



2017

Summary of the Annual Report on the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2016



THE SEIMAS OMBUDSMEN'S OFFICE OF THE REPUBLIC OF LITHUANIA

SUMMARY OF THE ANNUAL REPORT

On the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2016

2017-06-01 No. LS-66

Vilnius

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INTRODUCTORY WORD

The Constitution of the Republic of Lithuania stipulates that human rights are the basis of a democratic state. Therefore, we should not forget the main features of human rights, in particular their universality and indivisibility which are especially important within the context of human rights protection in the country. The Constitution not only entrenches the principles of respect for human rights and freedoms but also provides for a network of authorities protecting human rights. One of such authorities is the Seimas Ombudsmen's Office of the Republic of Lithuania that for 21 years has been defending human rights and freedoms and investigating complaints about the abuse of office by or bureaucracy of state



The Seimas Ombudsman and Head of the Office **Augustinas Normantas** investigates complaints about abuse of office by and bureaucracy of officials of state institutions and agencies or other violations of human rights and freedoms in the sphere of public administration.



The Seimas Ombudsman **Raimondas Šukys** investigates complaints about abuse of office by and bureaucracy of officials of municipal institutions and agencies or other violations of human rights and freedoms in the sphere of public administration.

and municipal officials and since 2014 has been monitoring human rights at places of detention. The effectiveness of democracy is closely related to the citizen's trust in the state authorities. Thus, the role of the Seimas Ombudsmen consists in supervising the performance of duties and observance of legal acts by officials of state and municipal institutions with a particular focus on protection and defence of individuals' rights.

In 2016 the Seimas Ombudsmen examined complaints embracing various spheres of life, including problems with the implementation of the Convention on the Rights of Persons with Disabilities, health care, state-guaranteed legal assistance, social support, supervision of the activities of apartment block owners' associations, renovation of apartment blocks,

etc. When investigating the complaints, the focus is on the importance of the principles of justice and rule of law, as well as the aim of achieving compliance of all officials with laws. The duty of the Seimas Ombudsmen is to participate in the development of such a legal system and culture in which an individual could realise the rights and freedoms enshrined in the Constitution. Thus in 2016 the Seimas Ombudsmen devoted special attention not only to the effective investigation of complaints but also to the promotion of the principles of the rule of law, proper administration and respect for human rights.

In performing the function of the national prevention of torture, the Seimas Ombudsmen focused in particular on the defence of the rights of vulnerable social groups. During their visits to care institutions the Seimas Ombudsmen noted the lack of adult employment at such care homes, violations of the right to privacy and problems with ensuring security. The solution of mental disability problems became one of the key priorities in commemorating the decade of the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Therefore, on the initiative of the Seimas Ombudsmen, in 2016 the International Ombudsman Institute organised in Lithuania international training for employees of European ombudsmen institutions with the aim of improving the skills of human rights monitoring at mental institutions.

The recommendations of the United Nations Human Rights Council calling on the Republic of Lithuania to establish a national human rights institution and urging the Seimas of the Republic of Lithuania to attain the status of a national human rights institution in the Republic of Lithuania encouraged the Seimas Ombudsmen's Office in 2016 to apply to the United Nations

for the accreditation as a national human rights institution compliant with the Paris Principles.

International cooperation of the Seimas Ombudsmen with their counterparts in other states is important as it enables the exchange of experience in the formation of a common human rights concept in the ombudsmen's activities. Although not yet an officially recognised national human rights institution, the Seimas Ombudsmen's Office is an active member of the European Network of National Human Rights Institutions (ENNHRI) and European Network of Ombudsmen, always opting for greater attention to the human rights and freedoms in the country. As participants in the debate on the Lithuanian Universal Periodic Review at the United Nations in November 2016, representatives of the Seimas Ombudsmen's Office urged Lithuania to devote greater attention to human rights issues. As the Seimas Ombudsmen have always showed particular attention to the promotion of human rights, we can be proud of the continuously growing visibility of the Seimas Ombudsmen's Office. In the recent few years the Seimas Ombudsmen's Office has hosted numerous events devoted to discussions on different human rights aspects aimed at increasing public awareness of human rights topics, promoting respect for human rights and freedoms and developing a human rights discourse in the country, thereby contributing to the formation of the human rights policy.

We believe that the 2016 activities of the Seimas Ombudsmen in the sphere of human rights have contributed to a broader public perception of human rights. A public opinion poll has shown the growing trust of people in the Seimas Ombudsmen, which inspires our hopes that the activities of the Seimas Ombudsmen in solving human rights problems and raising public awareness of human rights will encourage also other institutions to seek greater respect for human rights and freedoms.

STATISTICS OF THE COMPLAINTS

In 2016, the Seimas Ombudsmen's Office received 2,520 applications from natural and legal persons, of which 1,686 were new complaints. The average number of complaints in 2012–2016 stays particularly high – 1,772 complaints (Fig. 1).

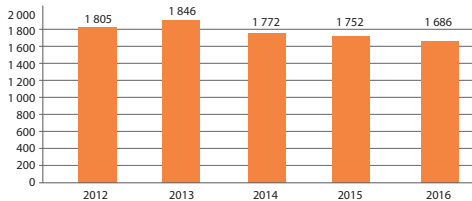


Fig 1. No of complaints received in 2012–2016

| | |
|---|--------------|
| Received complaints / launched cases of complaints | 1,686 |
| Closed cases of complaints: | 1,713 |
| Investigated on the merits | 476 |
| Investigation by mediation | 749 |
| Investigation refused | 488 |
| Issues investigated and decisions made (in the cases investigated on the merits): | 733 |
| Declare the complaint as justified | 313 |
| Dismiss the complaint | 215 |
| Terminate the investigation | 205 |
| Investigations initiated by the Seimas Ombudsmen | 6 |
| Issues investigated and decisions made | 8 |
| The fact of infringement was confirmed | 4 |
| The fact of infringement was not confirmed | 0 |
| The investigation was discontinued | 4 |
| Recommendations provided by the Seimas Ombudsmen | 2538 |
| Responses to the citizens applications | 99 |
| Complaints referred by the Seimas members | 104 |

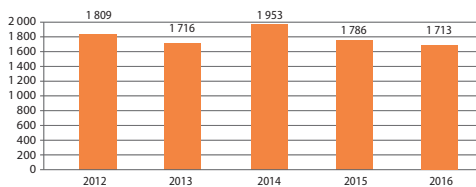


Fig 2. No of completed cases of complaints in 2012–2016

A case of complaint is closed once the complaint has been investigated on the merits, investigated by mediation and if the investigation has been refused. In 2016, the Seimas Ombudsmen investigated 476 complaints on the merits, investigated 749 complaints by mediation, and refused to investigate 488 complaints (Fig. 3).

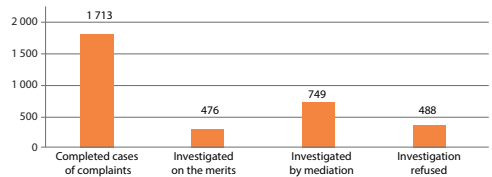


Fig 3. Completed cases of complaints in 2016

1,252 complaints were related to the activities of the officials of state institutions and 571 complaints – to the activities of the officials of municipal institutions (137 complaints were related to the activities of both the officials of the state and municipal institutions).

In 2016, compared to 2015, the number of cases of complaints initiated against actions of the state institutions' officials decreased by 102 and in respect of actions of the municipal institutions' officials – increased by 51 (Fig. 4).

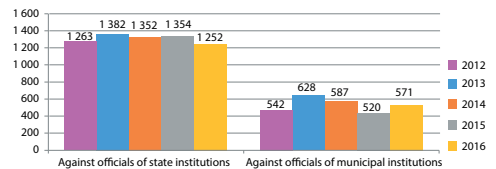
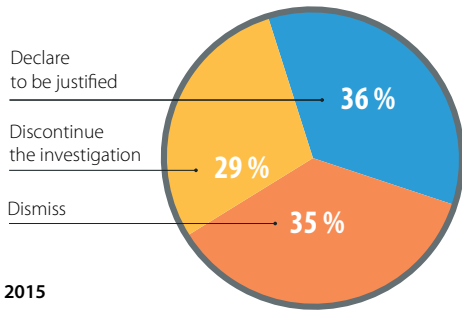
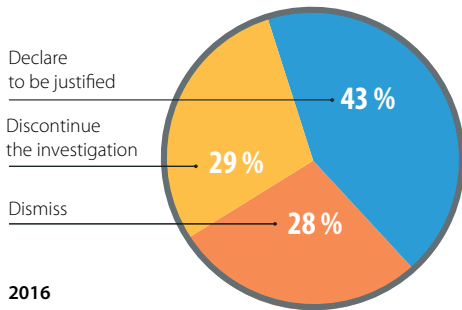


Fig 4. No of complaints against officials of state and municipal institutions in 2012–2016

After the investigation of a complaint on the merits, the Seimas Ombudsmen, acting in observance of Article 22 of the Law on the Seimas Ombudsmen, make one of the following three decisions: 1) to declare a complaint (or its part) justified; 2) to dismiss (recognize as unjustified) a complaint (or its part); 3) to discontinue the investigation of a complaint (or its part) (Fig. 5).



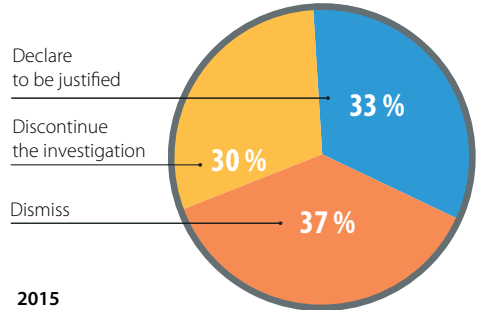
2015



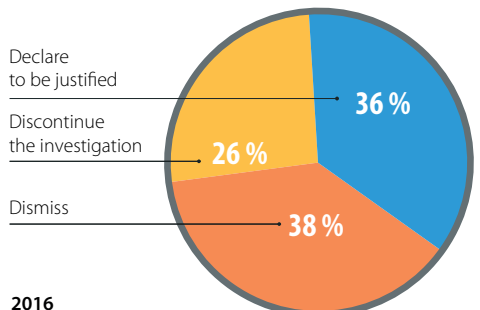
2016

Fig 5. Distribution of all decisions made; a comparison of the data for 2015–2016

In accordance with Article 22 of the Law on the Seimas Ombudsmen, the Seimas Ombudsmen declared 43% of all complaints to be justified and dismissed 28% of complaints, while the investigation of 29% complaints was discontinued. The investigation is also discontinued in cases where the issues raised in a complaint are resolved in good will through the mediation of the Seimas Ombudsman. Compared to 2015, the number of complaints declared as justified by the Seimas Ombudsmen's Office increased by 7% in 2016 (Fig. 5).



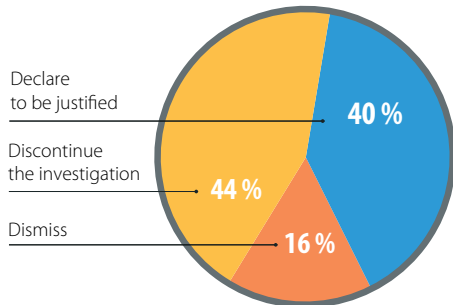
2015



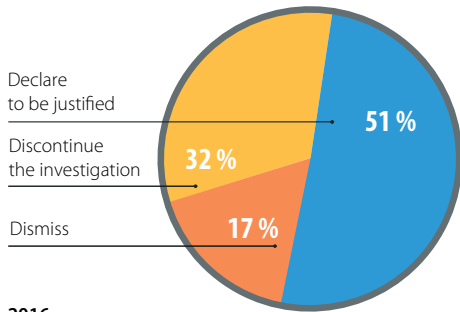
2016

Fig 6. Distribution of decisions made in the cases related to state institutions and agencies; a comparison of the data for 2015–2016

The investigation of complaints against activities of state institutions and agencies as well as their officials resulted in the declaration of 36% of the complaints to be justified and dismissal of 38% of the complaints, while in 26% of cases the investigation was discontinued. In 2015, 33% of such complaints were declared to be justified, 37% were dismissed and in 26% of cases the investigation was discontinued (Fig. 6).



2015



2016

Fig 7. Distribution of decisions made in the cases related to municipal institutions and agencies; a comparison of the data for 2015–2016

As many as 51% of complaints against the activities of municipal institutions and agencies as well as their officials were declared to be justified, 17% of them were dismissed, while in 32% of cases the investigation was discontinued. In 2015, 40% of such complaints were declared to be justified, 16% were dismissed and in 44% of cases the investigation was discontinued (Fig. 7).

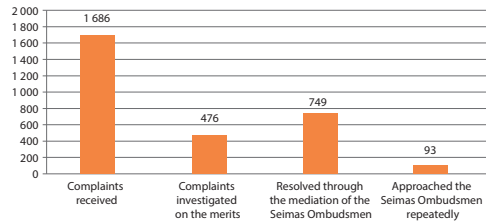


Fig 8. Investigated complaints

The Seimas Ombudsmen act as mediators in cases where there exist the grounds for refusal to investigate a complaint provided for in paragraph 1.6 and in some cases 1.3 of the Article 17 of the Law on the Seimas Ombudsmen. The Seimas Ombudsmen investigated 749 complaints acting as mediators between the general public and the authorities. In the majority of cases, the authorities resolved the issues identified in the complaints. Out of all (749) cases of mediation regarding the resolution of a problem indicated in the complaint, the Seimas Ombudsmen's Office was approached repeatedly by persons only in 93 cases, i.e. in 12,5 % cases (Fig. 8).

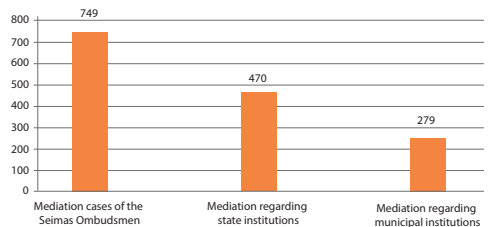


Fig 9. Investigation of complaints regarding the activities of state and municipal institutions through mediation

While resolving problems raised in complaints through mediation, the Seimas Ombudsmen 470 times addressed state institutions and 279 times addressed municipal institutions (Fig. 9).

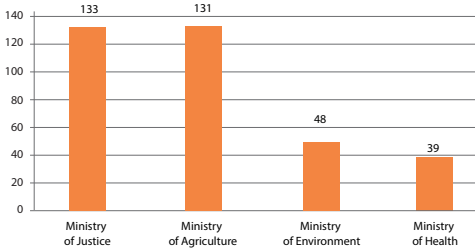


Fig 10. The majority of cases of mediation were related to these state institutions and institutions subordinate to them

The Seimas Ombudsman mostly acted as a mediator in resolving applicants' problems related to the Ministries of Justice (133 complaints), Agriculture (131 complaints), Environment (48 complaints), Health (39 complaints) as well as institutions subordinate to them (Fig. 10).

Out of the institutions subordinate to the Ministry of Justice, the Prison Department and imprisonment institutions attributed to its management sphere should be mentioned (118 cases of mediation), out of the institutions subordinate to the Ministry of Agriculture, the National Land Service with its territorial units stands out (114 cases of mediation), out of the institutions subordinate to the Ministry of Environment, State Territorial Planning and Construction Inspectorate with its units should be mentioned (26 cases of mediation), while out of institutions subordinate to the Ministry of Health, the majority of mediation letters (28) were addressed to National Health Insurance Fund.

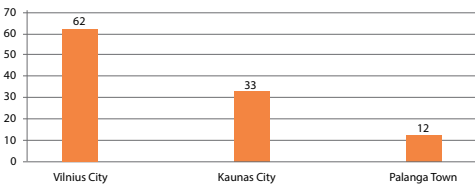


Fig 11. The majority of cases of mediation were related to these municipalities and institutions subordinate to them

In 2016, the Seimas Ombudsmen mostly acted as mediators with regard to the municipalities of Vilnius City (62), Kaunas City (33) and Palanga Town (12) as well as institutions subordinate to them (Fig. 11).

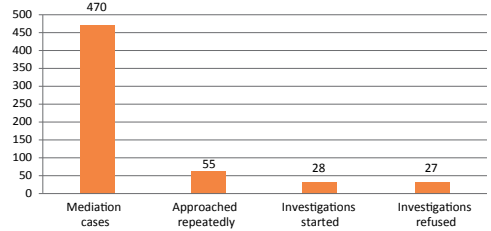


Fig 12. Cases when the Seimas Ombudsmen's Office was approached repeatedly regarding state institutions

Out of 470 mediation cases regarding state institutions, in 55 cases complainants approached the Seimas Ombudsmen's Office repeatedly; following the receipt of a follow-up complaint, 28 investigations were conducted/started, while in 27 cases investigations were refused (Fig. 12).

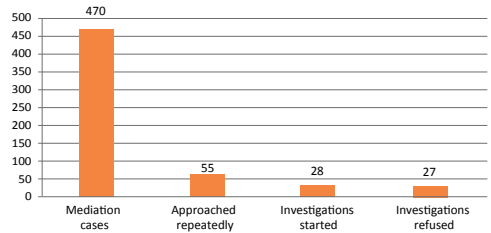


Fig 13. Cases when the Seimas Ombudsmen's Office was approached repeatedly regarding municipal institutions

Taking into account the complaints received with regard to municipal institutions, 279 mediation letters were prepared; in 38 cases complainants approached the Seimas Ombudsmen's Office repeatedly; following the receipt of a follow-up complaint, 24 investigations were conducted/ started, while in 14 cases investigations were refused (Fig. 13).

