Tuberculosis upon their first arrival at the prison, and then once a year; and for Hepatitis C when they first arrive at the prison, and then once a year.¹⁴⁸

For ensuring the diagnosis, epidemiological surveillance, treatment, and collection of statistical data on implemented preventive measures regarding the human immunodeficiency virus, the *Description of the procedure for the diagnosis, epidemiological supervision, treatment, provision of statistical data about the human immunodeficiency virus presence and the application of prevention measures against the*

¹⁴⁶ Lithuania, Minister of Health (2012), Order Regarding the approval of the description of the procedure for the providing primary-level outpatient mental health care services ([Dėl pirminės ambulatorinės psichikos sveikatos priežiūros paslaugų teikimo tvarkos aprašo patvirtinimo](#)), No V-861, 17 September 2012, last amendment No V-707, 19 June 2023.

¹⁴⁷ Lithuania, Seimas (1996), Law on Prevention and Control of Human Infectious Diseases ([Žmonių užkrečiamųjų ligų profilaktikos ir kontrolės įstatymas](#)), No I-1553, 25 September 1996, last amendment No XIV-1836, 28 March 2023.

¹⁴⁸ Lithuania, Minister of Justice (2022), Order Regarding the approval of the description of the procedure for the preventive health check-up of arrested and convicted persons for dangerous and especially dangerous infectious diseases ([Dėl suimtųjų ir nuteistųjų sveikatos profilaktinio tikrinimo dėl pavojingų ir ypač pavojingų užkrečiamųjų ligų tvarkos aprašo patvirtinimo](#)) No 1R-404, 12 December 2022.

*human immunodeficiency virus disease in prisons*¹⁴⁹ is approved by the Director of the Department of Prisons.

The health care administrator of the primary health care department of the Hospital of Places of Deprivation of Liberty, without violating the confidentiality of the data, informs the director of the prison about a newly identified case of HIV infection. Upon receiving such information, the director instructs the relevant services to take preventive measures to identify persons who may have had contact with a newly infected person, to conduct blood tests of such persons for HIV/AIDS, to determine the mode of infection and organizes the application of other preventive measures to prevent the further spread of HIV in the institution.¹⁵⁰

When tissues, blood, fluids with visible blood admixture, or other body fluids of an infected or suspected infected person or a concentrated virus fall on another person's damaged skin, mucous membrane, or into the body, this person is subject to special prophylactic treatment. Prophylactic medicines are reimbursed from the budget of the Compulsory Health Insurance Fund for persons who have experienced violence or coercion when the case is registered in accordance with the law. Others have to pay for these medicines themselves.¹⁵¹

Tuberculosis prevention, diagnosis, treatment, and control in prisons are carried out according to the 2024-2030 Action Plan for Tuberculosis Prevention, Diagnosis, Treatment, and Control approved by the Minister of Health.¹⁵²

Drug control and drug use prevention in places of deprivation of liberty are carried out following the *Description of the activities of the Penitentiary System institutions for drug control and drug use prevention* approved by the Director of the Department of Prisons.¹⁵³ Under the Description, the director of the place of deprivation of liberty must form a Drug Control and Prevention Commission. The commission must draw up a plan for drug control and drug use prevention measures, organise the plan's implementation and control the plan's implementation.

Prison resocialisation departments organise educational sessions, prepare and implement targeted correctional programs, acquire literature, visual, and other information materials, control convicts' behaviour, and cooperate with other departments and external partners in drug control and drug use prevention.

During the initial psychological assessment, the psychologist identifies drug users and their need for psychological support, conducts individual or group psychotherapy of drug-using convicts, prepares and implements targeted correctional programs, monitors and corrects the behaviour of convicts, and cooperates with other departments.

¹⁴⁹ Lithuania, Director of the Department of Prisons (2021), Order Regarding the approval of the Description of the procedure for the diagnosis, epidemiological supervision, treatment, provision of statistical data about the human immunodeficiency virus presence and the application of prevention measures against the human immunodeficiency virus disease in prisons ([Dėl žmogaus imunodeficitu viruso nešiojimo ir žmogaus imunodeficitu viruso liqas diaqnostikos, epidemiologinės priežiūros, gydymo, statistinių duomenų teikimo bei prevencijos priemonių taikymo laisvės atėmimo įstaigose tvarkos aprašo patvirtinimo](#)), No V-267, 13 August 2021.

¹⁵⁰ Lithuania, Director of the Department of Prisons (2021), Order Regarding the approval of the Description of the procedure for the diagnosis, epidemiological supervision, treatment, provision of statistical data about the human immunodeficiency virus presence and the application of prevention measures against the human immunodeficiency virus disease in prisons ([Dėl žmogaus imunodeficitu viruso nešiojimo ir žmogaus imunodeficitu viruso liqas diaqnostikos, epidemiologinės priežiūros, gydymo, statistinių duomenų teikimo bei prevencijos priemonių taikymo laisvės atėmimo įstaigose tvarkos aprašo patvirtinimo](#)), No V-267, 13 August 2021, point 22.

¹⁵¹ Lithuania, Minister of Health (2004), Order On the approval of the description of prescribing post-exposure prophylaxis against the human immunodeficiency virus ([Isakymas Dėl Poekspozicinės žmogaus imunodeficitu viruso profilaktikos skyrimo aprašo patvirtinimo](#)), No V-853, 1 December 2004, last amendment No V-827, 29 September 2009, para 1 and 2.

¹⁵² Lithuania, Minister of Health (2023), Order on the Approval of the 2024-2030 Action Plan for Tuberculosis Prevention, Diagnosis, Treatment and Control ([Dėl Tuberkuliozės profilaktikos, diaqnostikos, gydymo ir kontrolės 2024–2030 metų veiksmų plano patvirtinimo](#)), V-1187, 20 November 2023.

¹⁵³ Lithuania, Director of the Department of Prisons (2015), Order Regarding the approval of the description of the activities of the Penitentiary System institutions for drug control and drug use prevention ([Dėl Bausmių vykdymo sistemos įstaigų veiklos narkotikų kontrolės ir vartojimo prevencijos srityje aprašo patvirtinimo](#)), No V- 481, 14 December 2015.

Health care specialists provide information on the prevention of infectious diseases and the promotion of a healthy lifestyle, perform early diagnostics of addiction or health disorders, refer patients for psychological counselling or encourage them to participate in drug prevention programs and provide patients with information about the impact of drug use on health.

Identification of the drug or alcohol use of detainees is carried out following the *Description of the Procedure for determining intoxication (drunkenness) or intoxication from psychoactive substances of persons held in institutions of deprivation of liberty* approved by the Director of the Department of Prisons.¹⁵⁴

e. Specialised care

*Description of the procedure for the treatment of convicts suffering from addictive diseases*¹⁵⁵ defines rules for the organisation and provision of health care and other assistance to convicts suffering from addictive diseases. Substitute treatment for opioid dependence in correctional facilities is organised following the *Description of the procedure for prescribing and applying Substitute treatment for the treatment of opioid addiction in prisons*.¹⁵⁶

The kit, consisting of the drug naloxone hydrochloride, a disposable syringe, an alcohol wipe and an information leaflet, is prescribed and issued to arrested and convicted persons who have used (or are using) opioid narcotic substances following the *Description of the procedure for issuing Naloxone for the prevention of opioid overdose in prisons*.¹⁵⁷

The monitoring of drug-related issues is carried out in accordant with the *Description of the procedure for monitoring the use of drugs and psychotropic substances, the effects of use, the circulation of drugs and psychotropic substances and their precursors, substances not included in the official list and new psychoactive substances*.¹⁵⁸

Checking the health status of convicts who are suspected of serious, incurable illness or mental illness, due to which they cannot understand the nature of their actions and control them, is organised following the *Description of the procedure for checking the health status of convicts with a serious incurable or mental illness*.¹⁵⁹

¹⁵⁴ Lithuania, Director of the Department of Prisons (2021), Order Regarding the approval of the Description of the Procedure for determining intoxication (drunkenness) or intoxication from psychoactive substances of persons held in institutions of deprivation of liberty (*Dėl Laisvės atėmimo vietų įstaigose laikomų asmenų neblaivumo (girtumo) arba apsvaigimo nuo psichiką veikiančių medžiagų nustatymo tvarkos aprašo patvirtinimo*), No V-42, 2 February 2021.

¹⁵⁵ Lithuania, Minister of Health and Minister of Justice (2022), Order Regarding the approval of the description of the procedure for the treatment of convicts suffering from addictive diseases (*Dėl Priklausomybės ligomis sergančių nuteistųjų gydymo tvarkos aprašo patvirtinimo*) No V-1994/1R-442, 29 December 2022

¹⁵⁶ Lithuania, Director of the Department of Prisons (2021), Order Regarding the approval of the description of the procedure for prescribing and applying Substitute treatment for the treatment of opioid addiction in prisons (*Dėl Pakaitinio gydymo skyrimo ir taikymo priklausomybei nuo opioidų gydyti laisvės atėmimo įstaigose tvarkos aprašo patvirtinimo*), No V-175, 21 May 2021.

¹⁵⁷ Lithuania, Director of the Department of Prisons (2021), Order Regarding the approval of the description of the procedure for issuing Naloxone for the prevention of opioid overdose in prisons (*Dėl Naloksono, skirto opioidų perdozavimo prevencijai, išdavimo laisvės atėmimo įstaigose tvarkos aprašo patvirtinimo*), No V-212, 25 June 2021.

¹⁵⁸ Lithuania, Government (2005), Resolution On the approval of the description of the procedure for monitoring the use of drugs and psychotropic substances, the effects of use, the circulation of drugs and psychotropic substances and their precursors, substances not included in the official list and new psychoactive substances (*Dėl Narkotinių ir psichotropinių medžiagų vartojimo, jo padarinių, narkotinių ir psichotropinių medžiagų ir jų pirtakų (prekursorių), j oficialių sąrašą neįtrauktų medžiagų bei naujų psichoaktyviųjų medžiagų apyvartos stebėsenos tvarkos aprašo patvirtinimo*), No 591 50 May 2005, last amendment No 1130 14 November 2022.

¹⁵⁹ Lithuania, Minister of Health and Minister of Justice (2022), Order Regarding the approval of the description of the procedure for checking the health status of convicts with a serious incurable or mental illness (*Dėl Nuteistųjų, susirgusių sunkia nepagydoma ar psichikos liga, sveikatos būklės patikrinimo tvarkos aprašo patvirtinimo*) No 1R-308/V-1247, 27 December 2013, last amendment No 1R-419/V-1906, 21 December 2022.

Hepatitis B is treated at the place of execution of the sentence according to the general *Methodology of diagnosis and outpatient treatment of chronic viral hepatitis B and viral cirrhosis of the liver, reimbursed from the Mandatory Health Insurance Fund*, approved by the Minister of Health.¹⁶⁰

Hepatitis C is treated at the place of execution of the sentence according to the general *Description of the procedure for the diagnosis and outpatient treatment of viral hepatitis C with medicines reimbursed from the Health Insurance Fund*, approved by the Minister of Health.¹⁶¹

The diagnosis and treatment of tuberculosis are carried out following the *Description of the procedure for the diagnosis and treatment of tuberculosis*, approved by the Minister of Health.¹⁶²

f. Treatment of the detainee's choosing

Convicted persons who are in an open-type institution of deprivation of liberty have the right to leave the place of execution without an escort. Therefore, they can receive the personal healthcare services they need in private personal healthcare institutions and choose the medical service provider.¹⁶³ Other convicted persons may be granted a one-time permission to leave the place of execution of the sentence unescorted when it is necessary to receive outpatient health care services that are not provided at the place of execution of the sentence.¹⁶⁴ For those who can not leave the institution of deprivation of liberty, medical treatment of their own choosing is not available.

g. NPM assessment

The most recent report of the CPT on its periodic visit to Lithuania covers the period from 10 to 20 December 2021.¹⁶⁵

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

In 2023, Seimas Ombudsmen's Office conducted a thematic study on the Prevention of Hepatitis B, Hepatitis C, Tuberculosis, Hiv/Aids, and Sexually Transmitted Infections, and the availability of treatment for these diseases in Prison Places.¹⁶⁶ The study analyses the situation in Marijampole Correctional Facility (since 1 January 2023 – Marijampole prison), Alytus Correctional Facility (since 1 January 2023 – Alytus prison), and Open Colony of Praveniskiai Correctional Facility (since 1 January 2023 – Praveniskiai 1st prison). The study presents the following results.

Original language

¹⁶⁰ Lithuania, Minister of Health (2005), Order Regarding the approval of the Methodology of diagnosis and outpatient treatment of chronic viral hepatitis B and viral cirrhosis of the liver, reimbursed from the Mandatory Health Insurance Fund (*Dėl Lėtinio virusinio hepatito B ir virusinės B kepenų cirozės diagnostikos bei ambulatorinio gydymo, kompensuojamo iš Privalomojo sveikatos draudimo fondo biudžeto, metodikos patvirtinimo*), No V-458, 22 March 2005.

¹⁶¹ Lithuania, Minister of Health (2012), Order Regarding the approval of the Description of the procedure for the diagnosis and outpatient treatment of viral hepatitis C with compensable medicines (*Dėl Lėtinio virusinio C hepatito diagnostikos ir ambulatorinio gydymo kompensuojamaisiais vaistais tvarkos aprašo patvirtinimo*), No V-960, 24 October 2012.

¹⁶² Lithuania, Minister of Health (2019), Order Regarding the approval of the Description of the procedure for the diagnosis and treatment of tuberculosis (*Dėl Tuberkuliozės diagnostikos ir gydymo tvarkos aprašo patvirtinimo*), No V-1012, 22 August 2019.

¹⁶³ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 90 (6).

¹⁶⁴ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 69 (3).

¹⁶⁵ Strasbourg, European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment (CPT) (2023), [Report to the Lithuanian Government on the periodic visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 20 December 2021](#), CPT/Inf (2023) 01, 23 February 2023.

¹⁶⁶ Lithuania, Seimas Ombudsmen's Office (2023), Study on the Prevention of Hepatitis B, Hepatitis C, Tuberculosis, Hiv/Aids, and Sexually Transmitted Infections, and the availability of treatment for these diseases in Prison Places ([Ataskaita dėl hepatito b, hepatito c, tuberkuliozės, živ / aids ir lytiškai plintančių infekcijų prevencijos ir šių lių gydymo prieinamumo laisvės atėmimo bausmės atlikimo vietose](#)), No. NKP-2023/1-2, 2 May 2023.

2.3.1. Lietuvos kalėjimų tarnybos (toliau – LKT) pateiktais duomenimis, patikrinimo metu įstaigų asmens sveikatos priežiūros skyriuose buvo užpildytos ne visos patvirtintos pareigybės.

2.3.2. <...> Psichikos centre buvo patvirtintos 24,75 pareigybės, iš jų užimtos – 12,15.

2.3.3. <...> [N]uteistieji Pravieniškių 1-ajame kalėjime, Marijampolės kalėjime ir Alytaus kalėjime teigė vengiantys vykti į Pravieniškių 2-ąjį kalėjimą [gydytis] <...>. Nuteistųjų teigimu, vizitas trunka ne vieną dieną <...> dėl vizito trukmės asmenys bijo prarasti darbą.

2.3.4. Nė vienoje iš tikrintų įstaigų nebuvo naktimis budinčio asmens sveikatos priežiūros skyriaus darbuotojo.

2.3.5. <...> [N]uteistieji pasakojo, kad kartais yra sunku patekti pas pirminės sveikatos priežiūros specialistus, kurie paslaugas teikia jų bausmės atlikimo vietoje.

Pravieniškių 1-ajame kalėjime prie gydytojo kabineto ant informacinės lentos <...> pakabinti registracijos lapai, kuriuose nuteistieji gali registruotis vizitui pas vidaus ligų gydytoją ir odontologą nurodydami savo vardą, pavardę, gimimo datą, būrį ir vizito priežastį <...>. Nors šie lapai buvo tušti, išskyrus vieną nuteistojo įrašą dėl poreikio kreiptis į odontologą, pastebėtina, kad tokia pacientų registravimosi tvarka neatitinka pacientų konfidencialumo užtikrinimo principo, nes padaryti įrašai yra prieinami visiems asmenims, galintiems patekti į bendrąjį koridorių prie gydytojo kabineto.

2.4. Apibendrinant šios ataskaitos 2.3 papunktyje nurodytas aplinkybes (<...> dirbančių sveikatos priežiūros specialistų skaičius smarkiai skyrėsi nuo CPT pateiktų rekomendacijų <...>), konstatuotina, kad nustatytas žmoniškųjų išteklių trūkumas gali lemti teisės į kokybišką ir prieinamą sveikatos priežiūrą pažeidimus, o nepakankamas pirmiau įvardytų teisių užtikrinimas bausmės atlikimo vietose gali sukelti nežmoniško ir žeminančio elgesio riziką.

3.4. Apibendrinant <...> aplinkybes susijusias su, be kita ko, tuo, kad:

- sterilūs švirkštai ir adatos nuteistiesiems nėra dalinami;
- ne visi nuteistųjų Individualūs planai buvo sudaryti ar atnaujinti remiantis nustatytu narkotinių medžiagų vartojimo ar rizikos pradėti vartoti faktų;
- Alytaus kalėjime apsvaigimo nuo narkotinių medžiagų patikrinimo patalpoje mėginio ėmimo metu nuteistųjų privatumas nėra užtikrinamas tinkamai;
- Alytaus kalėjime ir Marijampolės kalėjime Nuteistųjų apsvaigimo nuo psichiką veikiančių medžiagų nustatymo aktai ir Tiriamosios medžiagos siuntimo į toksikologijos laboratoriją aktai nebuvo užpildyti tinkamai ir vadovaujantis teisės aktų nustatyta tvarka;
- gydytojai, gavę Nuteistųjų apsvaigimo nuo psichiką veikiančių medžiagų nustatymo aktus kopijas, jokių tolimesnių veiksmų, susijusių su papildomų (t. y. neplaninių) tyrimų dėl kraujo keliu plintančių infekcijų atlikimu švirkščiamąsias narkotines medžiagas vartojusiems nuteistiesiems organizavimu, nuteistųjų švietimu apie narkotikų keliamą riziką, prevenciją ir gydymą, neatlieka;
- nuteistųjų ir įstaigų darbuotojų švietimas užkrečiamųjų ligų plitimo prevencijos klausimais įstaigose yra nepakankamas;
- visų įstaigų resocializacijos skyriuose trūko darbuotojų;
- Marijampolės kalėjimas neturėjo sudarytos Narkotikų kontrolės ir vartojimo komisijos, taip pat, atitinkamai, Narkotikų prevencijos plano;
- prezervatyvai išduodami tik tiems nuteistiesiems, kurie turi teisę į ilgalaikius pasimatymus;

- nėra patvirtintos aiškios tvarkos dėl užkrečiamųjų ligų prevencijos priemonių organizavimo tais atvejais, kai įtariama, jog nuteistasis patyrė seksualinį smurtą bausmės atlikimo vietoje;
- įstaigose nebuvo patvirtinto užkrečiamųjų ligų prevencijos plano;
- nesiimama pakankamų priemonių tam, kad įstaigose būtų nustatytas užsikrėtimo šaltinis, infekcijos plitimo keliai, užsikrėtusiojo kontaktai su kitais nuteistaisiais;
- nuteistieji skiepijami tik savo iniciatyva ir lėšomis;
- aptikus priemonių, skirtų tatuiruotėms daryti, ar pastebėjus, kad nuteistasis neseniai pasidarė tatuiruotę, veiksmų, susijusių su per kraują plintančių užkrečiamųjų ligų prevencija, nesiimama;
- kai kuriose įstaigų bendro naudojimo patalpose nebuvo užtikrinta tinkama ventilacija,

konstatuotina, kad hepatito B, hepatito C, tuberkuliozės, ŽIV, AIDS ir lytiškai plintančių infekcijų prevencijos organizavimas ir vykdymas Marijampolės kalėjime, Alytaus kalėjime ir Pravieniškių 1-ajame kalėjime nėra pakankamas, o tai gali lemti sąlygas užkrečiamųjų ligų plitimui ir su tuo susijusių neigiamų padarinių nuteistųjų sveikatai laiku ir tinkamai užkardyti.

4.4. Apibendrinant <...> aplinkybes, susijusias su, be kita kuo, tuo, kad:

- galimai nėra tinkamai užtikrinamas asmenų, kuriems nustatytas ŽIV, diagnozės konfidencialumas;
- dalis nuteistųjų įstaigose atsisako tirtis dėl ŽIV / AIDS, tačiau nėra renkama statistika, kiek tiksliai yra tokių asmenų;
- apie 20 proc. asmenų Alytaus kalėjime, kuriems nustatytas ŽIV / AIDS, nesigydo;
- nėra renkama statistika, kiek ŽIV užsikrėtusių asmenų, kuriems taikoma antiretrovirusinė terapija, gydymas yra veiksmingas;
- kyla iššūkių asmenis pristatyti specialistų (tarp jų ir infektologų) konsultacijoms į Pravieniškių 2-ąjį kalėjimą;
- surinkta informacija rodo galimai didelį hepatito C paplitimą įstaigose, tačiau nėra aiškus šio paplitimo mastas;
- daliai nuteistųjų yra diagnozuotas hepatitas C, tačiau jiems nėra skiriamas gydymas, nes dar nenustatyti gydymui taikyti nacionaliniuose teisės aktuose numatyti morfologiniai kepenų uždegimo arba fibrozės požymiai, todėl kyla rizika, kad virusas gali būti perduotas kitiems asmenims;
- dalis nuteistųjų, kuriems yra nustatytas hepatitas C, renkasi jo nesigydyti, nes mano, kad įstaigose ir vėl apsikrės šiuo virusu;
- įstaigų Infekcinių susirgimų registravimo žurnaluose neregistruojami visų užkrečiamųjų ligų atvejai;
- [Nacionaliniam visuomenės sveikatos centrai] nėra perduodama aktuali statistika apie įstaigose užfiksuotus užkrečiamųjų ligų atvejus,

konstatuotina, kad užsikrėtusiųjų hepatitu B, hepatitu C, tuberkulioze, ŽIV, AIDS ir lytiškai plintančiomis infekcijomis gydymas formaliai yra užtikrinamas (asmenys, kuriems yra nustatoma diagnozė ir kurių ligos stadija atitinka nurodytus kriterijus bei jie sutinka gydytis, yra gydomi), tačiau nesant duomenų apie kai kurių ligų (ypač hepatito C) paplitimo ir jų gydymo mastą įstaigose, be to, didelei daliai asmenų, kuriems diagnozuotas ŽIV / AIDS, atsisakant gydymo, bei kylant iššūkių dėl pacientų pristatymo specialistų konsultacijoms Pravieniškių 2-ajame kalėjime, kyla abejonių dėl užkrečiamųjų ligų gydymo organizavimo veiksmingumo, kas lemia riziką, jog nebus užkertamas kelias tolesniam užkrečiamųjų ligų plitimui ir nuteistieji nebus apsaugoti nuo neigiamo poveikio jų sveikatai.

