



SUMMARY OF THE ANNUAL REPORT OF THE ACTIVITIES OF THE SEIMAS OMBUDSMEN'S OFFICE OF THE REPUBLIC OF LITHUANIA IN 2013







Augustinas NORMANTAS

Seimas Ombudsman, Head of the Office



**RESOLUTION OF THE SEIMAS OF THE REPUBLIC OF LITHUANIA
ON AMENDMENT TO ARTICLE 1 OF THE RESOLUTION
OF THE SEIMAS OF THE REPUBLIC OF LITHUANIA ON THE APPOINTMENT OF
A. NORMANTAS TO THE POSITION OF THE SEIMAS OMBUDSMAN**

16 April 2013 No XII-233

Vilnius

(Valstybės žinios (Official Gazette) No 69-3439, 2010)

The Seimas of the Republic of Lithuania has r e s o l v e d:

Article 1.

To replace the word “municipalities” by “state” in Article 1 and set forth the whole Article to read as follows:

“Article 1.

To appoint Augustinas NORMANTAS to the position of the Seimas Ombudsman for the investigation of activities of the officials of state institutions and agencies.”

Article 2.

The Resolution shall come into force from its adoption.

Chairman of the Seimas

Vydas Gedvilas

[Seal: Office of the Seimas
of the Republic of Lithuania/
Department of Documents]



**RESOLUTION OF THE SEIMAS OF THE REPUBLIC OF LITHUANIA
ON THE APPOINTMENT OF THE HEAD OF THE SEIMAS OMBUDSMEN'S OFFICE
OF THE REPUBLIC OF LITHUANIA**

25 April 2013 No XII-263

Vilnius

The Seimas of the Republic of Lithuania, acting in observance of Article 28 of the Republic of Lithuania Law on the Seimas Ombudsmen and having regard to the proposal from the Chairman of the Seimas, has r e s o l v e d:

Article 1.

To appoint Augustinas NORMANTAS to the position of the Head of the Seimas Ombudsmen's Office of the Republic of Lithuania.

Article 2.

The Resolution shall come into force from its adoption.

Chairman of the Seimas

Vydas Gedvilas

[Seal: Office of the Seimas
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Department of Documents]



Raimondas ŠUKYS
Seimas Ombudsman



**RESOLUTION OF THE SEIMAS OF THE REPUBLIC OF LITHUANIA
ON THE APPOINTMENT OF
RAIMONDAS ŠUKYS TO THE POSITION OF THE SEIMAS OMBUDSMAN**

23 April 2013 No XII-257

Vilnius

The Seimas of the Republic of Lithuania, acting in observance of Article 7 of the Republic of Lithuania Law on the Seimas Ombudsmen and having regard to the proposal from the Chairman of the Seimas, has **r e s o l v e d**:

Article 1.

To appoint Raimondas ŠUKYS to the position of the Seimas Ombudsman for the investigation of activities of the officials of the municipal institutions and agencies.

Article 2.

The Resolution shall come into force from its adoption.

Chairman of the Seimas

Vydas Gedvilas

[Seal: Office of the Seimas
of the Republic of Lithuania/
Department of Documents]



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Article 73 of the Constitution stipulates that the Seimas Ombudsmen shall examine complaints of citizens concerning the abuse of powers by, and bureaucracy of, the state and local government officers (with the exception of judges).

The powers of the Seimas Ombudsmen shall be established by the Law on the Seimas Ombudsmen.

Article 3 of the Law on the Seimas Ombudsmen stipulates that the purpose of activities of the Seimas Ombudsmen shall be to protect a person's right to good public administration securing human rights and freedoms, to supervise fulfilment by state authorities of their duty to properly serve the people.

Since the beginning of 2014, the scope of activities of the Seimas Ombudsmen has been

extended: the Seimas Ombudsmen also carry out the national prevention of torture at the places of detention according to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

The implementation of the national prevention of torture has been one of the strategic goals of the Seimas Ombudsmen for a number of years already. It is gratifying to know that in 2013 this goal was achieved through joint efforts of the Seimas Ombudsmen, the Seimas Committee on Human Rights, the Ministry of Justice and the Ministry of Foreign Affairs, and that the Seimas Ombudsmen can already be designated not only as the officials investigating complaints against state institutions, but also as the officials responsible for the national prevention of torture.

Another strategic goal of activities of the Seimas Ombudsmen – to become a national human rights institution – has not been achieved yet. Amendments to the Law on the Seimas Ombudsmen granting additional mandate to the Seimas Ombudsmen in the sphere of human rights (to carry out the monitoring of the situation of human rights and freedoms; to prepare annual reports on the situation of human rights and freedoms; to provide conclusions on draft legal acts from the perspective of human rights; to disseminate information about human rights and freedoms, to organise education of the public, state institutions and officials on the matters of human rights and freedoms, etc.) have already been drafted and the process of their alignment is under way. The main work – the adoption of the Law – however, depends on the political will.

We can only hope that the new version of the Law on the Seimas Ombudsmen will be adopted in the near future and the matters of human rights will be ultimately given the attention they deserve.

Actually, until present there is no state institution in Lithuania responsible for the monitoring and analysis of the situation of human rights. Considering frequent violations of human rights, the need for such an institution should not raise any doubts.

The Seimas Ombudsmen, according to their mandates, are carrying out the activities of the dissemination and monitoring of human rights within the extent of their possibilities, regardless

of their limited financial and human resources. Therefore, the granting of the status of the national human rights institution to the Seimas Ombudsmen would undoubtedly be a well-earned outcome.

Furthermore, in 2013, certain specific organisational steps were taken to bring the activities of the Seimas Ombudsmen Office closer to the human rights institution complying with the requirements established by the United Nations (the so-called “Paris Principles”). In June, a special structural unit of the Seimas Ombudsmen Office – the Office of Human Rights – was set up.

These measures contributed to a wider dissemination and education related to human rights, international and national cooperation on the issues of human rights, monitoring the situation of human rights, consulting on the matters of human rights, etc.

It's worth noting that the setting up of this structural unit has served its purpose more than it could be expected: over six months the Office organised as many different events, meetings, projects and other human rights dissemination and monitoring measures, as it usually did during the period of two years.

The strategic goal of the Ombudsmen for this year is the same – to become a national human rights institution.

In their activities the Seimas Ombudsmen are guided by the principles of respect for the person and the state, freedom and independence of

activities, impartiality and justice, proportionality, publicity and other principles.

The Seimas Ombudsmen seek that each person, who applies to them, is provided with correct and objective information on the matter raised in the complaint without undue delay. Every single person is important and so each complainant is given due attention and time in order to settle the raised issues effectively.

The state institutions often avoid addressing the problems of individuals because of the lack of understanding between themselves or between them and complainants, and also because they fear to assume responsibility for adopted decisions. In such cases the role of the Seimas Ombudsmen is of particular importance: whatever is a public authority's decision – favourable or not – it must be made to enable the individual to continue defending his interests invoking legal measures. Accordingly, the Ombudsmen in their recommendations frequently encourage state institutions to make the necessary decisions without undue delay.