Reasons for refusal to investigate complaints

Considering the reasons for refusal to investigate complaints it is important to mention that the investigation of the majority of complaints (61%) was refused because they were supposed to be investigated by other institutions. Thus in such cases the Seimas Ombudsman addressed an appropriate institution by a mediation letter asking it to investigate, without delay, the circumstances identified in the complaint and submit a reply to the complainant and the Seimas Ombudsman. In the majority of cases, following such an intervention by the Seimas Ombudsman, the issues raised in the complaints are resolved in good will. This makes it possible to protect the violated rights of individuals more efficiently and more rapidly by focusing on systemic human rights problems which are relevant for the major part of society. Certainly, in certain cases this method does not help and a detailed investigation of the complaint is required.

All reasons for refusal to investigate complaints are listed in Fig 14.

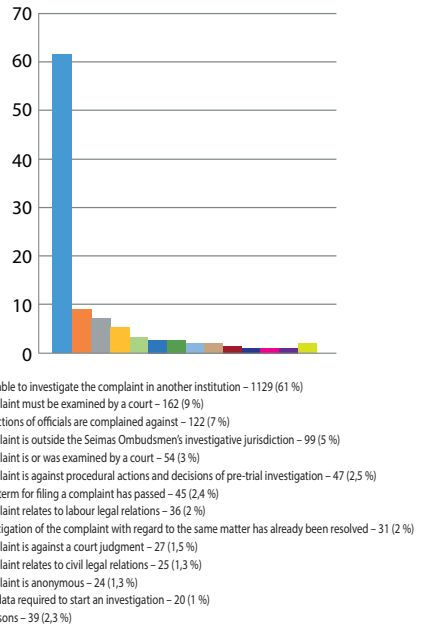


Fig 14. The main reasons for refusal to investigate complaints (indicated in per cent)

Review of received and investigated complaints by ministry and institutions subordinate to them in 2016

| Ministry and institutions and agencies attributed to its management sphere | Complaints received | Investigation refused | Mediation used | Investigated on the merits | Decisions made | Justified complaints | Dismissed complaints | Investigation discontinued | Recommendations provided |
|--|---------------------|-----------------------|----------------|----------------------------|----------------|----------------------|----------------------|----------------------------|--------------------------|
| Environment | 124 | 36 | 48 | 37 | 40 | 12 | 15 | 13 | 262 |
| Energy | 16 | 4 | 3 | 9 | 9 | 4 | 4 | 1 | 21 |
| Finance | 19 | 2 | 5 | 11 | 11 | 5 | 1 | 5 | 30 |
| National Defence | 5 | 4 | | 1 | 1 | | | 1 | |
| Culture | 8 | 2 | 6 | | | | | | 14 |
| Social Security and Labour | 58 | 23 | 25 | 11 | 12 | 2 | 4 | 6 | 72 |
| Transport and Communications | 16 | 5 | 5 | 7 | 8 | 6 | 1 | 1 | 28 |
| Health | 73 | 23 | 39 | 14 | 15 | 6 | 4 | 5 | 169 |
| Education and Science | 16 | 3 | 8 | 3 | 4 | 2 | | 2 | 15 |
| Justice | 385 | 130 | 133 | 124 | 164 | 60 | 78 | 26 | 354 |
| Economy | 10 | 4 | 3 | 3 | 3 | 1 | 1 | 1 | 6 |
| Foreign Affairs | | | | | | | | | |
| The Interior | 137 | 72 | 34 | 32 | 51 | 16 | 28 | 7 | 72 |
| Agriculture | 228 | 52 | 131 | 53 | 66 | 26 | 14 | 26 | 473 |

The majority of complaints were received by the Seimas Ombudsmen regarding the Ministries of Justice (385), Agriculture (228), the Interior (137) and Environment (124) as well as institutions subordinate to them.

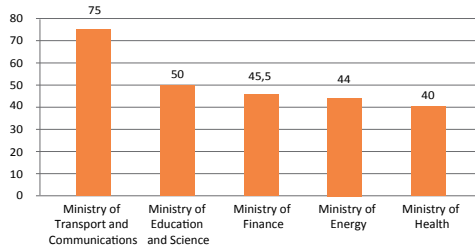


Fig 15. Five Ministries and institutions subordinate to them accounting for the largest numbers of complaints declared to be justified (in per cent)

However, the largest numbers of justified complaints were received with regard to the following Ministries and institutions subordinate to them: the Ministry of Transport and Communications (75%), the Ministry of Education and Science (50%), the Ministry of Finance (45,5%), the Ministry of Energy (44%), the Ministry of Health (40%) and the Ministry of Justice (33.5%) (Fig. 15).

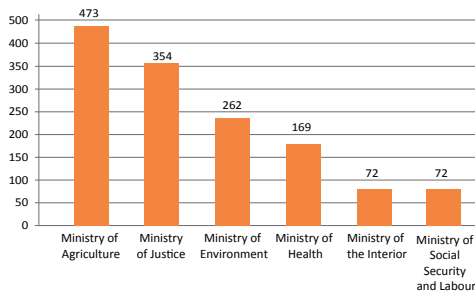


Fig 16. Six Ministries and institutions subordinate to them accounting for the largest numbers of issued recommendations

The Seimas Ombudsmen provided the largest numbers of recommendations regarding the following Ministries and institutions subordinate to them: the Ministry of Agriculture (473), the Ministry of Justice (354), the Ministry of Environment (262), the Ministry of Health (169) the Ministry of the Interior (72) and the Ministry of Social Security and Labour (72) (Fig. 16).

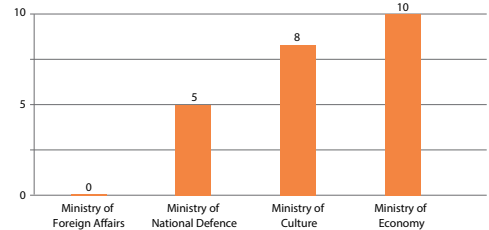


Fig 17. Four Ministries and institutions subordinate to them accounting for the smallest numbers of received complaints

Not a single complaint was received regarding the Ministry of Foreign Affairs and a few were received regarding the Ministry of National Defence (5), the Ministry of Culture (8) and the Ministry of Economy (10) as well as institutions subordinate to them (Fig. 17).

Review of received and investigated complaints by municipalities and institutions or agencies subordinate to them

The table shows municipalities and institutions subordinate to them accounting for the largest numbers of received complaints in 2016.

The majority of complaints were received with regard to municipalities of Vilnius City, Kaunas City, Klaipėda City, Šiauliai Town and Vilnius District as well as institutions subordinate to them. However, the major part of justified complaints was received in relation to Klaipėda City (72%), Vilnius City

| Municipality | Complaints received | Investigation refused | Mediation used | Investigated on the merits | Decisions made | Justified complaints | Dismissed complaints | Investigation discontinued | Issued recommendations |
|--------------------|---------------------|-----------------------|----------------|----------------------------|----------------|----------------------|----------------------|----------------------------|------------------------|
| Vilnius City | 162 | 58 | 52 | 68 | 85 | 52 | 14 | 19 | 271 |
| Kaunas City | 78 | 20 | 28 | 34 | 47 | 26 | 6 | 15 | 132 |
| Šiauliai Town | 35 | 8 | 9 | 22 | 27 | 6 | 8 | 13 | 46 |
| Vilnius District | 24 | 6 | 9 | 7 | 12 | 6 | 2 | 4 | 25 |
| Klaipėda City | 23 | 9 | 5 | 8 | 11 | 8 | 1 | 2 | 34 |
| Palanga Town | 19 | 1 | 12 | 8 | 10 | 4 | | 6 | 36 |
| Radviškis District | 15 | 3 | 3 | 9 | 9 | 4 | 2 | 3 | 17 |
| Panevėžys Town | 14 | 3 | 5 | 8 | 8 | 2 | 2 | 4 | 18 |
| Klaipėda District | 13 | 3 | 3 | 6 | 9 | 5 | 3 | 1 | 23 |

(61%), Klaipėda District (55,5%), Kaunas City (55%) and Vilnius District (50%) as well as institutions subordinate to them (Fig. 18)

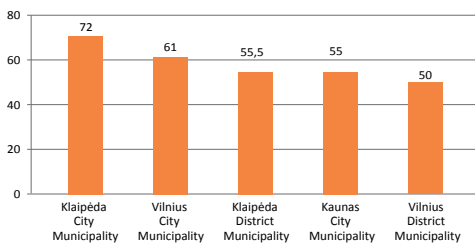


Fig 18. Five municipalities or institutions subordinate to them accounting for the largest share of complaints declared to be justified (in per cent)

Having investigated the complaints the Seimas Ombudsmen issue recommendations to heads of appropriate municipalities or institutions subordinate to them drawing the attention of officials to such issues as negligence at work,

non-compliance with laws or other legal acts, infringement of official work ethics, abuse, bureaucracy or violations of human rights and freedoms as well as suggesting taking measures to eliminate violations of laws or other legal acts, their causes and conditions.

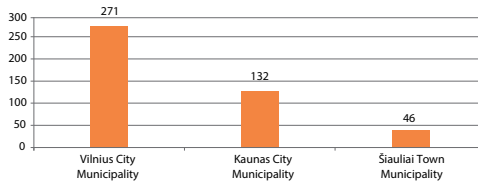


Fig 19. The municipalities accounting for the largest numbers of issued recommendations

The majority of recommendations were provided with regard to municipalities of Vilnius City (271), Kaunas City (132) and Šiauliai Town (46) as well as institutions subordinate to them (Fig. 19).

Completed complaints of natural persons by area in 2016

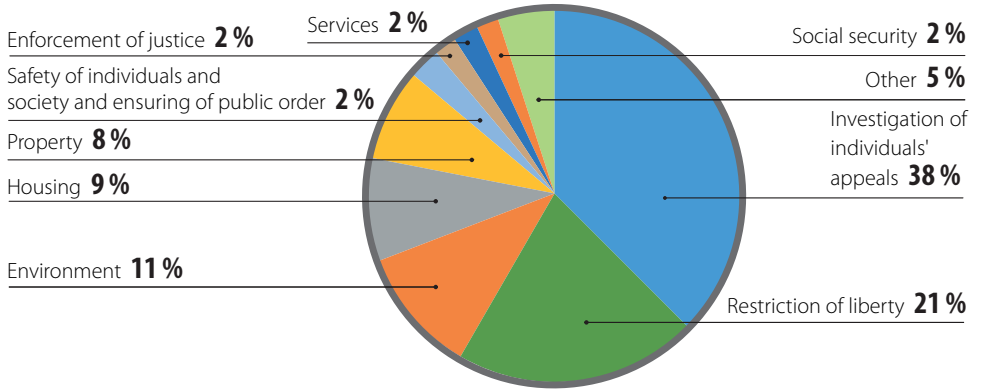


Fig 20. Completed complaints of natural persons by area

The breakdown of investigated complaints demonstrates that more than one third of all complaints investigated by the Seimas Ombudsmen in 2016 were complaints related to investigation of individuals' appeals (38%) and one fifth of all investigated complaints were complaints on restriction of liberty (21%). One tenth of all complaints investigated by the Seimas Ombudsmen was related to environmental issues (11%) and property (9%).

Complaints by Legal Persons

In accordance with Article 2 of the Law on the Seimas Ombudsmen, "the complainant" is defined as a natural or legal person addressing the Seimas Ombudsmen's Office with a complaint regarding officials' abuse of office or bureaucracy.

Natural persons still constitute the majority of complainants approaching the Office.

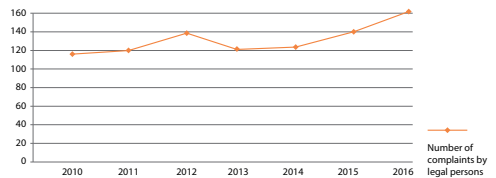


Fig 21. Number of complaints by legal persons; the data for 2010–2016

Every year, the Seimas Ombudsmen receive increasingly more complaints from legal persons. In 2010, the number of complaints received from legal persons was 114, in 2014, 126, in 2015, 140 and in 2016, 163 (Fig. 21).

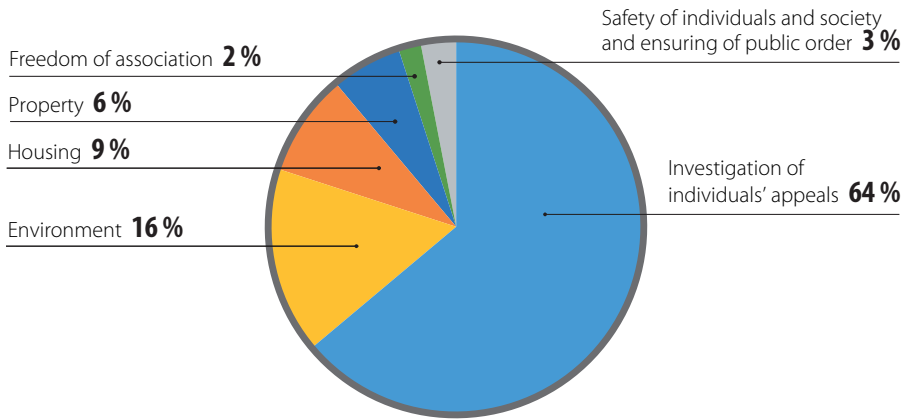


Fig 22. Complaints from legal persons by area

The breakdown of investigated complaints demonstrates that more than a half of all complaints from legal persons investigated by the Seimas Ombudsmen in 2016 were complaints related to investigation of individuals' appeals (64%) and a large share of complaints was related to issues of environment (16%). 9% of all complaints of legal persons were complaints related to issues of housing (Fig. 22).

Investigations Initiated by the Seimas Ombudsmen

The Law on the Seimas Ombudsmen entitles the Seimas Ombudsmen to open investigations on their own initiative when the signs of the abuse of office, bureaucracy or other violations of human rights and freedoms by the officials are established from reports of mass media or other sources.

Investigations initiated by the Seimas Ombudsmen are of a special preventive type, because the Seimas Ombudsman may initiate the investigation even without having received a complaint about a particular problem if he believes that human rights

might have been violated in a certain case. These investigations enable to promptly and effectively respond to potential violations of human rights and, furthermore, they are usually related not to a single individual, but to a large group of individuals, or even to a big part of the society.

As a rule, such investigations are particularly detailed and involve thorough analysis of a given problem. This enables the Seimas Ombudsmen to reveal gaps or imperfections in the regulatory framework and to propose the respective regulatory improvements.

In 2016, the Seimas Ombudsmen started 9 investigations on their own initiative and completed 6 investigations, dealing with several problems in every case and adopting decisions with respect to each of them (8). In 4 cases, the facts of officials' abuse of office, bureaucracy or other public maladministration were confirmed and in 4 cases the investigation was discontinued due to the fact that the circumstances complained against disappeared in the course of investigation or the problems under investigation were resolved in good will through the mediation of the Seimas Ombudsman.

The most important investigations initiated by the Seimas Ombudsmen in 2016, with a brief description of the purpose and results of each investigation

The table below shows the most important investigations initiated by the Seimas Ombudsmen.

| Item No. | Investigation number | Purpose of investigation | Result of investigation |
|----------|----------------------|---|--|
| 1. | 4D-2015/1-1394 | Concerning the contradictions and shortcomings of existing legal acts | As found during the investigation, the different procedure for electronic certificates of incapacity for work for persons undergoing hospital treatment as laid down in the rules causes no significant negative effects with respect to payment of benefits. |
| 2. | 4D-2016/1-1230 | Concerning compliance with the hygiene standards at Vilnius Correction House by enabling the convicts to wash and dry their personal underwear and outer garments | On completing the investigation, the Seimas Ombudsman gave recommendations to management of Vilnius Correction House for taking measures to provide conditions for all the convicts at Vilnius Correction House, i.e. for those who have or do not have extra money, as well as for those who have been transferred to the disciplinary group or are serving their punishment in cell-type or other premises to wash and dry their personal underwear (at least once a week) and outer garments. |
| 3. | 4D-2016/1-112 | Concerning the guarantee of special rights for prisoners and convicts at correction houses | The Seimas Ombudsman recommended taking actions to ensure the use of a uniform and consistent practice (that should not be based on technical, financial or other possibilities of separate places of detention) which would guarantee internet access for detainees and convicts at different detention and punishment institutions, as well as their equality as internet users via restricted internet access, i.e.: <ol style="list-style-type: none"> 1. provide equal possibilities for persons at all detention and punishment institutions to use the internet via restricted access; 2. regulate the procedure for the use of the internet via restricted access and compile a substantially uniform list of websites that could be visited; 3. ensure the possibility for all detainees and convicts using the internet via restricted access to connect to the website of the Seimas Ombudsmen's Office, the e-service portal of Lithuanian courts and the websites of other state and municipal authorities, unless that contradicts the requirements of legal acts. |
| 4. | 4D-2015/2-1663 | Concerning the violation of the right to information at the Marijampolė Municipality | The Seimas Ombudsman recommended taking legal and organisational steps to ensure proper upgrading and publication of data on the website of this Municipality in the future. The Seimas Ombudsman recommended conducting an investigation into a breach of the administrative duty in accordance with law, and evaluating the actions (omissions) of responsible officials of the Municipality Administration who had failed to publish Statement No. 4D-2015/2-661 of the Seimas Ombudsman dated 06.11.2015, provide the information requested by the Seimas Ombudsman and supplied the Seimas Ombudsman with false information. The Seimas Ombudsman recommended taking immediate actions to publish the statements and information on the results of examining the recommendations of the Seimas Ombudsmen of the Republic of Lithuania on the website of the Municipality in accordance with law. The Municipality published the statements and information of the Seimas Ombudsmen on the results of examining the recommendations. |
| 5. | 4D-2015/2-1452 | Concerning the justification and legality of an administrative decision at the Palanga City Municipality | The Seimas Ombudsman recommended submitting to the Municipality Council for consideration a draft amendment to the Regulations on the local charge for the use of Palanga resort public infrastructure, approved by the Council Decision of 2 July 2015, with a view to clarifying the concept of persons unable to move independently according to the proposal of the Office of the Equal Opportunities Ombudsperson, and providing for benefits for short-stay visitors. By its decision of 30 November 2016, the Municipality Council repealed the decision of the Municipality Council dated 2 July 2015. |
| 6. | 4D-2016/2-101 | Concerning the guarantee of the right to health care at the Telšiai District Municipality | The Seimas Ombudsman recommended to the Ministry of Health to improve the legal framework by providing appropriate conditions for persons to express their will with respect to the choice of a health institution (including the cases of winding-up or reorganisation of an institution, or the takeover of an institution's assets on other legal grounds). The Ombudsman also advised to upgrade the legal framework by introducing a compulsory duty for health care institutions to inform their patients about the planned changes of activity (including the place) within a reasonable time limit. |

Recommendations Issued in 2016

The provisions of the Law on the Seimas Ombudsmen entitle the Seimas Ombudsmen to issue proposals (recommendations), which must be examined by the institution or agency, or the official – the addressee of such a proposal (recommendation); the results of such examination must be communicated to the Seimas Ombudsman.

