



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

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**Committee against Torture**  
**Seventy-second session**

**Summary record of the 1857th meeting**

Held at the Palais des Nations, Geneva, on Thursday, 18 November 2021, at 3 p.m.

*Chair:* Mr. Heller

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Fourth periodic report of Lithuania (continued)* (CAT/C/LTU/4;  
CAT/C/LTU/QPR/4)

1. *At the invitation of the Chair, the delegation of Lithuania joined the meeting.*
2. **Ms. Bieliūnė** (Lithuania) said that within three months of the onset of the coronavirus disease (COVID-19) pandemic, the State had developed a plan to mitigate the pandemic's long-term negative impact on people's mental health, making Lithuania one of the few European countries to adopt a specific cross-sectoral plan in that domain. Collaboration among various ministries, as well as non-governmental organizations (NGOs) and academia, on the development of the plan had been encouraged. Measures adopted under the plan included the introduction of mobile psychological crisis teams, which were now operating nationwide and were supported by a national call centre. Six emotional support helplines for children, youth, adults, parents and older persons were accessible through a single, easy-to-remember telephone number and had been actively publicized in a range of media outlets. Self-help tools, along with information on how to find a mental health specialist, were available on a website. In recognition of the particular vulnerability of children during lockdown, urgent action was taken when a child's health or life was in danger, and children were encouraged to report violent behaviour via a helpline or online chat function. In addition, 17,000 people had benefited from consultations with a psychologist in 2020, with a further 40,000 being projected to do so in 2021 and beyond. The services had been shown to significantly increase people's level of well-being as measured by the World Health Organization (WHO) well-being index.
3. A new version of the mental health support plan had been adopted in May 2021, with a focus on specific vulnerable groups, including children, older persons, persons with mental health or behavioural disorders and medical personnel. Under the new plan, the State had allocated funding for a 60 per cent increase in the number of psychologists on staff in primary care facilities, had introduced specialized psychosocial rehabilitation services for people suffering from long-lasting effects of COVID-19 and support services for persons experiencing sexual and/or intimate partner violence, and had released €5 million for summer camps to help children overcome the negative effects of distance learning. It had also invested in skills-building for volunteers in social care homes and hospitals and in the provision of emotional support for health-care practitioners, education professionals and parents. Over €19 million had been allocated for the period 2020–2022 for those purposes.
4. In addition, primary mental health-care services had swiftly been overhauled so that the full spectrum of services could be provided remotely, although in-person consultations were still available for high-risk patients, such as those at risk of committing suicide. After an initial scaling back of primary mental health-care services in the early months of the pandemic, those services had since been fully restored, as had psychiatric day-care and paediatric services.
5. Vulnerable groups and essential workers had been prioritized for COVID-19 testing and vaccination. The vaccination rate was over 80 per cent among health-care professionals, care home staff, education professionals and prison personnel and was 58 per cent among inmates. Unvaccinated workers in certain fields were subject to regular mandatory testing, and outbreaks in health-care institutions remained limited. The number of four-person and three-person rooms in retirement homes had been reduced, and nearly three quarters of all the rooms were now single- or double-occupancy.
6. **Ms. Baublienė** (Lithuania) said that ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) was back on the political agenda. One complicating factor was how the provisions dealing with sex were worded in the Lithuanian translation of the Convention. Since language and culture were so intertwined, that wording posed an obstacle to the Convention's acceptance by Lithuanian society. To facilitate a proper interpretation of the Convention, experts from various ministries, together with academics, had reviewed the original text of the Convention for the purpose of drafting modifications of the Lithuanian translation. In the interim, her Government would continue to take the necessary steps to

reach the goal of zero tolerance for domestic violence. There was an effective network of organizations protecting women's rights and 16 specialized health centres, and the Lithuanian Women's Rights Enforcement Association had organized the delivery of a comprehensive array of specialized assistance services throughout the country since 2019.