A prompt response to received complaints is one of the priorities of the Seimas Ombudsmen's activities. Assistance provided to the individual in a few months or in a half-year might already be irrelevant. Therefore, in 2013, a special attention was devoted to the accelerated adoption of decisions on the received complaints.

One of the most effectively applied measures – a decision on mediation and referral of the

received complaint to a competent authority, while controlling the process of investigation of the referred complaint. In that case a complaint filed with the Seimas Ombudsmen is not investigated on the merits, and a decision is taken to refuse the investigation of a complaint and refer it to a responsible institution, while exercising continuous control over the process of investigation of each referred complaint to ensure the effective settlement of the issue brought up by the complainant.

In 2013, over half of all complaints were investigated according to this method. Thus individuals applying with the Seimas Ombudsmen benefitted from prompt and effective assistance (the end-to-end process lasted not more than 1–1.5 months).

However, the complainants need a prompt solution not in all instances. There are cases when certain issues remain unsettled for a number of years, some complainants approach the Seimas Ombudsmen when they lose hope that their matter of concern will be settled elsewhere. In that case, if the issue raised is really relevant, prolonged attempts to settle it are unsuccessful and if it is obvious that the complainant's problem can actually be settled, the Seimas Ombudsmen open a detailed investigation of the complaint. Sometimes the investigation of such complaints may last long, but in such cases what really matters to complainants is not the speed of the investigation, but the actual assistance of the Seimas Ombudsmen, which had not been obtained elsewhere. Moreover, in the cases of prolonged investigation of complaints complainants

are always regularly informed about the complaint investigation progress and are kept in touch with. The complainants understand that once they had failed to settle their matter by themselves applying to other institutions, it is natural that the investigation conducted by the Seimas Ombudsmen might also last longer in order to achieve a positive result.

Another effective innovation applied in the investigation of the complainants' complaints – joint statements of the Seimas Ombudsmen. According to the previously applied common practice, when the complainant filed a complaint with regard to the actions of the officials of both state and municipal institutions, the Seimas Ombudsmen used to issue two statements (according to the sphere of competence of each Seimas Ombudsman), and the complainant received two different documents to one complaint filed by him.

Since 2013, the complainants are issued joint statements by the Seimas Ombudsmen: the Seimas Ombudsmen provide a joint legal assessment of the circumstances stated in the complaint in one single document. It should

be noted further that the increasing numbers of received complaints are related to the competence of both the state and the municipal institutions, which unavoidably requires mobilising the efforts for joint work.

Partly because of that and partly because of the same goal pursued by the Seimas Ombudsmen and their common understanding of the purpose of duties entrusted to them, i.e. to ensure that public authorities serve the people, this Report is presented as a joint report on the activities of the Seimas Ombudsmen, as of the defenders of human rights.

We wish that each public authority understands that their purpose is not to compete with each other in deciding how to "relieve themselves" of as many complainants as possible, referring them to another institution, but to effectively serve the people seeking the solution of the complainants' problems through joint effort. We, the Seimas Ombudsmen, are here not to reprimand or punish. We all are here to make Lithuania a better place to live in.

Seimas Ombudsman



Augustinas Normantas

Seimas Ombudsman



Raimondas Šukys

The Report covers the analysis of statistical data, summarises the issues raised in the complainants' complaints, provides description of proposals submitted by the Seimas Ombudsmen on the improvement of legal acts, detailed analysis of problems raised in the complainants' complaints and introduces other activities of the Seimas Ombudsmen.

STATISTICS

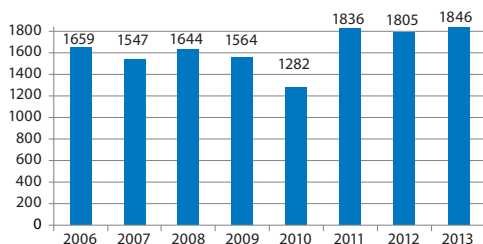
In 2013, the Seimas Ombudsmen's Office received 2,897 complaints from natural and legal persons, of which 1,846 were new complaints.

Received complaints/launched cases of complaints	1,846
Closed cases of complaints:	1,716
investigated on the merits	797
investigation refused	919
Issues investigated and decisions made (in the cases investigated on the merits):	1,159
declare the complaint as justified	339
dismiss the complaint	509
terminate the investigation	311

Investigations initiated by the Seimas Ombudsmen	22
Investigated issues and passed decisions	37
the fact of infringement was confirmed	21
the fact of infringement was not confirmed	12
the investigation was discontinued	4

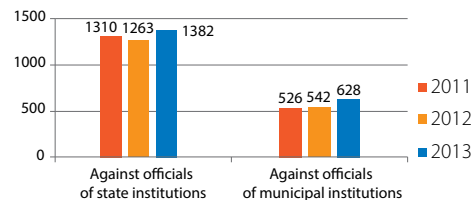
Recommendations provided by the Seimas Ombudsmen	903
Responses to the citizens' applications	68
Complaints referred by the Seimas members	86

The number of complaints received by the Seimas Ombudsmen in 2013 reached record heights of the past seven years, i.e. 1,846.

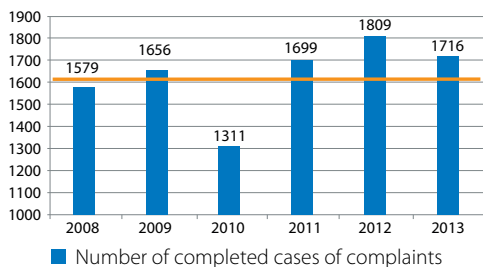


1,382 complaints were related to the activities of the officials of state institutions and 628 complaints – to the activities of the officials of municipal institutions (164 complaints out of the latter number were related to the activities of both the officials of the state and municipal institutions).

In 2013, compared to 2012, the number of cases of complaints initiated against actions of the state institutions' officials increased by 119 and in respect of actions of the municipal institutions' officials – by 86.



In 2013, the 1,716 cases of complaints were completed. This number, albeit slightly smaller (due to the change of the Seimas Ombudsmen's



activity spheres and considerable tightening of requirements for the quality of investigation of complaints), compared to 2012 (in 2012, 1,806 cases of complaints were completed), considerably exceeded the past five years' average of completed cases (in 2008–2012, the average number cases of complaints annually completed by the Seimas Ombudsmen was 1,610).

There are two types of completion of the case of complaint:

- 1) when a complaint is investigated on the merits;
- 2) when investigation of a complaint is refused.

In 2013, 797 complaints were investigated on the merits. In the process of investigation of these complaints, **1,159** problems were identified and the decision was made with respect to each of them. It means that at least two different issues were raised in almost every second complaint investigated on the merits.

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 decisions:

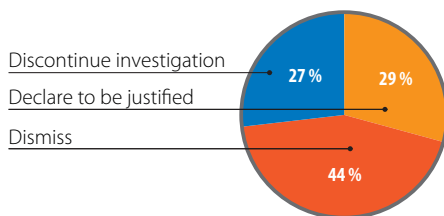
- 1) to declare a complaint (or its part) justified;
- 2) to dismiss (recognise as unjustified) a complaint (or its part);
- 3) to discontinue the investigation of a complaint (or its part).

In 2013, 29% of complaints were declared to be justified, i.e. the facts of abuse, bureaucracy or violations of human rights by officials were identified through the conducted investigations.