5.4. Apibendrinant <...> aplinkybes, susijusias, be kita ko, su tuo, kad:

- Pravieniškių 1-ajame kalėjime nėra įstaigoje paslaugas teikiančio gydytojo psichiatro;
- Marijampolės kalėjime nuteistieji, siekiantys gauti pakaitinį gydymą, susiduria su reikalavimu įrodyti, kad vartoja opioidus – atliekant tyrimus dėl psichiką veikiančių medžiagų organizme, jų organizme 3 kartus turi būti rasta neteisėtų opioidų, už ką jiems yra skiriamos nuobaudos;
- visų tikrintų įstaigų reabilitacijos centruose nebuvo užpildytos visos patvirtintos pareigybės;
- pagal Priklausomybės konsultavimo paslaugų rizikingai ir žalingai alkoholį vartojantiems asmenims teikimo tvarkos aprašą, priklausomybių konsultantai paslaugas gali teikti tik rizikingai ir žalingai alkoholį vartojantiems asmenims, o ne asmenims, turintiems priklausomybę nuo narkotinių medžiagų;
- atsižvelgiant į įstaigose bausmę atliekančių nuteistųjų skaičių <...> ir narkotinių medžiagų vartojimo paplitimą <...>, reabilitacijos centruose yra numatytas neproporcingai mažas skaičius vietų asmenims, siekiantiems įveikti priklausomybę nuo psichiką veikiančių, tarp jų ir narkotinių, medžiagų (Marijampolės kalėjimo reabilitacijos centre 20 vietų, Alytaus kalėjimo – 15 vietų ir Pravieniškių 1-ojo kalėjimo reabilitacijos centre – 25 vietos);
- Marijampolės kalėjime nėra asmenų, laukiančių patekti į Reabilitacijos centrą, kas kelia abejonių dėl tinkamo nuteistųjų motyvavimo gydytis priklausomybę nuo psichiką veikiančių, tarp jų ir narkotinių, medžiagų;
- į Marijampolės kalėjimo ir Alytaus kalėjimo reabilitacijos centrus nėra priimami asmenys, vartojantys gydytojo paskirtus psichiką veikiančius raminamuosius ar psichiką stimuliuojančius vaistus bei turintys diagnozuotų psichikos sveikatos sutrikimų, galinčių trukdyti reabilitacijos procesui;
- asmenys, norintys patekti į įstaigų reabilitacijos centrus, per įžanginę programą turi 6 savaites nevartoti psichiką veikiančių medžiagų, gyvendami būriuose, kuriuose yra paplitęs narkotinių medžiagų vartojimas;
- Alytaus kalėjime nėra poreabilitacinio būrio, kuriame reabilitacijos programą praėję nuteistieji, galėtų atlikti likusią bausmę aplinkoje, kurioje nėra paplitęs narkotinių medžiagų vartojimas;
- Pravieniškių 1-ajame kalėjime yra ilgas sąrašas nuteistųjų, norinčių patekti į Reabilitacijos centrą, ir kai kuriems asmenims, siekiantiems gydytis priklausomybę nuo narkotinių medžiagų, gali tekti laukti iki 1 metų,

konstatuotina, kad priklausomybės ligomis nuo narkotinių medžiagų sergančių nuteistųjų gydymas ir reabilitacija nėra tinkamai užtikrinami, o tai gali lemti teisės į kokybišką ir prieinamą sveikatos priežiūrą pažeidimus.

Translation

2.3.1. According to the data provided by the Lithuanian Prison Service, during the inspection, not all approved positions were filled in the healthcare departments of the institutions.

2.3.2. <...> 24.75 positions were approved in the psychiatric centre, of which 12.15 were filled.

2.3.3. <...> [T]he convicted in Pravieniskiai 1st prison, Marijampole prison and Alytus prison said that they avoid going to the Pravieniskiai 2nd prison [for treatment] <...>. According to the convicts, the visit lasts more than one day <...> due to the duration of the visit, persons are afraid of losing their jobs.

2.3.4. None of the inspected facilities had an employee of the health care department on duty at night.

2.3.5. <...> [C]onvicts said that it is sometimes difficult to get access to first-level health care specialists who provide services at the place of execution of their sentence.

In Pravieniskiai 1st prison, registration sheets are hung on the information board near the doctor's office <...> where convicts can register for a visit to an internal medicine doctor and a dentist by specifying their name, date of birth, squad and the reason for the visit <...>. Although these sheets were empty, except for one record of the convict regarding the need to consult a dentist, it can be noted that such a patient registration procedure does not comply with the principle of ensuring patient confidentiality, as the records made are accessible to any persons who can enter the common corridor near the doctor's office.

2.4. Summarizing the circumstances indicated in point 2.3 of this report (<...> the number of working health care specialists differed significantly from the recommendations presented by the CPT <...>), it can be stated that the identified lack of human resources may lead to violations of the right to quality and affordable health care, and insufficient protection of the named rights can lead to the risk of inhuman and degrading treatment in places of execution.

3.4. Summing up <...> the circumstances related to, inter alia, the fact that:

- sterile syringes and needles are not distributed to convicts;
- not all individual plans of convicts were drawn up or updated based on the established fact of drug use or the risk of starting to use drugs;
- In the Alytus prison, the privacy of convicts is not adequately ensured during the sampling in the drug intoxication testing room;
- In Alytus prison and Marijampolė prison, the forms of documents for determining the intoxication of convicts with psychoactive substances and for sending the samples to the toxicology laboratory were not filled in properly, and it did not follow the procedure established by legal acts;
- doctors, having received copies of the documents showing the intoxication of convicts from psychoactive substances, do not take any further steps related to the organisation of additional (i.e. unplanned) tests for blood-borne infections of convicts who have used injecting narcotic substances, education of convicts about the risks, prevention and treatment of drugs;
- education of convicts and institution employees on the prevention of the spread of infectious diseases is insufficient in institutions;
- there was a lack of staff in the resocialisation departments of all institutions;
- Marijampole prison did not have a Drug Control and Consumption Commission, as well as, accordingly, a Drug Prevention Plan;
- condoms are issued only to those convicts who have the right to have conjugal visits;
- there is no approved clear procedure for the implementation of infectious disease prevention measures when there is a reason to believe that the convict suffered sexual violence at the place of execution of the sentence;
- there was no infectious disease prevention plan approved in the institutions;
- sufficient measures are not taken to establish the source of infection, the ways of infection spread, and contact of the infected person with other convicts;
- convicts are vaccinated only on their own initiative and at their own expense;
- if tools for tattooing are found, or if it is noticed that the convict has recently got a tattoo, actions related to the prevention of blood-borne infectious diseases are not taken;
- adequate ventilation was not ensured in some common rooms of institutions,

it can be stated that the organisation and implementation of prevention of hepatitis B, hepatitis C, tuberculosis, HIV, AIDS and sexually transmitted infections in Marijampolė prison, Alytus prison and Pravieniskiai 1st prison are not sufficient, which may facilitate the spread of infectious diseases and prevent timely measures to prevent negative consequences for the health of convicts.

4.4. Summing up <...> the circumstances related to, among others, the fact that:

- it is possible that the confidentiality of the diagnosis of persons diagnosed with HIV is not adequately ensured;
- some convicts in institutions refuse to be tested for HIV/AIDS; however, no statistics are collected on the exact number of such persons;
- about 20 per cent of persons diagnosed with HIV/AIDS are not treated in Alytus prison;
- no statistics are collected on the effective treatment of HIV-infected persons receiving antiretroviral therapy;
- there are challenges in bringing individuals to Pravieniskiai 2nd prison for consultations by specialists (including infectious disease specialists);
- the collected information shows a possible high prevalence of hepatitis C in institutions, but the extent of this prevalence is not clear;
- some of the convicts are diagnosed with hepatitis C, but they are not given treatment because the morphological signs of liver inflammation or fibrosis, provided for in the national legislation as a precondition for treatment, have not yet emerged, so there is a risk that the virus can be transmitted to other persons;
- part of the convicts who have been diagnosed with hepatitis C choose not to be treated because they believe that they will get infected with this virus again in the institutions;
- all cases of infectious diseases are not registered in the Infectious Disease Registration Logs of institutions;
- [The National Public Health Center] is not provided with current statistics on the cases of infectious diseases recorded in institutions,

it can be stated that the treatment of persons infected with hepatitis B, hepatitis C, tuberculosis, HIV, AIDS, and sexually transmitted infections is formally ensured (only persons who are diagnosed and whose disease stage meets the specified criteria and who agree to treatment are treated). In the absence of data about the prevalence of some diseases (especially hepatitis C) and the extent of their treatment in institutions, in addition to the refusal of treatment by a large number of persons diagnosed with HIV/AIDS and the challenges of bringing patients to specialist consultations in Pravieniskiai 2nd prison, there are doubts about the effectiveness of the organisation of the treatment of infectious diseases, which leads to the risk that the further spread of infectious diseases will not be prevented; the convicts will not be protected from negative effects on their health.

5.4. Summarizing <...> the circumstances related, among other things, to the fact that:

- There is no psychiatrist providing services in Pravieniskiai 1st prison;
- In Marijampolė prison, convicts seeking alternative treatment are faced with the requirement to prove that they are using opioids - during tests for psychoactive substances in the body, illegal opioids must be found 3 times in their body, for which they are fined;
- not all approved positions were filled in the rehabilitation centres of all inspected institutions;
- according to the description of the procedure for the provision of Addiction counselling services to persons who consume alcohol at risk and harm, addiction counsellors may provide services only to persons who use alcohol at risk and harm and not to persons addicted to narcotic substances;
- taking into account the number of convicts serving their sentence in institutions <...> and the prevalence of drug use <...>, rehabilitation centres have a disproportionately small number of places for people trying to overcome addiction to psychoactive substances, including narcotics (20 places in Marijampole prison rehabilitation centre, Alytus prison - 15 places and Pravieniskiai 1st prison rehabilitation centre - 25 places);
- In Marijampole prison, no persons are waiting to enter the Rehabilitation Centre, which raises doubts about the proper motivation of convicts to undergo treatment for addiction to psychoactive substances, including narcotics;

- the rehabilitation centres of Marijampolė prison and Alytus prison do not accept persons who use psychoactive sedatives or psychostimulants prescribed by a doctor and who have diagnosed mental health disorders that may interfere with the rehabilitation process;
- persons who want to enter the rehabilitation centres of institutions, during the introductory program must refrain from using psychoactive substances for 6 weeks while living in groups where the use of narcotic substances is widespread;
- There is no post-rehabilitation unit in Alytus prison, where convicts who have passed the rehabilitation program could serve the rest of their sentences in an environment where the use of narcotic substances is not widespread;
- Pravieniskiai 1st Prison has a long list of convicts who want to enter the Rehabilitation Center, and some people seeking drug addiction treatment may have to wait up to 1 year,

it can be stated that the treatment and rehabilitation of convicts suffering from drug addiction diseases is not adequately ensured, which may lead to violations of the right to quality and accessible health care.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office noted that they do not have additional comments on this issue.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.¹⁶⁷ During the coverage period, the following decisions were issued regarding the healthcare of detainees.

The Seimas Ombudsperson, in decision No. 4D-2023/1-428, 14 July 2023, identified barriers restricting access to health care services.¹⁶⁸

Original language

16. Tyrimas Seimo kontrolierės iniciatyva pradėtas įvertinus tai, kad praktikoje susiduriama su atvejais, kai nuteistieji nurodė, jog negali tęsti / pradėti dantų protezavimo paslaugos ar nuvykti į konsultaciją pas gydytoją odontologą, nes neturi lėšų susimokėti už pervežimą, kuris iki 2023-01-01 buvo atliekama nemokamai. Pervežimo išlaidas nuteistieji / suimtieji turi susimokėti net ir tuo atveju, kai kalėjimo gydytojas nurodo, kad tokia konsultacija pacientui yra reikalinga.

21. <...> [A]tsižvelgdama į Lietuvos kalėjimų tarnybos direktoriaus kompetenciją leisti įsakymus ir (ar) kitus teisės aktus, kontroliuoti, kaip jie vykdomi, Seimo kontrolierė rekomenduoja inicijuoti teisinio reglamentavimo tobulinimą, aiškiai numatant nuteistųjų ir suimtųjų, negalinčių laisvai išeiti už kalėjimo ribų ir norinčių sveikatos priežiūros paslaugas gauti kitose, nei arčiausiai bausmės atlikimo vietos esančios valstybinėse ar savivaldybės sveikatos priežiūros įstaigose, pervežimo paslaugas teikimo tvarką ir sąlygas.

Translation

16. The investigation was initiated at the initiative of the Seimas Ombudsperson after assessing the fact that, in practice, there are cases where sentenced persons indicated that they cannot continue/start receiving dental prosthesis services or go to a consultation with a dentist because they do not have the funds to pay for transportation, which until 01/01/ 2023 was performed for free. Sentenced/arrested

¹⁶⁷ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolierių įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

¹⁶⁸ Available at [the Seimas Ombudspersons' website](#) .

persons must pay the transportation costs even if the prison doctor indicates that such a consultation is necessary for the patient.

21. <...> [C]onsidering the competence of the Director of the Lithuanian Prison Service to issue orders and/or other legal acts and to control how they are implemented, the Seimas Ombudsperson recommends changing the legal regulation, clearly providing for sentenced and arrested persons who cannot freely leave the prison and who wish to receive health care services in other than the state or municipal health care institutions located closest to the place of execution of the sentence, the procedure and conditions for the provision of the transportation service.

The Seimas Ombudsperson identified barriers to accessing vitamins in decision No. 4D-2021/1-1244, 6 June 2022.¹⁶⁹

Original language

19.2. <...> laisvės atėmimo vietose yra susiklosčiusi skirtinga maisto papildų (vitaminų) įsigijimo už asmenines lėšas praktika, <...> vienoje pataisos įstaigoje suimtiesiems / nuteistiesiems, pageidaujantiems už asmenines lėšas įsigyti maisto papildų (vitaminų), gydytojo rekomendaciją reikalinga pateikti, o kitose – ne.

19.3. <...> kai kuriose pataisos įstaigoje yra sudarytos sąlygos įsigyti maisto papildų (vitaminų) ne tik pataisos įstaigoje veikiančioje parduotuvėje, bet ir už jos ribų.

20. <...> yra susiklosčiusi situacija, kai tapatų suimtojo ar nuteistojo teisinį statusą turintys asmenys <...> neturi vienodų galimybių už asmenines lėšas įsigyti ir turėti maisto papildų (vitaminų), nes jie yra laikomi laisvės atėmimo vietose, kurių pareigūnai skirtingai interpretuoja nustatytą teisinį reglamentavimą <...>, t. y., vienoje laisvės atėmimo vietoje suimtasis / nuteistasis gali įsigyti ir turėti pageidaujama maisto papildų (vitaminų), tačiau perkeltas į kitą laisvės atėmimo vietą jis pastarosios galimybės netenka. Šios aplinkybės leidžia teigti, kad, nuteistiesiems / suimtiesiems skirtingose pataisos įstaigoje taikant nevienodą maisto papildų (vitaminų) įsigijimo tvarką, gali būti pažeistas asmenų lygybės principas.

21. <...> [Tai] sudaro prielaidas nepagrįstai riboti suimtųjų / nuteistųjų (<...> išskiriant vieną iš labiausiai pažeidžiamų dėl sveikatos būklės asmenų grupę, t. y., infekuotuosius ŽIV ir sergančiuosius AIDS) teisę į sveikatos priežiūros prieinamumą.

Translation

19.2. <...> [I]n places of deprivation of liberty, there is a different practice of purchasing nutritional supplements (vitamins) at one's own expense, <...> in some correctional facilities, arrested/sentenced persons who wish to purchase nutritional supplements (vitamins) at their own expense must submit a doctor's recommendation, while in others - no.

19.3. <...> [I]n some correctional institutions, conditions have been created for purchasing food supplements (vitamins) not only in the store operating in the correctional institution but also outside it.

20. <...> [T]here is a situation where persons with the same legal status as an arrested or sentenced person <...> do not have equal opportunities to purchase and possess food supplements (vitamins) at their own expense because they are kept in places of deprivation of liberty, whose officials interpret legal regulations differently <...>, that is, in one place of deprivation of liberty, an arrested/sentenced person can purchase and possess desired food supplements (vitamins). Still, when transferred to another place of deprivation of liberty, he loses this opportunity. These circumstances allow us to state

¹⁶⁹ Available at [the Seimas Ombudspersons' website](#).

that the situation when convicts/arrested persons in different correctional institutions are subject to different procedures for purchasing food supplements (vitamins) may violate the principle of equality of persons.

21. <...> [This] constitutes the prerequisites for unreasonably restricting the right to access to health care for arrested/sentenced persons (<...> especially one of the most vulnerable groups due to their health condition, i.e. those infected with HIV and AIDS).

9. Prevention of violence and ill-treatment

a. Protection from violence by prison staff

*Law on the system of execution of punishments*¹⁷⁰ foresees that Lithuanian prison service officers must, in the institutions of deprivation of liberty, respect and protect the human dignity of the convicts; ensure and protect their human rights and freedoms; protect convicts from imminent danger to their health and/or life; upon receiving information about a criminal act or other violation of the law being prepared or committed, or witnessing it, must take immediate measures to prevent it and report it to the officials and/or institutions investigating such violations; perform other duties established by Lithuanian legislation.

The law specifies in what circumstances guards/prison staff have the right to use coercion and/or firearms. Guards/prison staff have the right to use coercion in such situations: to protect themselves or to protect others from imminent danger to life or health; when the convict does not comply with the demands or instructions of the officers (in order to force him to obey), as well as detain persons (if they resist); when it is necessary to repel an attack on a firearm, special equipment, means of communication and in order to recover these objects; when it is necessary to repel attacks on buildings, vehicles, property, territories; in order to enter territories, premises or means of transport during a search or seizure, as well as when, according to available data, persons who have possibly committed a criminal act may be hiding in them; to prevent criminal activity; and in special situations (in cases of riots by convicted or arrested persons, group resistance to the administration of a prison institution or illegal group actions violating the internal order of a prison institution, hostage-taking).¹⁷¹

The guards/prison staff must use coercion adequately to the existing circumstances and in proportion to the existing danger, taking into account the specific situation, the nature of the violation of the law, the intensity and the offender's individual characteristics.

When there is no imminent danger to the life or health of the guards/prison staff or other persons, the use of physical coercion and special measures (except for handcuffs, means or tools for arresting, tying or restraining persons) is prohibited against persons with disabilities, persons with the right to inviolability; against pregnant women, against minors.¹⁷²

The Code of Conduct for employees of the Lithuanian Prisons Service requires that guards/prison staff, while performing their duties, must respect the honour and dignity of every person, their fundamental rights and freedoms, and not carry out actions that are understood in international law as torture and

¹⁷⁰ Lithuania, Seimas (2018) Law on the system of execution of punishments ([Bausmių vykdymo sistemos įstatymas](#)), No XIII-1387, 29 June 2018, last amendment No XIV-1197, 28 June 2022, Article 11.

¹⁷¹ Lithuania, Seimas (2018) Law on the system of execution of punishments ([Bausmių vykdymo sistemos įstatymas](#)), No XIII-1387, 29 June 2018, last amendment No XIV-1197, 28 June 2022, Article 13 (3).

¹⁷² Lithuania, Seimas (2018) Law on the system of execution of punishments ([Bausmių vykdymo sistemos įstatymas](#)), No XIII-1387, 29 June 2018, last amendment No XIV-1197, 28 June 2022, Article 13 (8).

other cruel, inhuman or degrading treatment or punishment, nor to encourage or tolerate such actions.¹⁷³

Guards have to use video recorders when contacting convicted persons. Video recorders must be used in the following cases: during the convicted persons eating, when taking them out of the living quarters and accompanying them inside the prison territory, as well as during escorting and conveying; checking convicted persons for intoxication, conducting searches of their persons, checking their belongings and weighing their personal belongings, as well as inspecting prison premises and its entrances; admitting inmates belonging to a high-risk group (prone to attack, escape) and/or prisoners who behave aggressively; upon receiving threats or physical aggression of a convicted person or when encountering possibly drunk and/or intoxicated and aggressively behaving convicted person; patrolling mobile security and surveillance posts, conducting inmate inspections; in the prevention of criminal acts and violations of the law by convicted persons and in carrying out the planned activities of the agenda.¹⁷⁴

*The instruction for organising protection and supervision*¹⁷⁵ details when guards can use a restraint—tying a person to a special bed. The instruction emphasises that this measure can be applied when other measures are ineffective.

*The Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries.*¹⁷⁶ approved by the Director of the Prisons Department, specifies that an injured arrested or convicted person brought by police officers to the place of punishment or detention must be examined following the established procedure. However, the circumstances of the injury have to be investigated only then when, from the preliminary examination, it can be suspected that a violent bodily injury was committed.