7. **Mr. Akelaitis** (Lithuania) said that the rules governing health care in police detention facilities stipulated that every facility should have a separate medical office capable of providing basic health-care services. In cases where there was a danger to a detainee's health or life and a nurse was not present, it was the responsibility of police officers to perform first aid and call an ambulance. Detainees who were transferred to an external health-care establishment were to be guarded by the police. The police were also required to ensure access to prescription medication for individuals in their custody.

8. **Mr. Šarauskas** (Lithuania) said that there were no restrictions on the provision of health-care services to prisoners. Primary care was provided within the prison, while specialist care and testing could be obtained at an external medical establishment when those services were not available at the prison. As in the case of the general population, tertiary care was provided by hospitals. Detailed medical records were kept. There had been no outbreaks of HIV/AIDS or hepatitis in prisons in 2020 or 2021, and only 16 new HIV cases had been registered, bringing the total number of infected prisoners to 195. Seventy per cent of them were receiving treatment; the rest had refused it. Treatment for hepatitis C was now available to all infected prisoners. Detoxification programmes were available, as well as methadone and naloxone treatment for specific types of drug addiction.

9. There were plans to ensure that no more than four prisoners shared a cell. Prisoners who failed to comply with a prison's internal rules or who engaged in unacceptable behaviour were continually monitored and, where necessary, could be moved to another cell, block or institution. Intelligence activities were also conducted to identify covert violent behaviour, including among prison guards, and additional staff had been assigned to perform dynamic supervision of prisoners in order to enhance violence prevention efforts. Drug trafficking remained a problem despite considerable efforts to counter it, as traffickers found creative ways of getting their products into prisons. Regrettably, drugs were sometimes brought in by prison staff and delivery workers, as well. Most of the drugs in prisons were synthetic cannabinoids that were sprayed onto newspapers and packaging. Detecting such substances was complicated, but prison officials had intercepted 2 kg of various drugs concealed in those ways so far in 2021.

10. The number of custodial sentences handed down by the courts had fallen in recent years, and increasing numbers of inmates were being offered early conditional release. Moreover, persons who had been arrested could be placed at liberty wearing an electronic tag rather than being kept in custody. The Prison Department had signed a four-year €11 million contract for the tracking of up to 3,000 tag-wearers. The behaviour and psychological well-being of persons sentenced to terms of life imprisonment were constantly monitored. Following recent amendments to the law, such persons could apply for a reduction of sentence or for transfer to a different facility.

11. All law enforcement institutions, including the Prison Department, had anti-corruption units. No official of the Department had any influence over decisions taken by pretrial judges or prosecutors. There was a shortage of both custodial and medical prison staff, although it was partly offset by the fact that fewer people were being incarcerated. In fiscal year 2020/21, the budget allocation for prison staff salaries had been increased by 10 per cent to €66 million, so more staff could now be hired.

12. Prison staff were sometimes the targets of physical aggression and threats from inmates. Seven such instances had been recorded in 2019. If compelled to resort to force, the staff could use special equipment only after all other means had been exhausted, and they were required to give the inmates prior warning before deploying such equipment. Five complaints had been lodged against prison personnel in 2018, and one official had been found guilty of inflicting violence and fined €5,000. Four complaints had been made in 2021, all of which were still pending before the courts.

13. **Ms. Matuizienė** (Lithuania) said that Lithuania had cooperated with the European Court of Human Rights in the case of *Abu Zubaydah v. Lithuania* and was continuing to cooperate in the case of *Mustafa Ahmed Adam al-Hawsawi v. Lithuania*. In November 2018, in the light of the European Court's judgment in the case of *Abu Zubaydah v. Lithuania*, the

charges had been revised and the ongoing pretrial investigation was now being conducted under article 100 of the Criminal Code, which established the legal liability of persons who treated prisoners in a manner prohibited under international law. Although no charges had yet been brought, the case continued to be pursued and the Committee of Ministers of the Council of Europe, meeting in September 2021, had commended Lithuanian prosecutors for their efforts to implement the European Court of Human Rights judgment.