In 2016, the Seimas Ombudsmen issued 2,538 recommendations. The majority of them (1,527) were addressed to institutions and agencies regarding improvement of public administration in order to ensure that human rights and freedoms are not violated.

The Seimas Ombudsmen, by their recommendations (345), drew the attention of officials to negligence at work, non-compliance with laws or other legal acts, violations of official work ethics, abuse, bureaucracy or violations of human rights and freedoms. They also suggested taking measures to eliminate violations of laws or other legal acts as well as their causes and conditions.

A large part of the recommendations (301) consisted of proposals to a collegial institution or officials to revoke, suspend or amend, in accordance with the procedure provided for by laws, decisions not in compliance with laws or other legal acts, or to adopt decisions which had not been adopted due to abuse of office and/or bureaucracy.

| Recommendation | Number of recommendations | To state institutions | To municipal institutions |
|--|---------------------------|-----------------------|---------------------------|
| Without investigating on the merits the complaint to provide to the respective institutions and agencies the proposals or comments on the improvement of public administration to prevent the violations of human rights and freedoms. | 1524 | 1095 | 429 |
| To draw attention of the officials to negligence at work, noncompliance with laws or other legal acts, violation of professional ethics, abuse, bureaucracy or violations of human rights and freedoms, and propose to take measures to eliminate the violations of laws or other legal acts, their causes and conditions. | 344 | 163 | 181 |
| To propose to a collegial institution or official to repeal, suspend or amend, in accordance with the procedure set by laws, the decisions incompatible with laws or other legal acts, or propose to adopt decisions that had not been adopted due to abuse or bureaucracy. | 304 | 135 | 169 |
| To request the immediate provision of information, material and documents necessary for the performance of the Seimas Ombudsman's functions. | 174 | 68 | 106 |
| To involve the officials and experts from the government bodies, ministries, municipalities, municipal institutions and agencies. | 79 | 76 | 3 |
| To propose to the Seimas, the Government, other state or municipal institutions and agencies to amend laws or other regulatory enactments, which have limiting effect on human rights and freedoms. | 78 | 68 | 10 |
| To propose to a collegial body, the head of an institution and/ or a body or institution of a higher level of subordination to impose official (disciplinary) penalties on the officials who commit offences. | 16 | 5 | 11 |
| To propose to the Chief Official Ethics Commission to assess whether an official violated the Law on the Adjustment of Public and Private Interests in the Public Service or not. | 16 | 12 | 4 |

Comparison of Implementation of the Recommendations in 2015 and 2016

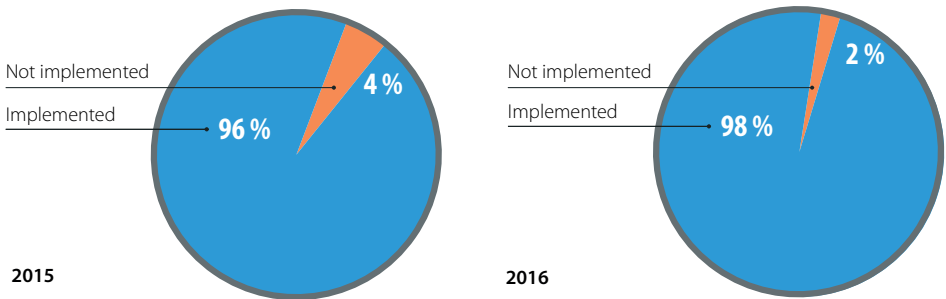


Fig 23. Comparison of Implementation of the Recommendations in 2015 and 2016

98% of recommendations provided by the Seimas Ombudsmen with the expired implementation deadline defined in the Statement were taken into consideration. We are still looking forward to receiving replies from institutions regarding 14% of the issued recommendations. The comparison of data on implementation of the recommendations in 2015 and 2016 demonstrates that in 2016 the implementation of the recommendations increased by 2%.

It should be noted that usually, once the recommendations provided by the Seimas Ombudsmen are implemented, not only the problems of a particular complainant, but also the problems of a certain group of the society (members of gardeners' associations, members of apartment-block owners' associations, etc.) are resolved since amendments of human-rights related legal regulation are effective forward and with respect to everyone.

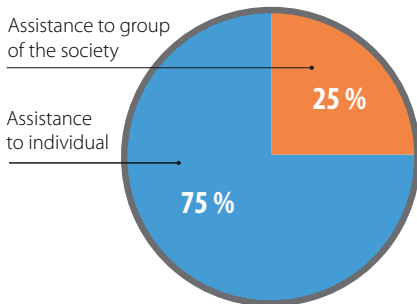


Fig 24. Comparison of the nature of the recommendations

In 2016, as many as 75% of all recommendations issued by the Seimas Ombudsmen provided assistance to individuals; 25% of the recommendations of the Seimas Ombudsmen addressed the problems of groups of the society.

Consultation of residents

The reception division of the Seimas Ombudsmen's Office every day receives people who cannot get answers about issues of their concern at other institutions. The main function of the reception team is the prompt supply of applicants with the necessary information and assistance in solving questions relevant for them. In 2016, the Seimas Ombudsmen's Office provided legal consultations to 1 195 persons.

Applicants also approach the Seimas Ombudsman after receiving answers not satisfactory to them from an appropriate institution. Visitors often receive information also on the procedure of appealing decisions taken by institutions. Applicants who are not capable of describing the circumstances they are to complain about always get assistance from the reception team in drawing up a complaint.

In 2016, the most popular way used by individuals to contact the Seimas Ombudsmen's Office still

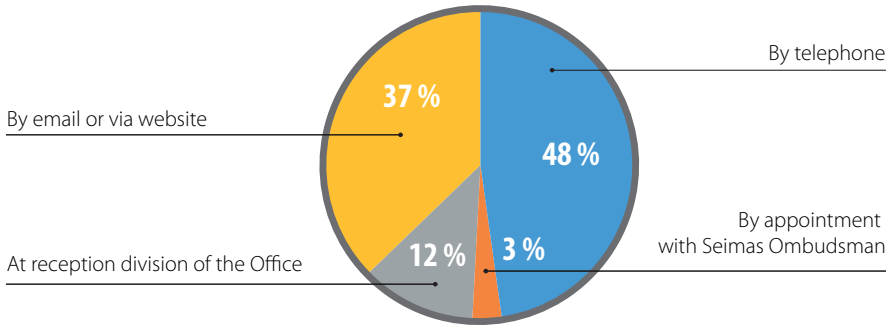


Fig 25. Most common ways used by individuals to apply to the Seimas Ombudsmen's Office

was that by telephone (48%). However, applying to the Seimas Ombudsmen's Office by email or via the website has also become quite common. In 2016, applications to the Seimas Ombudsmen's Office by electronic means accounted for 37% of all applications, compared to 41% in 2015, 28% in 2014 and only 11% in 2013. It was noted that in 2016 the reception division of the Seimas Ombudsmen's Office received more visitors (12%) than in the previous year. In 2015, consultations by the reception team of the Seimas Ombudsmen's Office amounted to 10% of all consultations.

Monitoring of Places of Detention¹ (Distribution of conducted inspections)

At the beginning of 2014, following the award to the Seimas Ombudsmen of a mandate to perform the national prevention of torture according to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the Seimas Ombudsmen's Office became the National Prevention Institution.

¹ Monitoring of places of detention is covered in more detail at the end of the Report, in the Chapter *Report on the Implementation of National Prevention of Torture*

The Seimas Ombudsmen, seeking to prevent torture and other cruel, inhuman or degrading treatment or punishment in places of detention, regularly visit such places for the purposes of prevention. In accordance with Article 19¹ (2) of the Law on the Seimas Ombudsmen, a place of detention is any place under the jurisdiction or control of the Republic of Lithuania where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence.

There are 464 places of detention in Lithuania². These include places of police custody as well as premises of long-term and temporary detention at police commissariats, places of imprisonment (prisons, correction houses, remand prisons), mental institutions and medical institutions for treatment of contagious diseases, care institutions for adults and institutions of child care and socialization, places of detention of foreigners at state border guard services (Refugees Reception Centre, Foreigners' Registration Centre).

Conducting the national prevention of torture the Seimas Ombudsmen carried out 47 inspections regarding the human rights situation in places of detention during the year 2016. Taking into

² Data as of 1 February 2017

consideration the fact that in 2015 the biggest attention was drawn to vulnerable groups like the disabled, women and minors, during the accounting period the attention was shifted to care institution for adults taking into account the big number of such institutions and places therein. The majority of such institutions were inspected in Šiauliai and Klaipėda counties. Moreover, a comparatively big attention was drawn to follow-up inspections that composed one third of all inspections performed in 2016.

| Type of the Place of Detention | Number of cases of monitoring of the human rights situation | Number of institutions ² | Number of places within institution ³ |
|---|---|-------------------------------------|--|
| Care institutions for adults | 27 | 173 | 12 086 |
| Police custody facilities and/or premises of temporary detention | 6 | 95 | 764 |
| Places of detention (accommodation) of foreigners | 4 | 70 | 543 |
| Imprisonment institutions | 4 | 11 | 8011 |
| Child care institutions | 4 | 101 | 4 936 |
| Mental institutions and medical institutions for treatment of contagious diseases | 2 | 14 | 2 594 |
| In total: | 47 | 464 | 28 934 |

MOST IMPORTANT PROBLEMS IDENTIFIED IN COMPLAINTS

Concerning the maintenance, repair and construction of local roads

The Government of the Republic of Lithuania has noted in its Programme that the right to convenient transport by vehicles is an important human right, and the implementation of this right is a significant indicator of the quality of life. Therefore the accessibility of all regions of the country as well as convenient transport between

cities, towns and villages will be increased. The Programme also states that financial conditions will be provided for the municipalities to ensure the quality of local roads and allocate funds for the proper maintenance, paving and modernisation of local roads. The Government will also ensure that the municipalities receive sufficient funding for the maintenance of streets and local roads.

Article 6(32) of the Law on Local Self-Government of the Republic of Lithuania sets out one of the independent functions of municipalities, in particular the *maintenance, repairing, surfacing of municipal roads and streets of local significance, as well as organisation of traffic safety*. The content of this function is defined in the Law on Roads of the Republic of Lithuania which lays down the legal basis for the development, maintenance and use of motor roads. With account of the intensity and social and economic significance of vehicle traffic, roads are divided into national and local roads, while local roads are further subdivided into public and internal roads. Local public roads and streets are the property of municipalities, and internal roads are owned by the state, municipalities and other legal and/or natural persons.

During the reporting year, the Seimas Ombudsmen received a number of complaints related to the maintenance, repair and construction of local roads. After summarising the complaints on this subject, the following problems have been identified:

- ▣ *Municipalities refuse to build local internal roads marked in the land reform land use project on state-owned land for access to five homesteads and land plots.*
- ▣ *In compiling the inventories of local roads, municipalities fail to take the boundaries of land plots bordering on a road into consideration.*
- ▣ *Municipalities have no established criteria for deciding which specific roads (streets) should be built (repaired) in the first place. No there are any criteria for an objective and transparent distribution of funds for road repair and maintenance.*

³ Ibid.

⁴ Ibid.

Concerning the refusal of municipalities to build local internal roads marked in the land reform land use project on state-owned land for access to five homesteads and land plots

The applicants' complaints indicate that, for the purpose of restoration of ownership, land plots with marked roads were formed for the applicants in the land reform land use project, i.e. a four- to six-metre wide area of state-owned land from a regional road to the land plot was left in the project. However, this land area has neither a road nor wheel ruts. After the applicants had submitted a letter to the Municipality regarding the construction of a road, the answer was that they had to build a road themselves, as it was an internal road not owned by the state. The other municipalities indicated that, once a road was built by people themselves, the municipalities would be able to include it in their balance sheets and conduct its maintenance.

The Seimas Ombudsman contacted the Government informing the authorities about the existing situation and requesting their position on how the situation had to be solved, i.e. who and with what funds had to build local internal roads on state-owned land as access to five and more homesteads and land plots.

Concerning failure to respect the principle of transparency at the municipalities in performing the independent function of local road maintenance, repair and construction

During the reporting year, the Seimas Ombudsman received many complaints about the poor condition of local roads, non-renovated streets, the unclear procedures for the selection of roads of the same category for repair, and the municipalities' promises repeated from year to year that the next year, if the funds were available, the roads would be renovated.

After investigating the complaints of this type, the Seimas Ombudsman can state unequivocally

that, in performing the independent function of road maintenance, repair and construction, the municipalities fail to comply with the principle of transparency. It is unclear to the residents and the Seimas Ombudsman why one street is repaired and another one is not; the municipalities' explanations are known only to themselves and there are no possibilities to either verify or confirm or negate them as no uniform methodology exists which would ensure the uniform evaluation of a road condition in different municipalities. The Seimas Ombudsman has recommended approving the criteria and defining clear procedures.

The municipalities have informed that the procedures are in the process of preparation and that public procurement is under way for the identification and evaluation of the condition of streets in a certain category, compilation of a priority list of streets to be renovated and the selection of the renovation method.

Concerning the supervision and control of the activities of administrators appointed by the governing bodies of the apartment block and other premises owners' associations and the municipality

The investigation of the complaints has found certain recurring problems related to the functions of municipalities (Article 6(42) of the Law on Local Self-Government) with respect to the control and supervision of the activities of administrators. One of the essential problem areas is the scope and continuity of control.

On investigating the complaints of this type, the Seimas Ombudsman has drawn the attention of municipal officials to the fact that municipalities, after receiving a complaint about the activities of administrators or associations, have the right to decide not to conduct an in-depth inspection, but they must take control actions for a detailed check of the circumstances specified in the complaint and, where appropriate, take measures to

eliminate the identified violations. In addition, the Seimas Ombudsman has noted that the control of the performance of the municipality's obligations to the administrator of an apartment block or association chairperson should continue until their full implementation.

Concerning the renovation (modernisation) of apartment blocks

During the reporting period, one of the most significant problems of these complaints was related to failure to ensure the interests of the disabled during renovation of apartment blocks.

The investigation of the complaints has found that the applicants approached the Seimas Ombudsman with regard to the actions of officials from the municipal administration and other institutions when analysing their complaints about the renovation of the balconies of their apartment block which allegedly had not complied with the provisions of the United Nations Convention on the Rights of Persons with Disabilities (hereinafter referred to as "the Convention").

During the investigation, the Seimas Ombudsman noted the opinion of the Department for the Affairs of the Disabled under the Ministry of Social Security and Labour about the violations of the Convention, i.e. when modifying the project, the apartment block association did not include residents with disabilities and special needs into decision making, and the information from the National Public Health Centre under the Ministry of Social Security and Labour that the measurements carried out in some apartments of the block had discovered non-compliance of their natural illuminance with the technical construction regulations.

It was stated during the investigation that the problems were related not only with the allegedly inappropriate actions of the apartment block administrator or association chairperson and

the contractor's workers and the inadequately developed technical design, but also with the allegedly unclear legal framework. Having discussed the Seimas Ombudsman's recommendations, the Ministry of Environment explained that the law did not stipulate any restrictions on the architectural solutions for balcony enclosures which could be chosen in consideration of the features of a structure and customer requirements, and the design could be modified on the basis of an additional agreement with the designer and the terms of reference approved by the builder. The builder could initiate modifications of the project on the basis of decisions taken by the majority of the apartment block's residents. The Ministry has adopted amendments to Technical Constructing Regulation STR 2.02.01:2004 providing that the height of the non-transparent part of balcony enclosures must not exceed 1.1 m from the balcony surface without a floor cover.

Concerning social housing leasing

On evaluating the complaints of this sphere, the Seimas Ombudsman has noted that the applicants often cannot understand the actions of municipal officials in solving the issues of social housing leasing where a person entitled to social housing leasing does not obtain such housing for a number of years or is delisted from the list of persons applying for social housing, and why the municipalities fail to solve the problems of development of the social housing pool, etc.

During the investigation of the complaints, it was noticed that the municipal officials' explanations to the applicants and the Seimas Ombudsman were not detailed: although the possibility of leasing social housing to an applicant was specified, yet no concrete motives were provided as to why the housing was not leased. Thus the Seimas Ombudsman was of the opinion that the implementation of the principles of equality and social justice in granting the support for the purchase or lease of housing by the municipal

officials was allegedly inappropriate, and the officials had not been justified not to take a decision on social housing leasing for an applicant enjoying the right of priority when social housing had been leased to other persons (families) in 2015 ignoring the waiting list. The Seimas Ombudsman recommended the Municipality to take appropriate steps. The Municipality informed that social housing (an apartment) had been leased to the applicant in a social housing building of the Municipality.