44% of complaints were declared to be unjustified, i.e. the investigation did not confirm the facts of maladministration.

The investigation of 27% complaints was discontinued because of disappearance of circumstances complained about, withdrawal of applications by complainants, or because it appeared that complaints were or had been investigated or were pending in court, etc.

TOTAL DISTRIBUTION OF DECISIONS MADE IN THE CASES INVESTIGATED ON THE MERITS IN 2013



The investigation of a complaint is also discontinued when issues raised in the complaint are resolved in good will through the mediation of the Seimas Ombudsman. In 2013, the investigation of **78** complaints was discontinued, because the Seimas Ombudsmen had helped both parties to reach an amicable resolution of the issue.

With the mediation of the Seimas Ombudsmen the outstanding disputes between individuals and state institutions are handled more flexibly. Furthermore, the mediation of the Ombudsman accelerates the process of investigation of disputes, increases the effectiveness of decisions made and enables to resolve the issues raised by complainants quicker.

Therefore, the Seimas Ombudsmen seek that as many as possible disputes between individuals and officials of the public administration are settled by mutual agreement.

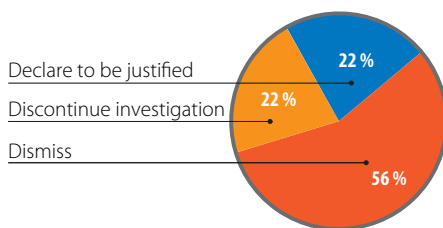
It should be noted that the ratio of decisions made on the complaints against state and municipal institutions varies quite considerably.

After investigations of actions of the officials of **state institutions** only **22%** of complaints, and of the officials of **municipal institutions** – even **42%** were **declared to be justified**.

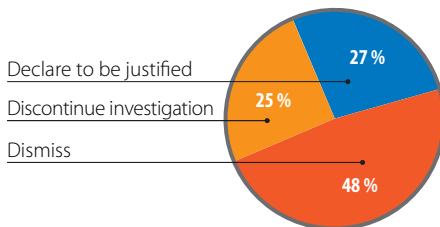
The percentage of justified complaints against actions of the officials of municipal institutions over the past three years practically did not change, whereas the percentage of justified complaints against actions of the state institutions' officials reduced from 31% in 2011 to 22% in 2013.

DISTRIBUTION OF DECISIONS MADE IN THE CASES RELATED TO STATE INSTITUTIONS (INCLUDING PENAL INSTITUTIONS) IN 2013

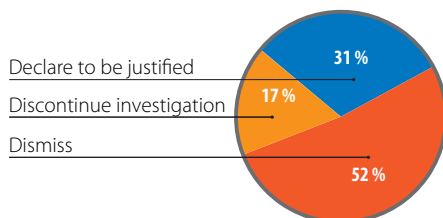
DECISIONS MADE IN 2013



DECISIONS MADE IN 2012

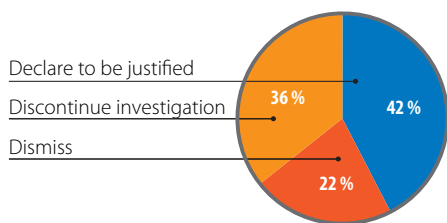


DECISIONS MADE IN 2011

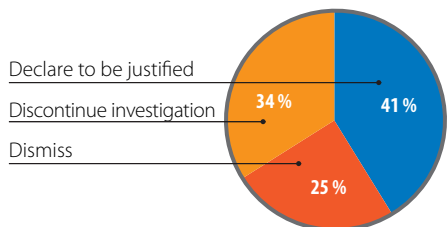


DISTRIBUTION OF DECISIONS MADE IN THE CASES RELATED TO MUNICIPAL INSTITUTIONS IN 2013

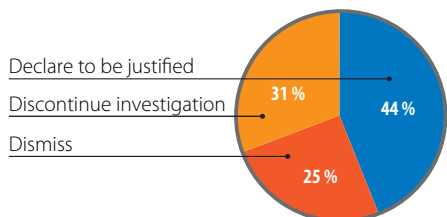
DECISIONS MADE IN 2013



DECISIONS MADE IN 2012



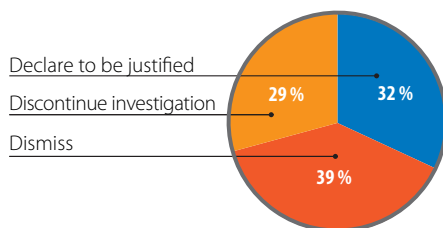
DECISIONS MADE IN 2011



The percentage of justified complaints against the state institutions' officials is considerably lower because the major part of these complaints comprises complaints from the imprisonment institutions about violations of human rights of their inmates. Only a very small share of such complaints is confirmed and declared to be justified. Therefore, the total percentage of complaints against the state institutions' officials declared to be justified is not high.

The percentage of justified complaints against the state institutions' officials, without taking into account the complaints against actions of the officials of penal institutions, would be **32%**.

DECISION ON STATE INSTITUTIONS, EXCL. IMPRISONMENT INSTITUTIONS, MADE IN 2013



From the results in the Table it can be seen that the inmates of penal institutions very actively complain about the alleged violation of their rights: complaints against actions of the penal institutions' officials account for even six out of the ten positions.

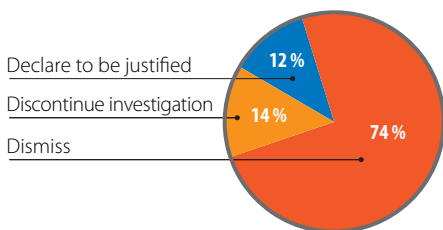
In 2013, the Seimas Ombudsmen opened as many as 490 cases of complaints concerning

TEN INSTITUTIONS AGAINST WHICH THE LARGEST NUMBERS OF COMPLAINTS WERE RECEIVED IN 2013

Seq. No	Institution	Number of received complaints	Number of complaints refused to be investigated	Number of complaints investigated on the merits
1.	Vilnius City Municipality	213	85	119
2.	Lukiškės Remand Prison – Closed Prison	103	47	50
2.	Pravieniškės Correction House – Open Prison Colony	102	77	37
4.	National Land Service under the Ministry of Agriculture of the Republic of Lithuania	75	29	37
5.	Vilnius Correction House	65	36	30
6.	Kaunas City Municipality	64	33	40
7.	Central Prison Hospital	57	24	32
8.	Alytus Correction House	39	21	19
9.	Marijampolė Correction House	35	20	18
10.	Vilnius District Municipality	33	13	16

actions of the penal institutions' officials, which represent almost one-third (28%) of all cases initiated by the Seimas Ombudsmen in 2013. However, justified complaints make up only a very small percentage of these complaints: only 12% of complaints against actions of the penal institutions' officials were declared to be justified.

DECISIONS ON IMPRISONMENT INSTITUTIONS MADE IN 2013



Lukiškės Remand Prison – Closed Prison (103 complaints) and Pravieniškės Correction House – Open Prison Colony (102 complaints) are in the first positions in terms of numbers of complaints received in 2013 against actions of the penal institutions' officials. Vilnius Correction House (65 complaints) is in the third position.