14. **Mr. Staniulis** (Lithuania) said that, in December 2020, the Committee of Ministers had discontinued its monitoring of the implementation of general measures in the case of *Abu Zubaydah v. Lithuania*. That meant that the Ministers were of the view that the State had taken sufficient steps to strengthen control over its security services and to provide human rights guarantees. Efforts to implement the individual measures had been hampered by the COVID-19 pandemic but, in August 2021, Lithuania had contacted the United States Department of State to enquire about the conditions in which Abu Zubaydah was being detained, his physical and mental health and his contacts with relatives and legal representatives. In addition, the authorities were seeking a way to disburse the compensation awarded by the European Court.

15. **Mr. Domarkas** (Lithuania) said that his country should not be judged on the basis of its response to the current migration crisis, which was not a regular or natural phenomenon but an orchestrated process that had artificially increased migration flows by a factor of more than 50. The authorities had, however, risen to the challenge while continuing to prioritize human rights and torture prevention. Within a space of just two months, the entire spectrum of services offered to migrants had improved, including accommodation services and medical and social support.

16. The Migration Department had increased its capacity sevenfold, hiring an additional 56 employees to deal with the more than 3,000 pending asylum applications. Each case was considered individually and – although most of the current wave was made up of economic migrants who did not meet the internationally agreed definition of asylum seeker – 302 requests for asylum had been granted thus far in the course of 2021. In cases where asylum was not granted, migrants had a full right of appeal. There were currently some 300 such appeals before the Vilnius County Administrative Court, and they were being dealt with at the rate of 20 a day.

17. The sole purpose of the state of emergency recently declared by parliament was to contain a possible escalation of the migration crisis in the light of the current deteriorating situation on the border between Belarus and Poland. The state of emergency did not apply countrywide but only to border regions and migrant accommodation facilities. It did not automatically curtail migrants' rights, undermine the activities of NGOs or derogate from international law. The six-month restriction imposed on the movement of migrants while border procedures were ongoing was an exceptional measure applied only in such emergency situations. The application of that restriction, which was appealable, was made necessary by the authorities' limited processing capacities, as well as the risk of abscondment, since Lithuania was a country of transit rather than of destination for irregular migration.

18. Amendments to the Law on the Legal Status of Aliens were currently being considered. They included a proposal that, following the expiration of the six-month restriction on movement, migrants should be issued a registration document that would not amount to a residence permit but would grant them certain rights, including the right to work. Moreover, if, at the conclusion of the six months, migrants were not granted asylum, the restriction would be lifted while their appeal was being heard if it was determined that they did not pose a flight risk.

19. Undocumented migrants no longer lived in tents but were housed in five facilities, all fully equipped to withstand winter weather. Families and vulnerable persons were accommodated separately. Migrants were provided with hot food and given means to prepare their own meals. They also had access to legal aid, which was facilitated by NGOs, to medical support and to schools for their children. Information was made available to them in four languages. In September 2020, government institutions had been instructed to manage accommodation facilities proactively and inclusively and to increase their cooperation with NGOs. Migrants had the right to appeal to the courts concerning their living conditions, and a number of them had availed themselves of that possibility.

20. Vulnerability evaluations were conducted by mobile teams from the Ministry of Social Security and Labour and the Red Cross using a methodology that had been developed with help from the European Asylum Support Office (EASO). Any issues identified during the assessments were immediately addressed with the assistance of NGOs. The 16 undocumented migrants who had allegedly been beaten at an accommodation facility in Vydeniai had been suspected of inciting a riot there. In line with standing legal procedures, they had been relocated to other facilities and an investigation had been launched; investigators had not found sufficient evidence to bring charges against the migrants concerned or proof of excessive use of force by officials.