Following the Description, only then the prosecutor's office is informed about the situation when the coercion used by the guards/prison staff resulted in a life-threatening health disorder of the arrested or convicted person.¹⁷⁷

b. Protection from violence by other detainees

The instructions for protection and supervision of the Lithuanian Prisons Service,¹⁷⁸ approved by the Minister of Justice, determine the organisation of activities in prisons based on the principle of dynamic security, ensuring protection and a safe environment for arrested persons, convicts, and others.

¹⁷³ Lithuania, Director of the Lithuanian Prisons Service (2023), Order Regarding the approval of the Code of Conduct for employees of the Lithuanian Prisons Service and the Regulation of the Ethics Commission of the Lithuanian Prisons Service ([Dėl Lietuvos kalėjimų tarnybos darbuotojų etikos kodekso ir Lietuvos kalėjimų tarnybos etikos komisijos nuostatų patvirtinimo](#)), No V-499, 30 June 2023, Para 8 (1).

¹⁷⁴ Lithuania, Minister of Justice (2023), Order Regarding the approval of the instruction for organising protection and supervision in the Lithuanian Prisons Service ([Dėl Lietuvos kalėjimų tarnybos apsaugos ir priežiūros instrukcijos patvirtinimo](#)), No V-1070, 28 December 2023, Paras 119 – 122.

¹⁷⁵ Lithuania, Minister of Justice (2023), Order Regarding the approval of the instruction for organising protection and supervision in the Lithuanian Prisons Service ([Dėl Lietuvos kalėjimų tarnybos apsaugos ir priežiūros instrukcijos patvirtinimo](#)), No V-1070, 28 December 2023, Paras 209 – 221.

¹⁷⁶ Lithuania, Director of the Lithuanian Prisons Service (2022), Order Regarding the approval of the Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries ([Dėl Suimtuju ir nuteistųjų kūno sužalojimų prevencijos ir tyrimo, kūno sužalojimų dokumentų rengimo, tvarkymo ir apskaitos laisvės atėmimo vietose tvarkos aprašo patvirtinimo](#)), No V-534, 22 December 2022, Para 31.

¹⁷⁷ Lithuania, Director of the Lithuanian Prisons Service (2022), Order Regarding the approval of the Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries ([Dėl Suimtuju ir nuteistųjų kūno sužalojimų prevencijos ir tyrimo, kūno sužalojimų dokumentų rengimo, tvarkymo ir apskaitos laisvės atėmimo vietose tvarkos aprašo patvirtinimo](#)), No V-534, 22 December 2022, Para 32.

¹⁷⁸ Lithuania, Minister of Justice (2023), Order Regarding the approval of the instructions for protection and supervision of the Lithuanian Prisons Service ([Dėl Lietuvos kalėjimų tarnybos apsaugos ir priežiūros instrukcijos patvirtinimo](#)), No V-1070, 28 December 2023.

*The Instruction for organising protection and supervision*¹⁷⁹ specifies that during prisoner inspections - calculations, the officer of the shift starting duty checks whether all the prisoners are present and, as much as possible, visually assesses whether the prisoners do not have facial (body) bruises, scratches, signs of intoxication and the like. The officer who notices injuries on the prisoner's body or learns that one of them is starving must report it to the security and supervision officers and wait for their further instructions.

Director of the Prisons Department approved *The Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries*.¹⁸⁰ The Description determines the priorities of the superiors' activities in reducing the risk of violence, the objectives, tasks and directions of the prevention and its implementation and control mechanisms, as well as regulates the actions of guards/prison staff upon noticing an injured arrested or convicted persons, the procedure for the preparation, handling and accounting of documents on the bodily injuries.

The Description distinguishes Strategic directions for reducing manifestations of violence: "zero tolerance" for any kind of violence, including verbal harassment and bullying in everyday work; creation and promotion of a positive culture in places of execution of punishment (execution of arrest); development of teamwork competencies of guards/prison staff; guards/prison staff training on violence prevention topics.¹⁸¹

When organising the prevention of violence, the following actions are foreseen in the Description:¹⁸²

- The established commission collects data on the violence that has occurred and its causes and provides suggestions on how to avoid this violence in the future.
- The head of the prison organises staff meetings at least once a quarter to discuss issues such as the prevention of violence, the microclimate, ways of creating a culture of communication between guards/prison staff and arrested and convicted persons, and ways of solving conflict situations.
- Guards/prison staff must familiarise themselves with the list of arrested and convicted persons who tend to harm other people, be interested in their environment, respond immediately to conflicts that have arisen or when signs of such situations appear, and if necessary, take measures to save the lives of arrested, convicted, and other persons and preserve their health, and if it is possible to try to avoid serious consequences.
- Upon the arrival of an arrested or convicted person at the place of execution of the sentence or arrest, the receiving officer must perform an initial assessment on vulnerability, a tendency to violence, signs of hostility to other persons, and a tendency to conflicts and accommodate a newcomer, considering the results of the assessment.

¹⁷⁹ Lithuania, Minister of Justice (2023), Order Regarding the approval of the instruction for organising protection and supervision in the Lithuanian Prisons Service ([Dėl Lietuvos kalėjimų tarnybos apsaugos ir priežiūros instrukcijos patvirtinimo](#)), No V-1070, 28 December 2023, Paras 42 – 50.

¹⁸⁰ Lithuania, Director of the Lithuanian Prisons Service (2022), Order Regarding the approval of the Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries ([Dėl Suimtųjų ir nuteistųjų kūno sužalojimų prevencijos ir tyrimo, kūno sužalojimų dokumentų rengimo, tvarkymo ir apskaitos laisvės atėmimo vietoje tvarkos aprašo patvirtinimo](#)), No V-534, 22 December 2022.

¹⁸¹ Lithuania, Director of the Lithuanian Prisons Service (2022), Order Regarding the approval of the Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries ([Dėl Suimtųjų ir nuteistųjų kūno sužalojimų prevencijos ir tyrimo, kūno sužalojimų dokumentų rengimo, tvarkymo ir apskaitos laisvės atėmimo vietoje tvarkos aprašo patvirtinimo](#)), No V-534, 22 December 2022, Para 7.

¹⁸² Lithuania, Director of the Lithuanian Prisons Service (2022), Order Regarding the approval of the Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries ([Dėl Suimtųjų ir nuteistųjų kūno sužalojimų prevencijos ir tyrimo, kūno sužalojimų dokumentų rengimo, tvarkymo ir apskaitos laisvės atėmimo vietoje tvarkos aprašo patvirtinimo](#)), No V-534, 22 December 2022, Paras 9-23.

- A psychologist also performs a newcomer's initial psychological assessment on vulnerability, a tendency to violence, the level of hostility towards other persons, the tendency to conflicts and the characteristics of communication.
- During individual and group consultations, guards/prison staff must pay attention to the adaptation characteristics and behaviour of the arrested or convicted person and their mutual relations with others. They have to report the signs observed.
- A psychologist provides personal consultations to arrested and convicted persons who have experienced psychological or physical violence and provides methodological assistance to guards/prison staff regarding violence risk management.
- During the introductory interview, resocialisation specialists must determine whether the newly arrived arrested or convicted person has problems communicating with other inmates and explain where he/she can seek help if such problems arise.
- During the change of duty shifts and during inspections of arrested and convicted persons, guards/prison staff must pay attention to persons who avoid communication, are dressed out of season or try to hide their appearance in some way, as well as to persons who do not participate in inspections, who sleep in places not designated for them. Having noticed this, they must find out the reasons and ensure that these persons are not injured and that mental coercion is not being used against them.
- Resocialization specialists must pay attention to the peculiarities of these persons' communication in the living place during individual consultations with convicted (arrested) persons, explain to them that problems must be solved without using violence, and emphasise the negative damage caused by the subculture to interpersonal relationships and personality.
- Guards/prison staff, having noticed signs of conflict or manifestations of the risk of conflict, must immediately take measures to prevent the conflict.
- Upon receiving information about the rising tension and the risk of violence between arrested (convicted) persons, or when signs of possible violence appear, the prison staff must move the arrested (convicted) persons who may experience violence to another living room or cell and take measures to resolve the situation.
- Guards/prison staff, upon detecting any signs of violence, including verbal and psychological violence, among arrested or convicted persons, must clarify the situation and take steps to prevent violent acts.
- Potential initiators of violence are monitored more intensively in their living and common areas.

The Description also details how employees should act when they notice signs of violence on an arrested or convicted person, how they should record the signs of injury and the event, and who they should notify about the event.¹⁸³

In addition, the Description states that the heads of prisons must encourage guards and other prison staff to participate in training on risk management and the prevention of violence against vulnerable detainees and convicts.¹⁸⁴

¹⁸³ Lithuania, Director of the Lithuanian Prisons Service (2022), Order Regarding the approval of the Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries ([Dėl Suimtųjų ir nuteistųjų kūno sužalojimų prevencijos ir tyrimo, kūno sužalojimų dokumentų rengimo, tvarkymo ir apskaitos laisvės atėmimo vietoje tvarkos aprašo patvirtinimo](#)), No V-534, 22 December 2022, Paras 24 – 36.

¹⁸⁴ Lithuania, Director of the Lithuanian Prisons Service (2022), Order Regarding the approval of the Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries ([Dėl Suimtųjų ir nuteistųjų kūno sužalojimų prevencijos ir tyrimo, kūno sužalojimų dokumentų rengimo, tvarkymo ir apskaitos laisvės atėmimo vietoje tvarkos aprašo patvirtinimo](#)), No V-534, 22 December 2022, Para 39.

In the institutions of deprivation of liberty, suicide and self-harm prevention is also carried out following the Description of the procedure for the prevention of suicides and self-harm in prisons.¹⁸⁵

c. NPM assessment

The most recent report of the CPT on its periodic visit to Lithuania covers the period from 10 to 20 December 2021.¹⁸⁶

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

In 2023, Seimas Ombudsmen's Office conducted a thematic study on the Prevention of Hepatitis B, Hepatitis C, Tuberculosis, Hiv/Aids, and Sexually Transmitted Infections, and the availability of treatment for these diseases in Prison Places.¹⁸⁷ The study also covers some issues related to violence. The study analyses the situation in Marijampole Correctional Facility (since 1 January 2023 – Marijampole prison), Alytus Correctional Facility (since 1 January 2023 – Alytus prison), and Open Colony of Praveniskiai Correctional Facility (since 1 January 2023 – Praveniskiai 1st prison). The study presents the following opinion:

Original language

3.3.24. <...> Alytaus kalėjime nuteistųjų teikiamų seksualinių paslaugų kitiems nuteistiesiems mainais į pinigus ar daiktus apraiškų neužfiksuota, tačiau buvo pradėtas ikiteisminis tyrimas dėl galimo nuteistojo seksualinio prievartavimo. Asmuo, kuris galimai patyrė seksualinę prievartą, buvo izoliuotas, jį konsultavo įstaigos psichologas. <...> Resocializacijos skyriaus darbuotojai nurodė, kad duomenų dėl nuteistųjų įstaigoje patiriamo seksualinio smurto jie nerenka, taip pat pareigūnai negalėjo pakomentuoti, ar nuteistieji įstaigoje turi lytinių santykių tarpusavyje, tačiau jiems yra žinoma, kad nuteistųjų laikymo vietose yra randama panaudotų prezervatyvų.

Marijampolės kalėjimo pareigūnų teigimu, 2022 m. ikiteisminių tyrimų dėl galimos seksualinės prievartos prieš nuteistąjį nebuvo pradėta, taip pat nepastebėta ir tokio smurto apraiškų. Pareigūnai informavo, <...> Jei būtų nustatytas seksualinės prievartos atvejis, nukentėjęs nuteistasis būtų nedelsiant izoliuojamas. Pasiteiravus, kokių tolimesnių veiksmų imtųsi pareigūnai siekdami suteikti nukentėjusiajam jam reikalingą pagalbą ir tokiais atvejais užkirsti kelią lytiškai plintančioms ligoms, Marijampolės kalėjimo administracija nurodė, kad patvirtintos tvarkos nėra, pareigūnai elgtųsi atsižvelgdami į aplinkybes ir nukentėjusiojo poreikius.

Pravieniškųjų 1-ojo kalėjimo pareigūnai informavo, kad 2022 m. šioje įstaigoje buvo fiksuotas vienas seksualinės prievartos prieš nuteistąjį atvejis, galimai nukentėjęs asmuo buvo apžiūrėtas gydytojo. Dėl asmens perkėlimo į kitą sektorių ar įstaigą sprendžia speciali komisija, tačiau kokių konkrečių veiksmų turi būti imamasi nustačius seksualinės prievartos įstaigoje atvejį, informacijos nėra. Pravieniškųjų 1-ojo kalėjimo resocializacijos specialistai taip pat pripažino, kad yra pastebėję atvejų, kuomet nuteistieji kitiems nuteistiesiems siūlo seksualines paslaugas už pinigus, cigaretes ir pan.

¹⁸⁵ Lithuania, Director of the Prisons Department (2014), Regarding the approval of the description of the procedure for the prevention of suicides and self-harm in prisons ([Dėl Savižudybių ir savęs žalojimo laisvės atėmimo vietų įstaigose prevencijos tvarkos aprašo patvirtinimo](#)), No V-353, 2 September 2017, last amendment No V-363, 2 December 2020.

¹⁸⁶ Strasbourg, European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment (CPT) (2023), [Report to the Lithuanian Government on the periodic visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 20 December 2021](#), CPT/Inf (2023) 01, 23 February 2023.

¹⁸⁷ Lithuania, Seimas Ombudsmen's Office (2023), Study on the Prevention of Hepatitis B, Hepatitis C, Tuberculosis, Hiv/Aids, and Sexually Transmitted Infections, and the availability of treatment for these diseases in Prison Places ([Ataskaita dėl hepatito b, hepatito c, tuberkuliozės, živ / aids ir lytiškai plintančių infekcijų prevencijos ir šių lių gydymo prieinamumo laisvės atėmimo bausmės atlikimo vietose](#)), No. NKP-2023/1-2, 2 May 2023.

<...> Pravieniškų 1-ajame kalėjime kalbinti psichologai teigė, kad nieko nežino apie pradėtą ikiteisminį tyrimą dėl galimo seksualinio prievartavimo įstaigoje, nuo tokio smurto galimai nukentėjusių asmenų jie 2022 m. nekonsultavo.

Kalbintų nuo seksualinio smurto nukentėjusių nuteistųjų teigimu, jie buvo izoliuoti nuo smurtautojų, tačiau jiems nebuvo suteikta reikiama psichologinė pagalba, sveikatos priežiūros specialistai neatliko jų kūno apžiūros. Seksualinę prievartą analiniu ir oraliu būdu patyrę nuteistieji skundėsi, kad jiems nebuvo atlikti tyrimai dėl užkrečiamųjų ligų. Nuteistųjų teigimu, su jais bendrauja tik ikiteisminio tyrimo pareigūnai, tačiau kompleksinė pagalba jiems nebuvo teikiama. Bendraujant su tikrintų įstaigų sveikatos priežiūros specialistais, psichologais bei resocializacijos specialistais paaiškėjo, kad jie nėra informuojami apie seksualinio smurto tarp nuteistųjų atvejus.

Individualių pokalbių su Pravieniškų 1-ojo kalėjimo nuteistaisiais (tarp kurių buvo nuteistųjų, į šią įstaigą perkeltų iš Marijampolės kalėjimo ir Alytaus kalėjimo) metu paaiškėjo, kad jie taip pat yra patyrę seksualinę prievartą. Nuteistieji pasakojo, kad nei jie, nei kiti nuteistieji nėra linkę pranešti apie patirtą seksualinį smurtą pareigūnams dėl potencialios rizikos būti priskirtiems žemiausiai kalėjimų subkultūros hierarchijos kastai, paaiškęs apie prieš juos panaudotą seksualinę prievartą. Nuteistieji pasakojo, kad seksualinis išnaudojimas dažniausiai vyksta duše arba kameros tualete, seksualinės prievartos metu nenaudojant prezervatyvų.

3.3.25. <...> Marijampolės pataisos namų 2022 m. veiklos plane nebuvo numatyta nė vienos priemonės, skirtos seksualinio smurto tarp nuteistųjų prevencijai, <...> Alytaus pataisos namų 2022 m. veiklos plane numatytos dvi užduotys dėl smurto ir pakartotinio smurto tarp nuteistųjų prevencijos, tačiau seksualinio smurto prevencijos priemonės nėra išskiriamos. Pravieniškų pataisos namų-atvirosios kolonijos 2022 m. veiklos plane numatyta viena užduotis, skirta įgyvendinti smurto tarp nuteistųjų prevencijos priemones, tačiau taip pat nėra numatyta priemonių, skirtų seksualinio smurto tarp nuteistųjų prevencijai. Šiuose dokumentuose nebuvo numatyti veiksmai, kurių įstaigose turi būti imamasi siekiant apsaugoti nuo seksualinio smurto nukentėjusį asmenį, suteikti jam reikalingą pagalbą ir užtikrinti lytiniu būdu užkrečiamųjų ligų plitimą.

[Lietuvos kalėjimų tarnybos] pateiktais duomenimis, nė viena iš lankytų įstaigų neturėjo parengtų ir patvirtintų seksualinio smurto aukoms skirtų pagalbos veiksmų planų, apimančių užkrečiamųjų ligų prevenciją bei gydymą, taip pat psichologinės pagalbos teikimą nukentėjusiesiems. Taip pat nebuvo patvirtintų seksualinio smurto tarp nuteistųjų prevencijos planų <...>.

<...> pastebėtina tai, kad <...> nuo 2023 m. sausio 1 d. įsigaliojusiame Suimtųjų ir nuteistųjų smurtinio elgesio prevencijos ir kūno sužalojimų tyrimo, šių dokumentų rengimo, tvarkymo ir apskaitos baismės atlikimo (suėmimo vykdymo) vietose tvarkos apraše nėra detalizuota, kad tais atvejais, kai įtariama, jog nuteistasis baismės atlikimo vietoje nukentėjo nuo seksualinio smurto, privaloma imtis veiksmų, siekiant užtikrinti, jog šiam asmeniui būtų atlikti tyrimai dėl lytiškai plintančių infekcijų, o nustačius užsikrėtimo faktą, imamasi atitinkamų priemonių siekiant užkirsti kelią tolesniam užkrečiamosios ligos plitimui. [Lietuvos kalėjimų tarnyba] patvirtino, kad net ir įsigaliojus šiam teisės aktui baismės atlikimo vietos vis dar „neturi <...> patvirtintų algoritmų, apimančių užkrečiamųjų ligų prevenciją ir gydymą seksualinio smurto aukoms“.

Translation

3.3.24. <...> In the Alytus prison, no cases of sexual services provided by convicts to other convicts in exchange for money or things were found. Still, a pre-trial investigation was launched due to the possible sexual abuse of a convict. The person who may have experienced sexual abuse was isolated and was counselled by the institution's psychologist. <...> Employees of the Resocialization Department stated that they do not collect data on the sexual violence experienced by convicts in the institution, and the

officials could not comment on whether the convicts have sexual relations with each other in the institution, but they are aware that used condoms are found in the places where the convicts stay.

According to Marijampole prison officials, in 2022, no pre-trial investigations were initiated due to possible sexual violence against the sentenced person, nor were any manifestations of such violence observed. The officials informed, <...> If a case of sexual abuse were detected, the victim would be isolated immediately. When asked what further steps the officers would take to provide the victim with the help he needs and to prevent sexually transmitted diseases in such cases; the Marijampole prison administration stated that there is no approved procedure; the officers would act taking into account the circumstances and the needs of the victim.

Officials of the Pravieniskiai 1st prison informed that in 2022, one case of sexual abuse against a convicted person was recorded; the victim was examined by a doctor. The transfer of a person to another sector or institution is decided by a special commission. Still, there is no information on what specific actions must be taken after a case of sexual abuse is detected in the institution. The resocialisation specialists of the Pravieniskiai 1st prison also admitted that they had noticed cases where a sentenced person offered sexual services to other inmates for money, cigarettes, etc.

<...> Psychologists interviewed in Pravieniskiai 1st prison said that they knew nothing about the pre-trial investigation that had been started regarding possible sexual abuse in the institution; they did not consult persons who may have suffered from such violence in 2022.

According to the interviewed victims of sexual violence, they were isolated from the perpetrators. Still, they were not provided with the necessary psychological help, and healthcare specialists did not examine their bodies. Convicts who experienced anal and oral sexual abuse complained that they were not tested for infectious diseases. According to the convicts, only pre-trial investigation officers communicated with them but were not provided with complex assistance. When communicating with health care specialists, psychologists and resocialisation specialists of the inspected institutions, it became clear that they are not informed about cases of sexual violence among convicts.

During individual interviews with the convicts of Pravieniskiai 1st prison (among them were convicts transferred to this institution from Marijampolė prison and Alytus prison), it became clear that they had also experienced sexual abuse. Convicts said that they and other convicts did not want to report their sexual abuse to the authorities because of the potential risk of being assigned to the lowest caste of the prison subculture hierarchy if sexual abuse against them came to light. The convicts said that the sexual abuse usually takes place in the shower or the toilet of the cell, without using condoms during the sexual abuse.

3.3.25. <...> Marijampole Correctional Facility's 2022 action plan did not include any measures for the prevention of sexual violence among convicts, <...> Alytus Correctional Facility's 2022 action plan foresees two tasks on the prevention of violence and repeated violence among convicts, but sexual violence prevention measures are not singled out. The 2022 operational plan of the Open Colony of Praveniskiai Correctional Facility provides for one task: implementing measures to prevent violence among convicts. Still, there are also no measures for the prevention of sexual violence among convicts. These documents do not provide for actions that must be taken in institutions to protect a person who has suffered from sexual violence, provide him with the necessary assistance and prevent the spread of sexually transmitted diseases.

According to the information provided by the [Lithuanian Prison Service], none of the visited institutions had prepared and approved action plans for the victims of sexual violence, including the prevention and treatment of infectious diseases, as well as the provision of psychological assistance to the victims. There were also no approved plans for the prevention of sexual violence among convicts <...>.