However, the highest percentage of **justified complaints** is observed among complaints received against the **Central Prison Hospital** (57 complaints), which is in the fourth position according to received complaints. **As much as 37%** of complaints against actions of the officials of this institution had been declared to be justified and considerably exceed the total average percentage of the justified complaints (22%), being close to the share (42%) of

REVIEW OF INVESTIGATED COMPLAINTS BY PENAL INSTITUTIONS IN 2013

Institution	Total number of received complaints	Investigation refused	Investigated complaints	Decisions made			Total number of decisions
				Declared to be justified	Dismissed as unjustified	Discontinued investigation	
Alytus Correction House	39	21	19	3	22		25
Kybartai Correction House	23	15	7		6	1	7
Central Prison Hospital	57	24	32	18	21	10	49
Marijampolė Correction House	35	20	18	2	19	6	27
Panevėžys Correction House	17	1	19	1	26	1	28
Pravieniškės Correction House – Open Prison Colony	102	77	37	1	53	6	60
Vilnius Correction House	65	36	30	1	27	6	34
Kaunas Remand Prison	18	9	9	1	9	4	14
Lukiškės Remand Prison – Closed Prison	103	47	50	9	58	9	76
Šiauliai Remand Prison	31	16	14	4	11	3	18
Total	490	266	235	40	252	46	338

decisions on justified complaints against municipal institutions.

Therefore, it should not be surprising that the largest number of complaints (as many as 565 complaints by ministries and institutions attributed to their management sphere) had been received with respect to the Ministry of Justice. All penal institutions are attributed to the management sphere of this Ministry, or, to be more precise – to the sphere of management of the Prison Department under the Ministry of Justice.

Complaints against the **Prison Department** under the Ministry of Justice and institutions subordinate to it (correction houses, prison, remand prisons, the Central Prison Hospital)

the investigation of which had been completed, account for **94%** of all handled complaints with respect to the Ministry of Justice and institutions and agencies attributed to its management sphere. However, even **74%** of the information contained in these complaints had not been confirmed and they were **dismissed** as unjustified, and, as already mentioned before, only **12%** of complaints were declared to be **justified**.

It should be noted that the elimination of violations, which had been and are stated in the Statements of the Seimas Ombudsmen, after investigation of complaints of individuals, whose liberty is restricted (for example, improper living conditions), often depend on funding of the aforementioned institutions.

REVIEW OF INVESTIGATIONS OF COMPLAINTS BY MINISTRY AND INSTITUTIONS AND AGENCIES ATTRIBUTED TO ITS MANAGEMENT SPHERE

Ministry and institutions and agencies attributed to its management sphere	Received complaints	Investigation refused	Investigated on the merits	Decisions made	Justified complaints	Dismissed complaints	Investigation discontinued	Recommendations provided
Environment	93	33	44	49	25	13	11	72
Energy	14	4	7	8	3	2	3	7
Finance	29	18	9	10	4	4	2	2
National Defence	3	1						
Culture	6	3	1	1	1			3
Social Security and Labour	51	21	23	23	8	8	7	27
Communications	9	3	7	8	1	5	2	3
Health	37	14	17	20	9	8	3	24
Education and Science	6	5	3	4	2	1	1	4
Justice	565	292	270	380	44	280	56	62
Economy	7	4	3	5	1	1	3	5
Foreign Affairs	2		1	1		1		2
Interior	127	58	54	59	10	42	7	11
Agriculture	241	111	109	131	46	37	48	145

Complaints against actions (omissions) of the officials of the Ministry of Agriculture and institutions and agencies attributed to the sphere of its management are in the second place in terms of numbers of received complaints (241) and complaints investigated on the merits (109).

Investigated complaints with respect to actions (omissions) of the **National Land Service** under the Ministry of Agriculture account for even **98%** of all investigated complaints against actions (omissions) of the officials of the Ministry of Agriculture and

institutions and agencies attributed to the sphere of its management.

The complainants mostly complained about the poor control over cadastral measurements, the state control of the use of land, purchase and sale, lease of the state-owned land, inappropriately (without access road) formed land plots, boundaries of land plots and other land management matters.

In many cases the investigation of complaints against actions of the officials of the National Land Service under the Ministry of Agriculture

in many cases revealed the noncompliance with legal acts and the violations of human rights. It should be noted that **34%** of complaints against actions of the officials of the **National Land Service** were **declared to be justified** and exceed even by 12 percentage points the total percentage of complaints against activities of the officials of the state institutions and agencies declared to be justified.

It should be emphasised that the National Land Service under the Ministry of Agriculture received the largest number of recommendations from the Seimas Ombudsman compared to all state institutions – even 94.

In 2013, the group of complaints against the Ministry of the Interior and institutions and agencies falling within the sphere of its management “returned” to the third position according to the number of received complaints (127) and complaints investigated on the merits (54) (in 2012 this group of complaints was in the fourth position).

Complaints investigated with respect to the **Police Department** under the Ministry of the Interior and institutions and agencies falling within the sphere of its management (local police units, police custodies) account for **83%** of all complaints investigated with respect to the Ministry of the Interior and institutions and agencies falling within the sphere of its management. However, even **71%** of these complaints were **dismissed** as unjustified, and only **17%** were declared to be **justified**.

The Ministry of Environment and institutions and agencies attributed it its management sphere are in the fourth place in terms of numbers of received complaints (93) and complaints investigated on the merits (44).

The largest number of investigated complaints was related to actions of the officials of the **State Territorial Planning and Construction Inspectorate** under the Ministry of Environment – they accounted for **52%** of all investigated complaints concerning actions of the officials of the Ministry of Environment and institutions and agencies attributed it its management sphere. The other part of complaints were lodged against the actions of the officials of **regional environmental protection departments** and accounted for **20%** of all investigated complaints concerning actions of the officials of the Ministry of Environment and institutions and agencies attributed it its management sphere.

It should be noted that after investigations of complaints concerning the actions (omissions) of the officials of the Ministry of Environment and institutions and agencies attributed it its management sphere more than half (51%) of complaints were declared to be justified. This is the largest percentage of complaints declared to be justified, compared to other state institutions. Compared to the past years, the percentage of complaints declared to be justified against the actions of the officials of the Ministry of Environment and institutions and agencies attributed it its management sphere

have also increased by more than 10 percentage points (in 2012, complaints declared to be justified accounted for 40.5%).

The Ministry of Health and the Ministry of Social Security and Labour as well as institutions and agencies falling within the sphere of their management are also noted for a considerable number of complaints declared to be justified.

After the investigation of actions of the officials of the Ministry of Health and institutions and agencies attributed to its management sphere, 45% of complaints were recognised to be justified. In 2012, the share of complaints declared to be justified was very similar.

After the investigation of actions of the officials of the Ministry of Social Security and Labour and institutions and agencies falling within the sphere of its management, 35% of complaints were recognised to be justified. Compared to 2012, the share of complaints declared to be justified in this area has significantly increased (in 2012, only 15% of complaints had been declared to be justified).

The Ministry of Finance is also noted for quite a big percentage of justified complaints. However, the number of decisions made with respect to this Ministry is rather small (only 10), therefore the percentage of justified complaints might not reflect the actual situation.