21. Regular briefings were held to make staff at accommodation facilities aware of the fundamental rights of migrants. Moreover, facilities and service vehicles were fitted with surveillance cameras to monitor staff behaviour, and 700 body cameras had been purchased which officials could use to record their own actions. The activities of officials were also monitored by EASO and by the European Border and Coast Guard Agency (Frontex). Information concerning undocumented migrants collected by border guards and officials from the Ministry of Health and the Migration Department facilitated the delivery of targeted services. A consolidated database was currently being developed to store that information.

22. All scheduled training courses for border guards and Migration Department officials had been duly held in 2021 despite the difficulties the country was facing. In addition to human rights training, which was a standard part of all official training, the courses covered topics such as identification of vulnerabilities, mental health, communication with asylum seekers and cultural differences.

23. **Ms. Baublienė** (Lithuania) said that the amendment of the Law on Development of Non-Governmental Organisations in 2020 had led to the approval of the regulations governing the fund for NGOs. The council responsible for managing the fund decided how much funding was to be allocated to NGOs and for what purpose; it also monitored developments in the NGO sector. A sustainable funding mechanism for NGOs was therefore in place. Over the 2019/20 fiscal year, between €19 million and €20 million had been disbursed to more than 200 NGOs. With the financial assistance of the Government of Norway, an electronic tool known as the “NGO Atlas” had been launched. The NGO Atlas served as a one-stop-shop for information on all NGOs operating in Lithuania, including their areas of expertise and how to join and how to donate to them.

24. In allocating funding, priority was given to NGOs that worked with vulnerable groups, such as women victims of domestic violence, children, persons with disabilities, migrants, victims of human trafficking, older persons and persons in distress. The food bank run by one NGO was a great source of assistance for impoverished persons. NGO efforts to assist migrants were complemented by those of the Refugee Council of Lithuania, which worked to improve the country’s refugee response by sharing experiences and best practices and by strengthening collaboration with local and international organizations. Several NGOs provided support services for children and their family members through dedicated hotlines along with practical assistance in the form of food and clothes for those most in need.

25. A comprehensive support network for women had been operating in Lithuania since 2019. There were currently 16 shelters for women victims of violence. The compensation payable to victims of human trafficking was gradually increasing and, by 2025, was to be raised to up to €3,000. Victims of human trafficking now received greater support than ever before. NGOs provided victims with immediate psychological assistance, helped them to obtain temporary asylum, if appropriate, and offered other support services.

26. NGOs operated hotlines for children who were victims of domestic violence and played an important role in educating parents about non-violent forms of discipline. Lithuania boasted a robust and diverse NGO network that was actively engaged in reporting rights violations and fostering dialogue. In its 2018/19 report, the Human Rights Monitoring Institute had praised the Government for its cooperation with civil society organizations in recent years, including during the pandemic.

27. **Mr. Staniulis** (Lithuania) said that the position of Lithuania on ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families remained the same as in previous years. The rights of those persons were guaranteed under national and European Union law and under the relevant United Nations human rights instruments that were legally binding on Lithuania. Migrant

workers and members of their families thus enjoyed equal access to education, housing, social services and health services. The Government did not see the need for an additional legal regime for those persons.

28. **Mr. Akelaitis** (Lithuania) said that, when a complaint concerning the use of excessive force by police officers was received, the first step was to determine whether the act in question appeared to constitute a duty-related offence or a criminal offence. If the latter, a pretrial investigation was launched. If there was insufficient evidence to bring criminal charges, an internal investigation was opened, which could result in disciplinary charges being filed. Complaints could be directed to both the Prosecutor's Office and the competent authorities within the police force. The Prosecutor's Office could initiate investigations of its own accord and was responsible for overseeing any action taken by police authorities. Following the structural reform of the Lithuanian police force in 2021, a single internal affairs unit, which reported to the highest level of the police command structure, was now tasked with investigating suspected wrongful acts by police officers. Police officers or officials could not unduly influence any investigation or decision relating to complaints of police wrongdoing. Investigations were carried out in an objective and transparent manner. Any individual who believed that he or she was the victim of police violence could bring a case before the courts. Internal investigations had been conducted concerning three complaints in 2018, four in 2019 and six in 2020.