<...> it should be noted that <...> the *Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries*, which came into force on January 1, 2023, does not detail that in those cases, when it is suspected that the convicted person suffered from sexual violence at the place of execution of the sentence, steps must be taken to ensure that this person is tested for sexually transmitted infections, and when the fact of infection is established, appropriate measures are taken to prevent the further spread of the infectious disease. The [Lithuanian Prison Service] confirmed that even after this legal act came into force, the places of execution still "do not have <...> approved algorithms that include the prevention of infectious diseases and the treatment of victims of sexual violence".

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office noted that it is highly possible that medical personnel providing health care to prisoners are not willing to record sights of violence. Also, the victims themselves do not want to say what they suffered from. An investigation regarding violence is started only if there is a complaint from the victim.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.¹⁸⁸ The following decisions regarding violence and ill-treatment were issued during the coverage period.

The Seimas Ombudsperson, in decision No. 4D-2023/1-406, 7 August 2023, found that the prisoner injured by the officers was not provided with immediate and appropriate medical assistance and that an investigation was not carried out as to whether the officers did not exceed the use of necessary force.

¹⁸⁹

Original language

36. <...> Pareiškėjas 2023 m. kovo 26 d. Marijampolės kalėjime susižalojo dešinę ranką (jam buvo diagnozuotas riešo patempimas ir nubrozdinimai).

<...> pareigūnai 2023 m. balandžio 6 d. Pareiškėjo atžvilgiu panaudojo fizinę prievartą, t. y., kovinius imtynių veiksmus bei antrankius <...>. Tą pačią dieną Pareiškėjas, besiskundžiantis dešiniojo riešo skausmais, buvo apžiūrėtas šeimos gydytojo, tačiau apžiūros metu jokių naujų sužalojimų nebuvo pastebėta. Pareiškėjas 2023 m. balandžio 9 d. pakartotinai kreipėsi į gydytoją dėl rankos skausmo. Gydytojas pastebėjo plaštakos patinimą, todėl Pareiškėjas buvo konvojuotas į gydymo įstaigą, kurioje jam buvo diagnozuotas delnakaulio lūžis. Duomenų, kad, paaiškėjus pirmiau nurodytam Pareiškėjo sveikatos sužalojimui, <...> pareigūnai, būtų pradėję tyrimą dėl fizinės prievartos panaudojimo proporcingumo ir mėginę nustatyti, ar Pareiškėjo sužalojimas atsirado dėl perteklinės fizinės prievartos panaudojimo (būtų ėmęsi veiksmų išsaugoti 2023 m. balandžio 6 d. vaizdo įrašus, susijusius su fizinės prievartos panaudojimu Pareiškėjo atžvilgiu), gauta nebuvo. Šios aplinkybės leidžia teigti, kad <...> pareigūnai nesiėmė visų įmanomų priemonių pavojingiems savo veiksmy, susijusiy su fizinės jėgos panaudojimu Pareiškėjo atžvilgiu, padariniams pašalinti ir užkirsti kelią jų atsiradimui ateityje. Dėl šios priežasties [Lietuvos kalėjimų tarnybos] direktoriui rekomenduotina atlikti tyrimą dėl fizinės prievartos Pareiškėjo atžvilgiu panaudojimo proporcingumo ir, nustačius, kad jo sužalojimas (delnakaulio lūžis) atsirado dėl perteklinės <...> pareigūnų fizinės prievartos panaudojimo, imtis priemonių pagal kompetenciją.

<...> Seimo kontrolierė reiškia susirūpinimą dėl tokio <...> pareigūnų neveikimo užtikrinant nuteistųjų <...> teisių ir laisvių apsaugą. Atkreiptinas dėmesys, kad tokia situacija, kai <...> pareigūnai nevykdo

¹⁸⁸ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolierių įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

¹⁸⁹ Available at [the Seimas Ombudspersons' website](#).

pozityvių pareigų efektyviai reaguoti į asmens sveikatos sutrikdymą pareigūnams vykdant savo funkcijas, nesiderina su bausmių vykdymo sistemos pareigūnų pareigomis gerbti, ginti žmogaus orumą, užtikrinti ir saugoti žmogaus teises ir laisves, saugoti asmenis nuo gresiančio pavojaus jų sveikatai ir (ar) gyvybei, sukelia pagrįstų abejonių <...> pareigūnų Pareiškėjo atžvilgiu panaudotos fizinės jėgos proporcingumo bei gali būti laikoma pažeidžianti Konvencijos 3 straipsnį. Dėl šios priežasties [Lietuvos kalėjimų tarnybos] direktoriui rekomenduotina imtis priemonių, kad ateityje <...> pareigūnai nedelsiant reaguotų į informaciją apie jų žinioje esančio asmens sužalojimus ir imtųsi aktyvių veiksmų, siekiant nustatyti, ar prieš asmenį panaudota fizinė prievarta atitiko tarnybinio būtinumo kriterijų bei proporcingumo principą.

Translation

36. <...> On March 26, 2023, the applicant injured his right hand in Marijampole prison (he was diagnosed with a sprained wrist and bruises).

On April 6, 2023, the officers of <...> used physical coercion against the Applicant, that is, combative wrestling actions and handcuffs <...>. On the same day, the Applicant, complaining of pain in his right wrist, was examined by a family doctor, but no new injuries were observed during the examination. On April 9, 2023, the applicant repeatedly visited the doctor due to arm pain.

The doctor noticed swelling in the hand, so the Applicant was escorted to the hospital, where he was diagnosed with a fracture of the palmar bone. There was no evidence that the <...> officers had started an investigation into the proportionality of the use of physical force and tried to determine whether the Applicant's injury was caused by the use of excessive physical force (had taken steps to preserve the videos of April 6, 2023, related to the use of physical force against the applicant). These circumstances allow us to state that <...> officers did not take all possible measures to eliminate the dangerous consequences of their actions related to using physical force against the Applicant and to prevent their occurrence in the future. For this reason, it is recommended that the director of the [Lithuanian Prison Service] conduct an investigation into the proportionality of the use of physical coercion against the Applicant and, upon determining that his injury (fracture of the metatarsal bone) was caused by the excessive use of physical coercion by <...> officers, take measures under his competence.

<...> The Seimas Ombudsperson expresses her concern about the inactivity of <...> officers in ensuring the protection of the rights and freedoms of convicts <...>. It should be noted that such a situation, when <...> officers do not fulfil their positive duties to respond effectively to a disturbance of personal health while the officers are performing their functions, is not compatible with the duties of the officers of the punishment enforcement system to respect, protect human dignity, ensure and protect human rights and freedoms, protect persons from threat to their health and/or life, causes reasonable doubts about the proportionality of the physical force used by the officers of <...> against the Applicant and may be considered a violation of Article 3 of the Convention. For this reason, it is recommended that the director of the [Lithuanian Prison Service] take measures so that in the future <...> officers immediately respond to information about injuries to a person under their supervision and take active steps to determine whether the physical violence used against the person was really necessary and whether the principle of proportionality was not violated.

The Seimas Ombudsperson, in decision No. 4D-2022/1-638, 30 December 2022, concluded that performing a preventive check during the night 2-3 times entering the living room, in the absence of necessity, is not a proportionate measure to ensure the regime of correctional institutions.¹⁹⁰

Original language

¹⁹⁰ Available at [the Seimas Ombudspersons' website](#).

13. Tyrimas Seimo kontrolierės iniciatyva pradėtas įvertinus tai, kad praktikoje susiduriama su atvejais <...>, kai nuteistosios, esančios [Panevėžio pataisos namai], yra tikrinamos naktį taip trikdant jų poilsį. PPN administracijos paaiškinimuose nurodoma, jog naktiniai patikrinimai vykdomi siekiant užtikrinti nuteistųjų (suimtųjų) nuolatinę priežiūrą visos paros metu.

15. Pažymėtina, kad krata / patikrinimas / apžiūra yra prievartos priemonė, kurią atliekant asmenys patiria papildomų suvaržymų ir apribojimų, todėl vienas iš svarbiausių principų, kurių privalo paisyti kratą / patikrinimą / apžiūrą atliekantys pareigūnai, – proporcingumo principas.

<...> Seimo kontrolierė konstatuoja, kad prevencinio patikrinimo atlikimas nakties metu 2–3 kartus užeinant į gyvenamąją patalpą, nesant būtinumui, nėra proporcinga priemonė pataisos įstaigų režimui užtikrinti.

Translation

13. The investigation was initiated at the initiative of the Seimas Ombudsperson since, in practice, there are cases <...> when prisoners in the [Panevezys Correctional Facility] are checked at night, thus disturbing their rest. The administration of the [Panevezys Correctional Facility] explains that night inspections are carried out to ensure constant supervision of sentenced (arrested) persons around the clock.

15. It should be noted that a search/inspection/check-up is a coercive measure, in the course of which persons are subject to additional restraints and restrictions; therefore, one of the most important principles that officers conducting a search/inspection/inspection must observe is the principle of proportionality.

<...> The Seimas Ombudsperson states that performing a preventive check during the night 2-3 times entering the living room, in the absence of necessity, is not a proportionate measure to ensure the regime of correctional institutions.

The Seimas Ombudsperson, in decision No. 4D-2022/1-237, 21 June 2022, decided that Praveniskiai CF-OC violated the principles of good administration by refusing to preserve the videos that recorded the circumstances based on which the prisoner received a penalty and by not providing a reasoned answer.¹⁹¹

Original language

13. Skunde Pareiškėjas rašo, kad 2022 m. vasario 7 d. kreipėsi į Pravieniškių PN-AK administraciją su prašymu išsaugoti 2022 m. sausio 8 d. ir sausio 9 d. vaizdo registratorių įrašus, nes dėl tomis dienomis įvykusių įvykių jis gavo nuobaudas.

2. Skunde rašoma:

2.4. „Prašau teisiškai pagrįsti ar pareigūnai teisėtai neišsaugo vaizdo įrašus tos dalies, kuri susijusi su tarnybiniais dokumentais, kaip padarytų galimai pažeidimų, kuriuos patys pareigūnai provokuoja, o tai užfiksavus įrašai yra sunaikinami ir nėra pridedami prie medžiagos.“

17. Pravieniškių PN-AK pateiktame atsakyme yra išvardinti tik teisės aktai, kuriais yra reglamentuojama vaizdo registratorių įrašų saugojimo ir naikinimo tvarka, ir jais remiantis Pareiškėjo skundas nebuvo patenkintas. Pareiškėjui atsakyme net nebuvo paaiškinta, ką konkrečiai minėti teisės aktai reglamentuoja, kokius vaizdo įrašų saugojimo terminus jie nustato, ar šie terminai <...> jau yra suėję.

¹⁹¹ Available at [the Seimas Ombudspersons' website](#).

Pažymėtina, kad Pareiškėjo prašyme nurodytas prašomų duomenų (vaizdo įrašų) naudojimo tikslas – panaudoti juos sprendžiant nuobaudos skyrimo klausimą. Pareiškėjas neprašė pateikti vaizdo įrašų, tačiau tik išsaugoti juos, kadangi dėl tomis dienomis įvykusių įvykių jis gavo nuobaudas. Pagrįstai manytina, kad vaizdo įrašai galėjo būti naudojami kaip įrodymai sprendžiant nuobaudų skyrimo ir / arba jų apskundimo klausimą.

Pravieniškųjų PN-AK pareigūnai savo veikloje, be kitų, turi laikytis ir gero administravimo principų. Seimo kontrolierė atkreipia pareigūnų dėmesį į tai, kad asmenims, atliekantiems laisvės atėmimo bausmę, tampa ypatingai svarbu, kad pareigūnai, esantys greta ir padedantys siekti bausmės vykdymo tikslų, veiktų pagal gero administravimo principą – padėtų spręsti kylančias problemas, elgtųsi rūpestingai, siektų, kad kilę ginčai būtų sprendžiami objektyviai.

Translation

13. In the complaint, the Applicant writes that on February 7, 2022, he applied to the Praveniskiai CF-OC administration with a request to preserve the video recorder recordings of January 8 and January 9, 2022, because he received penalties due to the events that occurred on those days.

2. The complaint states:

2.4. "Please provide a legally grounded answer explaining whether the officers acted lawfully in not preserving the videos related to the official documents, which record the actions that the officers themselves provoke, and after recording, the records are destroyed and are not attached to the material."

17. In the answer submitted by Praveniskiai CF-OC, only the legal acts that regulate the procedure for storing and destroying video recorder recordings are listed, and based on them, the Applicant's complaint was not satisfied. The response to the applicant did not even explain what the above-mentioned legal acts specifically regulate, which video storage terms they set, or whether these terms have already expired <...>.

It should be noted that the applicant's request specifies the purpose of using the requested data (video recordings)—to solve the issue of imposing a penalty. The applicant did not ask to submit the videos but only to save them since he received penalties for the events that took place on those days. It is reasonable to believe that the videos could have been used as evidence in deciding the issue of the imposition of penalties and/or their appeal.

Praveniskiai CF-OC officers must follow the principles of good administration in their activities, among others. The Seimas Ombudsperson draws the officers' attention to the fact that for persons serving a prison sentence, it becomes particularly important that the officers who are next to and help to achieve the goals of the sentence act according to the principle of good administration - help solve the problems that arise, act with care, seek to resolve disputes that have arisen objectively.

10. Contact with the outside world

a. Visits

Visits in the closed regimes institutions of places of deprivation of liberty:¹⁹²

¹⁹² Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 33 (4) and 33 (5).

- Convicted persons in the ordinary group have the right to receive 3 visits per month, which take place in a remote or non-contact manner at their choice, and 1 visit, which takes place with or without the supervision of guards/prison staff at their choice.
- Convicted persons in the disciplinary group have the right to receive 3 visits per month, which remotely take place, and 1 visit, which takes place with the supervision of guards/prison staff.

Visits in the semi-open regimes institutions of places of deprivation of liberty:¹⁹³

- Convicted persons in the ordinary group have the right to receive 4 visits per month, 3 of which occur under the supervision of guards/prison staff and 1 without supervision.
- Convicted persons in the disciplinary group have the right to receive 3 visits per month, which take place in a remote or non-contact manner of their choice, and 1 visit, which takes place with the supervision of guards/prison staff.
- Convicted persons in the light group have an unlimited number of visits, of which 2 per month are unsupervised by guards/prison staff.

In the open regimes In the open regimes institutions of places of deprivation of liberty, convicted persons have the right to see other persons without restrictions outside the place of execution of the sentence.¹⁹⁴

Duration of visits and people and persons with whom it is allowed to meet:¹⁹⁵

- Visits in a remote or non-contact manner under the supervision of prison staff – 2 hours per visit; relatives of the arrested or convicted person may see him/her without restriction; other persons may visit only after obtaining the permission of an officer authorised by the director of the place of deprivation of liberty.¹⁹⁶
- Visit in a contact manner under the supervision of prison staff - 3 hours per visit; convicted persons in light groups can meet with anyone, in other groups - only with relatives;
- Visits in a contact manner without supervision:
 - in special facilities at the place of execution of the sentence - up to 24 hours; can only be with a spouse or partner.
 - to leave the place of execution of the sentence unaccompanied - up to 8 hours; for excellent behaviour and progress in reducing the risk of criminal behaviour.

An officer authorised by the director of the institution of deprivation of liberty has the right to allow additional visits in a remote or non-contact or in a contact manner under the supervision of prison staff, if the convict requests it for important reasons. To maintain social relations, convicted persons in a light group may also be allowed to see other persons without supervision.

Convicted spouses who are both serving a sentence and both do not have the right to leave the place of execution of the sentence are allowed to see each other in person if they pay all the costs related to the transportation of one of the spouses to another place of execution of the sentence.

¹⁹³ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Articles 34 (4), 34 (5) and 34 (6).

¹⁹⁴ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 35 (3)(2).

¹⁹⁵ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 39.

¹⁹⁶ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 86.

Additionally, relatives are allowed to visit convicts suffering from a serious life-threatening illness. These visits are not included in the allowed number of visits.

Meetings of arrested and convicted persons with media representatives occur on separate premises at the place of execution of sentence or arrest. These meetings shall be attended by an officer(s) of the detention facility, and the proceedings of such meetings shall be recorded by video recorder or other means of video and audio recording.¹⁹⁷

The procedure for carrying out visits is also regulated by the Order of the Minister of Justice *Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest*.¹⁹⁸

*The rules for the behaviour of convicts (arrested persons) who are serving a prison sentence (arrest) in prisons and persons who have come to meet with a convicted person (arrested person) during the meeting*¹⁹⁹ determine the procedure for the behaviour of convicts (arrested persons) held in institutions and persons who have come to meet a convicted (arrested person) during short-term and long-term visits.

b. Correspondence

Convicted persons have the right to send and receive unlimited letters. They are prohibited from sending anonymous or collective complaints to state and municipal institutions. The costs of sending letters are paid by the convicted persons themselves.²⁰⁰

The Minister of Justice determines the procedure for the delivery of letters received on behalf of convicted persons and the sending of letters of convicted persons at the places of execution of the sentence in the Order *Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation, and the Law on the Execution of Arrest*.²⁰¹

Convicted persons have the right to call by phone or make video calls if they or the persons indicated by them can pay the costs of the call. A convict with a fixed call frequency can talk for up to 20 minutes.

Convicted persons in the ordinary and disciplinary group in the closed and semi-open institution of deprivation of liberty have the right to call four times a week. Convicted persons in the light group in semi-open institutions of deprivation of liberty have the right to an unlimited number of calls. An officer authorised by the director of the institution of deprivation of liberty has the right to allow an additional call if the convicted person requests it for important reasons.²⁰²

¹⁹⁷ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 102.

¹⁹⁸ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Articles 83 - 102.

¹⁹⁹ Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the behavior of convicts (arrested persons) who are serving a prison sentence (arrest) in prisons and persons who have come to meet with a convicted person (arrested person) during the meeting (*Dėl Nuteistųjų (suimtųjų), atliekančių laisvės atėmimo bausmę (suėmimą) laisvės atėmimo vietų įstaigose ir asmenų, atvykusių į pasimatymą su nuteistuoju (suimtuoju), elgesio per pasimatymą taisyklių patvirtinimo*), No V-136, 15 May 2020. <https://www.e-tar.lt/portal/lt/legalAct/6d158ec0967911ea9515f752ff221ec9>

²⁰⁰ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 41.

²⁰¹ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Articles 113 - 119.

²⁰² Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 43.

Arrested or convicted persons are only allowed to make video calls to their relatives and other persons after getting permission from the director of the institution of deprivation of liberty.²⁰³

The procedure for organising phone and video calls is also regulated by the Order of the Minister of Justice *Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation, and the Law on the Execution of Arrest*.²⁰⁴

c. Visits with children

Convicted persons have an unlimited number of visits with their minor children (adopted children).

In cases where the preschool children of convicted persons, whom they brought up before the beginning of serving the prison sentence, must be accommodated in child care institutions at the request of the convicted persons and, if there is a possibility, they are placed in child care institutions of the area where the place of execution of the sentence is located. Convicted persons whose children of preschool age live in childcare institutions in the area where the place of execution of the sentence is located have the right to see their children for up to two hours every day if this does not conflict with the interests of the child.²⁰⁵ Meetings are organised when the convicted person requests. For the meeting, the child of the convicted person is escorted to the convicted person at the place of execution of the sentence, or the convicted person is escorted to a childcare institution or another meeting place indicated by the childcare institution.²⁰⁶

d. NPM assessment

The most recent report of the CPT on its periodic visit to Lithuania covers the period from 10 to 20 December 2021.²⁰⁷

Lithuania designated the Seimas Ombudsmen's Office (Parliamentary Ombudsperson's Office) as NPM. The last available report of the Seimas Ombudsmen's Office related to this issue is the *2019 Report on the National Prevention of Torture*.²⁰⁸

When relocating persons to other correction institutions, the place of residence of the convicted and their spouses, family members and other relatives has not been taken into account, thus preventing the convicted from effectively maintaining social relationships with the external world; for this reason, relocation to other correctional institutions was favourable for maintaining social relationships with relatives only to one-third of inmates; the number of living rooms for conjugal visits is smaller than provided for by legal acts. (p. 11 para 3).

²⁰³ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 78.

²⁰⁴ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Articles 77 - 82.

²⁰⁵ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 72.

²⁰⁶ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Articles 107-110.

²⁰⁷ Strasbourg, European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment (CPT) (2023), [Report to the Lithuanian Government on the periodic visit to Lithuania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 20 December 2021](#), CPT/Inf (2023) 01, 23 February 2023.

²⁰⁸ Lithuania, The Seimas Ombudsmen's Office (2019), [2019 Report on the National Prevention of Torture](#), December 2020.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office noted that they do not have additional comments on this issue.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.²⁰⁹ The following decisions regarding contact with the outside world were issued during the coverage period.

The Seimas Ombudsperson, in decision No. 4D-2023/1-918, 5 December 2023, found that there were insufficient conditions for communication with family members via online video calls.²¹⁰

Original language

19. <...> Pareiškėjui <...> buvo sudaryta galimybė skambinti naudojantis internetine telefonija, taip pat jam buvo suteikti ir nuotoliniai pasimatymai jo pageidaujama laiku, tačiau teisė naudotis internetine telefonija yra ribojama dėl pasimatymų biuro darbo laiko ir nesudaroma galimybė skambinti vėliau nei 16 val., taip pat sekmadieniais ir švenčių dienomis. Vertinant ryšių su artimaisiais palaikymo svarbą, manytina, kad toks galimybės naudotis internetine telefonija ribojimas nėra suderinamas su siekiu skatinti kuo dažnesnį ir glaudesnį bendravimą su šeimos nariais ar artimaisiais <...>.

Atsižvelgiant į tai, kad Pravieniškių 2-ajame kalėjime yra techninės galimybės naudotis internetine telefonija, o laikas skambinti šiuo būdu yra trumpinamas ir ribojamas tik dėl pareigūnų darbo pobūdžio, darytina išvada, kad Skundas dėl Pravieniškių 2-ojo kalėjimo pareigūnų veiksmų (neveikimo), susijusių su teisės paskambinti ribojimu, pripažįstamas pagrįstu.