FIVE MINISTRIES AND INSTITUTIONS ATTRIBUTED TO THEIR MANAGEMENT SPHERE ACCOUNTING FOR THE LARGEST NUMBERS OF COMPLAINTS DECLARED TO BE JUSTIFIED

Seq. No	Ministry and institutions and agencies attributed to its management sphere	Percentage of justified complaints
1.	Environment	51
2.	Health	45
3.	Finance	40
4.	Social Security and Labour	35
5.	Agriculture	34

FIVE MINISTRIES AND INSTITUTIONS AND AGENCIES ATTRIBUTED TO THEIR MANAGEMENT SPHERE ACCOUNTING FOR THE SMALLEST NUMBERS OF RECEIVED COMPLAINTS

Seq. No	Ministry and institutions and agencies attributed to its management sphere	Number of received complaints
1.	Foreign Affairs	2
2.	National Defence	3
3-4	Culture	6
3-4	Education and Science	6
5.	Economy	7

FIVE MINISTRIES AND INSTITUTIONS AND AGENCIES ATTRIBUTED TO THEIR MANAGEMENT SPHERE ACCOUNTING FOR THE LARGEST NUMBERS OF ISSUED RECOMMENDATIONS

Seq. No	Ministry and institutions and agencies attributed to its management sphere	Number of recommendations
1.	Agriculture	145
2.	Environment	72
3.	Justice	62
4.	Social Security and Labour	27
5.	Health	24

REVIEW OF INVESTIGATED COMPLAINTS BY MUNICIPALITIES AND INSTITUTIONS AND AGENCIES SUBORDINATE TO THEM

The Table below covers municipalities (with subordinate institutions) with respect to which more than 10 complaints were received in 2013.

Like every year, **Vilnius City Municipality** is leading in terms of numbers of investigated complaints (124) and decisions made – 156 decisions were made with respect to the actions of its officials, of which **decisions made to declare complaints to be justified** accounted for **42%**.

Kaunas City Municipality is in the second position with 41 complaints investigated and 48 decisions made with respect to its officials, of which **decisions made to declare complaints to be justified** accounted for even

46% and exceeded by 4% the total percentage of complaints with respect to actions of the officials of municipal institutions and agencies.

Vilnius District Municipality is in the third position – 16 investigated complaints and 32 decisions made with respect to actions of its officials.

It should be noted that after investigations of complaints more than half (**53%**) of complaints against actions of the officials of Vilnius District Municipality were **declared to be justified**, i.e. the facts of abuse, bureaucracy or violation of human rights were established. This percentage is even by 11% higher than the total percentage of complaints against actions of the officials of municipal institutions and agencies declared to be justified!

However, the largest **percentage of justified complaints** was received with respect to the actions of the officials of **Trakai District Municipality – even 69%**!

Municipality	Com-plaints received	Investi-gation refused	Inves-tigated on the merits	Decisions made	Justified com-plaints	Dis-missed com-plaints	Discon-tinued investi-gation	Issued recom-menda-tions
Vilnius City Municipality	241	85	124	156	66	38	52	181
Kaunas City Municipality	73	33	41	48	22	8	18	56
Vilnius District Municipality	34	13	16	32	17	1	14	22
Panevėžys City Municipality	33	10	9	9	4	2	3	10
Šiauliai City Municipality	29	9	7	8	2	2	4	10
Klaipėda City Municipality	17	7	11	11	4	2	5	7
Palanga City Municipality	15	5	15	23	5	5	13	25
Trakai District Municipality	12	3	8	13	9	2	2	13
Alytus City Municipality	12	6	3	3	1		2	1
Anykščiai District Municipality	10	2	8	10	1	5	4	5

FIVE MUNICIPALITIES ACCOUNTING FOR THE LARGEST SHARE OF COMPLAINTS DECLARED TO BE JUSTIFIED

Seq. No	Municipality	Percentage of justified complaints
1.	Trakai District Municipality	69
2.	Vilnius District Municipality	53
3.	Kaunas City Municipality	46
4.	Panevėžys City Municipality	44
5.	Vilnius City Municipality	42

It's worth noting that not a single complaint or only one complaint had been received with respect to almost one-third of municipalities of Lithuania.

MUNICIPALITIES WITH RESPECT TO THE ACTIONS OF THE OFFICIALS OF WHICH THE SMALLEST NUMBER OF COMPLAINTS WAS RECEIVED

Seq. No	Municipality	Received complaints
1.	Alytus District Municipality	1
2.	Biržai District Municipality	1
3.	Ignalina District Municipality	1
4.	Kalvarija Municipality	1
5.	Kazlų Rūda Municipality	1
6.	Kelmė District Municipality	1
7.	Kupiškis District Municipality	1
8.	Neringa Municipality	1
9.	Pagėgiai Municipality	0
10.	Pakruojis District Municipality	1
11.	Pasvalys District Municipality	0
12.	Rietavas Municipality	0
13.	Šakiai District Municipality	1
14.	Šilutė District Municipality	1
15.	Skuodas District Municipality	1
16.	Utena District Municipality	1
17.	Zarasai District Municipality	0

FIVE INSTITUTIONS WITH RESPECT TO WHICH THE LARGEST NUMBER OF JUSTIFIED COMPLAINTS WAS RECEIVED IN 2013

(The Table below covers only those institutions with respect to the actions of the officials of which at least 10 decisions had been made.)

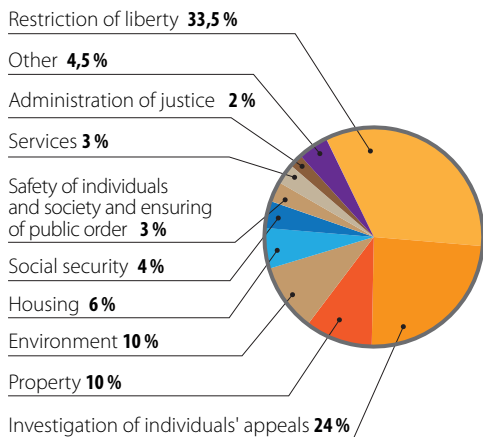
Seq. No	Institution	Total number of decisions made	Com-plaints declared to be justified	Percent-age of complaints declared to be justified
1.	Trakai District Municipality	13	9	69
2.	State Territorial Planning and Construction Inspectorate under the Ministry of Environment	23	13	57
3.	Vilnius District Municipality	32	17	53
4.	Kaunas City Municipality	48	22	46
5.	Vilnius City Municipality	156	66	42

BREAKDOWN OF COMPLAINTS COMPLETED IN 2013 BY AREA

It is always essential to know what matters the complainants most frequently complain about to the Seimas Ombudsmen. The chart provided below reflects the main areas in which the complainants had complained to the Seimas Ombudsmen and shows their percentage share in the total number of complaints the investigation of which had been completed in 2013.

It should be noted that percentage change by area, compared to 2012, is minor. For instance, percentage of complaints regarding the investigation of individuals' appeals and related to the environment matters has not changed since 2012, i.e. almost one-fourth of all complaints investigated by the Seimas Ombudsmen were related to the investigation of individuals' appeals and one-tenth of all investigated complaints concerned the environment matters.