Concerning noise control

The Seimas Ombudsman has identified cases where state or municipal institutions, forgetting the principle of good and responsible public administration, forward to each other applicants' requests, hide behind unjustified formalities and take no measures to solve in principle the problems raised by applicants regarding the allegedly inappropriate and unclear legal framework on the determination of the competence of state and municipal institutions.

For example, on completing an investigation into an applicant's complaint about the noise caused by transport on the national road Ukmergė–Molėtai crossing the applicant's village, the Seimas Ombudsman stated that the national (secondary) road was, in accordance with the law, under the management by trust of the Lithuanian Road Administration. Therefore the Administration as the manager of the noise source had, pursuant to the Law on the Management of Noise (LMN), ensure that the noise level did not exceed the limit values, and that in the event of any exceedances had to take measures to remove and/or mitigate the noise emissions. The LMN does not specify which state institution conducts the management of noise caused by transport on secondary national roads (municipalities are not managers of national roads (sources of noise)). The Administration was not justified to advise the applicant to approach the Public Health Centre

herself and, ignoring the requirements of the Law on Public Administration, did not forward the applicant's inquiries to the Public Health Centre for consideration within the competence of the latter institution.

The Seimas Ombudsman has stated that the Public Health Centre, in response to individuals' requests or complaints, controls compliance with the hygiene standards not under the control of other public administration entities, in accordance with the list of controlled spheres established by the Minister of Health. However, roads are not classified either as factors of economic commercial activities that could have an effect on public health or as objects in which economic commercial activities are carried out.

The Seimas Ombudsman has declared the applicant's complaint justified and recommended the Government of the Republic of Lithuania to submit to the Noise Prevention Council for consideration the issues of an additional legal framework for noise management relating to the expediency of appointing a state institution responsible for the management of noise caused by transport on state (secondary) roads, and to the clarification of the competence of public health centres.

Concerning the detention conditions for detainees at the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter referred to as "the Foreigners' Registration Centre")

On conducting the investigation of the received complaints relating to the detention of foreigners in premises with barred windows, the Seimas Ombudsman has found that the issue of installing window bars at the premises of the Foreigners' Registration Centre is not regulated by the law.

The Seimas Ombudsman has stated that one of the tasks of the Foreigners' Registration Centre is to ensure the restriction of the free movement of

foreigners placed at the Centre by the decision of a court. With a view to the proper fulfilment of the functions set out in legislation, the Foreigners' Registration Centre uses special measures for this purpose. In this case the installation of window bars should be considered one of the special measures necessary and proportionate for guaranteeing the protection and control of residents of the Foreigners' Registration Centre detained by a court decision.

A similar purpose of the premises and custody cells of the Foreigners' Registration Centre, the outfitting of which (including the installation of bars) is regulated by the Rules for the installation and operation of correction institutions, was stressed.

In view of that, the Seimas Ombudsman issued a recommendation for the Minister of the Interior to regulate the installation of protective window bars at the premises of the Foreigners' Registration Centre. The Minister of the Interior agreed with the recommendation and drafted a legal act, in particular the Rules for the accommodation premises and operation of the Foreigners' Registration Centre which would set out the proposals made by the Seimas Ombudsman regarding the installation of window bars.

Concerning access of detainees / convicts to continuous treatment / nutrition

The investigation of the complaints from detainees / convicts about the inappropriate nutrition has found that, during the transfer of detainees / convicts from one place of detention to another one, no prompt provision of information on any special needs of such persons related to treatment and nutrition is ensured. The investigation has established that, on arrival at a receiving institution, the above persons get the recommended meals and prescribed treatment only after 24 hours. In case of certain diseases failure to have access to an appropriate treatment and/or diet during such a long time period can become a threat to a person's health or even life.

The Seimas Ombudsman recommended that the Director of the Prison Department amended the legal framework by providing that the transferring institution informed the receiving institution in advance of persons requiring a special diet and/or treatment. The Prison Department implemented the recommendation by amending the Work instruction of record services of places of detention.

Concerning the possibility for detainees / convicts to use the internet

In response to the issues raised more often in the received complaints about access of detainees / convicts to the internet at places of detention and imprisonment institutions, the Seimas Ombudsman carried out an investigation. It was discovered that detainees and convicts held at different institutions had essentially different possibilities for using the internet via restricted internet access, i.e. the equality of these persons was not ensured.

The investigation revealed that back in 2014 the Ministry of Justice had expressed a position that uniform and consistent practices based on the guarantee of human rights standards should be applied at all places of detention (not based on the technical, financial or other possibilities of imprisonment institutions), under which detainees and convicts would have access to the internet.

The Seimas Ombudsman noted that in its Recommendation of 18 May 2016 on the 2016 national reform programme of Lithuania and delivering a Council opinion on the 2016 stability programme of Lithuania, the European Commission has recommended improving the adoption and absorption of new technology. Therefore, with the aim of introducing a uniform and consistent practice under which detainees and convicts would have guaranteed access to the internet and which would ensure the equality of detainees and convicts

in using the internet via restricted internet access, the Seimas Ombudsman drew the attention of the Prison Department to the facts that:

- the possibility to use restricted internet access would help the institutions to save funds and allocate them for meeting other needs of detainees and convicts;
- in accordance with the Law on the Right of Access to Information, information on the activities of a body or institution in performing the functions assigned by law must be accessible to everyone, preference being given to the dissemination of information by via internet and other electronic means (certainly, taking the specifics of this group of persons into consideration);
- the website of the Seimas Ombudsmen's Office (www.lrski.lt) publishes information closely related to the protection of the rights of detainees and convicts. Therefore all detainees and convicts should be ensured the possibility to connect to the website www.lrski.lt;
- the courts of the Republic of Lithuania inform detainees and convicts about the procedural decisions taken on their cases on a portal of electronic services that detainees and convicts have no right to log on. This means that such persons cannot have access to information provided by courts of the Republic of Lithuania that are of particular importance to them or exercise their rights to effective judicial protection. Therefore all persons concerned and convicts should be ensured the possibility to connect to the electronic services portal via restricted internet access.

The Seimas Ombudsman recommended to the Director of the Prison Department to take steps to follow a uniform and consistent practice (that should not be based on the technical, financial or other possibilities of separate imprisonment institutions), under which detainees and convicts would be guaranteed internet access

and the equality of detainees and convicts placed at different detention and imprisonment institutions in using the internet via restricted internet access.

ACTIVITIES OF THE SEIMAS OMBUDSMEN

CONDUCTING THE DISSEMINATION OF INFORMATION ON HUMAN RIGHTS, THE NATIONAL PREVENTION OF TORTURE AND COOPERATION

MEETINGS WITH STAKEHOLDERS

Visit of the coordinator of the project "The Human Rights of Older Persons in Long-Term Care"



On 9 March 2016, Seimas Ombudsman Raimundas Šukys received Ciara O'Dwyer, a coordinator of the European Network of National Human Rights Institutions (ENNHRI). The meeting discussed problems related to social care institutions for the elderly. The project coordinator and representatives of the Seimas Ombudsmen's Office also visited several social care institutions for older people in Lithuania.

Meeting with representatives of the OECD mission in Lithuania

On 16 June 2016, Augustinas Normantas, head of the Seimas Ombudsmen's Office, met with Tatyana Teplova and expert Chloe Lelievre, representatives of the mission of the Organisation for Economic Co-operation and Development (OECD) in Lithuania. The meeting with Mr. Augustinas Normantas dealt with the themes of ensuring the rule of law and the effective activities of institutions administering justice in Lithuania.



Committee for the Prevention of Torture presented preliminary conclusions to heads of institutions



On 5 September 2016, at the invitation of Seimas Ombudsman Augustinas Normantas, the European Council Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, shortly referred to as the CPT, presented its preliminary conclusions at the Seimas Ombudsmen's Office concerning the human rights situation at the places of detention in Lithuania.

Activities of the Seimas Ombudsmen presented to representatives of the US Embassy in Lithuania

At a meeting with Ted Janis and Giedra Gurevičiūtė-Demereckienė, representatives of the

US Embassy, held on 14 September 2016, the Seimas Ombudsman disclosed relevant issues complained about to the Seimas Ombudsmen by Lithuanian residents and presented human rights problems arising at places of detention. The meeting also discussed questions of cooperation with the US Embassy as the US State Department was preparing a report on the human rights situation in the country.

Seimas Ombudsmen's Office received a delegation from Armenia



On 20 September 2016, Augustinas Normantas, Head of the Seimas Ombudsmen's Office, received Armenian Ombudsman Arman Tatoyan. The meeting presented the activities of the Seimas Ombudsmen's Office, dealt with the human rights problems in Armenia and Lithuania, and discussed mechanisms ensuring human rights.

Meeting with the Council of Europe's Commissioner for Human Rights



On 6 December 2016, Seimas Ombudsmen Augustinas Normantas and Raimondas Šukys met with Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, to discuss gender equality, the rights of persons with disabilities, the rights of children, violence at home as well as the problems of the care home system and their abundance in Lithuania. The Commissioner for Human Rights also showed an interest in the activities of the Seimas Ombudsmen and other human rights mechanisms operating in Lithuania.

COOPERATION WITH INTERNATIONAL ORGANISATIONS AND NETWORKS

International Ombudsman Institute

The Seimas Ombudsmen's Office has been a member of the International Ombudsman Institute since August 1996. In 2016, representatives of the Seimas Ombudsmen's Office participated in several important events of this Institute.

On 26-27 April 2016, Augustinas Normantas, Seimas Ombudsman and Head of the Office, and Seimas Ombudsman Raimondas Šukys took part

in the European regional conference "Human Rights in Europe: Challenges for Ombudsmen" held in Barcelona by the International Ombudsman Institute. The conference discussed the issues of ensuring privacy and personal data security, the approach towards asylum seekers and their identification with terrorists, as well as the asylum policy in Europe, the possible measures to combat the emerging xenophobia in Europe and the ombudsmen's role in solving the refugee crisis on the European continent.

At the conference "Evolution of Ombudsmanship" held on 13–19 November 2016 in Bangkok, Thailand, at the invitation of the International Ombudsman Institute, the Chief Public Relations Counsellor of the Seimas Ombudsmen's Office delivered a report "The Use of Media to Promote Ombudsmen's Work in Protecting Human Rights", and together with the Seimas Ombudsman and Head of Office participated in the discussion "Ombudsman Work Resulting from Multiple Mandates: Challenges and Opportunities" organised by the Association for the Prevention of Torture (APT).

In 2016, the Seimas Ombudsmen's Office also took an active part in the work of the International Ombudsman Institute by supplying information on the activities of the Office, replying to the questions presented in the sent questionnaires and voting in the election of the president and board members of the European Region of the International Ombudsman Institute.



European Ombudsman Institute

The European Ombudsman Institute (EOI) is an organisation uniting over 100 European ombudsman offices; the institute conducts research in the sphere of protection of human and citizens' rights at national and international level. In cooperation with local, foreign and international institutions, the Institute promotes and supports the idea of the ombudsman's office.

In 2016, Augustinas Normantas, Seimas Ombudsman and member of the Board of the European Ombudsman Institute, participated in two meetings of the Board of the European Ombudsman Institute, the first one held on 18 June in Moscow (Russian Federation), and the other one on 23 September in Nicosia (Cyprus).

European Network of Ombudsmen

The European Network of Ombudsmen was established in 1996 and currently has more than 100 human rights institutions in different European countries. The Network consists of national and regional ombudsman offices. The purpose of this Network is to provide better cooperation possibilities for the ombudsman institutions and help them with the investigation of complaints.

As a member of the Network, the Seimas Ombudsmen's Office provides answers to inquiries from other countries' ombudsman institutions, sends the most relevant news about the Office and its activities to the Network and participates in conferences and seminars organised by the European Ombudsman Office.

One of such seminars took place on 13-14 June 2016 in Brussels. Attending the seminar were Seimas Ombudsmen Augustinas Normantas and Raimondas Šukys who discussed issues relevant for ombudsmen.

European Union Agency for Fundamental Rights

The European Union Agency for Fundamental Rights was established in 2007 and since then has provided assistance and conclusions on fundamental rights issues to appropriate institutions and government authorities of the Community and its Member States. The Seimas Ombudsmen's Office belongs to the information network (FRANET) set up by the Agency and regularly supplies it with information. Relevant data and information are also provided in accordance with an agreement signed between the Seimas Ombudsmen's Office and the European Union Agency for Fundamental Rights on 1 October 2014 for the implementation of the project "Data Collection and Research Services on Fundamental Rights Issues".

On 9 February 2016, a representative of the Seimas Ombudsmen's Office participated in workshop on the national implementation of the EU Charter of Fundamental Rights, organised by the European Union Agency for Fundamental Rights in Vienna (Austria) to discuss how the European Union Charter differed from the human rights conventions and instruments. Representatives from different institutions shared their experience on cases in which they relied on the Charter in their work.

European Network of National Human Rights Institutions (ENNHRI)

The Seimas Ombudsmen's Office has been a member of the European Network of National Human Rights Institutions since 30 September 2014. The Office actively contributes to the work of the Network on an annual basis by providing answers to various questions and taking part in research, workshops and trainings organised by ENNHRI. In addition, at the end of 2016 the Seimas Ombudsmen's Office updated and submitted its

application for accreditation to the International Coordinating Committee.

Since 2014, the Seimas Ombudsmen's Office together with other European national human rights institutions has also participated in the project on the protection of rights of older persons aimed at establishing how the rights of the elderly are ensured at care homes of different countries. Under this project in 2016 employees of the Seimas Ombudsmen's Office carried out follow-up inspections at the Pasvalys and Kupiškis adult social care institutions providing accommodation for older persons. In addition, on 27-28 September a representative of the Seimas Ombudsmen's Office participated in a meeting dedicated to the project "Human Rights of Older Persons in Long-Term Care" which discussed the prepared draft project report and other documents, considered members' proposals on how these documents should be improved and/or adjusted, and also dealt with the strategy and activities of dissemination representing the third phase of the project.

In addition to the participation in the activities of the above project, representatives of the Seimas Ombudsmen's Office also attended other events organised by the ENNHRI:

The Academy of the National Human Rights Institutions held on 30 May – 3 June 2016 in Tbilisi (Georgia). The Academy was divided into seven sessions that dealt with specific themes related to the implementation of the Paris Principles.

The ENNHRI General Assembly Meeting held on 27 October 2016 in Zagreb (Croatia) which approved the financial and activity reports, discussed the project of older persons and presented the main ENNHRI activities for 2017. The working groups discussed the discriminatory aspects of counter-terrorism measures in the implementation of the sustainable development objectives in the

member states by the national human rights institutions.

Organisation for Security and Cooperation in Europe (OSCE)

The Organisation for Security and Cooperation in Europe is the largest regional security organisation in the world uniting 57 countries of Europe, North America, South Caucasus and Asia, and 11 partner states. The OSCE mainly focuses on the promotion of mutual trust among states and nations, democratic reform, creation of modern institutions and civil society and election observation.

On 12-14 October 2016, a representative of the Seimas Ombudsmen's Office took part in a meeting hosted by the Organisation for Security and Cooperation in Europe. In commemoration of the decade of the United Nations Convention against Torture (OPCAT), the participants in the meeting shared their work experience and had an opportunity to present their good practice in the spheres of the monitoring of imprisonment, mental and care institutions, cooperation with other partners, including civil society organisations, and the implementation of recommendations. The event also presented an idea (authored by Prof. Silvia Casale) to establish an independent observatory of national preventive mechanisms (NPMs) which would contribute to the implementation of the preventive function in ensuring the independent, consistent and constructive assessment of NPMs. The observatory would be a non-governmental organisation consisting of experts with long-standing experience in the sphere of prevention.

On 28-29 November 2016, a representative of the Seimas Ombudsmen's Office attended a meeting on strengthening the national human rights institutions (NHRIs) in the OSCE region held in Warsaw. The first part of the meeting

discussed the need for strengthening NHRIs with a focus on their independence, the principles of human resource staffing and the aspects of the immunity of NHRI members. The meeting also dealt with the NHRI budgeting and independence in distributing the allocations. The second part of the meeting discussed the relationship between NHRI independence and accountability as well as the ensuring of pluralism and diversity within NHRIs. The third part of the meeting largely focused on the implementation of the principle of independence when NHRIs had to ensure independence in dealing with state and non-governmental organisations and other groups of stakeholders.

The expert meeting drew up a joint resolution of the Council of Europe, OSCE and UN Human Rights Office stressing the importance of NHRI independence and the aim to strengthen NHRIs in the OSCE region.

United Nations

The United Nations is a union of states based on the principles approved by the United Nations Charter. The United Nations was established officially on 24 October 1945. The organisation now has 193 world countries as its members. Lithuania became a member of the United Nations on 17 September 1991.

On 21-23 March 2016, a delegation of the Seimas Ombudsmen's Office participated in the 29th general meeting of the International Coordinating Committee (ICC29) of the National Human Rights Institutions at the United Nations Office in Geneva. The general meeting changed the name of the International Coordinating Committee to the Global Alliance of National Human Rights Institutions (GANHRI).

On 2 November 2016, Lithuania's second report on the 2012–2016 human rights situation in Lithuania was presented in Geneva during the Universal

Periodic Review conducted by the United Nations Human Rights Council.

During the discussion, Lithuania received more than 170 questions and recommendations for ensuring gender equality, combatting of violence in the immediate environment, rights of the Roma people, ensuring children's rights, protection of the rights of people with disabilities and LGBT persons, improvement of conditions at imprisonment institutions and the accreditation of the national human rights institution. The questions and recommendations were submitted by more than 60 countries.