Translation

19. <...> The applicant <...> was allowed to make online video calls, and he was also given remote dates at his desired time, but the right to communicate via online video calls is limited due to the working hours of the dating office and there is no possibility of calling later than 4 p.m., as well as on Sundays and holidays. Evaluating the importance of maintaining relations with relatives, it can be assumed that such limitation of the possibility to make online video calls is not compatible with the policy aim of promoting frequent and close communication with family members or relatives <...>.

Considering that there are technical possibilities to make online video calls in Pravieniškiau 2nd Prison, and that the time for making calls in this way is shortened and limited only due to the nature of the officers' work, it can be concluded that the Complaint regarding the actions (inaction) of officers of Pravieniškiau 2nd Prison, related to the restriction of the right to call, is recognised as grounded.

The Seimas Ombudsperson, in decision No. 4D-2024/1-92, 10 May 2024, found that officers improperly performed checks during a conjugal visit at night, thereby infringing the detainee's right to communicate with his wife.

Original language

22. <...> pareigūnai <...> atlikdami patikrinimus ilgalaikio pasimatymo metu naktį nesant būtinumo, nesilaikė proporcingumo principo ir todėl tinkamai neužtikrino Pareiškėjo teisės bendrauti su šeima (sutuoktine).

29. <...> Seimo kontrolierė [Lietuvos kalėjimų tarnybos] direktoriui rekomenduoja:

²⁰⁹ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolierių įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

²¹⁰ Available at [the Seimas Ombudspersons' website](#).

29.1. imtis priemonių, kad būtų aiškiai ir nedviprasmiškai reglamentuota patikrinimų / kratų / apžiūrų atlikimo naktį tvarka, nepažeidžiant proporcingumo principo, kad būtų tinkamai užtikrinama ir gerbiama nuteistojo teisė į privatumą, taip pat ir bendraujant su šeima (sutuoktiniu/-e);

29.2. užtikrinti, kad nuteistųjų naktiniai patikrinimai ilgalaikių pasimatymų metu būtų atliekami tik esant būtinumui ir laikantis proporcingumo principo.

Translation

22. By their actions (inaction), the officers of <...> did not comply with the principle of proportionality and, therefore, did not adequately ensure the Applicant's right to communicate with his family (spouse) <...> when performing inspections during a conjugal visit at night in the absence of necessity.

29. <...> The Seimas Ombudsperson recommends to the director of the [Lithuanian Prison Service]:

29.1. take measures to clearly and unambiguously regulate the procedure for carrying out checks/searches/inspections at night, without violating the principle of proportionality, for properly ensuring and respecting the sentenced person's right to privacy, including when communicating with family (spouse);

29.2. ensure that night checks of sentenced persons during conjugal visits are carried out only when necessary and follow the principle of proportionality.

The Seimas Ombudsperson, in decision No. 4D-2024/1-136, 9 May 2024, found that the procedure for collecting letters for dispatch was properly organised.

Original language

18. <...> Seimo kontrolierė Kalėjimų tarnybos direktoriui rekomenduoja imtis priemonių laisvės atėmimo bausmės atlikimo vietose užtikrinti vienodą, teisės aktų reikalavimus atitinkančią nuteistųjų laiškų, siunčiamų valstybės, savivaldybių ir tarptautinėms institucijoms, priėmimo išsiųsti tvarką.

Translation

18. <...> The Seimas Ombudsperson recommends that the Director of the Prison Service take measures to ensure a uniform procedure for collecting letters of sentenced persons in places of imprisonment for sending to state, municipal and international institutions.

The Seimas Ombudsperson, in decision No. 4D-2024/1-44, 16 April 2024, found that the convicted person was unreasonably prevented from participating in his sister's funeral.

Original language

11. Pareiškėjas <...> nurodė, kad, sužinojęs apie sesers mirtį, žodžiu kreipėsi į Marijampolės kalėjimo Resocializacijos skyriaus pareigūną dėl tarpininkavimo suteikiant galimybę jam išvykti į laidotuves. <...> gavo <...> atsakymą, kad į laidotuves neišleis, gali tik konvojuoti, jei konvojavimo paslaugas [600 eur] susimokės pats Pareiškėjas.

15. <...> Marijampolės kalėjimo pareigūnai Pareiškėjui nesuteikė net reikalingos informacijos apie tai, kokius konkrečius veiksmus jis turėtų atlikti (bent jau raštu pateikti prašymą), o suteikta informacija (kad konvojuojant nuteistuosius reikia susimokėti dažniausiai dideles konvojavimo išlaidas) buvo neobjektyvi, pateikta neįvertinus visų individualių aplinkybių bei nurodžius tik vieną galimybę – vykti su palyda, apmokant visas konvojavimo išlaidas. Tokia Pareiškėjui pateikta informacija vertintina kaip palanki tik patiems pareigūnams, ir suteikta siekiant kitų, nei nustatyta [Bausmių vykdymo kodekse],

tikslų, t. y. teikdami informaciją pareigūnai bando išvengti jiems priskirtų pareigų, spręsti jų kompetencijai priklausančius klausimus, atsisako objektyviai informuoti asmenį apie jo teises.

16. <...> Seimo kontrolierė konstatuoja, kad pareigūnai, 72aru72ir žinodami apie Pareiškėjo pagrįstą norą vykti į sesers laidotuves, nepagrįstai atsisakė spręsti jų kompetencijai priklausančius klausimus, priimti sprendimus ir atlikti kitas pozityvias pareigas (vadovaujantis humanizmo principu padėti Pareiškėjui įgyvendinti teisę išvykti į sesers laidotuves). Tokie pareigūnų veiksmai (neveikimas) laikytini biurokratiškais. Kartu Seimo kontrolierė pakartotinai atkreipia atsakingų pareigūnų dėmesį į tai, kad kiekvienu konkrečiu atveju, sprendžiant klausimą, susijusį su ypač jautriu nuteistojo teisių klausimu, būtina ne tik formaliai vadovautis teisės aktų reikalavimais, bet ir protingumo bei humanizmo principais.

18. <...> Seimo kontrolierė Kalėjimų tarnybos direktoriui rekomenduoja:

18.2. dėl sistemingai pasikartojančių atvejų, kai pareigūnai netinkamai organizuoja pagalbą siekiant nuteistiesiems įgyvendinti teisę išvykti iš baismės atlikimo vietos Lietuvos <...> teritorijoje <...> dėl artimojo mirties, <...> inicijuoti šia tema pareigūnų mokymus.

Translation

11. The applicant <...> indicated that, after learning about his sister's death, he verbally approached the officer of the Resocialization Department of Marijampole Prison about the possibility of him going to the funeral. <...> received <...>'s answer that he will not be allowed to the funeral; he can only be escorted if the escort services [600 euros] are paid by the Applicant himself.

15. <...> Marijampole prison officials did not even provide the Applicant with the necessary information about what specific actions he should perform (at least submit a request in writing), and the information they provided (that when escorting convicts usually requires paying high escort costs) was biased, given without evaluating all individual circumstances and after specifying only one option - to go with an escort, paying all escort costs. Such information provided to the Applicant can be evaluated as favourable only to the officers themselves and provided to achieve goals other than those set out in the [Penal Code]; that is, by providing information, the officers try to avoid the duties assigned to them, solve issues within their competence, refuse to inform the person about his rights objectively.

16. <...> The Seimas Ombudsperson states that the officers, knowing about the Applicant's reasonable desire to go to his sister's funeral, unreasonably refused to solve issues within their competence, make decisions and perform other positive duties (following the principle of humanism to help the Applicant exercise his right to go to his sister's funeral). Such actions (inaction) of officers are considered bureaucratic. At the same time, the Seimas Ombudsperson repeatedly draws the attention of the responsible officials to the fact that in each specific case, when solving a question related to the particularly sensitive issue of the rights of a sentenced person, it is necessary not only formally follow the requirements of legal acts, but also consider principles of reasonableness and humanism.

18. <...> The Seimas Ombudsperson recommends to the Director of the Prison Service:

18.2. due to systematically recurring cases where officials improperly organise assistance to convicts in exercising their right to leave the place of execution of the sentence in the territory of Lithuania <...> due to the death of a loved one, <...> initiate training for officers on this topic.

The Seimas Ombudsperson, in decision No. 4D-2023/1-596, 10 August 2023, found that the convicted person was unreasonably prevented from participating in his father's funeral.

Original language

21. <...> Seimo kontrolierė konstatuoja, kad pareigūnai, nors ir žinodami apie Pareiškėjo pagrįstą norą vykti į tėvo laidotuves, nepagrįstai atsisakė spręsti jų kompetencijai priklausančius klausimus, priimti

sprendimus ir atlikti kitas pozityvias pareigas. Tokie pareigūnų veiksmai (neveikimas) laikytini biurokratiškais. Kartu Seimo kontrolierė pakartotinai atkreipia atsakingų pareigūnų dėmesį į tai, kad kiekvienu konkrečiu atveju, sprendžiant klausimą, susijusį su ypač jautriu nuteistojo teisių klausimu, būtina ne tik formaliai vadovautis teisės aktų reikalavimais, bet ir protingumo bei humanizmo principais.

Pareiškėjo Skundas dėl Alytaus kalėjimo pareigūnų veiksmų nesudarant sąlygų dalyvauti tėvo laidotuvėse yra pagrįstas.

Translation

21. <...> The Seimas Ombudsperson states that although the officers were aware of the Applicant's reasonable desire to go to his father's funeral, they unjustifiably refused to solve issues within their competence, make decisions and perform other positive duties. Such actions (inaction) of officers are considered bureaucratic. At the same time, the Seimas Ombudsperson repeatedly draws the attention of the responsible officials to the fact that in each specific case, when solving a question related to the particularly sensitive issue of the rights of a sentenced person, it is necessary not only formally follow the requirements of legal acts but consider obey the principles of reasonableness and humanism.

The Applicant's Complaint regarding the actions of the Alytus prison officers in not creating the conditions to participate in his father's funeral is grounded.

The Seimas Ombudsperson, in decision No. 4D-2023/1-712, 30 November 2023, found that visits between relatives serving prison sentences were not properly arranged.

Original language

13. Pareiškėja <...> pateikė pareigūnams prašymą susitikti su Panevėžio kalėjimo Vaiko ir motinos namuose gyvenančia dukra ir anūke, tačiau jis nebuvo užregistruotas. Pareigūnai, grąžindami prašymą, atsakymą jį pateikė žodžiu, pasimatymas suteiktas nebuvo.

19. <...> Panevėžio kalėjimo administracija neleido Pareiškėjai susitikti su dukra <...> konstatuodama, kad pasimatymai yra numatyti tik nuteistiesiems sutuoktiniams, o pasimatymai tarp nuteistųjų, kurie abu atlieka laisvės atėmimo bausmę, <...> yra nesuteikiami.

Kalėjimų tarnyba paaiškino, kad

4.3. Panevėžio kalėjime bausmę atliekantiems asmenims, kuriame bausmę taip pat atlieka artimi giminiai (sesuo, mama su dukra (vaikaite)) socialiniams ryšiams palaikyti vietoje pasimatymų suteikiami susitikimai Panevėžio kalėjimo teritorijoje. Šie susitikimai nėra registruojami kaip pasimatymai <...>. Susitikimai organizuojami Resocializacijos skyriaus kontaktinių pareigūnų, kai į juos kreipiasi nuteistosios (seserys, mama su dukra (vaikaite)). Šie susitikimai paprastai vyksta po 2–3 val., 1–2 kartus per mėnesį. Specialios tvarkos susitikimams Panevėžio kalėjimas nėra įtvirtinęs – susitikimai suteikiami nuteistosioms individualiai pareiškus pageidavimą susitikti.

21. Seimo kontrolierė atkreipia dėmesį, kad <...> Pareiškėja yra nuteistoji, kuriai bendra tvarka yra leidžiami pasimatymai su artimaisiais (jeigu Pareiškėja yra priskirta lengvajai grupei – jai galima pasimatyti ir su kitais asmenimis), jeigu tokie pasimatymai dėl teisės aktuose nurodytų priežasčių nėra suteiktas pasimatymas kontaktiniu būdu su savo dukra ir anūke, <...> jeigu nebuvo aplinkybių, dėl kurių toks pasimatymas būtų buvęs negalimas.

22. Skundo tyrimo metu Seimo kontrolierė atkreipė dėmesį į Kalėjimų tarnybos pateiktą informaciją, kad <...> susitikimai suteikiami nuteistosioms individualiai pareiškus pageidavimą, o sprendimas dėl jų suteikimo/nesuteikimo yra šiuo atveju Panevėžio kalėjimo viršininko diskrecija.

<...> [T]okia situacija, kai įstatyme nustatytoms nuteistųjų teisėms įgyvendinti taikomos ne galiojančios teisės normos, o niekur nereglementuotos procedūros bei priimamai vien tik nuo kalėjimo viršininko valios priklausantys sprendimai, neatitinka teisės aktų reikalavimų ir bendrųjų teisės principų.

Kartu Seimo kontrolierė pabrėžia, kad nuteistųjų teisė į pasimatymus negali būti aiškinama taip, kad jos suteikimas ir įgyvendinimas priklausytų išimtinai nuo kalėjimo administracijos diskrecijos, nes tokiu atveju yra paneigiama nuteistiesiems [Bausmių vykdymo kodekse] suteikta teisė <...> bei kyla rizika dėl pareigūnų diskrecinių galių naudojimo. Neribotos viešojo administravimo subjekto diskrecijos įtvirtinimas neatitiktų atsakingo valdymo principo.

<...> Seimo kontrolierė Kalėjimų tarnybos direktoriui rekomenduoja imtis priemonių, kad tiek Panevėžio, tiek ir kituose kalėjimuose:

24.1. visi besikreipiančių į pareigūnus nuteistųjų raštiški prašymai ir skundai būtų priimami, registruojami, į juos pateikiami atsakymai <...>

24.2. būtų užtikrinama nuteistųjų teisė pasimatyti su artimaisiais remiantis [teisės aktais]<...>, o procedūros, keliančios riziką dėl diskrecinių galių naudojimo, nebūtų taikomos.

Translation

13. The applicant <...> submitted a request to the authorities to meet with the daughter and granddaughter living in the Panevėžys Prison Child and Mother's Home, but it was not registered. When the officials returned the request, they answered it verbally, and the meeting was not granted.

19. <...> The Panevezys prison administration did not allow the Applicant to meet her daughter <...> stating that dates are provided only for convicted spouses, and dates between convicts who are both serving a prison sentence <...> are not granted.

The Prison Service explained that

4.3. Persons serving a sentence in Panevezys prison, where close relatives (sister, mother with daughter (child)) are also serving a sentence, are given informal meetings on the territory of Panevezys prison to maintain social relations instead of official dates. These meetings are not registered as appointments <...>. Meetings are organised by the contact officers of the Resocialization Department when sentenced persons (sisters, mother and daughter (child)) approach them. These meetings are usually 2-3 hours long, 1-2 times a month. Panevezys prison has not established a special meeting procedure - meetings are granted to sentenced persons upon individual request to meet.

21. The Seimas Ombudsperson draws attention to the fact that <...> the Applicant is a sentenced person who is allowed to meet with relatives under the general procedure (if the Applicant is assigned to a light group - she can also meet with other persons) if such meetings are not prohibited for the reasons specified in legal acts by individual administrative decision. From this, it can be concluded that the Applicant should have been granted an official date in person with her daughter and granddaughter, <...> if there were no circumstances that would have made such an official date impossible.

22. <...> The Seimas Ombudsperson drew attention to the information provided by the Prison Service that <...> meetings are granted to sentenced women upon individual request, and the decision to grant/not grant them is, in this case, the discretion of the head of the Panevezys prison.

<...> [S]uch a situation, when not valid legal norms are applied to implement the rights of convicts established by law, but procedures not regulated anywhere, and decisions that depend solely on the will of the prison head are made, do not meet the requirements of legal acts and do not correspond to the general principles of law.

At the same time, the Seimas Ombudsperson emphasises that the right of convicts to visit cannot be interpreted in such a way that its granting and implementation depends exclusively on the discretion of the prison administration, as this would deny the right granted to convicts in the [Penal Enforcement Code] <...> and there is a risk that officials may inappropriately exercise discretionary powers. Establishing the unlimited discretion of public administration authority would not correspond to the principle of responsible management.

<...> The Seimas Ombudsperson recommends to the Director of the Prison Service to take measures so that in Panevezys and other prisons:

24.1. all written requests and complaints of convicted persons applying to the authorities would be accepted, registered, and answered <...>

24.2. the right of convicts to see their relatives would be ensured based on [legal acts] <...>, and procedures that pose a risk due to the use of discretionary powers would not be applied.

The Seimas Ombudsperson, in decision No. 4D-2022/1-686, 31 May 2023, found that the right to communicate with a lawyer by phone was not guaranteed for sentenced persons who could not pay for the call.

Original language

10. Tyrimo <...> metu nustatyta, kad teisė telefonu bendrauti su advokatu <...> buvo užtikrinama tik mokiems nuteistiesiems:

10.1. Tik dviejų iš septynių Lietuvoje veikiančių laisvės atėmimo vietų (<...> Panevėžio kalėjimo ir <...> Marijampolės kalėjimo) pareigūnai nurodė, kad jose laikomiems nemokiems nuteistiesiems, pageidaujantiems paskambinti savo advokatu, nekyla jokių kliūčių tai padaryti, t. y. asmeniui pateikus prašymą, jam leidžiama paskambinti advokatu kalėjimo telefonu <...>.

10.2. Kitų laisvės atėmimo vietų (<...> Vilniaus, Pravieniškių, Alytaus, Kauno ir Šiaulių kalėjimų) pareigūnų teigimu, nemokūs nuteistieji advokatu galėjo paskambinti tik toliau nurodytais atvejais:

10.2.1. Kai nemokūs nuteistieji telefono kortelę papildydavo gavę vienkartinę išmoką.

10.2.2. Kai skambučiai apmokami advokato sąskaita, telefono kortelę papildžius artimiesiems arba pareigūnams, įvertinus nuteistojo poreikį ir būtinybę paskambinti advokatu bei patenkinus jo prašymą pasinaudoti kalėjimo telefonu.

<...> buvo paneigiama nemokių nuteistųjų teisė į gynybą, nes jos įgyvendinimas priklausė išimtinai nuo kitų asmenų valios (advokatas, nuteistojo artimieji galėjo nesutikti / neturėti galimybių sumokėti už skambutį, pareigūnai galėjo netinkamai įvertinti pateikto nemokaus nuteistojo prašymo, susijusio su skambučiu advokatu, pagrįstumą / nepagrįstumą ir jo netenkinti). Manytina, kad <...> šiais atvejais kilo realus pavojus nemokių nuteistųjų teisę į advokatą paversti deklaratyvia ir neefektyvia.

10.2.3. Kai nuteistieji telefono kortelę papildydavo gavę darbo užmokestį;

Seimo kontrolierė nuolatos savo praktikoje susiduria su atvejais, kai laisvės atėmimo vietos nesudaro sąlygų dirbti visiems to pageidaujantiems nuteistiesiems <...>.

11. <...> [P]o 2023 m. sausio 1 d. teisinis reglamentavimas, susijęs su nuteistųjų teise paskambinti advokatu, iš esmės išliko nepakitęs ir nemokių nuteistųjų teisė paskambinti advokatu teisės akty nuostatomis nebuvo užtikrinta.

12. <...> [D]arytina išvada, kad bausmių vykdymą reglamentuojantys teisės aktai ir laisvės atėmimo vietų taikoma praktika neužtikrina nemokių nuteistųjų teisės telefonu bendrauti su advokatu ir sudaro sąlygas nepagrįstai šią teisę riboti.

Translation

10. During the investigation <...>, it was established that the right to communicate with a lawyer by phone <...> was guaranteed only to able-bodied convicts:

10.1. Officials of only two of the seven prisons operating in Lithuania (<...> Panevezys prison and <...> Marijampole prison) indicated that <...> insolvent convicts who wish to call their lawyer do not have any obstacles to do so; these if a person submits a request, he is allowed to call a lawyer on the prison phone <...>.

10.2. According to the officials of other prisons (<...> Vilnius, Pravieniskiai, Alytus, Kaunas and Siauliai prisons), insolvent convicts could call a lawyer only in the following cases:

10.2.1. When insolvent convicts topped up their phone cards after receiving a one-time payment.

10.2.2. When the lawyer pays the call bill, when the phone card is topped by relatives or officials or when the use of the prison telephone is allowed after satisfying the sentenced person's request after assessing his/her need to call a lawyer.

<...> In this way, the right of defence of insolvent sentenced persons was denied, as its implementation depended exclusively on the will of other persons (a lawyer, the relatives of the sentenced person could not agree to pay/not have the ability to pay for the call, officials could not properly assess reasonableness/unreasonableness of the request of the insolvent sentenced person regarding the call to the lawyer and could reject the request). It can be assumed that <...> there was a real danger of making the right to a lawyer for insolvent sentenced persons declarative and ineffective.

10.2.3. When sentenced persons topped up their phone card after receiving a salary;

In her practice, the Seimas Ombudsperson repeatedly encounters cases where places of deprivation of liberty do not create conditions for working for all sentenced persons who wish to do so <...>.

11. <...> [A]fter January 1, 2023, the legal regulations related to the right of sentenced persons to call a lawyer basically remained unchanged, and the right of insolvent sentenced persons to call a lawyer is not ensured by the provisions of legal acts.

12. <...> [I]t can be concluded that the legal acts regulating the execution of sentences and the practice of prisons do not ensure the right of insolvent sentenced persons to communicate with a lawyer by phone and create the conditions for unjustified restriction of this right.