29. **Ms. Matuizienė** (Lithuania) said that, between 2018 and 2021, local prosecution authorities had received 104 complaints concerning police officers' use of physical and/or psychological violence. During that period, 44 pretrial investigations had been initiated by the Prosecutor's Office and other competent institutions. In 2019, 14 pretrial investigations had been launched into allegations of abuse of power and the use of excessive physical force, and 7 such investigations had been initiated in 2020. Seven police officers had been found guilty of ill-treatment and nine criminal cases concerning the use of excessive force or use of psychological violence by police officers had been referred to the courts, where criminal proceedings were ongoing. On the initiative of the Prosecutor's Office, four official police investigations had been conducted and four pretrial investigations had been opened regarding allegations of the use of excessive physical force by prison officers. One prison officer had been found guilty of using physical violence against a prisoner which had caused him physical pain and certain minor health problems.

30. In criminal cases involving alleged abuse of office, the courts had to assess whether the coercive measures in question had been applied lawfully, had been proportionate and had been employed in a manner that respected the person's integrity. Article 21 of the Constitution prohibited torture and other cruel, inhuman or degrading treatment or punishment, and the constitutional principle of the inviolability of the human being was interpreted as including protection against unreasonable State interference, which was relevant in criminal cases involving the use of unlawful physical force. In 2020, the Supreme Court of Lithuania had recalled that the unreasonable deprivation of liberty or the use of excessive physical force, when it amounted to degrading treatment, was incompatible with article 3 of the European Convention on Human Rights, which prohibited torture and inhuman or degrading treatment or punishment. In cases where persons sustained bodily injuries while in police custody, the State was obliged to provide a reasonable and persuasive proof-based explanation and to conduct an effective and unbiased investigation. In another case, the Supreme Court had found a police officer charged with abuse of power guilty of having violated the safeguards provided for in article 21 of the Constitution. In 2020, two police officers had been found guilty of seeking to obtain confessions from child suspects by using torture and physical force.

31. **Mr. Rakštelis** (Lithuania) said that, between 2018 and 2019, the Armed Forces of Lithuania had not received any complaints of torture or ill-treatment at the hands of a member of the military. However, the General Inspectorate of the Ministry of Defence had received two complaints from servicepersons in 2020 and three complaints in 2021. All the complaints had been lodged by subordinates against their superior officers, whom they had accused of using psychological violence against them. In all cases, an official internal investigation had been launched but had not found sufficient evidence to support the allegations. The investigations had, however, uncovered the use of discourteous, unethical and disrespectful forms of communication with subordinates. In keeping with the code of ethics for servicepersons, warnings had been issued to the officers in question and a review of the service conditions in the units concerned had been ordered. In one case, a breach of military

discipline by a superior officer had been established and the perpetrator had been punished and recommended for transfer to another, non-supervisory post. That officer had, however, left the armed forces voluntarily before his punishment and transfer could be carried out. All servicepersons, regardless of the type of military service they were performing, could report acts of physical or psychological violence committed against them to their superior officers or the General Inspectorate of the Ministry of Defence directly, by telephone or by email. Under the applicable military statute, superior officers and the General Inspectorate were duty-bound to take all measures necessary to investigate any complaints submitted to them. Any failure to do so would result in disciplinary action. Any evidence of a criminal offence uncovered during official investigations was forwarded to the military police, which decided whether to open a pretrial investigation. Such investigations were overseen by the Prosecutor's Office.