Speaking on the importance of establishing of the national human rights institution and the implementation of national prevention of torture, Augustinas Normantas, Head of the Seimas Ombudsmen's Office, called on Lithuania to respect human rights by devoting greater attention to the rights of the disabled, eliminating human rights violations at care institutions, focusing on problems in mental institutions and implementing more effectively the recommendations of the Council of Europe's Committee for the Prevention of Torture.

University of Florence and European University Institute

Since 2014, the Seimas Ombudsmen's Office has taken part, as an associate partner, in the project "CharterClick" conducted by the University of Florence and the European University Institute. The project is aimed at creating an internet platform that would allow verifying whether a particular complaint falls within the scope of the European Union Charter of Fundamental Rights.

On 18 March 2016, a representative of the Seimas Ombudsmen's Office attended a workshop organised by the University of Florence and the European University Institute under the above project. The workshop in Florence was held for the purpose of discussing the use of the

Charter in the everyday activities of the national human rights institutions. Prior to the workshop, a questionnaire had been circulated to the institutions participating in the project, and the answers were discussed at the workshop with a view to drawing up a document presenting examples of good practice in the application of the Charter by the national human rights institutions. The collected examples of good practice were also to be published on the website of the "CharterClick" project.

COOPERATION WITH OMBUDSMAN INSTITUTIONS

Seimas Ombudsman and Seimas Members visited the Latvian Ombudsman's Office

During their visit in Riga on 9–10 June 2016, Augustinas Normantas, Head of the Seimas Ombudsmen's Office, and members of the Seimas Human Rights Committee shared their good practice in the sphere of human rights with members of the Saeima of the Republic of Latvia, lawyers, representatives of non-governmental organisations defending human rights and the Ombudsman of the Republic of Latvia. The meetings discussed the issues of combating violence in the immediate environment, protection of children's rights and the accreditation of a national human rights institution compliant with the principles of the national human rights institutions (the so-called Paris Principles) adopted by the United Nations General Assembly.

Annual meeting of Baltic and Nordic Ombudsmen

The annual meeting of the Baltic and Nordic Ombudsmen held on 3-5 October 2016 in Helsinki was attended also by representatives of the Lithuanian, Finnish, Swedish, Danish, Estonian and

Latvian ombudsman institutions to share their work experience.

The participants in the meeting discussed the specifics of investigation of applicants' complaints in different countries and shared their experience on ways to reduce the length of time for investigation. The meeting also dealt with the issues of the protection of refugee rights and the activities of the national preventive mechanisms in different countries. The event also raised a particularly subtle and sensitive problem of euthanasia not subject to broad discussion in Lithuania.

International workshop on the monitoring and assessment of mental institutions

On 21-23 June 2016, officials of the prevention of torture from 16 European countries gathered in Vilnius for an international workshop on the occasion of the 10th anniversary of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The workshop "Monitoring of Psychiatric Facilities" was organised by the Seimas Ombudsmen's Office, the International Ombudsman Institute and the Association for the Prevention of Torture.

Psychiatrists from Great Britain and Austria working in the sphere of human rights and experts from the United Nations Committee against Torture, the Council of Europe and the International Ombudsman Institute taught officers for prevention of torture in Vilnius how to talk to persons with mental disabilities, what to pay attention to during visits at mental institutions and problems faced by persons placed at such institutions. The workshop participants also visited the Rokiškis Psychiatric Hospital.

The workshop was aimed at identifying common problems most often encountered by officers for prevention of torture and enhancing the knowledge on potential risks related to the monitoring of mental institutions.

DISSEMINATION OF INFORMATION

Public information on the Seimas Ombudsmen's Office directly contributes to the awareness of the activities of the Office and the public education on human rights issues. The practice of the Seimas Ombudsmen shows that residents, on learning from the media about the restitution of the infringed rights of one or another citizen, also apply to the Office requesting an investigation into failure of officials of state or municipal authorities to solve problems relevant for the residents or into their improper solution.

In 2016, the Seimas Ombudsmen's Office actively pursued the principles of openness, transparency and publicity and published information on its activities as well as problems relevant for the public, preparing and disseminating the information in Lithuanian and English.

More than 80 press releases were published on the website of the Seimas Ombudsmen's Office and disseminated to other media. The website carried about 24 information messages for the public about the employees' visits abroad, improvement of qualifications and representation of the Office at other institutions. A media review is published on the website www.lrski.lt with links to articles and radio and television shows. In 2016, the internet media published about 300 articles and prepared some 27 radio and television shows informing about the activities of the Seimas Ombudsmen.



The Seimas Ombudsmen's Office and its work were covered in live television and radio broadcasts. The public was also actively informed of the monitoring conducted by the Seimas Ombudsmen's Office at places of detention, and research carried out at the initiative of the Office and investigated complaints.

The media that carried information on the work of the Seimas Ombudsmen in exposing violations of human rights in the sphere of public administration and conducting the national prevention of torture included the national media *Lietuvos žinios*, *Lietuvos rytas*, the news agencies BNS and ELTA, 15min.lt, Delfi.lt, Lrytas.lt, Diena.lt, Alfa.lt, LRT radio, Žinių radijas, TV3, info TV, as well as the regional media *Alytaus naujienos*, *Utenos naujienos*, *Jurbarko žinios*, *Alytaus Radijas*, etc.

The activities of the Seimas Ombudsmen are promoted in social networking services. Information to the public is provided on the social networking sites Facebook and Twitter where people not only can observe the activities of the Seimas Ombudsmen's Office but also respond by posting comments or sharing the news with other users of a site.

The Seimas Ombudsmen also promote their activities in newsletters circulated to more than 600 state and municipal institutions and non-governmental organisations. The newsletters are issued twice a month. The newsletters inform representatives of institutions and non-governmental organisations about the Seimas Ombudsmen's key activities, including completed investigations of complaints, events and monitoring of human rights.

In 2016, great attention was devoted to cooperation with the professional community of the media. At the invitation of the Lithuanian Union of Journalists, Vytautas Valentinavičius, Chief Public Relations Counsellor of the Seimas

Ombudsmen's Office, conducted a workshop for journalists in Kaunas, Vilnius and Alytus where he presented the Seimas Ombudsmen's summary conclusions on violations of the right of access to information from state and municipal institutions. In 2016, the summarised material "Violations of the right of access to information at the state and municipal institutions. An overview of complaints for the Seimas Ombudsmen" for the first time in the history of the Seimas Ombudsmen's Office was published in the journalists' professional almanac *Žurnalistika 2016 (II)*.

SURVEY ON THE SEIMAS OMBUDSMEN'S VISIBILITY

For the purpose finding out whether people in Lithuania know that the Seimas Ombudsmen's Office protects human rights and where to apply when people's rights are violated by state and municipal institutions, the Seimas Ombudsmen conduct a representative annual survey of the Lithuanian population.

The representative survey carried out in November 2016 revealed that, although the trust in the Lithuanian human rights institutions was particularly low, the percentage of respondents that had confidence in the Seimas Ombudsmen's Office was growing in 2016 nevertheless. Some 6.3% of the respondents would look for assistance in this Office, compared to 3.4% in 2015. Of the state institutions, the respondents showed the greatest trust in the Prosecutor's Office and the police (19.5%) and courts (10.5%), but the Consumer Protection Service would be approached only by a mere 1.6% and the State Labour Inspectorate by just 1.6%.

A representative survey conducted by the public opinion and research centre Vilmorus showed that

people tended to trust the media (12.5%) more than non-governmental organisations (8%). However, the share of individuals looking for help increased substantially in 2016 (49.2%), while in 2015 as many as 84.9% of the respondents had not applied anywhere about violations of human rights.

The survey results showed that more than a half of the population would know where to apply to in case of violations of their rights (52.6%), compared to even 59.7% in 2015 and 54% in 2014. However, in 2012 the share of residents who had knowledge of what institution to approach in case of violations of their rights had been record low or a mere 27.9%.

The survey conducted in November 2016 revealed that the percentage of people aware of the protection of human rights by the Seimas Ombudsmen's Office had remained stable in recent years with 42.5% in 2016 and 43.2% in 2015. However, it had increased significantly compared to 2013 when positive answers had amounted to 34.5%, and just 24.3% in 2012. Despite that, the share of people unaware of the protection of human rights by the Seimas Ombudsmen's Office had remained high and accounted for 57.5% in 2016 and 56.0% in 2015.

REPORT ON THE IMPLEMENTATION OF NATIONAL PREVENTION OF TORTURE

Introduction

The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Optional Protocol") adopted by the United Nations General Assembly on 18 December 2002 has reaffirmed that the protection of persons deprived of their liberty against mistreatment can

be strengthened by regular inspections of places of detention. This way a system has been established to enable regular visits by representatives of independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. Following the ratification of the Optional Protocol by the Seimas on 3 December 2013, the Seimas Ombudsmen have been obligated to conduct the national prevention of torture at places of detention and pay regular visits to them, while the Seimas Ombudsmen's Office has been designated a national preventive mechanism.

The year 2016 has been the third year of the national prevention of torture by the Seimas Ombudsmen. Regular visits to places of detention have proved that the activities preventing torture and other violations of human rights are important and help to achieve positive results: the veil of secrecy is lifted from the institutions, attention is paid to potential problems and aspects which can determine violations of the rights of detained persons, and a progressive and respectful approach is promoted in pursuit of a long-term objective, in particular to ensure that the rights of individuals held in places of detention are not violated.

The Report presents the powers of the national preventive mechanism, the methodology for carrying out its functions, the inspections conducted, the key systemic problems identified, the recommendations issued and the information on the implementation of the recommendations provided.

Powers of the national preventive mechanism

Pursuant to Article 191(4) of the Law on the Seimas Ombudsmen, when implementing the national prevention of torture, the Seimas Ombudsmen enjoy extensive powers, in particular the right to:

- ▢ choose the places of detention they want to visit and the persons they want to interview;
- ▢ have access to all places of detention and all premises located therein;
- ▢ have access to all installations and infrastructure of such places and premises;
- ▢ have private interviews with the persons deprived of liberty without witnesses, as well as with any other person who may supply relevant information;
- ▢ carry out inspections of places of detention accompanied by selected experts.

Inspections are organised during visits to any location where persons are or may be deprived of their freedom, i.e. police custody facilities, imprisonment, care or mental institutions, institutions for the treatment of infectious diseases, institutions for holding or accommodating foreigners, etc.

The Seimas Ombudsmen are assisted by employees of the Seimas Ombudsmen's Office in organising and conducting the activities of the national prevention of torture assigned to them. In performing this function, they pay regular visits to places of detention and conduct their inspections, with a view to identifying any torture or other cruel, inhuman or degrading treatment or other violations of human rights, and supervise the implementation of the Seimas Ombudsmen's recommendations in the field of the national prevention of torture, and carry out other functions assigned to them.

Methodology for performing the national prevention of torture

The national prevention of torture by the Seimas Ombudsmen in 2016 involved questionnaire-based, thematic and follow-up inspections.

Questionnaire-based inspections represent the filling in of questionnaires adapted to each institution and covering the most important issues related to the living/detention conditions, nutrition, health care, ensuring security and suicide prevention, use of special, restrictive and disciplinary measures, guaranteeing personal independence, provision of information and investigation of complaints. These questionnaires are prepared with account of the requirements set out in national and international legislation, as well as the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment which has conducted the prevention of torture in the European states for 25 years already.

In 2016, questionnaire-based inspections were carried out at adult care institutions (16), police custody and long-term/temporary detention facilities (4), and places for the detention of foreigners (3), a total of 23 questionnaire-based inspections.

During thematic inspections, the focus is on a particular sphere(s), for example, the issues of providing health care services, creating a general climate of security, preventing smoking and alcohol consumption, imposing penalties and personnel issues, or on particular persons, for example, groups of vulnerable individuals (women, minors and persons with physical disabilities), or on recommendations made by international institutions, etc.

During the reporting period, seven thematic inspections were carried out at the following institutions: Alytus Correction House, Prienai Care Home, Rokiškis Mental Hospital and four care homes in Kaunas County.

The thematic inspection at Alytus Correction House, a detention facility, evaluated whether proper living/detention conditions, security, the right to

information submission of appeals as well as access to health care were ensured for the detainees. Thematic inspections were also conducted at the children's homes of Kaunas County, dealing with the issues of ensuring the sufficient number of employees, a secure environment, the treatment of children by the employees and protection against improper treatment, the application of disciplinary measures, the development of social skills, the organisation of leisure, the introduction of the children to their rights and duties, and availability of information.

Thematic inspections are also carried out in response to any information in the public domain relating to events at places of detention. Where information is available or reasonable doubts arise about any alleged violations of the rights of detainees, a decision may be taken to monitor the human rights situation at an appropriate institution. In 2016, such an inspection was carried out at Prienai Care Home in response to the media information on a tragedy that had occurred in December leading to the death of a bedridden female resident (the woman had smoked in bed and caused fire, resulting in her suffocation), and on receiving two anonymous complaints (on 9 and 12 December 2016) about the alleged violations of the residents' rights at that institution.

The Seimas Ombudsmen's Office also contributes to the implementation of international commitments assumed by the Republic of Lithuania. In September 2016, a visit was held to Rokiškis Mental Hospital, with a view to evaluating the readiness of the institution to improve its activities with account of the preliminary recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the European Committee for the Prevention of Torture" or "CPT") after the visit of its members at that institution.

Follow-up inspections are intended to find out the results of implementation of the Seimas Ombudsmen's recommendations, as the follow-up on their implementation is a very important aspect of the national prevention of torture which allows identifying whether the recommendations were implemented and what particular actions were taken to implement them. In 2016, the Seimas Ombudsmen conducted 17 follow-up inspections at different places of detention: 10 adult social care homes, three imprisonment institutions, two police stations, one mental hospital and a facility for the detention of foreigners.

Preparation for the above inspections included a review of the requirements laid down in legislation, case law, as well as the standards of the European Committee for the Prevention of Torture and its reports produced after the visits to Lithuania, collecting the material about institutions subject to inspection. The planned inspections were not notified in advance.

When carrying out any of the above-specified inspections, officials deal with the management, administration and other employees of institutions, as well as with detainees and, where possible, also with their close relatives. They also inspect various premises (both personal and common), evaluate their equipment, get access to the infrastructure of an institution, and check different registration logs and other documents.

On inspecting several places of detention of the same type, reports are drawn up which, based on facts in respective spheres, describe the identified systemic violations of human rights, and note best practice applied at institutions for the purpose of improving the persons' living/detention conditions. Reports produced following the monitoring of the human rights situation state the shortcomings observed during the inspections, give their legal assessment, draw appropriate conclusions and

present recommendations for eliminating those shortcomings.

The submission of inspection reports and effective recommendations to the responsible authorities is an essential part of the preventive activities carried out by the Seimas Ombudsmen. Reports with the said recommendations are submitted to the heads of institutions that have undergone inspections and, where appropriate, to other responsible authorities. It is noteworthy that, pursuant to Article 191(6) of the Law on the Seimas Ombudsmen, the competent authorities must examine proposals/recommendations of the Seimas Ombudsmen, consult with the Seimas Ombudsmen on possible implementation measures of their proposals/recommendations and inform the Seimas Ombudsmen about the results of implementation of their proposals/recommendations. All reports on inspections at places of detention are published on the website of the Seimas Ombudsmen's Office.

While performing the national prevention of torture, it is crucial to engage experts with special knowledge and competence who can evaluate the situation using their expertise based on practical skills. The procedure for the involvement of experts in inspections at places of detention is regulated by the Rules of Procedure for Inclusion of Experts in Inspections of Places of Detention approved by Order No. 1V-41 of the Head of the Seimas Ombudsmen's Office of 24 August 2015. Experts who have undergone introductory training at the office and received a monitoring brochure are entered in the Roster of Experts for Inclusion in Inspections of Places of Detention. An Expert Paid Services Contract is signed with experts (the form of the Contract was approved by Order No. 1V-42 of the Head of the Seimas Ombudsmen's Office of 24 August 2015). In 2016, external experts were involved six

times while conducting inspections at mental institutions, children's care homes and a place of imprisonment for persons with disabilities.

Regular meetings with the responsible authorities are held as part of the function of the national prevention of torture. These meetings present the national prevention of torture conducted by the Seimas Ombudsmen at different places of detention and the most urgent problems identified in 2014–2016, and discuss ways for solving them. Over the reporting period, meetings were held with members of the Council of *Rūpestinga globa*, an association of the heads of Lithuanian care institutions, the heads of care institutions and other representatives of the responsible authorities in the counties (Kaunas and Klaipėda), and psychiatrists' representatives with regard to the proper safeguarding of human rights standards in psychiatry, as well as with representatives of the Ministry of Justice of the Republic of Lithuania and the Prison Department under the Ministry of Justice. Also a meeting with the CPT, the Ministry of Justice and the Ministry of the Interior of the Republic of Lithuania was organised. Moreover, three qualification development seminars under the title "Ensuring human rights and freedoms in the functions of police officers (for persons placed under police supervision in police custody and temporary detention facilities, or in escorts)" were organised (in Vilnius, Kaunas and Klaipėda Counties).

While performing the function of the national prevention of torture, ensuring inter-institutional cooperation is of importance as well. Therefore, in 2016 the Seimas Ombudsmen cooperated with the Office of the Ombudsman for Children's Rights of the Republic of Lithuania during visits to children's care homes, the representatives of the United Nations Refugee Agency (UNCHR) in Lithuania and other institutions.