11. Special measures for female detainees

a. General conditions of detention for women and girls

There are no provisions in the legislation exclusively for women.

b. Separation from men

Women are accommodated in Panevėžys prison, which is dedicated only to women. Women sentenced for crimes for which the prison term does not exceed 1 year are accommodated in an open house in

Vilnius prison.²¹¹ The legislation states that women must be separated from men but does not detail how women are actually separated from men in this institution.

c. Hygiene

Women arriving for the first time at the place of arrest or punishment who do not have sanitary towels with them are immediately issued free sanitary towels (20 pcs).²¹²

There are no more provisions in the legislation exclusively for women.

d. Healthcare

The legislation does not dedicate specific provisions to women in places of deprivation of liberty. However, they are provided with medical services based on the same legislation that applies to women who are not in such places.

e. Pregnancy and women with babies or young children

Pregnant women and mothers with children under the age of three, if they wish to raise their children themselves, serve their sentence at the place of execution of the sentence, where the children's (infant's) home operates. The requirements for the installation and operation of children's (infant) homes located at the place of execution of the sentence and the conditions for the provision of children are determined by the Minister of Justice.²¹³

Pregnant women and mothers with children under the age of three may be allowed to live in residential premises located near the place of execution of the sentence or in the residential premises owned, rented or otherwise legally used by the place of deprivation of liberty or the by convicted person themselves. Electronic monitoring can be used to monitor these women.²¹⁴ The permission to raise a child on these premises can be extended until the child starts primary education. The conditions for extension are defined by the order of the Director of the Department of Prisons.²¹⁵

These women are under constant supervision and have additional rights compared to men. They have the right to have cash and use it without limits, can make unlimited calls, meet and receive transferred items, and can walk freely in the designated area at the scheduled time.²¹⁶

However, if such a woman receives three disciplinary and/or administrative penalties in one year, her right to live outside the territory of the place of execution of the sentence is revoked, and she is transferred to the place of execution of the sentence to serve the sentence in the ordinary group.²¹⁷

²¹¹ Lithuania, Director of the Lithuanian Prisons Service (2023), Order Regarding the approval of the list of the delivery of arrested and convicted persons to specific places of execution of punishment and the list of the places of execution of sentences of deprivation of liberty ([Dėl Suimtujų ir nuteistųjų pristatymo į konkrečias bausmės atlikimo vietas srašo bei arešto ir Laisvės atėmimo bausmių atlikimo vietų paskyrimo srašo patvirtinimo](#)), No V-61, 25 January 2023, last amendment No V-1012, 12 December 2023.

²¹² Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Article 303.

²¹³ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 70.

²¹⁴ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 71.

²¹⁵ Lithuania, Director of the Department of Prisons (2021), Order Regarding the approval of the conditions under which permission may be extended for convicted mothers with children under three years of age to live outside the penitentiary ([Dėl Salygų, kurioms esant gali būti pratęsiamas leidimas vaikų iki trejų metų turinčioms nuteistosioms motinoms gyventi ne patalpos namų teritorijoje, patvirtinimo](#)), No V-20, 20 January 2021.

²¹⁶ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 71.

²¹⁷ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 71.

Lithuanian hygiene norm HN 134:2015²¹⁸ defines that the installation, operation and provision of children's homes for children (infants) in places of deprivation of liberty must comply with the order of the Minister of Health.²¹⁹

f. NPM assessment

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM. The Seimas Ombudsmen's Office did not provide information on this issue.

The Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.²²⁰ During the coverage period, the following decisions regarding measures for female detainees were issued.

The Seimas Ombudsperson, in decision No. 4D-2023/1-1022, 4 January 2024, identified deficiencies in the material supply of sentenced persons.²²¹

Original language

16. <...> Seimo kontrolierė Lietuvos kalėjimų tarnybos direktoriui rekomenduoja imtis priemonių, kad Panevėžio kalėjimo Motinos ir vaiko namuose būtų prieinama visa informacija, susijusi su materialiniu aprūpinimu, teisėmis, atsakingais asmenimis, į kuriuos galėtų kreiptis nuteistosios iškilus klausimams, o pareigūnai operatyviai reaguotų ir spręstų iškilusias problemas.

17. <...> Seimo kontrolierė teisingumo ministrei rekomenduoja apsvarstyti Laisvės atėmimo vietų įstaigos vidaus tvarkos taisyklių 2 priedu patvirtintas Nuteistųjų motinų, kartu su vaikais apgyvendintų baumės atlikimo vietoje esančiuose vaikų (kūdikių) namuose arba ne baumės atlikimo vietos teritorijoje, aprūpinimo normas papildyti, įtraukiant į būtinų priemonių sąrašą ir vežimėlius kūdikiams, kad būtų užtikrinta nuteistųjų motinų ir jų kūdikių (vaikų) teisė išeiti pasivaikščioti ir būti lauke.

Translation

16. <...> The Seimas Ombudsperson recommends to the Director of the Lithuanian Prison Service to take measures so that all information related to material provision, rights, and responsible persons to whom convicted women could turn in case of questions and that officials respond promptly and solve the problems that arise.

17. <...> The Seimas Ombudsperson recommends to the Minister of Justice to consider <...> supplementing the approved supply norms for convicted mothers, who are accommodated together with their children in children's (infant) homes located at the place of execution of the sentence or outside the territory of the place of execution of the sentence, by adding strollers to the list of necessary items for babies, to ensure the right of convicted mothers and their babies (children) to go for a walk and be outside.

²¹⁸ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018, Para 9.

²¹⁹ Lithuania, Minister of Health (2003), Order Regarding the approval of the requirements for the installation and operation of children's (infant) houses in correctional facilities and the conditions of providing for children ([Dėl Pataisos namuose esančių vaikų \(kūdikių\) namų įrengimo ir eksploatavimo reikalavimų bei vaikų aprūpinimo sąlygų patvirtinimo](#)), No V-274, 13 May 2003, last amendment No. V-375, 20 May 2004.

²²⁰ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolierių įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

²²¹ Available at [the Seimas Ombudspersons' website](#).

12. Special measures for foreign nationals

a. General measures for foreign nationals

When employees of state embassies and/or consular offices cannot come to the institution of the place of deprivation of liberty, citizens of foreign countries can be escorted to the embassies and/or consular offices to get an identity document.²²²

No specific provisions in the legal acts define foreigners' status, rights, and obligations. NGOs provide assistance to foreigners under project agreements.

On 19 December 2022, the Director of the Prisons Department approved *The description of the procedure for organising the selection contest for projects aimed at ensuring the well-being of citizens of foreign countries serving prison sentences, stateless persons and persons who do not know the state language*.²²³ The description envisages financing the following activities during the implementation of the projects:

- development of convicts' social skills and organisation of training for them (e.g. financial and computer literacy, positive parenting education, restoration/strengthening/support of family relations, Lithuanian language teaching using non-formal education methods, etc.);
- adaptation of existing spaces in the institution of deprivation of liberty for people of various nationalities and cultures;
- provision and/or organisation of psychological, legal and other assistance (services) to convicts serving their sentences in prisons and/or halfway houses and released convicts (case management).

b. Interpretation and translation

No legal acts regulate the provision of interpretation and translation services to foreigners in detention.

c. NPM assessment

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office noted that the biggest linguistic barriers to participation in resocialisation activities arise for those foreigners who do not speak Russian or English.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.²²⁴ During the coverage period, the following decisions were issued regarding special measures for foreign nationals detainees.

²²² Lithuania, Director of the Lithuanian Prison Service (2023), Order Regarding the approval of the Instruction of the supervision of the protection of the Lithuanian Prison Service ([Dėl Lietuvos kalėjimų tarnybos apsaugos ir priežiūros instrukcijos patvirtinimo](#)), No V-1070, 28 December 2023, para 54.

²²³ Lithuania, Director of the Prisons Department (2022), Order on the approval of the description of the procedure for organizing the selection contest for projects aimed at ensuring the well-being of citizens of foreign countries serving prison sentences, stateless persons and persons who do not know the state language ([Dėl Projekto, skirtų laisvės atėmimo bausmę atliekančių užsienio šalių piliečių, asmenų be pilietybės ir valstybinės kalbos nemokančių asmenų gerovei užtikrinti, atrankos konkurso organizavimo tvarkos aprašo patvirtinimo](#)), No V-470, 19 December 2022.

²²⁴ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolierių įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

In decision Nr. 4D-2023/1-1261, 26 March 2024, Seimas Ombudsperson requested that the availability of employment be explained to the sentenced person in a language he understands in the Praveniskiai 2nd prison.²²⁵

Original language

22.1. iš naujo apvarstyti Pareiškėjo perkėlimo į atviro tipo bausmės atlikimo vietą galimybes, įvertinant ir šioje pažymoje išdėstytas aplinkybes apie pateisinamas priežastis, dėl kurių reikalavimai dirbti (mokyti) gali būti netaikomi;

22.2. užtikrinti, kad Pareiškėjui jam suprantama kalba būtų paaiškintos jo galimybės dirbti Lietuvoje bei suteikta pagalba kreipiantis į atitinkamas institucijas, jeigu jis to pageidaua.

Translation

22.1. to re-consider the possibilities of transferring the Applicant to an open-type place of execution of the sentence, also considering the circumstances stated in this decision about the justifiable reasons for which the requirements to work (study) may not be applied;

22.2. to ensure that the Applicant's opportunities to work in Lithuania are explained to him in a language he understands and that he is assisted in applying to the relevant institutions if he so wishes.

13. Special measures relating to the detention of children and young adults/juvenile detention regime

a. Age groups

A person who is fourteen years old can be sentenced to imprisonment for murder (Article 129), serious health impairment (Article 135), rape (Article 149), sexual assault (Article 150), theft (Article 178), robbery (Article 180), extortion of property (Article 181), destruction or damage of property (Part 2 of Article 187), theft of firearms, ammunition, explosives or explosives (Article 254), theft of narcotic or psychotropic substances, extortion or other illegal possession (Article 263), damage to vehicles or roads, the facilities on them (Article 280, paragraph 2).

A person who is sixteen years old may be sentenced to imprisonment for other crimes.²²⁶

Along with sentenced children, there can be inmates under the age of twenty-four who started serving their prison sentence as children when there is no reason to transfer them to another place of execution of the sentence.²²⁷

b. General measures for detained children and young adults

The *Law on enforcement of arrest*²²⁸ shows that most of the rights of arrested children are ensured like those of adults. The law foresees additional measures to ensure the rights of arrested children.

²²⁵ Available at [the Seimas Ombudspersons' website](#).

²²⁶ Lithuania, Seimas (2000), Criminal Code ([Baudžiamasis kodeksas](#)), No VIII-1968, 26 September 2000, last amendment No XIV-2500, 21 March 2024, Articles 13 and 90.

²²⁷ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 74 (2).

²²⁸ Lithuania, Seimas (1996), Law on Enforcement of Arrest ([Lietuvos Respublikos suėmimo vykdymo įstatymas](#)), No. I-1175, 18 January 1996, last amendment No. XIV-1772, 23 December 2022, Article 25 (2).

Arrested children can walk in the fresh air for at least 3 hours daily. (Article 17 (1)). Children under the age of 16 must have access to education. (Article 22 (1)).

Special attention is paid to the health care of children. The health of arrested children must be thoroughly checked upon arrival at a prison. If an arrested person, his defender, his close relative, or guardian (caregiver) requests, an additional health examination of the child is performed. (Article 24 (2)).

Children who have violated the rules of the institution of deprivation of liberty are subject to lighter measures compared to adults. A disciplinary penalty of isolation for no longer than 5 days may be imposed on a child. (Article 29). Children in isolation are provided with the opportunity to walk for 3 hours. (Article 33). If no new disciplinary penalty is imposed within 2 months after the day of execution of the disciplinary penalty, it is considered that the child has no disciplinary penalties. (Article 31 (8)).

In the same way, the *Code on execution of sentences*²²⁹ shows that juveniles are subject to similar sentencing rules as adults. However, several additional conditions apply to children.

Convicted juveniles are not transferred to the disciplinary group in case of infringement of the imprisonment rules. (Article 34 (7)). Resocialisation occurs according to the convicted juveniles' individual resocialisation plan, which is drawn up considering their social maturity and personality development needs. (Article 53 (2)). Convicted juveniles who study in general education or vocational training institutions are not included in work activities. (Article 59 (2)).

The *Description of the procedure for the prevention of suicides and self-harm in prisons* foresees that in places of deprivation of liberty, to ensure early risk diagnosis of suicides and self-harm, 24-hour enhanced individual care must be provided to newly arrived minors. Also, during the first 4 hours, intensive social-psychological support must be provided to newly arrived minors, and investigative-explanatory work must be carried out.²³⁰

To ensure proper organisation of the resocialisation process when working with convicted children and convicts under the age of twenty-four, who began serving their prison sentence as children, the methodology for assessing risk and response to interventions in the near future (adolescent version START: AV (The Short-Term Assessment of Risk and Treatability: Adolescent Version) was approved by order of the Director of the Department of Prisons.²³¹ The methodology is designed to help assess the risk of adverse behaviour consequences of delinquent youth.

c. Separation from adults

The legislation only states that children must be separated from adults. It does not detail how this separation is to be accomplished.

d. NPM assessment

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

²²⁹ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023.

²³⁰ Lithuania, Director of the Prisons Department (2014), Regarding the approval of the description of the procedure for the prevention of suicides and self-harm in prisons ([Dėl Savižudybių ir savęs žalojimo laisvės atėmimo vietų įstaiqose prevencijos tvarkos aprašo patvirtinimo](#)), No V-353, 2 September 2017, last amendment No V-363, 2 December 2020, paras 7.2 and 7.3.

²³¹ Lithuania, Director of the Department of Prisons (2019), Order Regarding the Assessment of Risk and Response to Interventions in the Near Future: Approval of the Adolescent Version of START:AV ([Dėl Rizikos ir atsako į intervencijas artimiausioje ateityje vertinimo: paaqly versijos START:AV aprobavimo](#)), No V-235, 14 June 2019, last amendment No V-252, 14 July 2022.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office noted that they do not have comments on this issue.

14. Special measures to protect detainees with disabilities or serious medical conditions

a. Care in detention

The legislation does not dedicate specific provisions to people with disabilities in places of deprivation of liberty. When services are provided in Hospitals for places of deprivation of liberty, the same legislation applies to people with disabilities in detention as to people who are not in detention.

b. Continuity of care

The continuity of care is organised following the *Description of the procedure for the social integration of persons who will be released (released) from imprisonment*.²³²

c. Reasonable accommodation and accessibility

Not all buildings for detention are adapted to the needs of the persons with disability. Legislation does not require a person with a disability to be accommodated in detention facilities adapted to their needs.

The 2024-2026 action plan for ensuring the participation of persons with disabilities stipulates that the Prison Service is committed to constructing and repairing prison buildings to adapt them to the needs of people with disabilities. One building will be adapted to the needs of people with disabilities every year.²³³

The rules for the installation and operation of correctional institutions (retention cells)²³⁴ stipulate that when renovating prison buildings and premises, living and domestic conditions must be created for convicted (arrested) persons held in prisons, which comply with the Lithuanian hygiene norm HN 134:2015 *Health safety requirements for places of deprivation of liberty and custody of territorial police institutions*.²³⁵

d. NPM assessment

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office noted that they do not have comments on this issue.

²³² Lithuania, Minister of Justice and Minister of Social Security and Labour (2020), Regarding the Approval of the description of the procedure for social integration of persons who are going to be released (released) from places of imprisonment ([Dėl Iš laisvės atėmimo baasmės atlikimo vietų paleidžiamų \(paleistų\) asmenų socialinės integracijos tvarkos aprašo patvirtinimo](#)), No A1-939/1R-324, 8 October 2020, last amendment No A1-865/1R-418, 19 December 2022.

²³³ Lithuania, Minister of Social Security and Labour (2023), Order Regarding the approval of the 2024-2026 action plan for ensuring the participation of persons with disabilities ([Dėl Asmens su negalia dalyvumo užtikrinimo 2024–2026 metų veiksmų plano patvirtinimo](#)), No A1-622, 25 September 2023, last amendment No A1-198, 13 March 2024, Para 2.1.8.

²³⁴ Lithuania, Director of the Department of Prisons (2020), Order Regarding the approval of the rules for the installation and operation of correctional institutions (retention cells) ([Dėl Pataisos įstaigų \(tardymo izoliatorių\) įrengimo ir eksploatavimo taisyklių patvirtinimo](#)), No V-389, 21 December 2020, last amendment No V-270, 21 July 2022

²³⁵ Lithuania, Minister of Health (2015), Order On the approval of the Lithuanian hygiene norm HN 134:2015 "Health safety requirements for places of deprivation of liberty and custody of territorial police institutions" ([Dėl Lietuvos higienos normos HN 134:2015 „Laisvės atėmimo vietų ir teritorinių policijos įstaigų areštinių sveikatos saugos reikalavimai“ patvirtinimo](#)), No V-908, 3 August 2015, last amendment No V-936, 27 August 2018.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.²³⁶ During the coverage period, the following decisions were issued regarding the special measures for detainees with disabilities.

The Seimas Ombudsperson, in decision No. 4D-2021/1-1416, 31 March 2022, found that walking yards are not suitable for detainees (convicts) with a disability or other health problems.²³⁷

Original language

16. Tyrimas Seimo kontrolieriaus iniciatyva pradėtas įvertinus tai, kad praktikoje susiduriama su atvejais, kai suimtieji (nuteistieji) dėl neįgalumo ar kitų sveikatos problemų negali pasivaikščioti (pabūti) gryname ore, nes yra nepajėgūs ilgą laiką stovėti / vaikščioti, o atsisėsti pasivaikščiojimo kiemelyje nėra ant ko, todėl dažnai būna priversti atsisakyti pasivaikščiojimo lauke.

19. <...> vadovaujantis šiuo metu galiojančiomis teisės aktų nuostatomis, bent vienas kiemelis turi būti pritaikytas specialiesiems neįgalių nuteistųjų poreikiams, taigi bent viename kiemelyje turi būti įrengta sėdima vieta ir būti kitokio inventoriaus, būtino neįgalaus asmens poreikiams.

<...> Šiaulių TI nėra nė vieno kiemelio, pritaikyto neįgaliųjų poreikiams. Pravieniškųjų pataisos namų-atvirosios kolonijos 1-ojo sektoriaus, Alytaus ir Marijampolės pataisos namų KTP zonų pasivaikščiojimo kiemeliuose taip pat nėra suoliukų arba kito sėdėti skirto inventoriaus.

Kaip paaiškėjo išanalizavus Kalėjimų departamentui pavaldžių laisvės atėmimo vietų administracijų paaiškinimus, nuteistųjų (suimtųjų) galimybė pasėdėti pasivaikščiojimo metu priklauso nuo subjektyvių aplinkybių ir pareigūnų diskrecijos teisės.

Translation

16. The analysis was initiated at the initiative of the Seimas Ombudsperson after assessing the fact that, in practice, there are cases where the arrested (convicted) persons cannot walk (be) in the fresh air due to disability or other health problems, because they are unable to stand/walk for a long time, and there is no place to sit down in the yard; therefore, they are often forced to give up walking outside.

19. <...> Following the currently valid provisions of legal acts, at least one yard must be adapted to the special needs of detained persons with disability, so at least one yard must be equipped with a seating area and have other equipment necessary for the needs of persons with disability.

<...> Šiauliai DC, does not have a single yard adapted to the needs of persons with disability. There are also no benches or other furniture for sitting in the walking yards of the 1st sector of the Pravieniskiai CF-OC, the Alytus and Marijampole CF <...>.

As it became clear after analysing the explanations of <...> administrations of the institutions of deprivation of liberty, the possibility of convicted (arrested) persons to sit during the walk depends on subjective circumstances and the discretion of the institution's staff.

²³⁶ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolieriu įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

²³⁷ Available at [the Seimas Ombudspersons' website](#).

15. Specific measures to protect detainees with special needs or other vulnerabilities

a. Protection of LGBTI detainees

Following the *Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries*,²³⁸ members of the LGBTI community are considered vulnerable persons, and for preventing violence, a newcomer must be accommodated, considering his vulnerability.

The legislation does not specify additional specific measures for protecting LGBTI members. General measures for protecting vulnerable detainees are applicable.

b. Protection of trans detainees

The legislation does not have specific measures for the protection of trans detainees.

c. Protection of other vulnerable detainees

Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries,²³⁹ defines that for preventing violence, upon the arrival of an arrested or convicted person at the place of execution of the sentence or arrest, the receiving officer must perform an initial assessment of vulnerability and accommodate a newcomer, considering the results of the assessment. A psychologist also performs an initial psychological assessment of a newcomer's vulnerability.

The Description provides a list of people who are considered vulnerable persons, that is, persons who, due to their personal experience and/or some environmental factors, have a higher probability of becoming victims of violence. The following arrested or convicted persons are considered vulnerable persons: persons who have connections or have worked in the law enforcement system; persons who testified and are cooperating with law enforcement officers; persons who work; those who adhere to the subculture and classify themselves as a lower caste of convicts or who have experienced sexual abuse; persons who do not have acquaintances among convicts, persons who do not belong to gangs or belong to different gangs; persons who are thieving; aggressors; persons harming themselves; persons who do not adhere to subcultures; persons without money or in debt; persons suffering from mental illness; persons with mental disabilities; persons with physical disability; convicted of sexual offences or murder of a parent or child; persons belonging to ethnic minorities or foreigners; members of the LGBTI community; persons addicted to psychotropic substances; young people; individuals with poor social skills (sensitive, insecure, low self-esteem).²⁴⁰

²³⁸ Lithuania, Director of the Lithuanian Prisons Service (2022), Order Regarding the approval of the Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries ([Dėl Suimtųjų ir nuteistųjų kūno sužalojimų prevencijos ir tyrimo, kūno sužalojimų dokumentų rengimo, tvarkymo ir apskaitos laisvės atėmimo vietoje tvarkos aprašo patvirtinimo](#)), No V-534, 22 December 2022, Paras 9-23.

²³⁹ Lithuania, Director of the Lithuanian Prisons Service (2022), Order Regarding the approval of the Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries ([Dėl Suimtųjų ir nuteistųjų kūno sužalojimų prevencijos ir tyrimo, kūno sužalojimų dokumentų rengimo, tvarkymo ir apskaitos laisvės atėmimo vietoje tvarkos aprašo patvirtinimo](#)), No V-534, 22 December 2022, Paras 9-23.