The largest number of complaints, like every year, has been received from the convicts and detainees. In 2013, these complaints made up one-third of all complaints investigated by the Seimas Ombudsmen. It should be noted that this is by 5.5% more than in 2012.



The area of restriction of liberty covers complaints about the conditions under which

the inmates are kept in prisons or in police custodies, about meals, behaviour of the officers or wrong application of legal actions in these institutions, inadequate handling of applications of individuals whose liberty is restricted, access to health care, provision of necessary medical assistance, regime in penitentiaries, etc.

The area of investigation of individuals' appeals covers complaints about non-observance of the time limits, incomplete responses to individuals' appeals, failure to provide responses, failure to inform about the procedure of appeal, non-provision of requested information, etc.

The area of property covers complaints about land management and administration matters, determination of land plot boundaries, state control over the use of land, management, privatisation, disposal of the state-owned property, establishment of servitudes, and various other land management matters.

The area of environment covers complaints about territorial planning, state supervision of construction (residential/non-residential buildings), construction and maintenance of roads, waste management, etc.

The area of housing covers complaints about the administration of shared objects of multiple-dwelling buildings, supervision and control of activities of management bodies and administrators of associations, rent of subsidised housing, privatisation of municipal residential premises, etc.

The social security area covers complaints about social benefits and compensations, social services, social insurance, social welfare, aid to unemployed, etc.

The area of safety of individuals and society and ensuring of public order covers complaints about illegal actions of police officers and pre-trial investigation, validity/legality of procedural decisions, organisation of safe traffic, etc.

The area of services covers complaints concerning supply of heat, drinking water, electricity, etc., calculation of fees for these services.

The area of administration of justice covers complaints about actions of bailiffs, unauthorised enforcement actions, violation of the right to the assistance of counsel, failure to ensure legal defence, etc.

INVESTIGATIONS INITIATED BY THE SEIMAS OMBUDSMEN

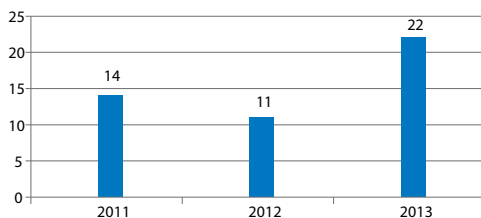
The Law on the Seimas Ombudsmen entitles the Seimas Ombudsmen to open investigations on their own initiative when the signs of the abuse of office, bureaucracy or other violations of human rights and freedoms by the officials are established from reports of mass media or other sources.

Investigations initiated by the Seimas Ombudsmen are one of the most effective measures of the protection of human rights. This measure is of a special preventive type, because the Seimas

Ombudsman may initiate the investigation even without having received a complaint about the 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 to reveal gaps or imperfections in the regulatory framework and to propose the respective regulatory improvements.

In 2013, the Seimas Ombudsmen conducted 22 investigations on their initiative dealing with 37 problems and adopting decisions with respect to each of them. It should be emphasised that in 21 cases the facts of abuse, bureaucracy or other public maladministration had been disclosed, in 12 cases the facts of public maladministration had not been confirmed, and in another 4 cases the investigation had been discontinued.

The chart below reflects the number of investigations initiated by the Seimas Ombudsmen.



SEIMAS OMBUDSMEN'S RECOMMENDATIONS

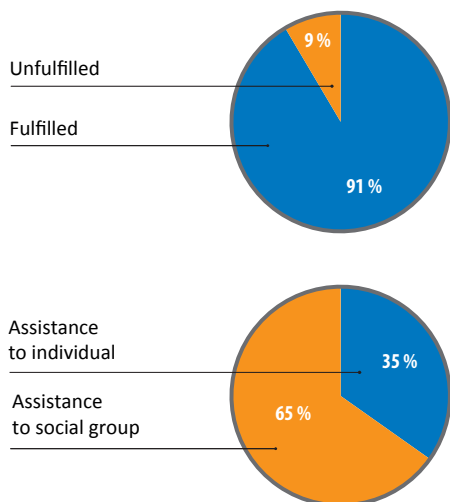
In 2013, the Seimas Ombudsmen issued **903** recommendations to the officials of state and municipal institutions.

At the time of preparation of the Report it was already known that **91%** of recommendations provided by the Seimas Ombudsmen had been

taken into consideration. Responses from institutions with regard to another 7% of the provided recommendations are pending.

It should be noted that not only a particular complainant, but also a certain social group usually benefits from taking into account the recommendations of the Seimas Ombudsmen, because of the forward-looking and holistic nature of regulatory amendments within the framework of human rights.

Recommendation	Number of recommendations	To state institutions	To municipal institutions
To propose to a collegiate body 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 by reason of abuse or bureaucracy.	485	175	310
To draw attention of the officials to negligence at work, non-compliance 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.	133	56	77
To involve the officials and experts from the government bodies, ministries, municipalities, municipal institutions and agencies.	90	85	5
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.	83	68	15
To provide to the respective institutions and agencies (without investigating on the merits the complaint not falling within the competence of the Seimas Ombudsman) the proposals or comments on the improvement of legal administration to prevent the violations of human rights and freedoms.	39	20	19
To propose to a collegiate body, office manager or a body or institution or the higher level of subordination to impose (disciplinary) penalties on the officials who commit offences.	37	27	10
To request the immediate provision of information, material and documents necessary for the performance of the Seimas Ombudsman's functions.	30	15	15
To keep informed the Seimas, Government and other state institutions and agencies or a respective municipal council about gross violations of laws or shortcomings, conflicts of, or gaps in, laws or other legal acts.	3	3	
To refer the material to a body of pre-trial investigation or prosecutor, when any signs of criminal acts are detected.	2	2	
To propose to a prosecutor to apply to court in accordance with the procedure set by laws for the protection of the public interest.	1	1	
Total	903	452	451



The Republic of Lithuania Law on the Seimas Ombudsmen enshrines the principle of publicity as one of the key principles of the Seimas Ombudsmen's activities – the Seimas Ombudsmen provide information to the public about their activities and abuse of office and bureaucracy of the officials as well as about other violations of human rights and freedoms. Publicity is a significant aspect of the constitutional principle of the rule of law. Public disclosure of wrongful acts committed by officials adds power to actions of the Seimas Ombudsmen as of the defenders of human rights adopting decisions of a recommendatory nature.

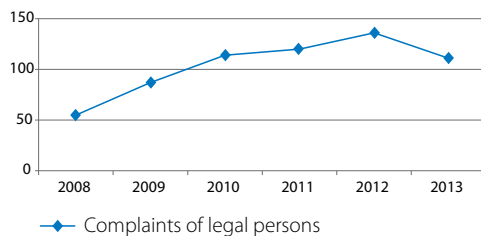
State or municipal institutions or agencies, to which the statements of the Seimas Ombudsmen are intended, are also required to publicise them on the official internet websites, and specify the actions taken by the institutions

in implementing the recommendations of the Seimas Ombudsmen.

Information about the Seimas Ombudsmen's statements, recommendations and their implementation help the society to get familiarised with the objective situation of the state and municipal institutions and agencies, the effectiveness of their activities and judge how they ensure the implementation of the essential constitutional principle, which requires the state institutions to serve the people.