INSPECTIONS CONDUCTED AT PLACES OF DETENTION

During the reporting year, the Seimas Ombudsmen conducted inspections at 47 (forty-seven) places of detention in total, including:

- ▢ 27 (twenty-seven) at adult care institutions (16 questionnaire-based, 10 follow-up and one thematic);
- ▢ 6 (six) at police custody and long-term or temporary detention facilities (four questionnaire-based and two follow-up);
- ▢ 4 (four) at detention and accommodation facilities for foreigners (three questionnaire-based and one follow-up);
- ▢ 4 (four) at children's care institutions (thematic);
- ▢ 4 (four) at imprisonment institutions (one thematic and three follow-up);
- ▢ 2 (two) at mental institutions (one thematic and one follow-up).

The majority of the inspections or 23 were questionnaire-based ones, followed by seven thematic inspections. Great attention was devoted to the follow-up inspections totalling 17.

On completing the inspections in 2016, a total of 122 recommendations were drawn up, of which 46 were addressed to the adult care institutions, 25 to the children's care institutions, 27 to the police stations, 14 to the imprisonment institutions and 10 to the foreigners' detention and accommodation facilities.

Of the above-mentioned recommendations, eight ones were concerned with the improvement of legal acts. Also 98 recommendations were drawn up after follow-up inspections.

It is important to note that in 2015 the Seimas Ombudsmen had assessed the human rights

situation at nine care institutions in Panevėžys County (for elderly people). However, in the process of preparing the annual report (2015) of the Seimas Ombudsmen, no information had been available on the implementation of these inspections. For this reason, the information is included in the 2016 report of the Seimas Ombudsmen. A total of 51 recommendations had been issued.

The Seimas Ombudsmen's activity report for 2015 described the shortcomings identified by the inspections at 4 (four) children's care institutions of Vilnius County. The responsible authorities were provided with 24 recommendations in total.

Most of the Seimas Ombudsmen's recommendations were implemented (fully or partially), or the Seimas Ombudsmen were supplied with plans on their implementation in the future: 70 recommendations were implemented after the questionnaire-based inspections, and cooperation is continued with the responsible authorities on the implementation of the remaining recommendations.

The Report further presents the problems identified during the visits and the recommendations provided to the responsible authorities with respect to the elimination of these shortcomings and the progress achieved in implementing the recommendations.

Care institutions for adults

In 2016, the Seimas Ombudsmen assessed the human rights situation at 17 (seventeen) social care institutions (for adults with disabilities and elderly persons):

▢ 10 (ten) care institutions in Šiauliai County: Aukštėlkė Social Care Home, Beržėnai Old People's Home, public establishment Senolių namai, Šiauliai City Municipality Care Home, Linkuva Social Services Centre, public

establishment Old People's Home Santara of Joniškis Parish of St. Mary the Virgin, private limited company Senjorų namai, Šeduva Care Home, Old People's Home of Rozalimas Parish of St. Mary the Virgin, and state-funded enterprise Lioliai Social Care Home (Report No. 2016/1-40 of 20 July 2016);

- ▢ 6 (six) care institutions in Klaipėda County: public establishment Caritas Klaipėda Regional Care Home of Telšiai Bishopric, public establishment Skuodas Care Home, public establishment Ylakai Care Home, state-funded enterprise Klaipėda City Care Home, Palanga City Care Home, and Vilius Gaigalaitis Care Home (Report No. 2016/1-40 of 20 July 2016);
- ▢ Prienai Care Home (Report No. 2016/1-116 of 30 December 2016).

Summing up the circumstances identified during the inspections, the following most common main violations of human rights have been distinguished:

1. Concerning the organisation of meals. No conditions are provided for the use of all cutlery during meals, and no proper conditions for cooking food independently exist. The menus are compiled by employees who have no appropriate education, while the menus themselves are in the format difficult to read for the residents. In addition, the residents have no opportunities to submit their wishes with regard to foodstuffs and the mix of dishes in advance. Nor are the residents properly urged to drink water either.
2. Concerning the provision of personal health care services. The institutions have no valid licenses and permits/hygiene passports to provide personal health care services. Medicines are brought to the residents by the personnel that have no required special

training for that. Consent with the treatment prescribed by a doctor to a resident is expressed orally rather than in writing, while some female residents receive allegedly unjustified and unreasonable health care services. In addition, the residents have no conditions for refusing the treatment prescribed to them. The care institutions keep medicinal products with dates expired, including the uncontrolled storage and use of medicines by the residents. Information about the residents' health condition and other related data are stored inappropriately. The residents have to buy the medicines with their own money or cover at least part of their price, as they are not always informed of the possibility to obtain them free of charge.

3. Concerning the right to privacy and data protection. Employees do not knock on the door before entering the residents' rooms, and the residents have no opportunity to lock their rooms. Where such an opportunity is provided, several residents of the same room have to share one key. Also privacy is not ensured in the hygiene facilities. The residents have no possibility to keep their personal belongings in separate lockable closets, and their residential rooms lack private spaces. In addition, there is a lack of the home environment. Folding screens are not always present during personal hygiene procedures of nursed residents and no folding screens whatsoever are used for a doctor's consultation/examination of a resident in his/her room. Such consultations/examination are also attended by the community nurse of an institution.
4. Concerning social work. No individual social care plans (ISCP) are drawn up or such plans are not reviewed within the set time period. Moreover, ISCPs are prepared without a resident or his/her representative attending, and the

plans are not made available to residents against signature. Some ISCPs lack signatures of their developers. The care plans lack periodic entries about a person's health condition or achieved results, evaluation of the need of new services or measures foreseen with respect to meeting the changed needs. Residents are not introduced to plans, schedules or programmes of social activities (prevention of addictions, leisure or employment). There is also a lack of planning, systematisation and consistency of social work with the residents.

5. Concerning the ensuring of security. The emergency call system (ECS) is either missing or not fully installed, and fire safety is not ensured in full.
6. Concerning other shortcomings identified. The inspections have also found that the possibility for the free movement of residents in a care home and its territory is not adequately ensured. The anonymity of requests is allegedly not ensured. Also the residents are bathed once during more than seven days and their underwear is not changed on a daily basis. Ventilation and everyday cleaning of the premises is ensured insufficiently.

On completing the inspections at 16 adult social care institutions in Šiauliai and Klaipėda Counties, a total of 26 recommendations were issued, including 3 for the Social Services and Care Department under the Ministry Social Security and Labour (one concerning the improvement of legal acts), 23 for the heads of the inspected care institutions, of which 19 for the adult social care institutions of Klaipėda County, and 23 for 23 Šiauliai County. After the inspection at Prienai Care Home, 20 recommendations were made in total, of which one was for the Prienai Fire Service of the Kaunas County Fire Rescue Administration and 19 for Prienai Care Home.

When providing information on the implementation of three recommendations, the Social Services and Care Department indicated that the recommendations had been taken into account and that all social care institutions for adults with disabilities and the elderly had been advised to take measures to ensure the human right to privacy in the social care homes.

The social care institutions operating in Klaipėda County implemented almost all the recommendations issued to them: of the total of 19 recommendations, 12 ones were implemented in full and seven ones in part. No recommendations were left unimplemented. The recommendations implemented in part were concerned with the delivery of medicines and all other related procedures to the residents by the competent personnel, the provision of information to the residents about their supply with all the required medications prescribed by a doctor, the knocking by the staff before entering the residents' rooms, the possibility for persons to lock themselves in their personal residential premises depending on the residents' independence, the possibility for residents to keep their personal belongings in separate lockable closets, and the ensuring of privacy in personal hygiene facilities.

The social care institutions of Šiauliai County implemented all the 23 recommendations provided. It is noteworthy that four care institutions supplied information on the results of implementing the recommendations by phone; therefore they were instructed to provide this information also in writing.

Thus, the Šiauliai and Klaipėda care institutions implemented in full or in part all the 26 recommendations issued. No information on the implementation of recommendations given on completing the inspections at Prienai Care Home has been received yet.

In 2015, the Seimas Ombudsmen had assessed the human rights situation at nine care institutions (for the elderly) in Panevėžys County. In the process of drawing up the 2015 Report of the Seimas Ombudsmen, no information on the implementation of recommendations had been obtained. As a result, this information is provided in the present Report.

On completing the inspections at the care institutions of Panevėžys County, 51 recommendations were presented in total: 4 for the Ministry of Social Security and Labour, 3 for the Panevėžys District Municipality and the Panevėžys Bishopric Curia, Pasvalys District Municipality, Kupiškis District Municipality, Biržai District Municipality, Biržai Parch of St. John the Baptist, Nemunėlio Radviliškis Parish of Evangelical Reformers and Nemunėlio Radviliškis Parish of St. Mary the Virgin, 45 for the inspected care institutions, 1 for the Panevėžys County Fire Rescue Administration and 1 for the State Health Care Accreditation Agency under the Ministry of Health.

The State Health Care Accreditation Agency under the Ministry of Health implemented the recommendation given to it, and carried out non-routine control on the quality of personal health care services at Legailiai Social Care Home of Biržai district.

Out of the four recommendations, the Ministry of Social Security and Labour implemented two ones: it will organise training for the personnel engaged in social work and look for possibilities to allocate additional financing to qualification development events for employees of care institutions. However, the other two recommendations were left unimplemented: no attention was devoted to the fact that the minimum number of the personnel engaged in social work was insufficient in case of employees' illness, vacation, etc. Nor any possibilities were sought to increase the salaries of employees of the social care institutions.

The Panevėžys County Fire Rescue Administration implemented the recommendation and conducted fire safety technical checks concerning alleged violations at the care institutions of Panevėžys County.

The Panevėžys District Municipality, Panevėžys Bishopric Curia and Kupiškis District Municipality implemented the recommendation of the Seimas Ombudsmen, while the Pasvalys District Municipality, Biržai District Municipality, Biržai Parish of St. John the Baptist, Nemunėlio Radviliškis Parish of Evangelical Reformers and Nemunėlio Radviliškis Parish of St. Mary the Virgin failed to take into account the recommendation issued to them. Therefore at present a discussion is under way with the above entities on the implementation of this recommendation.

Of the recommendations issued, the care institutions implemented all 45 of them, except one care institution (public establishment Ona Milienė Old People's Home) where nine recommendations were implemented in full or were not implemented at all, in particular those regarding the nurse's position of the scope below the standard, the shortage of personnel during illness or vacation, development of employees' qualifications, increase of the minimum salaries of the personnel, internal reconstruction of the building (broadening of the stairs and installation of a lift and fire escape ladder for fire emergencies), adaptation of the window height to bedridden and/or sitting residents, purchase of the necessary new furniture, creation of a home-like environment and hiring of an employment specialist. The care institution indicated that the above measures had not been implemented, as they required large investments. However, the Seimas Ombudsmen are continuing the discussion with this care institution for the purpose of achieving the implementation of all the recommendations and preventing the use of the money issue as an argument that allows violating human rights.

Care institutions for children

Also inspections were conducted at 4 (four) children's care institutions in Kaunas County: the Kaunas Municipality Children's Care Home, Kėdainiai Children's Care Home Saulutė, public establishment Pagarčiai St. Joseph's Family Home and Children's Home Namų židinys of the foundation Parama vaikui (Report No. 2016/1-88 of 20 December 2016).

The following main problems and most common violations of human rights have been identified:

1. Concerning the composition, number, workload and salary of the personnel. The number of employees is inadequate in case of personnel's illnesses, vacation, etc. The workload of social workers and their assistants is large, and their small salaries contribute to the great turnover of the personnel. Some complaints have been received that a psychologist is not capable of providing the required help to all children, has ignored their needs and betrayed someone's secret to other children. The children in care have no trust in him and believe that a psychologist is only necessary for patients suffering from a mental disease.
2. Concerning the qualification development. Social workers lack practical training on preparing for emergency situations and their control; persons responsible for the personnel's qualification development are not aware of the preferences of employees with regard to improvement of their qualifications. There is also a shortage of funds for paid events on the qualification development of the personnel.
3. Concerning the treatment of children by employees. Complaints have been received on the treatment of children that involved shouting, angry speech, preconceived judgment with respect to children or slander about the parents, or on the failure to notice children's proper behaviour.

4. Concerning the disciplinary measures applied and control of the children's behaviour. The procedure for the application of punishments lacks an exhaustive list of measures applicable to children, a time frame for applying punishment and the requirement of proportionality or this requirement is sometimes not complied with. The reduction or complete withdrawal of pocket money is quite often applied as a disciplinary measure. In some cases, when left in charge of younger children, older children themselves would discipline them for the inappropriate behaviour.
 5. Concerning the events of a negative nature. The perception of cases that are considered events of a negative nature differs. No registration log of such events is kept, or not all negative events are entered in such a log.
 6. Concerning the living conditions. No proper conditions for doing homework were provided. Children were living in a room of a very poor condition and without a door. Children complained about the lack of privacy when a roommate (mostly an older person) would bring a boyfriend or a girlfriend to the same room or play music at full volume.
 7. Concerning the ensuring of personal hygiene items. The purchase of such articles does not meet the children's individual needs or ensure the possibility to express their opinions. The supplies (cups, towel holders, etc.) in the hygiene rooms are marked with numbers (rather than child's name or a symbol agreed with a child in care). Not all the children had oral hygiene items appropriate for their age.
 8. Concerning the procedure for payment of pocket money. The legal framework breaches the principle of equality where children of similar age get different sums of pocket money at different institutions. Fourteen-year-olds receive not the full sum due to them, i.e. the payable amount of 15.20 euros is rounded down to 15 euros. The procedure for payment of pocket money is not clear, and there is no indication about how and for what actions the sum of pocket money can be increased, reduced or not paid at all, which creates preconditions for an institution to abuse its rights when allocating and paying pocket money.
 9. Concerning the introduction of children to their rights and duties, availability of information and examination of inquiries. The availability of information is only ensured in part, and the anonymity of inquiries is not guaranteed.
 10. Concerning the prevention of smoking and alcohol consumption. The efforts to solve the issues of preventing the consumption psychoactive substances, identifying the fact of their consumption and providing assistance to children are inadequate.
- Regarding the above shortcomings, a total of 25 recommendations were made to the responsible authorities (of which one was concerned with the improvement of the legal framework). No information has been received yet on the implementation of those recommendations.
- The 2015 Report of the Seimas Ombudsmen described the shortcomings found during the inspections at 4 (four) children's care institutions of Vilnius County, in particular Antakalnis Children's Social Care Home, Children's Social Care Home Gilė, public establishment Social Centre for Children and Adolescents, and Mintis Children's Social Care Home (Report No. 2015/1-137 of 29 February 2016): concerning the composition, number, working hours and salaries of the personnel, personnel qualification development, volunteer activities, general safety climate at the institutions, improper treatment of children by employees, disciplinary measures applied and control of children's behaviour, procedure for payment of pocket money and other issues. With respect to these shortcomings, a total of 24 recommendations were issued to the institutions (of which two ones

were concerned with the improvement of the legal framework). However, no information was obtained about their implementation at that time yet. The information provided by the above institutions in 2016 shows that all the recommendations issued by the Seimas Ombudsmen have been implemented.

The Ministry of Social Security and Labour has informed that an amendment has been made to the Guidance of Social Care Standards providing for a uniform amount of pocket money to be set for children of the same age group (except children with disabilities) at a social care institution, and guidelines for volunteer activities at children's care homes and a sample volunteer activity contract have been drawn up and forwarded to all children's care institutions; training on the application of methodological packages for the identification of individual needs of target groups residing at care institutions and the development of individual plans for them has been organised, and workers of social care institutions have used these methodologies to assess the needs of children, including those with behavioural and emotional disorders, those needs to serve as the basis for the delivery of specialised services (early rehabilitation of developmental disorders, health care, consultation services, etc.). The promotion of the change of society's values intended for the development of a tolerant and open community is one of the aims of reform (transition from institutional care to services provided in a family and community). Thus measures have been taken to change the stigmatising public attitude towards children in social care, including social advertisements in public transport and community events, the preparation of a strategy for integrated communication with society (August 2016), and the development of a system designed for reform (the website www.pertvarka.lt, intranet and email). The Department of Supervision of Social Services has confirmed that, in the process of assessing the quality of services at the children's social care homes, particular

attention will be devoted to the shortcomings specified in the inspection reports.

The Vilnius City Municipality Administration has supplied the information that the care institution seeking to ensure the appropriate organisation of social work can always apply to the administration's Social Affairs and Health Department for the agreement of a new job list to increase their number; funds were allocated for the development of personnel's qualifications in the 2016 budget for all institutions inspected by the Seimas Ombudsmen; an Intensive Care (Correction) Centre is being organised for children with emotional and behavioural disorders (expected to be launched in March or April 2017, with a two-year care duration); an agreement has been signed with the Charity and Support Fund Žiburys on the search for, selection, consultation of and support for carers (custodians) and adoptive parents in Vilnius City, coupled with the dissemination of good examples, formation of a positive approach towards the custody of children in a family and the organisation of public events; also the Education Division and the Health Care Division of the municipality's Education, Sports and Culture Department have been requested to discuss a problem at meetings with the heads of the institutions under their control and take measures to formulate an objective attitude to children residing in care homes. The Association of Local Authorities in Lithuania has also noted the fact that children from care institutions suffer from a stigmatising approach in local communities and has indicated that appropriate actions will be taken as soon as practicable.

The Ministry of Health has approached the personal health care institutions with a request to organise measures for reducing the employees' negative attitude to patients from children's' care institutions, strengthen cooperation with them and provide detailed information to patients on their rights and duties. The Ministry of Education and Science has informed the Education Divisions of the municipalities and the National Agency for School

Evaluation about the circumstances identified in the Report with respect to the stigmatising approach of the educational establishments towards children in care and requested the principals of schools on the elimination of any intolerance to any form of discrimination, respect of schools for the principles of ensuring equal opportunities, the meeting of different educational needs of children with account of their level of learning and achievements, learning capacity and skills, maturity and mental and physical characteristics, as well as the provision of effective educational assistance to schoolchildren, cooperation with parents (carers, custodians) and the creation of a general microclimate favourable to the school community.