²⁴⁰ Lithuania, Director of the Lithuanian Prisons Service (2022), Order Regarding the approval of the Description of the procedure for the prevention and investigation of bodily injuries of arrested and convicted persons in places of deprivation of liberty, as well as the preparation, processing and accounting of documents on bodily injuries ([Dėl Suimtųjų ir nuteistųjų kūno sužalojimų prevencijos ir tyrimo, kūno sužalojimų dokumentų rengimo, tvarkymo ir apskaitos laisvės atėmimo vietoje tvarkos aprašo patvirtinimo](#)), No V-534, 22 December 2022, Para 8.5.

The protection of the persons who testified and cooperate with law enforcement officers can be organised following the Rules for the Protection Against Criminal Influence.²⁴¹

d. NPM assessment

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office noted that they do not have comments on this issue.

16. Specific measures to address radicalisation in prisons

a. General measures to prevent radicalisation

The national legislation does not foresee specific measures for preventing radicalisation in places of deprivation of liberty.

b. Risk assessments

The legislation does not foresee specific risk assessment measures dedicated to radicalisation issues in places of deprivation of liberty.

c. Training of staff

The specific training on radicalisation issues is not foreseen in the Modular professional training program for officers of the penalty execution system.²⁴²

d. Deradicalisation measures

The legislation does not foresee specific measures dedicated to rehabilitation, deradicalisation and disengagement programmes in prison, in preparation for release, and programmes after release to promote the reintegration of detainees convicted of terrorist and violent extremist offences.

e. NPM assessment

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office noted that they do not have comments on this issue.

17. Inspections and monitoring

a. Inspections

The national legislation does not foresee an inspection mechanism for detention facilities except for the National Preventive Mechanism.

²⁴¹ Lithuania, Commissioner General of Police, Director of the Prisons Department and Prosecutor General (2008), Regarding the approval of the Rules for the Protection Against Criminal Influence ([Dėl Apsaugos nuo nusikalstamo poveikio nuostatų patvirtinimo](#)), No 5-V-532/V-237/I-123, 18 September 2018, last amendment No 5-V-443/V-117/I-150, 27 April 2022.

²⁴² Lithuania, initial vocational training program "Modular professional training program for officers of the penalty execution system" ([Bausmių vykdymo sistemos pareiškimo modulinė profesinio mokymo programa](#)).

b. Access to detention facilities by national authorities

The Parliamentary Ombudspersons investigate applicants' complaints regarding the abuse of officials, bureaucracy, or otherwise violating human rights and freedoms in public administration, including detention.²⁴³

A Seimas (national parliamentarian) member has the right to ask the Director of the Prison Service questions regarding the operation of prisons.²⁴⁴

The Law and Justice Committee of the Seimas has the right to carry out parliamentary control of the activities of the Prison Service, prepare related conclusions, and submit proposals.²⁴⁵ In carrying out parliamentary control, the Committee has the right to: listen to the information and reports of the Prison Service on how the laws of the Republic of Lithuania and other legal acts adopted by the Seimas are implemented; if necessary, submit the conclusions, proposals and/or recommendations of the committee to the Prison Service and other state institutions; control how the laws are followed and the resolutions of the Seimas are implemented, how the deadlines for their implementation set in these legal acts are followed, monitor and evaluate how the proposals and/or recommendations of the committee are taken into account; to obtain the necessary data, documents and other material necessary for parliamentary control from the Prison Service following the procedure established by legal acts.²⁴⁶

The Ministry of Justice supervises the activities of the Prison Service and approves its annual action plan. The Prison Service prepares and submits annual reports to the Ministry of Justice. The Director of the Prison Service reports to the minister on achieving set personal goals and annual results. Any natural or legal person can submit a complaint to the ministry about the improper performance of the functions of a Prison Service or its employees. The Ministry can take active steps to improve the performance of the Prison Service.²⁴⁷

c. Access to detention facilities by international bodies

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the National Preventive Mechanisms network have free access.

The Seimas Ombudspersons' office is a National Preventive Mechanism according to the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. To prevent torture and other cruel, inhuman or degrading treatment or punishment, the Parliamentary Ombudspersons have to visit places of deprivation of liberty regularly.²⁴⁸

A member of the European Parliament has the right to request information directly from the Prison Service and to receive it, except for information whose disclosure is prohibited or restricted by legislation.²⁴⁹

²⁴³ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolieriu įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

²⁴⁴ Lithuania, Seimas (1994), Statute of the Seimas of the Republic of Lithuania ([Lietuvos Respublikos Seimo statutas](#)), No. I-399, 17 February 1994, last amendment No. XIV-2449, 21 December 2023, Article 9 (11).

²⁴⁵ Lithuania, Seimas (1994), Statute of the Seimas of the Republic of Lithuania ([Lietuvos Respublikos Seimo statutas](#)), No. I-399, 17 February 1994, last amendment No. XIV-2449, 21 December 2023, Article 67 (9).

²⁴⁶ Lithuania, Seimas (1994), Statute of the Seimas of the Republic of Lithuania ([Lietuvos Respublikos Seimo statutas](#)), No. I-399, 17 February 1994, last amendment No. XIV-2449, 21 December 2023, Article 49 (5).

²⁴⁷ Lithuania, Seimas (1994), Law on the Government ([Lietuvos Respublikos vyriausybės įstatymas](#)), No. I-464, 19 May 1994, last amendment No. XIV-2003, 25 May 2023, Art. 5.

²⁴⁸ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolieriu įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 19¹.

²⁴⁹ Lithuania, Seimas (2024), Law on the Status and Working Conditions of Members of the European Parliament elected in the Republic of Lithuania ([Lietuvos Respublikoje išrinktu Europos Parlamento narių statuso ir darbo sąlygų įstatymas](#)), No IX-2025, 17 February 2004, Article 3.

d. NPM assessment

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office indicated that they do not have problems accessing prisons for inspection or monitoring.

18. Access to remedy

a. Legal remedies

The actions and decisions of the officials of institutions of deprivation of liberty may be appealed to the director of that institution within one month. The Director must decide on this complaint within 20 working days of receipt and, where the complaint requires an internal investigation, within 20 working days after the completion of the investigation.²⁵⁰ The director can oblige officials/Prison staff to change actions or decisions.

A person can submit a complaint to an administrative court. Administrative courts decide cases regarding the lawfulness of the legal acts and actions (inaction) of the Lithuanian Prison Service (prisons) and compensation for damage caused by their illegal actions. (according to Article 6.271 of the Civil Code of the Republic of Lithuania).²⁵¹

The Ministry of Justice compensates for the damage caused by the Lithuanian Prison Service (prisons). The procedure for submitting a request for compensation is established and approved by the Minister of Justice.²⁵²

b. Legal assistance

Convicted persons have the right to meet, correspond and call their lawyer (lawyer's assistant) unhindered following the procedure established by the Minister of Justice.²⁵³ The number and duration of these meetings and calls and the number of letters are unlimited. When communicating with a lawyer (lawyer's assistant), the confidentiality of their communication must be ensured. Each meeting of the convict with the lawyer (lawyer's assistant) takes place at the time set by the institution of deprivation of liberty and cannot last longer than 8 hours.²⁵⁴

Convicted persons can receive state-guaranteed legal aid if they do not have enough funds to pay for a lawyer and/or to cover court costs and the costs of the proceeding.²⁵⁵

²⁵⁰ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 100.

²⁵¹ Lithuania, Seimas (1999), Administrative Proceedings Law ([Administracinių bylų teisenos įstatymas](#)), No VIII-1029, 14 January 1999, last amendment No. XIV-2248, 16 November 2023, Article 17.

²⁵² Lithuania, Minister of Justice (2022), Order Regarding the approval of the description of the procedure for the execution of court decisions, which determine the illegal actions of public authorities, and the examination of requests for compensation of awarded damages ([Dėl Teismų sprendimų, kuriais nustatyti valdžios institucijų neteisėti veiksmai, vykdymo ir prašymų dėl priteistos žalos atlyginimo nagrinėjimo tvarkos aprašo patvirtinimo](#)), No 1R-9, 6 January 2022, last amendment No 1R-318, 5 October 2023.

²⁵³ Lithuania, Minister of Justice (2022), Order Regarding the implementation of the Code on Enforcement of Punishment, the Law on Probation and the Law on the Execution of Arrest ([Dėl Lietuvos Respublikos bausmių vykdymo kodekso, Lietuvos Respublikos probacijos įstatymo ir Lietuvos Respublikos suėmimo vykdymo įstatymo įgyvendinimo](#)) No 1R-444, 30 December 2022, last amendment No 1R-372, 11 December 2022, Articles 111 and 112.

²⁵⁴ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 42.

²⁵⁵ Lithuania, Seimas (2000), Law on state-guaranteed legal aid ([Valstybės garantuojamas teisinės pagalbos įstatymas](#)), No VIII-1591, 28 March 2000, last amendment No XIV-2103, 29 June 2023.

c. Request and complaints

The actions and decisions of the officials of institutions of deprivation of liberty may be appealed to the director of that institution within one month. The Director must decide on this complaint within 20 working days of receipt and, where the complaint requires an internal investigation, within 20 working days of the completion of the investigation.²⁵⁶

A person can submit a complaint to an administrative court. Administrative courts decide cases regarding the lawfulness of the legal acts and actions (inaction) of the Lithuanian Prison Service (prisons) and compensation for damage caused by their illegal actions. (according to Article 6.271 of the Civil Code of the Republic of Lithuania).²⁵⁷

Any sentenced person can submit a petition to the Petitions Commission of the Lithuanian Prison Service regarding a legal act of multiple applications adopted and published by the Lithuanian Prison Service, which establishes mandatory rules of conduct for an individually undefined group of sentenced persons.²⁵⁸

Any sentenced person can submit a report on alleged illegal actions or inaction by officials and employees of the Lithuanian Prison Service, improper performance or non-performance of duties, abuse of granted powers or actions that have signs of criminal activity of a corrupt nature. The report should be submitted through the Lithuanian Prison Service's hotlines by phone No +370 5 271 9022 with the autoresponder function or by email to pasitikejimas@kalejimai.lt. The report may be submitted anonymously.²⁵⁹

Convicted persons have the right to establish councils of convicted persons in the places where the sentence is served. The purpose of the Council is to advise the director of the prison institution on matters related to the resocialisation of convicted persons, integration into society, employment, health care and treatment of addiction diseases, improvement of prison conditions, provision of household needs, organisational culture and legal regulation. The council can accept requests, complaints and proposals from other convicted persons.²⁶⁰

d. Independent authority

The Seimas Ombudspersons investigate applicants' complaints regarding the abuse of powers, bureaucracy, or other violations of human rights and freedoms in detention.²⁶¹ Lithuanian Prison Service implements Seimas Ombudspersons' recommendations.

e. NPM assessment

Lithuania designated the Parliamentary Ombudsperson's Office (Seimas Ombudsmen's Office) as NPM.

²⁵⁶ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 100.

²⁵⁷ Lithuania, Seimas (1999), Administrative Proceedings Law ([Administracinių bylų teisenos įstatymas](#)), No VIII-1029, 14 January 1999, last amendment No. XIV-2248, 16 November 2023, Article 17.

²⁵⁸ Lithuania, Director of the Lithuanian Prisons Service (2023), Order Regarding the approval of the description of the procedure for the establishment of the petitions commission of the Lithuanian Prisons Service and the organisation of the examination of the petitions ([Dėl Lietuvos kalėjimų tarnybos peticijų komisijos sudarymo ir peticijų nagrinėjimo organizavimo tvarkos aprašo patvirtinimo](#)), No V-533, 12 July 2023; Lithuania, Seimas (2022), Constitutional Law on Petitions of the Republic of Lithuania ([Lietuvos Respublikos peticijų konstitucinis įstatymas](#)), No. XIV-1766, 23 December 2022.

²⁵⁹ Lithuania, Director of the Lithuanian Prisons Service (2023), Order Regarding the approval of the provisions of the Trust Line of the Lithuanian Prison Service ([Dėl Lietuvos kalėjimų tarnybos pasitikėjimo linijos nuostatų patvirtinimo](#)), No V-222, 31 March 2023.

²⁶⁰ Lithuania, Seimas (2002), Code on execution of sentences ([Lietuvos Respublikos Bausmių vykdymo kodeksas](#)), No. IX-994, 27 June 2002, last amendment No. XIV-1902, 25 April 2023, Article 48 (5).

²⁶¹ Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolierių įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

At the online meeting held on 8 May 2024, representatives of the Seimas Ombudsmen's Office noted that they do not have additional comments on this issue.

In addition, the Seimas Ombudspersons investigate applicants' complaints regarding the abuse of officials or bureaucracy or other violations of human rights and freedoms in detention.²⁶² During the coverage period, the following decisions were issued regarding the access to remedy.

The Seimas Ombudsperson, in decision No. 4D-2023/1-1243, 7 March 2024, found that the person's right to submit a complaint regarding the answer he received may have been limited because the answer did not contain information on how to make a complaint.²⁶³

Original language

13. Iš Skundo nagrinėjimui pateiktos informacijos matyti, kad Pareiškėjas, gavęs Kalėjimų tarnybos atsakymą (pasirašytą vyriausiojo gydytojo), kuriame nėra nurodytos galimos apskundimo tvarkos, nežinojo, kam turėtų jį skųsti tuo atveju, jei nesutinka su juo. Darytina išvada, kad Kalėjimų tarnybos administracija atsakyme nesuteikė tikslios informacijos apie apskundimo tvarką, todėl galėjo būti suvaržyta Pareiškėjo teisė skųsti priimtą sprendimą ir (arba) kreiptis dėl sveikatos priežiūros paslaugų suteikimo (nesuteikimo) bei žalos, kilusios iš asmens sveikatos priežiūros santykių, atlyginimo.

Iš to, kas išdėstyta, darytina išvada, kad Pareiškėjo skundas dėl Kalėjimų tarnybos pareigūnų veiksmų (neveikimo), galimai netinkamai nagrinėjant Pareiškėjo skundą, nenurodžius rašto apskundimo tvarkos, yra pagrįstas.

Translation

13. It can be seen from the information provided for the examination of the Complaint that the Applicant, having received the answer from the Prison Service (signed by the chief doctor), which does not indicate the possible appeal procedure, did not know to whom he should complain in case he disagrees with it. It can be concluded that the Prison Service Administration did not provide accurate information about the appeal procedure in its response; therefore, the Applicant's right to appeal the decision and/or to apply for the provision (non-provision) of health care services and compensation for damages arising from personal health care relationships could be restricted.

From the above, it can be concluded that the Applicant's complaint regarding the actions (inaction) of the Prison Service officials, possibly improperly examining the Applicant's complaint without specifying the written appeal procedure, is justified.

The Seimas Ombudsperson, in decision No. 4D-2023/1-947, 13 November 2023, found that the person's right to appeal a decision may have been limited because the decision did not contain information on how to appeal.²⁶⁴

Original language

13. Skundo dalis dėl Pravieniškių 1-ojo kalėjimo pareigūnų veiksmų (neveikimo), Pareiškėjui Pravieniškių 1-ojo kalėjimo viršininko <...> priimtame sprendime <...> netinkamai nurodžius sprendimo apskundimo tvarką, pripažintina pagrįsta.

Translation

²⁶² Lithuania, Seimas (1998), Law on Seimas Ombudspersons ([Seimo kontrolierių įstatymas](#)), No. VIII-950, 3 December 1998, last amendment No. XIV-1997, 25 May 2023, Article 12 (1).

²⁶³ Available at [the Seimas Ombudspersons' website](#).

²⁶⁴ Available at [the Seimas Ombudspersons' website](#).

13. The part of the complaint regarding the actions (inaction) of the officials of Pravieniškias 1st prison, as the decision made by the head of the Pravieniskiai 1st prison <...> to the Applicant <...> incorrectly indicated the procedure for appealing the decision, is considered as grounded.

The Seimas Ombudsperson, in decision No. 4D-2022/1-823, 14 July 2022, found that the sentenced person's right to appeal the response of the prison could have been limited because it contained a misleading appeal procedure.²⁶⁵

Original language

14. <...> Skundas dėl [Kalėjimo departamento] pareigūnų veiksmų (neveikimo), Pareiškėjui pateiktame atsakyme galimai netinkamai nurodžius rašto apskundimo tvarką, yra pagrįstas.

16. <...> Seimo kontrolierė Kalėjimų departamento direktoriui rekomenduoja:

16.1 imtis priemonių, kad ateityje pareiškėjams pateikiamuose atsakymuose, informuojant apie jų apskundimo tvarką, būtų nurodyti tokie duomenys, iš kurių be papildomų informacijos šaltinių (įstatymų, poįstatyminių teisės aktų) ir laiko sąnaudų pareiškėjui, nepriklausomai nuo jo išsilavinimo, amžiaus, būtų visiškai aišku, kokiai institucijai (institucijos pavadinimas, adresas) ir per kokį terminą (nurodant, ar terminas skaičiuojamas nuo sprendimo priėmimo ar nuo individualaus akto gavimo dienos) gali būti paduotas skundas.

Translation

14. <...> The complaint regarding the actions (inaction) of the [Prison Department] officials, that the written appeal procedure may have been incorrectly specified in their response to the Applicant, is grounded.

16. <...> The Seimas Ombudsperson recommends to the Director of the Prisons Department:

16.1 to take measures so that in future answers to applicants, the appeal procedure will contain such information that would allow, without additional sources of information (laws, by-laws) and time costs, for the applicant, regardless of his education, age, it would be completely clear to which institution (name of the institution, address) and within what time limit (indicating whether the time limit is calculated from the decision-making date or the date of receipt of the individual act) a complaint can be filed.

The Seimas Ombudsperson, in decision No. 4D-2023/1-907/924, 6 November 2023, found that the sentenced person's right to appeal the decision could have been limited because the decision contained a misleading appeal procedure and was not adequately reasoned.²⁶⁶

Original language

13. <...> [N]ustatyta, kad dviejuose [Lietuvos kalėjimų tarnybos] pateiktuose atsakymuose nurodyta klaidinanti, netiksli ar ne visa informacija apie instituciją, kuriai gali būti pateikiamas skundas, todėl Pareiškėjui iš gautų atsakymų galėjo būti neaišku, į kokį teismą ir kokių adresu jis turėtų kreiptis, norėdamas apskųsti [Lietuvos kalėjimų tarnybos] administracinius sprendimus.

Seimo kontrolierė atkreipia dėmesį, kad [Viešojo administravimo įstatymo] reikalavimas išaiškinti individualaus administracinio akto apskundimo tvarką yra susijęs su aktą priimančio subjekto pareiga nurodyti sprendime tokią informaciją, iš kurios be papildomų informacijos šaltinių (įstatymų,

²⁶⁵ Available at [the Seimas Ombudspersons' website](#).

²⁶⁶ Available at [the Seimas Ombudspersons' website](#).

poįstatyminių teisės aktų) ir laiko sąnaudų asmeniui, nepriklausomai nuo jo išsilavinimo, amžiaus, būtų aišku, kokiai institucijai ir per kokį terminą gali būti paduotas skundas.

17. <...> viešojo administravimo subjektai, rengdami atsakymus, privalo įvertinti pareiškėjo prašymo ar skundo turinį ir pateikti teisės aktų nuostatomis pagrįstą, aiškų ir argumentuotą atsakymą, kuriame būtų atsakyta į visus keliamus klausimus.

Lietuvos kalėjimų tarnybos atsakymas parengtas nesivadovaujant [Viešojo administravimo įstatymo] nustatyto išsamumo principo, nes neatsižvelgta į Pareiškėjo skundo turinį. Atsakyme nėra užsimenama apie jokiais individualias aplinkybes, kurios buvo vertinamos, nenurodomos konkrečios faktinės aplinkybės, kuriomis remtasi priimant tokį sprendimą. Atsakymas parengtas nurodant tik raštų, kurie vertinti, numerius ir teisės aktus, kuriuos galimai atitinka šie atsakymai. Iš tokio atsakymo neįmanoma suprasti, kokia problema buvo sprendžiama ir kas konkrečiai atitinka teisės aktų reikalavimus.

Translation

13. <...> [I]t was established that the two answers submitted by the [Lithuanian Prison Service] contained misleading, inaccurate or incomplete information about the institution to which a complaint can be submitted, so the Applicant could not understand from the answers received which court he should go to at which address file a complaint against [Lithuanian Prison Service] administrative decisions.

The Seimas Ombudsperson points out that the requirement of the [Law on Public Administration] to clearly indicate the procedure for appealing an individual administrative act is related to the obligation of the entity adopting the act to indicate such information in the decision, from which, without additional sources of information (laws, by-laws) and time costs for the person, regardless from his education, age, it would be clear to which institution and within what time frame a complaint should be filed.

17. <...> entities of public administration, when preparing answers, must assess the content of the applicant's request or complaint and provide a clear and reasoned answer based on the provisions of legal acts, which would answer all the questions raised.

The response of the Lithuanian Prison Service was prepared without following the principle of completeness established by the [Law on Public Administration], as the content of the Applicant's complaint was not considered. The response does not mention any individual circumstances that were assessed or specify the specific factual circumstances on which such a decision was based. The answer is prepared by indicating only the registration number of documents to be evaluated and the legal acts that these answers possibly correspond to. From such an answer, it is impossible to understand what problem was being solved and what specifically meets the requirements of legal acts.

The Seimas Ombudsperson, in decision No. 4D-2023/1-160, 16 May 2023, found that decisions of the institution of deprivation of liberty are not clear and reasoned.²⁶⁷

Original language

14. <...> Seimo kontrolierė nusprendžia X skundą dėl Lietuvos kalėjimų tarnybos ir Pravieniškių 2-ojo kalėjimo pareigūnų veiksmų (neveikimo), galimai netinkamai išnagrinėjus Pareiškėjo kreipimuisi, pripažinti pagrįstu.

²⁶⁷ Available at [the Seimas Ombudspersons' website](#).