COMPLAINTS OF LEGAL PERSONS

Article 2 of the Law on the Seimas Ombudsmen defines the "complainant" as a natural or a legal person lodging a complaint with the Seimas Ombudsmen's Office about the abuse or bureaucracy of the officials. Natural persons still are the main complainants who apply with the Office. The tendency of quantitative growth of complaints of legal persons, which had persisted a few years in a row, has changed in 2013 – only 111 complaints were received from legal persons.



Like in previous years, the great majority (48%) of legal persons complained about the handling

of individuals' appeals. The second group (22%) comprised complaints about the environmental matters, in particular, territorial planning and construction. Compared to 2012, the number of legal persons' complaints of this category increased even by 8%. Legal persons applying with regard to property matters accounted for 10%, which is by 4% less than in 2012.

COMPLAINTS REFUSED TO BE INVESTIGATED

When the Seimas Ombudsmen receive a complaint, they first of all decide whether it is admissible for investigation. To put it otherwise, it is necessary to check, whether there are any grounds for refusal of investigation of a complaint provided for in Article 17 of the Law on the Seimas Ombudsmen. These grounds are of two types:

- a) absolute grounds for the refusal to investigate a complaint (complaint about court decisions; complaint already investigated by the Seimas Ombudsmen; complaint about legal civil or labour relationships; complaint already investigated by court, etc.);
- b) interim grounds for the refusal to investigate a complaint (when it is expedient to investigate a complaint in another institution).

Where the investigation of a complaint is refused on the absolute grounds for the refusal to investigate a complaint, it means that the Seimas Ombudsmen have no powers to investigate such complaint and that such complaint cannot be investigated on the merits.

The refusal to investigate a complaint on the interim grounds for the refusal to investigate a complaint means that the complainant, prior to applying with the Seimas Ombudsman, had not yet used other instruments of protection of his allegedly violated rights, or that the circumstances of the complaint show that the essential interference on the part of the Seimas Ombudsmen is not required yet. In such case the complaint is referred to a respective institution, which is requested to handle the complaint immediately and to respond to the complainant and to the Seimas Ombudsman.

For instance, if a person had approached the Seimas Ombudsman with a complaint about the failure to receive the answer from an institution to his written appeal, such complaint is referred to the responsible institution, which is asked to notify the Seimas Ombudsmen about the results of its investigation, and the complainant receives immediate response promptly resolving the matter of his concern.

This procedure accelerates the investigation of complainants' complaints and the Seimas Ombudsmen have more time for detailed investigations according to the complaints which raise the problems of particular urgency relevant for the bigger part of the society.

When the investigation of a complaint is refused on these grounds, the complainant always has the right to approach the Seimas Ombudsmen repeatedly, if the institutions designated by the Seimas Ombudsmen had failed to resolve the problem raised by him. Complainants are always notified in

writing of the possibility to approach the Seimas Ombudsmen repeatedly, providing them with the decision to refuse the investigation of the complaint.

It is gratifying that only less than one-tenth of the complainants, the investigation of whose complaints had been refused on the interim grounds for the refusal to investigate a complaint, complain about the same issue repeatedly. To the contrary, many people express their gratitude to the Seimas Ombudsmen for the prompt resolution of issues raised in complaints.

In 2013, 1,716 complaints were handled, of which: the investigation of 919 complaints (54%) was refused, and 797 complaints (46%) were investigated on the merits.

Compared to 2012, the essential change was observed in the ratio of complaints investigated on the merits and complaints the investigation of which had been refused, rather than in the number of completed complaints: in 2012, out of 1,806 handled complaints the investigation had been refused with respect to 541 complaints (30%) and 1,265 complaints (70%) had been investigated on the merits.

In 2013, the major share of complaints the investigation of which had been refused (524 complaints or 57%) were not investigated on the interim grounds for the refusal to investigate a complaint (because it was expedient to investigate a complaint in another institution) and were referred to the respective institutions requesting their expedited response and resolution of the issues raised in the complaints.

Consequently, in 2013, the number of promptly resolved cases increased even by 313, i.e. the issue raised in the complainant's application was resolved in less than one month, instead of being handled for minimum three months (this term for the handling of complaints with the possibility of extension is set by the Law on the Seimas Ombudsmen).

It should be noted that this is a common global practice among ombudsmen. For example, in 2012, the Danish Ombudsman investigated on the merits only 16% (i.e. 686) of complaints, and refused the investigation of 84% of all received complaints (3,611 complaints, of which the investigation of 1,591 complaints was refused on the interim grounds for the refusal).

MAIN REASONS FOR THE REFUSAL TO INVESTIGATE COMPLAINTS

Reason	refused complaints (in per cent)
It is expedient to investigate a complaint by another institution	57
Complaint on the same issue had already been investigated	8
Complaint about procedural acts and decisions of pre-trial investigation officers	5
Complaint outside the remit of the Seimas Ombudsmen	5
Complaint should be investigated by court	5
Complaints about court decisions	4
Complaint is being, or had been, investigated by court	4
Insufficient data for launching the investigation of complaint	3
Other reasons	9

CONSULTING THE INDIVIDUALS

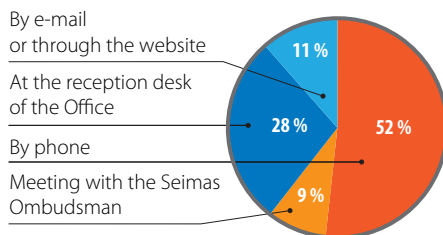
Every day the reception desk of the Seimas Ombudsmen's Office is visited by many people who have lost hope that the issues of their concern will be resolved by other institutions. The main function of the reception desk is to promptly provide the complainants with the necessary information and assistance in addressing the matters of their interest.

Although the State offers free legal assistance, certain individuals are not eligible to such assistance and cannot afford to pay for the legal assistance of a counsel. In that case the reception desk of the Ombudsmen's Office is the last resort of legal assistance sought by many low-income individuals. In 2013, 1,079 individuals were provided with legal consultations at the Seimas Ombudsmen's Office.

Sometimes it is enough to inform a person, whom to approach to have his problem resolved. The reception desk is also visited by the complainants, who are dissatisfied with the answers received from a respective institution or who are unable to understand the content of such answers because of too sophisticated legal language. In those cases the content of the received letter is explained to the person in a simple language understandable to him. Sometimes it is also necessary to provide the information about the procedure of appeal against decisions of the institutions. The applicant who due to certain reasons is unable to express his thoughts in writing or to describe

in writing the circumstances complained about, are always provided with the assistance in drawing up a complaint.

The pie-chart below reflects the most popular ways of approaching the Seimas Ombudsmen's Office in 2013.



The Seimas Ombudsmen's Office is visited by people from all over Lithuania, mostly from Vilnius and Kaunas Counties.

COMPLAINANTS BY COUNTIES OF LITHUANIA:

Vilnius	515
Kaunas	126
Panevėžys	26
Šiauliai	26
Klaipėda	38
Tauragė	16
Telšiai	5
Alytus	22
Marijampolė	20
Utena	46

Several complaints had also been received from individuals living outside Lithuania in other

countries: Latvia, Great Britain, Austria, Spain, Russia, Kyrgyzstan, Finland and Armenia.