The institutions have taken measures to implement the recommendations issued to them: they have employed psychologists, found out which employees treated children inappropriately, issued oral comments and notices and provided specialised services to children with behavioural and emotional disorders (established closer contacts with relatives, found carers for weekends, included children in the foreign visit programme, provided the service of an assistant teacher and art therapy, organised visits to day centres, increased the number of clubs, volunteers, etc., and approached the founder with respect to the additional positions of a psychologist and a special pedagogue and the funds for psychotherapist's services). The employee qualifications are improved continuously, and a psychologist comes to assistance in solving the problems, with a view to preventing any stigmatising approach towards children in care. The institutions have also cooperated with educational and health care establishments, as well as with the local community (in organising events, etc.). A procedure for the assignment and application of punishment for improper behaviour has been approved, and preventive discussions have been held with older children about their failure to discipline smaller

children. The reduction or withdrawal of pocket money is not applied as a disciplinary measure or is applied in extreme cases, the allocation of pocket money to all children is ensured and training/discussions on the rational use of pocket money are conducted. A "Small Euro Day" is organised when children and social workers go to shopping centres where they get familiar with prices, promotion campaigns and health products, and are taught to make the correct choice. More attention has been devoted to education on the consumption of psychoactive substances (a plan of measures, as well as more events and classes have been provided for); children are supplied with the necessary hygiene items and other necessary things with account of their age, gender and other circumstances; if possible, children's opinions are taken into consideration; the belongings of each child are marked with symbols; proper conditions are provided for doing homework; the missing supplies are replenished; the leisure activities are not divided by the gender and account is taken of the children's comments on the quality of clubs and their preferences; and the anonymity of children's inquiries is ensured (identical envelopes distributed to families are freely accessible, children throw them into a post box, and employees sign a confidentiality agreement on non-disclosure of child information and the content of individual conversations); also group and individual conversations are initiated for the purpose of discovering various shortcomings.

Police custody facilities

During the reporting period, the assessment of the human rights situation at custody and temporary detention facilities of police stations included inspections of the custody and temporary detention facility of the Klaipėda County Police Headquarters and 3 (three) police stations in Klaipėda County, in particular Plungė District Police Station, Skuodas District Police Station and

the long-term and temporary detention facilities of Palanga City Police Station (Report No. 2016/1-21 of 8 June 2016).

The following main problems and most common violations of human rights have been identified:

1. Concerning the officers' working conditions. The officers' working facilities (their part) are non-renovated, i.e. the floor and wall cover is worn out, the ventilation system is installed inadequately, no conditions for washing oneself exist, and there is a lack of a sports hall.
 2. Concerning the detention conditions and supply of persons. The detention facilities are not adapted to persons with movement disabilities and fail to meet the statutory requirements for the floor area, ventilation and lighting. The long-term detention facilities have double deck beds, which creates conditions which can give rise to a threat that the living conditions of persons detained in such premises may be equivalent to degrading treatment due to the lack of personal space. The supplies provided for in laws, in particular individual closets and coats hooks, as well as the cleanliness are not ensured. The detained persons are not supplied with mattresses and blankets when staying in temporary detention facilities during night-time. The privacy of detainees is not ensured in the use of the sanitary facilities (the surveillance cameras are installed so as to show a part of the space the sanitary facilities which also lack doors); persons under the influence of alcohol are held in temporary detention facilities longer than the 5-hour time limit; persons held in long-term detention facilities for 24 hours or more have no opportunity to go for a walk outside; not all police stations had clothing which, if necessary, could be provided to disinfected persons in custody facilities; individuals held in custody facilities have no appropriate conditions for washing their personal outer garments and bedding and drying them afterwards.
 3. Concerning the organisation of meals and health care. Minors get three meals a day, without observing the time intervals defined in laws; the food from catering services providers served to detainees is not checked; officers who distribute meals have not completed compulsory training in hygiene skills, and have failed to comply with the hygiene requirements while distributing food; preconditions are created for violating the privacy of persons during their examination by health care professionals in cells (also with other detainees present in a cell) or hallways by the cells; the dates of medicines in the first aid kit at the duty officers' unit were expired.
 4. Concerning the right of access to information for persons, including foreign nationals. The custody and long-term detention facilities have no internal rules of procedure displayed; persons are not introduced with their rights and duties at long-term detention facilities against signature; and no internal rules of procedure for custody and long-term detention facilities have been prepared in any foreign language.
 5. Concerning data registration. The data on the placement of persons in temporary/long-term detention facilities are not recorded or are recorded inappropriately; the narrow monitors show not all the options of the Electronic Register, which prevents the full use of this software.
- On completing the inspections at four police stations, 27 recommendations were provided to the responsible authorities, including the Police Commissioner General of the Republic of Lithuania, the chief of the Klaipėda County Police Headquarters and the Ministry of Health of the Republic of Lithuania (of which three recommendations were concerned with the improvement of the activities of the police custody facilities and the legal framework of the public health care). Most of the recommendations (23) were implemented in full or in part.

In its reply regarding the implementation of the provided recommendations, the Police Department indicated that the hardware and software present at the institutions under the Department was constantly upgraded where possible, with a view to ensuring the use of the Electronic Register to the full extent, and that the legal framework was being improved by including in the internal rules of procedure of the police custody facilities a provision on the supply of clothing and footwear in case detainees had no garments of their own or were not dressed for the season.

The Klaipėda County Police Headquarters has informed that surveillance cameras have been installed not only in custody cells but also in interrogation rooms; the food supplied to detainees in custody facilities is checked two to three times a month and it is distributed by employees of the catering services provider; in case disabled persons have to be detained, they are brought to the facilities adapted for this purpose at the Klaipėda County Police Headquarters; the working, temporary detention and interrogation facilities of the operational group at the Palanga City Police Station have been equipped with a ventilation system, and in the working facilities of the operational group of the Plungė District Police Station this system has been renovated; doors have been installed in the sanitary facilities of the Palanga City Police Station to enable the persons' private use of the toilet; the Police Stations of Plungė and Skuodas districts have been outfitted with shower rooms, and new vandal-resistant lights have been installed and contracts on the lease of sports facilities have been concluded at the Plungė District Police Station; the Skuodas District Police Station is using its own sports hall; the police stations have been equipped with additional dispensers for disinfection liquids; the chief of the Klaipėda County Police Headquarters has issued an order on the procedure for the placement of

detainees in the temporary detention facilities and their transfer to the custody facilities, which has been made available to the officers; persons detained at the police stations of Palanga, Plungė and Skuodas districts are held for not more than five hours, thereby solving the issues of ensuring the necessary supplies and walks, privacy, organisation of meals and provision of information; information folders for detained have been prepared following the approval of the new internal rules of procedure for the police custody facilities, and their translations into foreign languages will be provided as well.

Four recommendations of the Seimas Ombudsmen have not been implemented: due to the existing structure of the building, there is no possibility for enlarging the temporary detention facilities at the Plungė District Police Station; and the recommendation to provide appropriate conditions for washing and drying personal outer garments and bedding at the custody facilities of the Klaipėda County Police Headquarters has not been implemented either. The Police Department disagreed with the recommendation to supply persons placed in temporary detention facilities during night-time with soft items such as mattresses and blankets, and has failed to implement the recommendation to take measures to prevent the violations of human rights also at other police institutions identified during the inspections. The Ministry of Health disagreed with the proposal to improve the health care regulations, expressing the opinion that the existing legal framework was sufficient (in particular the List of public health measures implemented by the state-funded closed health care institutions of the Ministries of the Interior and Defence, Lithuanian Medical Standard MN 129:2004 "Medical unit (office) of the custody facilities at a territorial police institution" and the Regulations on the operation of custody facilities at police stations).

The recommendations of the Seimas Ombudsmen that have not been implemented or rejected by the

responsible authorities are analysed further and ways for solving the problems are sought in order to improve the human rights situation at the police stations.

The Seimas Ombudsman has also requested the Ministry of Health to provide information on the results of work to solve the question of an inter-service working group for the delivery of persons under the influence of alcohol to an appropriate (police, personal health care, etc.) institution. The Ministry of Health informed that on 17 September 2014 a meeting of the Ministry of Health had evaluated the existing situation in organising the provision of personal health care, social and other services to unsober persons. The representatives of all the attending institutions, including the Police Department, the Ministry of Social Security and Labour and the Association of Local Authorities, had agreed on the urgency of the problem, but none of them had assumed the responsibility to organise additional services and their financing with the budget allocations for the institutions. In the Ministry's opinion, as Lithuania had some successful state-funded providers of the general and short-term social care and temporary accommodation services, for example, Sala, a branch of the Vilnius Emergency Lodging House, the long-term experience of which suggested that the Association of Local Authorities could take an initiative to promote the proper organisation and funding of temporary accommodation services for unsober individuals.

Imprisonment institutions

In 2016, the Seimas Ombudsmen assessed the human rights situation at Alytus Correction House (Report No. 2016/1-55 of 21 July 2016). The inspection was carried out in four thematic areas: (1) detention conditions; (2) security; (3) the right of access of information and of submitting appeals; and (4) health care.

The following problems and most common violations of human rights have been identified:

1. Concerning the detention conditions. Most of the premises are not adapted to the movement of persons with disabilities; there are no shelves or rails installed at a lower height, or sufficient space for the free movement of wheelchairs; wheelchairs and other means compensating physical disabilities are in short supply; the number of seats in the courtyard is inadequate, and in the library the availability of audiobooks and other alternative electronic measures for access to information and possibilities of distance learning are insufficient; proper cleanliness and ventilation are not ensured in the institution's sanitary facilities, and their equipment is either dysfunctional or damaged; personal privacy in using the toilet is not ensured; there is no guarantee of the possibility for drying one's clothing and footwear in a separate permanently open drier room; there is a shortage of clothes racks and tables, and the soft supplies provided are of poor quality.
2. Concerning the ensuring of security. Cell-type premises are in short supply, which forces to keep the convicts in a temporary detention cell for several days that is not adapted for long-term detention, and the fact of staying on this cell is not recorded; the number of the supervising officers is not sufficient to ensure security; and the minutes of the convicts' distribution commission are not informative.
3. Concerning the implementation of the right of access to information and submission of appeals. The right of access to information on the procedure and conditions for serving the sentence, persons' rights and duties and submission of proposals, requests (applications), petitions and complaints is not ensured; the employees of the unit for disabled convicts are not trained to deal with individuals with special needs.

4. Concerning the provision of health care. The persons' medical histories lack entries and signatures confirming the consent with the health check-up, examination by a doctor and prescribed treatment, the number of jobs in the health care service is non-compliant with the number of jobs set out in relevant standards; and there was no license and permit/hygiene passport for the provisions of services of a family doctor and a psychiatrist, and the internal medicine doctor was delivering services not provided for in the license.

On completing the inspection at the imprisonment institution, 14 recommendations were provided to the heads of the Prison Department under the Ministry of Justice of the Republic of Lithuania and Alytus Correction House. The majority of the recommendations have been implemented (12) or are being implemented (2).

The Prison Department has informed that in 2016 the number of officers' positions at Alytus Correction House was increased from 187 to 206, but attempts to fill in all vacant positions faced difficulties: as of 1 December 2016, only 169 out of 206 positions had been filled in. With a view to increasing the attractiveness of the officers' jobs, the position of a supervisor classified as category 3 of level C with the lowest salary was eliminated (the institution had 61 such positions), and the position of a senior supervisor in category 4 of level C was introduced (64 such positions). Also a project for the conversion of the 600-bed dormitory into a residential building with cells was prepared (the works with the budget of EUR 100 000 are to start in 2017); and the heads of the places of detention were requested to take the Seimas Ombudsmen's recommendations into consideration and provide conditions for convicts who were insolvent due to actions beyond their control to submit proposals, requests, petitions or complaints to national and municipal authorities, non-governmental organisations or international institutions.

The Alytus Correction House Administration has drawn up a plan of measures for implementing the Seimas Ombudsmen's recommendations, which have been implemented: a leisure room has been installed in the unit of disabled convicts, and a pergola with a table and benches have been built in the courtyard; the stairclimbers available on the stairway are in use, rails have been installed in the hallways and a supply of wheelchairs, walkers and handrails for the disabled has been received; the damaged and dysfunctional fixtures of the sanitary facilities have been replaced and partitions ensuring privacy have been put up; the showers have been outfitted with handrails, shelves for personal toiletries and anti-slip rubber mats; the rooms have been equipped with clothes rails, bedside tables and new soft supplies of appropriate quality; the possibility has been provided to dry one's clothes in a separate and permanently open drier room; an additional information board has been put up; the possibility has been provided to use a computer with internet access (for the search for legal acts), and a supply of books has been received; an agreement has been concluded with the Alytus unit of the Vilnius County Sign Language Interpreters Centre on the sign language interpreter services, the organisation of sign language courses at the Correction House; and the employees and squad masters have been trained to deal with persons with special needs (training and interviews conducted). Also measures have been taken to ensure that convicts are held in the institution's temporary detention facilities only for a short time while no other possibilities exist to solve the accommodation issue in a different way, and that the detention at these facilities is recorded. The minutes of the convicts' distribution commission specify the possible types of accommodation and, where appropriate, other information (the psychologists opinion, etc.). The medical histories of the convicted persons contain entries and signatures confirming consent with the health check-up, examination by a doctor and appointed treatment.

Two recommendations have not been implemented yet: due to small and uncompetitive salaries it is difficult to attract health care professionals and fill in the vacancies in the Health Care Service as well as find appropriate solutions for the structure and license issues. All efforts are being made to search for specialists, and medical doctors' training establishments are approached. The position of the head of the Health Care Service has been filled in successfully.

A dialogue is continuing on the questions of the delivery of health care services at imprisonment institutions and the implementation of the provided recommendations is pursued.

Places of detention for foreigners

In 2016, the Seimas Ombudsmen assessed the human rights situation at 3 (three) places of detention for foreigners: the Raigardas Border Inspection Post of Druskininkai Frontier Station, Kabeliai Frontier Station and Aleksandras Barauskas Frontier Station of Varėna Frontier District of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (Report No. 2016/1-24 of 11 May 2016).

The following main problems and most common violations of human rights have been identified:

1. Concerning registration of delivered persons. The registers of delivered persons not always specify whether a person was placed in a detention facility and how much time a detained individual spent there.
2. Concerning the conditions in the detention facilities. The facilities are not adapted for detention of more than five hours; the requirement of the rules on the use of facilities regarding the provision of soft supplies fails to meet the international standards (stating that detained persons should get a mattress and a blanket at night-time); and appropriate

artificial lighting is not ensured. Also a shortage of technical equipment for the surveillance of detained persons has been detected.

3. Concerning the adaptation of premises to persons with disabilities. The premises (including their sanitary facilities) are not adapted to persons with disabilities, and no conditions exist for access to the border stations without additional obstacles (no ramps installed at the entrances).
4. Concerning the ensuring of cleanliness. Cleanliness is not ensured in the facilities' sanitary rooms, the plumbing fixtures are in poor condition, and there is no constant observation and destruction of rodents and arthropods.

On completing the inspections at the border stations, the State Border Guard Service received 10 recommendations (of which three ones dealt with the improvement of the legal framework). Of this number, eight recommendations have been implemented, and information on the implementation of the other two recommendations is awaited. The Ministry of Health received one recommendations which has been implemented.

The State Border Guard Service has informed that, with the additional funds allocated for 2017, works will be performed at the border stations to adapt them to the needs of persons with disabilities (ramps, entrance doors to the premises, and detention and personal hygiene facilities). If no additional funds are assigned, these works will be carried out to the minimum extent with the allocations made to the border districts. The requirement of the above-mentioned rules has been amended to stipulate that persons to be held in temporary detention facilities for more than 24 hours or at night-time should be provided with soft supplies; the border stations of the Varėna Border District have received soft supplies (mattresses, pillows, bed sheets, blankets, etc.), and the question of the installation of additional

sleeping places in the detention facilities is being resolved. The lacking technical equipment for the surveillance of detained persons and the artificial lighting compliant with the statutory requirements are to be installed in Q1 2017. Officers of the border stations have received additional instructions always to record the fact of holding a person delivered to a border station in the detention facility and the length of his or her stay there. They have also been obligated to specify the exact time, without rounding it up or down. The border stations and other structural units of the Varėna Border District have been supplied with first aid kits containing appropriate items; the sanitary rooms of the detention facilities have been provided with personal hygiene items (soap, tissues, tissue towels, etc.) and the plumbing fixtures have been restored to good and functional condition. Further information is awaited about the recommendation that the first aid facilities / lighting / cells should be supervised during inspections, and the recommendation that a possibility should be discussed to improve the legal framework on the supply of administrative and temporary detention facilities with personal hygiene items and other necessary articles.

Also a recommendation has been issued to the Ministry of Health to consider the possibility of clarifying the existing legal framework by supplementing the list of facilities in which the constant observation and destruction of rodents and arthropods should be organised and carried out, and including in this list the border districts, border stations and border inspection posts of the State Border Guard Service as well as the Refugees Reception Centre. The Ministry of Health has implemented the Seimas Ombudsmen's recommendation to supplement the list of facilities wherein the constant observation and destruction of rodents and arthropods should be organised and carried out as provided for in the Procedure for the compulsory preventive elimination of the harmful effects of the

environment (disinfection, disinsectisation and destruction of rats), by including in this list also the Refugees Reception Centre, border inspection posts and the temporary detention and asylum seekers facilities available at the structural units of the State Border Guard Service (para. 14 to 16 of Annex 1 to the Procedure).