15. <...> Seimo kontrolierė Lietuvos kalėjimų tarnybos direktoriui rekomenduoja:

15.2. imtis priemonių, kad ateityje išnagrinėjus pareiškėjų skundus, teikiami atsakymai būtų aiškūs, išsamūs, pagrįsti objektyviais duomenimis (faktais) ir teisės aktų normomis bei atitiktų [Viešojo administravimo įstatymo] reikalavimus.

Translation

14. <...> The Seimas Ombudsperson decides to recognise X's complaint regarding the actions (inaction) of the officers of the Lithuanian Prison Service and Pravieniskiai 2nd Prison as reasoned, due to improper examination of the Applicant's complaints.

15. <...> The Seimas Ombudsperson recommends to the Director of the Lithuanian Prison Service:

15.2. to take measures so that when the applicants' complaints are examined in the future, the answers provided are clear, detailed, based on objective data (facts) and the norms of legal acts, and meet the requirements of the [Law on Public Administration].

The Seimas Ombudsperson, in decisions No. 4D-2024/1-168, 9 May 2024, found that sentenced persons cannot effectively defend their rights because they do not receive all the information they are entitled to according to legal acts.²⁶⁸

Original language

9. Pareiškėjas su prašymais kreipėsi į Marijampolės kalėjimą ir [Lietuvos kalėjimų tarnybą], kad jam būtų pateikta <...> Marijampolės kalėjimo valgykloje ir virtuvėje atlikto patikrinimo akto <...> kopija <...>. Pareiškėjas <...> tuo metu buvo Marijampolės kalėjimo nuteistųjų kolektyvo tarybos pirmininku.

10. <...> Marijampolės kalėjimas ir [Lietuvos kalėjimų tarnyba], Pareiškėjui prašomo patikrinimo akto kopijos nepateikė. Pareiškėjui buvo paaiškinta: „[...] Jūsų prašymo negali tenkinti, kadangi minimas aktas yra naudojamas <...> Marijampolės kalėjimo vidaus administravimo poreikiams ir jis nėra viešinamas [...]“

12. Pagal [Bausmių vykdymo kodeksą] nustatytą reglamentavimą, nuteistųjų kolektyvų tarybų nariai turi teisę, be kita ko, gauti ir rinkti informaciją apie nuteistųjų maitinimą, buities sąlygas. <...> Pareiškėjas, būdamas nuteistųjų kolektyvo tarybos pirmininku, turėjo teisėtą pagrindą gauti prašomą informaciją.

Atsakymuose [Lietuvos kalėjimų tarnybos], administracija nepateikė Pareiškėjo prašomos informacijos, nenurodė teisinio pagrindo, kuriuo remiantis prašoma informacija negali būti pateikta Pareiškėjui.<...>.

13. <...> Seimo kontrolierė nusprendžia X skundą dėl [Lietuvos kalėjimų tarnybos] pareigūnų veiksmų (neveikimo), netinkamai nagrinėjant prašymus suteikti informaciją, pripažinti pagrįstu.

Translation

9. The applicant applied to the Marijampole prison and the [Lithuanian Prison Service] to be provided with a copy of the report on the inspection of the canteen and kitchen of Marijampole Prison <...>. The applicant <...> was at that time the chairman of the council of detained persons in Marijampole prison.

10. <...> Marijampole prison and [Lithuanian prison service] did not provide the Applicant with a copy of the requested inspection report. It was explained to the applicant: "[...] your request cannot be satisfied because the act in question is for the internal needs of the administration of the Marijampole prison, and it is not made public [...]"

²⁶⁸ Available at [the Seimas Ombudspersons' website](#).

12. According to the regulations established by the [Penal Code], the members of the councils of sentenced persons have the right, among other things, to receive and collect information about inmates' meals and household conditions. <...> The applicant, being the chairman of the council of the sentenced persons, had legitimate grounds to receive the requested information.

In the answers [of the Lithuanian Prison Service], the administration did not provide the information requested by the Applicant and did not indicate the legal grounds based on which the requested information cannot be provided to the Applicant.<...>.

13. <...> The Seimas Ombudsperson decides to recognise X's complaint regarding the actions (inaction) of the [Lithuanian Prison Service] officials in improperly examining requests for information as grounded.

The Seimas Ombudsperson, in decision No. 4D-2023/1-902, 29 November 2023, found that the Lithuanian Prison Service unreasonably did not examine the detained person's complaint without an electronic signature sent by e-mail.²⁶⁹

Original language

16. Pareiškėjas 2023 m. rugpjūčio 30 d. iš asmeninio elektroninio pašto išsiuntė skundą [Lietuvos kalėjimų tarnybai], skundas buvo nepasirašytas. [Lietuvos kalėjimų tarnyba] 2023 m. rugsėjo 26 d. pateikė atsakymą Pareiškėjui ir nurodė, kad jo skundas neatitinka teisės aktuose nustatytų reikalavimų, todėl nebus nagrinėjamas.

18. <...> konstatuotina, kad [Lietuvos kalėjimų tarnyba], gavusi teisės aktuose nustatytų reikalavimų neatitinkantį skundą, neinformavo apie tai Pareiškėjo per 5 darbo dienas ir nepasiūlė ištaisyti skundo trūkumų bei pateikti pasirašyto skundo, nesistengė asmens identifikuoti arba patikrinti skundo autentiškumo, nors turėjo tam visas galimybes, nesilaikė <...> gero viešojo administravimo principų, todėl Pareiškėjo Skundas dėl [Lietuvos kalėjimų tarnybos] pareigūnų veiksmų / neveikimo nagrinėjant skundą, pripažįstamas pagrįstu.

<...> Seimo kontrolierė Lietuvos kalėjimų tarnybos direktoriui rekomenduoja:

21.1. užtikrinti, kad nuteistųjų / suimtųjų skundai ir prašymai būtų nagrinėjami vadovaujantis visomis viešojo administravimo <...> nuostatomis bei gero viešojo administravimo principais;

21.2. imtis priemonių, kad pareigūnai nesielgtų biurokратиškai, operatyviai spręstų iškilusias problemas ir teisės aktuose numatytą galimybę atsakyti nagrinėti skundą ar prašymą taikytų tik visapusiškai įvertinę skunde ar prašyme nurodytas problemas.

Translation

16. On August 30, 2023, the applicant sent an unsigned complaint to the [Lithuanian Prison Service] from his personal email. On September 26, 2023, the [Lithuanian Prison Service] submitted a response to the Applicant and indicated that his complaint does not meet the requirements set forth in legal acts and will not be examined.

18. <...> it can be concluded that the [Lithuanian Prison Service] did not follow <...> the principles of good public administration when, upon receiving a complaint that did not meet the requirements set out in the legislation, did not inform the Applicant about it within 5 working days and did not offer to correct the shortcomings of the complaint and submit a signed complaint, did not try to identify the person or verify the authenticity of the complaint, although he had all the opportunities to do so;

²⁶⁹ Available at [the Seimas Ombudspersons' website](#).

therefore the Applicant's Complaint regarding the actions/inaction of [Lithuanian Prison Service] officials in examining the complaint is recognised as grounded.

<...> The Seimas Ombudsperson recommends to the Director of the Lithuanian Prison Service:

21.1. to ensure that the complaints and requests of the convicted/arrested persons are examined following all the provisions of public administration <...> and the principles of good public administration;

21.2. to take measures so that officials do not behave bureaucratically, to solve the problems promptly, and to apply the option provided by legislation to refuse to examine a complaint or request only after fully evaluating the problems specified in the complaint or request.

The Seimas Ombudsperson, in decision No. 4D-2023/1-469, 7 August 2023, found that prisons do not always answer to detained persons' requests or provide answers after the deadlines set by legislation, which creates obstacles for detained persons to appeal the decisions (answers) made by the institutions.
270

Original language

17.6. <...> Marijampolės kalėjimas nagrinėdamas Pareiškėjo kreipimuisi nesilaikė [Bausmių vykdymo kodekso], [Viešojo administravimo įstatymo] <...> nustatytų reikalavimų, ne į visus Pareiškėjo Skunde nurodytus kreipimuisi buvo pateikti atsakymai, taip pat kai kurie atsakymai pateikti praleidus teisės aktuose nustatytą 20 darbo dienų terminą.

Translation

17.6. <...> Marijampole prison did not comply with the requirements of the [Penal Code], [Law on Public Administration] <...> when examining the Applicant's requests, not all of the issues specified in the Applicant's Complaint were covered, as well as some answers were submitted after the 20 working days deadline defined in the legislation.

The Seimas Ombudsperson, in decision No. 4D-2023/1-42, 20 April 2023, found that Lithuanian prison service officials do not always send answers to complaints submitted to them.²⁷¹

Original language

9. <...> Skundas dėl [Lietuvos kalėjimų tarnybos] pareigūnų veiksmų (neveikimo), nepateikiant atsakymo į Pareiškėjo kreipimąsi, yra pagrįstas.

Translation

9. <...> The complaint regarding the actions (inaction) of the officials of the [Lithuanian Prison Service] in not providing an answer to the Applicant's appeal is grounded.

The Seimas Ombudsperson, in decision No. 4D-2023/1-881, 21 November 2023, found that there are cases where the Lithuanian Prisons Service prepares responses on time but delivers them to the complainant with a considerable delay.²⁷²

Original language

²⁷⁰ Available at [the Seimas Ombudspersons' website](#).

²⁷¹ Available at [the Seimas Ombudspersons' website](#).

²⁷² Available at [the Seimas Ombudspersons' website](#).

9. Kalėjimų tarnybos direktorius Pareiškėjo skundą išnagrinėjo ir atsakymą parengė per teisės aktuose nustatytą terminą, tačiau atsakymas Pareiškėjui įteiktas praėjus daugiau nei dviem mėnesiams po rašto parengimo ir įteiktas Pareiškėjui tik po Seimo kontrolierės paklausimo <...> Kalėjimų tarnybai.

<...> Kalėjimų tarnyba, pateikdama Pareiškėjui atsakymą po daugiau nei dviejų mėnesių nuo atsakymo parengimo, nesivadovavo [Viešojo administravimo įstatymo] 13 straipsnyje įtvirtinta nuostata, kad asmeniui ne vėliau kaip per 3 darbo dienas nuo administracinio sprendimo priėmimo dienos raštu pranešama apie priimtą administracinį sprendimą, todėl Pareiškėjo Skundas dėl Kalėjimų tarnybos pareigūnų veiksmų (neveikimo) <...> yra pagrįstas.

Translation

9. The director of the Prisons Service examined the Applicant's complaint and prepared an answer within the deadline set by the legal acts, but the answer was delivered to the Applicant more than two months after the letter was prepared and was delivered to the Applicant only after the Seimas Ombudsperson asked the <...> Prisons Service.

<...> The Prison Service, by submitting an answer to the Applicant more than two months after the preparation of the answer, did not follow the provision established in Article 13 of the [Law on Public Administration] that the person is notified in writing about the administrative decision made no later than 3 working days from the date of the decision; therefore, the Applicant's Complaint regarding the actions (inaction) of the Prison Service officials <...> is grounded.

The Seimas Ombudsperson, in decision No. 4D-2023/1-547, 14 July 2023, found that the confidentiality of phone conversations between the detained person and the lawyer is not ensured in the Siauliai prison.²⁷³

Original language

11. Seimo kontrolierė atkreipia dėmesį, jog Šiaulių kalėjimo trečiajame aukšte įrengti telefono aparatai nėra stipriai nutolę vienas nuo kito ir nuo gyvenamųjų patalpų <...>. Todėl tiek Šiaulių kalėjimo pareigūnai, tiek kiti pašaliniai asmenys gali atsitiktinai nugirsti suimtojo / nuteistojo pokalbius telefonu. Ši aplinkybė būtų svarbi nuteistajam bendraujant telefonu su advokatu, nes tokiam pokalbiui teisės aktai nustato konfidencialumo reikalavimą.

Translation

11. The Seimas Ombudsperson points out that the telephones installed on the third floor of the Siauliai prison are not very far from each other and the living quarters <...>. Therefore, both Siauliai prison officers and other outsiders may accidentally overhear the phone conversations of the arrested/sentenced person. This circumstance is particularly important when the detained person communicates with a lawyer by phone, as legal acts are required to ensure the confidentiality of such a conversation.

The Seimas Ombudsperson, in decision No. 4D-2023/1-311, 27 June 2023, found that the confidentiality of phone conversations between the detained person and the lawyer is not ensured in the Siauliai prison.²⁷⁴

Original language

²⁷³ Available at [the Seimas Ombudspersons' website](#).

²⁷⁴ Available at [the Seimas Ombudspersons' website](#).

4.4. <...> atstumas nuo pirmojo taksofono iki gyvenamosios kameros durų yra 2,23 metro, nuo pirmojo taksofono iki antrojo – 1,13 metro, nuo antrojo iki trečiojo – 1,3 metro.

9. <...> Taip pat šie aparatai yra atskirti šonine sienele, kuri slopina garso sklidimą <...>.

10. Seimo kontrolieriui susirūpinimą kelia aplinkybė, jog Šiaulių kalėjimo trečiajame aukšte įrengti telefono aparatai nėra stipriai nutolę vienas nuo kito ir nuo gyvenamųjų patalpų <...>. Ši aplinkybė leidžia daryti prielaidą, kad tiek Šiaulių kalėjimo pareigūnai, tiek kiti pašaliniai asmenys gali atsitiktinai nugirsti suimtojo / nuteistojo ir jo advokato konfidencialų pokalbį.

Translation

4.4. <...> [T]he distance from the first payphone to the living room door is 2.23 meters, from the first payphone to the second - 1.13 meters, from the second to the third - 1.3 meters.

9. <...> These devices are also separated by a side wall that suppresses sound <...>.

10. The fact that the telephones installed on the third floor of the Siauliai prison are not very far from each other and the living quarters <...> is of concern to the Seimas Ombudsperson. This circumstance allows us to assume that both Siauliai prison officials and other outsiders may accidentally overhear the confidential conversation between the arrested/sentenced person and his lawyer.

The Seimas Ombudsperson, in decision No. 4D-2023/1-235, 5 June 2023, found that Pravieniskiai prison officers unreasonably refused to submit a detained person's complaint to the court through online access.²⁷⁵

Original language

10. <...> Pareiškėjas 2023 m. vasario mėnesį kelis kartus raštu kreipėsi į Pravieniškųjų kalėjimo pareigūnus prašydamas elektroniniu būdu išsiųsti jo kreipimuisi į Lietuvos Respublikos teismus <...>, tačiau <...> pareigūnai atsisakė tenkinti jo prašymus <...>. Pareiškėjui paaiškino, kad jis yra mokus, todėl į Lietuvos Respublikos teismus turėtų kreiptis raštu, o ne elektroniniu būdu.

<...> Pravieniškųjų kalėjimo pareigūnų <...> pozicija nedera ne tik su [Viešojo administravimo įstatymo] įtvirtintais objektyvumo ir išsamumo principais, bet ir su naujovių ir atvirumo permainingoms principu, pagal kurį viešojo administravimo subjektas turėtų ieškoti naujų ir veiksmingų būdų, kaip geriau spręsti problemas, išskylančias vykdant viešąjį administravimą, taip pat nuolat tobulinti savo veiklą taikydamas pažangiausius metodus, modelius, technologijas, priemones ar gerosios patirties pavyzdžius. <...> Pravieniškųjų kalėjimo, kaip viešojo administravimo subjekto, pareigūnai turėjo palaikyti Pareiškėjo iniciatyvą pažangesnėmis, elektroninių ryšių, priemonėmis kreiptis į advokatą, valstybės ir savivaldybių institucijas ir tarptautines organizacijas, tačiau to nepadarė.

Translation

10. <...> In February 2023, the applicant wrote several times to the officials of the Pravieniskiai prison, asking them to submit his appeals to the Lithuanian courts through online access <...>, but the <...> officials refused to fulfil his requests <...>. They explained to the applicant that he has money, so he should apply to the Lithuanian courts in writing, not electronically.

<...> The position of Pravieniskiai prison officials <...> is incompatible not only with the principles of objectivity and completeness established by the [Law on Public Administration], but also with the principle of innovation and openness to change, according to which the public administration entity should look for new and effective ways to better solve problems, arising in the course of public

²⁷⁵ Available at [the Seimas Ombudspersons' website](#).

administration, as well as to constantly improve their activities by applying the most advanced methods, models, technologies, tools or examples of good practice.<...> Officials of the Pravienskiai prison - a public administration entity, should have supported the Applicant's initiative to contact a lawyer, state and municipal institutions and international organisations with more advanced means of electronic communications, but did not do so.

Part II: National case-law

Lithuania, Court (Lietuvos Vyriausiasis Administracinis Teismas), Vilnius/ TA-13-520/2024, 27 March 2024

Thematic area	3. Hygiene and sanitary conditions
Decision date	27 March 2024
Reference details	Lithuania, Supreme Administrative Court (2024), Court Decision TA-13-520/2024 , 27 March 2024,
Key facts of the case	In Pravienskiai 1st prison, during the period from 24 February 2020 to 1 September 2022, the applicant's privacy was not ensured when using the shower (no shower cabins), and point 39 of Hygiene Norms 134:2015 was violated (there was mould in the showers)
Main reasoning/argumentation	<p>Non-pecuniary damage is a person's physical pain, emotional suffering, inconvenience, mental shock, emotional depression, humiliation, deterioration of reputation, reduction of communication opportunities and others, assessed by the court in money.</p> <p>The right to privacy had been violated, and hygiene norms were not followed.</p> <p>The State must ensure that the conditions of the person's imprisonment do not violate human dignity and that the manner and method of execution of this measure do not cause him such suffering and hardship, the intensity of which exceeds the degree of suffering unavoidable in imprisonment, and that, taking into account the practical needs connected with imprisonment, his health and well-being would be adequately protected.</p> <p>The amount of non-pecuniary damage awarded is determined considering the compensatory purpose of non-pecuniary damage and based on the idea of fair non-pecuniary damage compensation.</p>
Key issues (concepts, interpretations) clarified by the case	The Court relied on ECtHR case law and stated that national authorities have a positive obligation to provide access to sanitary facilities that are separated from the rest of the cell in a way that guarantees prisoners a minimum of privacy (judgment of 25 April 2013 in the case of <i>Canali v. France</i> (application No. 40119/09), as well as the practice of the Supreme Administrative Court of Lithuania, stating that the fact that legal acts do not provide for the obligation of correctional facilities to install partitions in the showers does not constitute grounds for exempting the correctional facility from the obligation to ensure the privacy of the arrested (convicted) by using shower.
Results (sanctions) and key consequences or implications of the case	The court recognised that the right to privacy had been violated and hygiene norms were not followed and ordered the defendant, the State of Lithuania, represented by the Lithuanian Prison Service, to pay the applicant EUR 1 900 in non-pecuniary damages.
Key quotation in original language and translated into English with reference details	<p>28. Pažymėtina, kad valstybė turi užtikrinti, jog asmens kalnimo sąlygos nepažeistų žmogiškojo orumo, kad šios priemonės vykdymo būdas ir metodas nesukeltų jam tokių kančių ir sunkumų, kurių intensyvumas viršytų neišvengiamai kalnimumi būdingą kentėjimo laipsnį, ir kad, atsižvelgiant į praktinius su įkalnimumu susijusius poreikius, būtų adekvačiai užtikrinama jo sveikata ir gerovė.</p> <p>28. It should be noted that the State must ensure that the conditions of the person's imprisonment do not violate human dignity and that the manner and method of execution of this measure do not cause him such suffering and hardship, the intensity of which exceeds the degree of suffering unavoidable in</p>

	imprisonment, and that, taking into account the practical needs connected with imprisonment, his health and well-being would be adequately protected.
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Lithuania, Court (Lietuvos Vyriausiasis Administracinis Teismas), Vilnius/ eTA-11-520/2024, 24 January 2024

Thematic area	3. Hygiene and sanitary conditions
Decision date	24 January 2024
Reference details	Lithuania, Supreme Administrative Court (2024), Court Decision eTA-11-520/2024 , 24 January 2024,
Key facts of the case	The applicant applied to the court with a request to award non-pecuniary damages due to the fact that the area of the cell was too small, the sanitary unit was not properly installed, there was an unpleasant smell and bad ventilation, and he was kept together with smokers.
Main reasoning/argumentation	The sanitary units in the cells where the applicant was kept were not completely isolated from the living room (they were fenced off by walls and doors that did not reach the ceiling), so the applicant was not alone in the cells. It is concluded that an unpleasant smell could be felt from the sanitary units in the cells, and the applicant suffered associated inconveniences as a result.
Key issues (concepts, interpretations) clarified by the case	When assessing whether the relevant institution has failed to take measures to protect convicts (arrested persons) from the harmful consequences of passive smoking, the applicant's appeal to the institution's administration with a request to ensure health-free conditions, indicating that other persons smoke, and requesting to take appropriate actions, is also considered a significant circumstance, and other data confirming that the applicant is a non-smoker. (The applicant did not complain to the administration about that)
Results (sanctions) and key consequences or implications of the case	The court recognised that the applicant could have smelled unpleasant odours due to an improperly installed sanitary unit and awarded him EUR 400 (four hundred euros) for non-pecuniary damage from the State of Lithuania, represented by the Lithuanian Prison Service. Other demands were rejected.
Key quotation in original language and translated into English with reference details	66. Teisėjų kolegija, įvertinusi, kad sanitariniai mazgai kameroje, kurioje buvo laikomas pareiškėjas, nebuvo visiškai izoliuoti nuo gyvenamosios patalpos (sanitariniai mazgai buvo atitverti lubų nesiekiančiomis sienelėmis ir durimis), kameroje pareiškėjas buvo ne vienas, daro išvadą, kad kameroje iš sanitarinių mazgų jautėsi nemalonius kvapas, o pareiškėjas dėl to patyrė su tuo susijusius nepatogumus. 66. The panel of judges, having assessed that the sanitary units in the cells where the applicant was kept were not completely isolated from the living room (the sanitary units were separated by walls and doors that did not reach the ceiling) and that the applicant was not alone in the cells, concluded that the cells felt an unpleasant smell from the sanitary units, and the applicant suffered related inconvenience as a result.