Once a month the individuals meet with the Seimas Ombudsmen at the reception desk of the Office. Where appropriate, the acceptance of complainants is arranged more frequently. In 2013, the Seimas Ombudsmen received more than 100 of individuals, who submitted various complaints.

In 2013, the Seimas Ombudsmen visited the Municipalities of the Cities of Kaunas, Šiauliai, Panevėžys and Marijampolė, where they met with residents and officials from local municipalities. They also visited the Central Prison Hospital and Police Custody of Vilnius City.

Meetings with the officials contribute to the essential improvement of the quality of public administration services provided by the institutions, people are informed in greater detail about the activities and powers of the Seimas Ombudsmen and about the possibility to approach them, and such visits also enable to get directly familiarised with the problems of institutions and to understand better the issues raised in the complaints.

SUMMARY OF COMPLAINTS, THE INVESTIGATION OF WHICH WAS COMPLETED IN 2013, BY SUBJECT

Summing up the complaints, the investigation of which was completed in 2013, it can be concluded that the most frequent subjects complained about to the Seimas Ombudsmen were:

- **control over cadastral measurements of land plots** (the officials disregard the requirements of legal acts when aligning the boundaries of adjacent land plots, delay the approval of submitted documents of cadastral measurements);
- **state control of the use of land** (the officials inappropriately carry out the state control of the use of land, fail to register the facts of violation, and where the facts of violation are established in the area of the use of land, they fail to take measures to eliminate the violations and, where appropriate, to draw up the administrative law violation protocols; also, the officials fail to inform about detected alleged violations by other institutions

carrying out the state supervision of territorial planning and construction, natural resources, state-owned forests and protected territories, water bodies and other control according to their competence);

- **sale, lease of the state-owned agricultural land** to individuals who had never used such land (individuals, who had been legally using land plots for a long time, engaged in farming on such land plots, paid taxes, declared crops, used the assistance of the EU SF and expected to acquire into their ownership the land used by them, find out that the land used by them has already been acquired by other persons (the reason for that – failure to provide the users of land plots with sufficient information about the pending land management projects);
- **absence of access road to a land plot** (land plots should be formed with access roads, however, as it appears during the investigation of complaints, many land plots had been formed without access roads; these negligent mistakes have come to light now, when the land is already been privatized and there is no place for the formation of the access road, and the officials suggest people to go to court for the establishment of the servitude, although there is no fault of people here at all);
- **waste collection and management taxes** (requirements to pay local charge disregarding seasonal nature of the use of property and the fact of generation of waste);

- **lack of information about detailed plans the drafting of which has already begun** (resulting in late submission of proposals and claims with respect to solutions of the detailed plan and alignment of solutions of a detailed plan at the standing construction commission of the municipality, even if such solutions are inconsistent with the solutions of the general plan (e.g., the height of buildings, development, etc.); **slow process of the formation of land plots;**

- **legality of the issuance of a construction permit** (the State Territorial Planning and Construction Inspectorate under the Ministry of Environment is authorised to carry out the state supervision of construction, but until 1 January 2014 it had dealt only with the complainants' complaints about the legality of the issuance of a construction permit made within less than one year after its issuance. The practice of investigation of complaints has shown that many individuals found out about the issuance of a construction permit after more than one year of its issuance and when they approached the Inspectorate the latter refused examining the legality of the issuance of the construction permit on the grounds of delay. Since 1 January 2014, when the Law on the State Supervision of the Territorial Planning and Construction entered into force, the Inspectorate checks the legality of issuance of construction permits issued not more than 3 years ago and in those cases, when the legality of the issuance of a construction permit is being investigated by

law enforcement bodies or when there are suspicions about the violation of the public interest, the term of 3 years does not apply);

- **restrictions imposed on the use of immovable property** (the rights of ownership for the use of land plots without restrictions had been restored, however, corrections introduced to the general plan of the municipality give rise to certain restrictions (for example, prohibition of all types of constructions);
- **transfer of internal roads in the territories of gardeners' associations to municipalities** (municipalities refuse taking over internal roads of gardeners' associations, although such obligation for the municipalities is provided for by the Law on Gardeners' Associations);
- **refusal of municipalities to sell municipal residential property of alleged physical depreciation over 60% rented by complainants;**
- **monetary social support** (non-allocation of a social benefit or compensation for the dwelling heating, drinking water and hot water costs, involvement of individuals receiving monetary social support for socially useful activities, terms and methods of disbursement of allocated benefits);
- **rent of subsidised housing** (non-provision with the subsidised housing, long queues due to the shortage of subsidised housing, unrepaired municipal residential property given on rent);

- **activities of pre-school educational institutions** (the largest number of complaints was received with respect to activities of pre-school educational institutions of Vilnius, i.e. non-admission of children to pre-school educational institutions, non-transparent admission of children to pre-school educational institutions, operation of such institutions without permits – hygiene passports, too large numbers of children in groups);

- **transportation of passenger along local routes organised by municipalities** (establishment of routes of mini-buses, conduct of transport controllers, provision of information about electronic tickets of public transport);

- **control of municipalities over activities of administrators and management bodies** (complaints against the officials of a municipality with respect to inappropriate control over activities (organisation of meetings, adoption of decisions, provision of information, maintenance and repairs of shared objects, accumulation of funds, calculation of taxes, etc.) of administrators and management bodies (chairmen, board) of the multiple-dwelling building owners' associations appointed by a municipality, failure to register the facts of violations, failure to take adequate measures to eliminate violations once they are established, failure to control the fulfilment of obligations assigned to the administrators and associations, failure to exercise the right to draw up the administrative law violation protocols);

- **inadequate performance of the state institutions' functions in the area of protection of consumer rights and data** (institutions handling the individuals' applications or complaints having identified a violation of the individual's rights fail to take any actions to address the problems due to the imperfection of legal acts or absence of the uniform case law);
- **access to health care while serving a sentence of imprisonment** (prolonged waiting for medical consultation at the tertiary level health care institutions; failure of the officers to register for a repeat medical consultation at the tertiary level health care institutions or to properly prepare the required documents);
- **conditions of custody in correctional facilities and remand prisons** (cells do not meet the minimum requirements for the residential area; living conditions often do not meet the hygiene requirements; inadequacy of material provisioning and amenities; bad quality and insufficient nutrition; poor quality and too expensive goods in stores at the places of imprisonment; non-smokers are forced to share cells with smokers);
- **long-duration visits to persons whose liberty is restricted** (individuals placed in remand prisons (both arrestees and convicts) are deprived of the right to long-duration visits to which they are entitled by virtue of applicable legal acts);
- **procedure and conditions of convoy** (vehicles unsuitable for convoy – in bad technical condition, lack of space for placing the belongings, no hot food on the day of convoy);
- **imposition of penalties and incentives** (imposition of disciplinary penalties or refusal to apply incentives without valid grounds);
- **conditional discharge from correctional facilities** (refusal to submit documents for conditional discharge to the commission for conditional discharge from correctional facility; incorrect conclusions drawn or judgements made on convicts by officers; failure of the commission to satisfy the convicts' applications for conditional discharge; failure of courts to satisfy the proposals from commissions).