Mental institutions

With a view to finding out how the preliminary comments provided by the European Committee for the Prevention of Torture are complied with, a visit was paid to the Rokiškis mental institution.

Members of the European Committee for the Prevention of Torture visited Rokiškis Mental Hospital in September 2016. The Committee provided comments on the patients' complaints about the use of rough language by the nursing staff, the poor food quality and small rations, as well as about the privacy for female patients, the limited possibilities for patients in Unit B to use the courtyard, the presence of patients in lockable premises for 23 hours during the 24-hour period, the insufficient participation of patients in the rehabilitation activities, the overcrowded wards, the use of restraints in the presence of other patients, the participation of the a security guard in this process and the absence of a separate log for recording information about the use of restraints.

1. Concerning the patients' complaints about the use of rough language by the nursing staff. It has been found that in 2016 the hospital's administration received no complaints of this kind, and has constantly reminded the personnel of the need to strictly observe the internal rules of procedure approved by the institution and the requirements of professional ethics. Also plans are developed for conducting patient surveys. In 2015–2016, the employees improved their qualification, participated in training which analysed the features of stress

and fatigue at work, cases of actions of the medical staff in emergencies, methods of controlling patient's verbal aggression, the reasons of violence and aggression in mental nursing and the tactics of employee actions, and discussed the specifics of dealing with mentally disabled aggressive patients and ways to identify the patients' manipulative behaviours.

2. Concerning the comments relating to the application of restraints. It has been established that measures have been taken to ensure that patients are not restrained in the presence of other patients (the restraint bed has been moved to a single ward or patients are asked to leave the ward). A security guard is involved only where the number of the personnel in a unit is not sufficient. The restraint procedure is headed only by the institution's health care professional who has not only received training in the use of restraints but also improves his qualification in this sphere regularly. The contract with the security guard company specifies that security guards must "know how to behave with patients". A staff meeting has adopted a decision to register the use of restraints in a separate log.
3. Concerning the patients' complaints about the poor food quality and small rations. It has been found that the hospital's possibilities to substantially improve the quantity and quality of food supplied to the patients are limited, as in the process of organising patients' meals and payment for them the institution cannot ignore the established hygiene, one patient daily energy and nutrients standards or differentiate the food rations according to the patients' individual needs. The hospital has appointed separate persons to place patients catering orders and must control compliance of the product weight, yield and nutritional and energy value with the values specified in the technological cards of dishes. The administration of the institution will enhance measures to implement these controls.
4. Concerning the lack of privacy for female patients. In the special observation unit for women and children, the patients are not divided into isolated sectors, leading to the absence of differentiation of their right to privacy in the wards with account of the observation conditions defined by the court. Privacy in the wards is not ensured: the ward doors have windows in them and all people passing by, i.e. not only the personnel but also other patients can watch women through them unrestrictedly. However, hanging up curtains, for example, would render the guarantee of the patients' security more difficult. No violations of privacy when using the sanitary facilities have been identified: the windows in the doors of the sanitary facilities are covered, and the doors can be locked safely. With a view to improving the women's treatment conditions at the institution and also ensure the rights provided for them in the laws, the hospital administration has applied for funds for the construction of a new unit.
5. Concerning the overcrowded wards (with four or five patients). It has been established that the wards with five beds are currently under repair in order to ensure the requirements of the hygiene standard.
6. Concerning the possibility to use the courtyard and the comments that patients spend most of their time in lockable wards. It has been found that in Unit B the treatment is conducted under the conditions of strict supervision and the patients get special attention for the purpose of avoiding escapes and/or protecting them and other persons from other unpredictable actions. Therefore these patients are walked outside in small groups (of not more than 10 persons) and only when escorted by a nurse and a security guard

(one patient must be escorted by one security guard and two patients by two security guards). With a view to ensuring a longer daily stay of the Unit B patients outdoors, the number of security guards should be enlarged, but the institution has no additional resources for that at the moment. The long time that the patients spend in the wards is also related to the shortage of the personnel. The hospital director has promised to review the employees' work schedules and functions again in order to solve these questions.

7. Concerning the patients' participation in psychosocial rehabilitation activities. Psychosocial rehabilitation activities are constantly organised for the patients, except those in the strict and enhanced observation units. The employees devote sufficient attention to the engagement of the patients in these activities, and constantly urge them to do that. The psychologist who participated in the visit at the institution has noted, however, that the scope of the psychological services is inadequate, and that the psychosocial rehabilitation and other psychological or social services should be provided to all patients, including those in the strict and enhanced observation units.

FOLLOW-UP INSPECTIONS

The follow-up on the implementation of recommendations issued to the responsible authorities is a very important aspect of the national prevention of torture, which allows identifying the specific actions taken by an institution to implement those recommendations and whether they were implemented successfully.

With a view to implementing the provided recommendations, the responsible authorities must take appropriate actions, while the Seimas Ombudsmen supervise the implementation of

these recommendations. During this process the institution conducting the prevention of torture monitors the information on measures taken by the responsible authorities according to recommendations provided to them, and in different ways also actively keeps promoting the appropriate implementation of its recommendations.

Follow-up inspections are one of the most effective measures to control the implementation of recommendations. These inspections are aimed at finding out the results of implementation of the Seimas Ombudsmen's recommendations and evaluating the information provided by an institution on site.

In 2016, the Seimas Ombudsmen conducted a total of 17 (seventeen) follow-up inspections at different places of detention. Follow-up visits were held to 10 (ten) adult social care institutions, 3 (three) to imprisonment institutions, 2 (two) to police stations and one to each of a mental hospital and a foreigners' detention facility. These inspections evaluated how the heads of the institutions had implemented 231 recommendations provided to them. Of this number, 140 and 41 recommendations were implemented in full and in part respectfully, while 50 ones were not implemented at all.

Mental institution

During the reporting period, one follow-up inspection was carried out at the Mental Clinic (hereinafter referred to as "the Clinic") of the public establishment Republican Šiauliai Hospital. During the 2014 visit at the Clinic, 14 recommendations had been issued. To implement these recommendations, the Director of Šiauliai Hospital set up a working group which analysed the Seimas Ombudsmen's conclusions and drew up a plan for the implementation of those recommendations that was submitted to the Seimas Ombudsmen's Office. It is noteworthy that some of the

Seimas Ombudsmen's recommendations were implemented in full or in part, and a dialogue was continuing on those ones that were left unimplemented.

The follow-up visit has found that of the 14 recommendations made by the Seimas Ombudsmen nearly all of them have been implemented: 12 recommendations have been fully implemented, and two ones have been implemented in part.

The follow-up visit has established that the human rights situation at the Mental Clinic of the public establishment Republican Šiauliai Hospital has improved, as the following recommendations have been implemented: forcibly hospitalised persons are, against signature, informed of a court hearing that will decide the issue of their forced hospitalisation and treatment and of their right to participate in the hearing; cases of patients' restraint are recorded in a special log, specifying various facts that help to identify possible violations of human rights; a separate room has been installed for meetings with the close family and other persons; if necessary, patients of the institution are immediately provided with a translator's services; the Clinic carries out analysis of questions raised in written inquires submitted by patients; patients are regularly supplied with information on sexual and reproductive health, family planning and side effects of contraceptives; patients undergoing treatment voluntarily have the possibility to submit an application for the refusal of treatment or the use of alternative treatment methods, etc.; patients are provided with information on the prescribed treatment, administered medications, effectiveness of treatment, etc.; patients, except for the exemptions provided for in legislation, can have unrestricted access to the medical records and their extracts; patients are supplied with various personal hygiene items, such as bathing and tooth brushing items, toothbrushes, combs, etc.; privacy is ensured in the hygiene facilities; employees show constant attempts to take the patients' preferences

regarding meals into consideration; single-person wards have been outfitted; all patients have the opportunity to go for a daily walk outdoors; and the smoking room has been removed.

However, the recommendations of the Seimas Ombudsmen concerning the ensuring of the minimum living space (7 m²) per bed (patient) in a ward and the maximum number of four beds per ward, as well as the recommendation for organising training on relevant topics have not been implemented: there was no training that would analyse cases of the use of restraints for patients, the provisions of the United Nations Convention on the Rights of Persons with Disabilities or their implementation problems.

The answer will be provided by 28 February. Supplying the information on the recommendations made during the follow-up inspection, the institution has informed that plans for renovation of the premises have been drawn up for the Clinic, and investment projects are being coordinated for reducing the number of beds to four per ward. There are also plans to install surveillance cameras in all common spaces (hallways).

Imprisonment institutions

During the reporting period, three follow-up visits were held to imprisonment institutions, including Lukiškės Remand Prison – Closed Prison (hereinafter referred to as “Lukiškės RPCP”), Kaunas Juvenile Remand Prison – Correction House (hereinafter referred to as “Kaunas JRPCH) and Panevėžys Correction House (hereinafter referred to as “Panevėžys CH”) (Report No. 2015/1-99). On completing the inspections at the imprisonment institutions, 46 recommendations in total were issued to the heads of the Prison Department under the Ministry of Justice of the Republic of Lithuania and the imprisonment institutions subject to inspection: seven to the Prison Department, 16 to Kaunas JRPCH, one to Lukiškės RPCP and 22 to

Panevėžys CH. The information supplied by the institutions shows that 44 recommendations have been implemented, while two ones have been left unimplemented.

The follow-up visit has found that of the 46 recommendations provided by the Seimas Ombudsmen the majority has been implemented: 26 implemented in full, 12 implemented in part, and 8 not implemented.

The follow-up inspection at Panevėžys CH has established that of the 22 recommendations made 11 ones have been implemented, eight recommendations have been partially implemented and three ones have been left unimplemented. Supplying the information on the implementation of the recommendations issued during the follow-up inspection, Panevėžys CH has informed that the institution has agreed with almost all of them and taken active steps to eliminate the existing shortcomings. The institution has expressed its disagreement with one recommendation relating to the provision of personal health care services at the institution during night-time (the Seimas Ombudsman had doubts about whether access to personal health care services was ensured at night). Therefore the Seimas Ombudsmen will continue their cooperation with the head of Panevėžys CH and representatives of the Prison Department for the purpose of improving the convicts' situation at Panevėžys CH.

The follow-up inspection at Lukiškės RPCP has found that one recommendation issued has been implemented in part. Providing the on the planned actions, Lukiškės RPCP has indicated that the recommendation concerning the reduction of the number of beds in the cells by removing non-used bunks will be complied with in full within a year.

The follow-up inspection at Kaunas JRPCH has established that of the 16 recommendations issued, 12 have been implemented in full, two

have been implemented in part and two have not been implemented at all. The follow-up visit has stated that two recommendations have remained unimplemented: one for ensuring that the number of positions in the Health Care Service complies with the number of employee positions defined in legal acts and that all positions approved at this Service are filled in, and the other one for ensuring that the rubber batons worn by the security guards are not openly displayed. Supplying the information about the results of the follow-up inspection, Kaunas JRPCH has noted that active steps have been taken to eliminate the shortcomings identified during the follow-up inspection.

The follow-up visits at the above imprisonment institutions have also assessed how the institutions have complied with the recommendation issued by the Seimas Ombudsman to the Police Department. The follow-up visits to the imprisonment institutions have stated that of the seven recommendations provided to the Prison Department the imprisonment institutions have implemented three recommendations in full, one recommendation has been implemented in part and three ones have not been implemented yet. It is noteworthy that some of the recommendations issued to the Police Department have not been implemented for the reason that the legal framework needs to be amended and additional funds for renovation of the premises should be found. It should be stressed that the Prison Department has undertaken to improve the legal framework concerning placement in a disciplinary remand cell, a punishment applied to minors. In 2016-2017, the Prison Department has also provided for state budget appropriations for the installation of ramps and the adaptation of the residential premises of the imprisonment institutions for the disabled, and has foreseen to initiate amendments to the Penal Enforcement

Code concerning the establishment of a procedure for payment of expenses for travel to long-term meetings when both spouses serve their imprisonment sentences.

Police institutions

During the reporting period, follow-up visits were held at two police institutions: the custody and temporary detention facilities of the Panevėžys County Police Headquarters (hereinafter referred to as "the Panevėžys CPH") and the temporary detention facility of the Panevėžys City Police Station (hereinafter referred to as "the Panevėžys PS"). These places of detention had been inspected in August-September 2014, and had been given 16 recommendations, of which 12 had been concerned with the Panevėžys CPH premises and four with the Panevėžys PS premises.

During the 2014 inspections, most of the recommendations dealt with the ensuring of the established minimum living space (5 m²) per person, as well as with the adaptation of the premises and entrances for people with disabilities, the ensuring of cleanliness, possibilities for detainees to dry their laundry and privacy by installing appropriate partitions of the sanitary facilities, the proper supply of information to persons on their rights and duties, and the appropriate provision of information relevant for detainees.

When supplying the information on the implementation of the recommendations, senior management of the Police Stations has indicated that they have agreed with 13 recommendations issued by the Seimas Ombudsman, and has promised to take measures to ensure that the identified shortcomings are eliminated. Cooperation has continued on three recommendations that have not been approved.

The follow-up visit has found that of the 16 recommendations issued only five ones have

been implemented in full, one recommendation has been complied with in part, while 10 recommendations have not been implemented. When providing the information on the implementation of the recommendations given during the follow-up inspection, senior management of the Police Stations has indicated that nearly all the recommendations have been implemented and that there is one recommendation not implemented which relates to ensuring of conditions for detainees to dry their laundry. Cooperation on the implementation of this recommendation will be carried on not only with senior management of the police stations but also with other institutions concerned.

Places of detention for foreigners

During the reporting period, also one follow-up inspection was conducted at a place of detention for foreigners, i.e. the Refugees Reception Centre (hereinafter referred to as "RRC" or "the Centre"). The follow-up inspection was performed with the aim of establishing whether the recommendations issued during the previous inspections had been implemented, and considering the fact that Lithuania had an obligation for the European Union to accept more than a thousand persons from military conflict regions and accommodate them at the RRC. During the 2014 visit at the RRC, eight recommendations had been provided. Supplying the information on the implementation of recommendations, the Centre indicated that all of them had been complied with or they were to be implemented by the end of 2016 at the latest.

The follow-up visit has found that, of the eight recommendations issued, five ones were implemented in full and three ones in part. Therefore the Centre has been urged again to take steps to ensure that all recommendations are implemented properly. According to the latest information from the administration of the Centre, all recommendations issued during the follow-

up inspection were implemented shortly after that inspection (the RRC has also added evidence supporting this statement).

Care institutions

During the reporting period, follow-up inspections were carried out at 10 adult social care institutions which received a total of 147 recommendations: Vilijampolė Social Care Home (13 recommendations), public establishment Old People's Home Užusaliai (12), Kaunas Panemunė Old People's Home (11), Kėdainiai Social Care Home (18), Jonava Care Home (18), public establishment Globasta (21), public establishment Ežerėlis Care Home (seven), Čekiškė Social Care Home (14), Rumšiškės Old People's Home Auksinis amžius (15) and public establishment Amžiaus žiedas (18) (hereinafter jointly referred to as "care institutions" or "institutions"). The recommendations were provided to the Social Services and Care Department under the Ministry Social Security and Labour for this Department to take measures within its competence to ensure that the shortcomings found at the care institutions were eliminated. Providing the information on compliance with the recommendations to solve the problems identified at the care institutions, the Social Services and Care Department has noted that all ten specified institutions will be included in the list of higher-risk institutions and the plan of care institutions that will be subject to evaluation based on the relevance of the information in the Report (No. 2015/1-74) and, if necessary, appropriate enforcement measures will be taken.

The follow-up visits at the care institutions have found that, of the total of 147 recommendations, the care institutions have fully implemented 92 of them, 23 have been implemented in part, while 32 recommendations have remained unimplemented.

In assessing the information obtained during the follow-up inspection on the unimplemented recommendations, it should be stated that these

recommendations were mostly concerned with: making the residents aware of their rights and duties in a proper way, but the residents continue to be informed of the internal rules of procedure only formally, while the rights and duties are not explained to them in a language understandable to them (in five care homes); the approval of the number of positions larger than that provided for in the standards, with account of the needs of the recipients of the service of a specific care institution, for example, the availability of the social worker's services illness or vacation (in three care institutions); the absence of the emergency call system (in three care institutions); the ensuring of the residents' personal hygiene, i.e. the frequency of the residents' bathing, change of their underwear and bedding (in three care institutions); the knocking by employees before entering the residents' rooms (in two care institutions); the participation of employees in training programmes related to the rights of the disabled and the elderly (in two care institutions); the inadequate promotion of the residents' independence (in two care institutions); and the provision of opportunities to enable persons with reduced mobility to observe the environment through the window (in two care institutions). The other unimplemented recommendations were more of an individual nature and intended for separate care homes. It is noteworthy that, on establishing in a few cases that a care institution had failed to comply with certain recommendations, the appropriate founder of the care institutions was approached to ensure that they also took steps to achieve the quickest possible implementation of the recommendations issued by the Seimas Ombudsmen.

According to the information supplied by the institutions after the follow-up inspection, almost all recommendations provided repeatedly were implemented immediately after the follow-up inspections or the institutions were obligated to comply with them on obtaining the required funds.



**THE SEIMAS OMBUDSMEN'S OFFICE
OF THE REPUBLIC OF LITHUANIA**

Gedimino ave. 56, 01110 Vilnius
+370 706 65105 (tel.)
+370 706 65138 (fax)
ombuds@lrs.lt
www.lrski.lt

Official photos by Vytautas Valentinavičius