32. **Mr. Uscila** (Lithuania) said that, in 2017, the Seimas Ombudsman's Office had been designated the national human rights institution of Lithuania in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It had begun to operate as such in 2018 following the enactment of the necessary legislative amendments. The Office was responsible for conducting activities to promote respect for and raise awareness of human rights and fundamental freedoms, monitoring the human rights situation in Lithuania, drafting reports to national and international human rights bodies, shining a light on human rights violations, identifying legislative gaps and making recommendations for improvement.

33. The Seimas Ombudsman's Office currently employed 38 persons, and it was hoped that more experts could be recruited in the future. The funding allocated to the Office had been increasing steadily since 2017, and the Office's 2021 budget was €1.3 million. Bearing in mind the Office's workload, the multiple functions that it performed and the need to ensure good working conditions in order to attract qualified experts, a further increase in the budgetary resources allocated to it could be envisaged.

34. **Ms. Matuizienė** (Lithuania) said that victims of human trafficking could receive compensation for pecuniary damages such as the loss of assets and income, legal costs and travel expenses and/or non-pecuniary damages for pain and suffering endured and loss of future earnings. Evidence of the amount lost was to be submitted when claims for pecuniary damages were lodged; in the absence of such evidence, the sum to be awarded was determined by the courts. When determining the amount to be paid for non-pecuniary damages, the courts took into account various criteria. Most awards in 2020 had been for non-pecuniary damages such as mental suffering, being subjected to degrading treatment and similar harm. Trafficking victims usually received both pecuniary and non-pecuniary damages. Under the Criminal Code, trafficking in persons was classified as a grievous offence punishable by 6 to 10 years' imprisonment. A sentence of up to 15 years' imprisonment could be handed down if the victim was a child.

35. **Mr. Liu** (Country Rapporteur) said that he welcomed the measures taken by the State party to respond to both the pandemic and the upswing in migration, and he applauded its efforts to strengthen its response to those crises over time and to support the active participation of NGOs in improving conditions for migrants in the country. He would appreciate further information on the laws applicable to migrants, especially those who had entered the country during the preceding months. He wished to know whether they were treated in a dignified manner, were protected at all times against torture and other ill-treatment and had access to legal assistance.

36. **Mr. İscan** (Country Rapporteur) said that he appreciated the delegation's comprehensive replies to many of the Committee's questions. The Committee encouraged the State party to take expedited steps to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and to recognize the competence of the Committee under articles 21 and 22 of the Convention. It was important for the State party to have an independent mechanism for promptly investigating cases of torture and ill-treatment with a view to eliminating impunity.

37. **Mr. Vedel Kessing** said that he would appreciate further information on the restrictions imposed on the movement of migrants. He wished to know whether decisions regarding the detention of migrants were based on individual assessments.

38. **Ms. Pūce** said that she wished to know whether the amendments being made to the Law on the Legal Status of Aliens would remain in force after the end of the emergency situation.

*The meeting was suspended at 4.50 p.m. and resumed at 5 p.m.*

39. **Mr. Domarkas** (Lithuania) said that international law applied without exception to migrants in Lithuania. There were no zones in the country in which that law did not apply, and the state of emergency affected neither its application nor the status of migrants. NGOs had been involved in drafting the amendments to the Law on the Legal Status of Aliens. The amendments would apply only during the emergency situation. Although the Government had attempted to apply an individualized approach to migration detention decisions, it had been overwhelmed by the number of migrants crossing the border at the beginning of the crisis. The proposed amendments provided for such an individualized approach, however. Many migrants lacked identification documents and so it was necessary to detain them while they were being identified. Migrants could leave the detention facilities if they required certain vital services and were escorted by immigration officers on such occasions.

40. **Mr. Jablonskas** (Lithuania) said that the prevention of torture and other forms of ill-treatment remained of the utmost importance for Lithuania, and his Government saw the dialogue with the Committee as an opportunity to improve its legislation and practices in that regard. Continued engagement with the Committee would provide a path for highlighting concerns and finding solutions.

*The meeting rose at 5.10 p.m.*