



2018

Summary of the Annual Report on the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2017

365 DAYS
EVERYONE COUNTS



**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 2017**

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Vilnius

INTRODUCTORY WORD

The year 2017 was special for the Seimas Ombudsmen's Office in that the strategic goal it had set for several years – to become national human rights institution accredited with an “A” status in the United Nations (UN), meeting the Paris Principles, was achieved. After becoming a national human rights institution, we have not only met institutional but also national aspirations, thus ensuring the implementation of the recommendations provided to Lithuania on the establishment of a national human rights institution during the Universal Periodic Review of the UN Human Rights Council. This mandate is particularly important for Lithuania, as the Seimas Ombudsmen's Office has and will have the opportunity not only to protect human rights and freedoms while investigating complaints about



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.

abuse of office or bureaucracy of state and municipal officials, to carry out national monitoring of the places of detention, but also to perform evaluation of the human rights situation in the country.

This is not only a challenge for the institution but also an opportunity to prepare a report on human rights, assessing the human rights situation in the country, to present an evaluation of the human rights situation in Lithuania at international organisations and to provide them with information in accordance with the commitments set out in international treaties of the Republic of Lithuania. The opportunity to initiate investigations on fundamental human rights issues is another critical tool that will allow us to look more closely at human rights issues, including new areas by offering human rights solutions to state and municipal institutions and bodies.

Seeking to strengthen cooperation with the civil society, non-governmental organisations (NGOs), human rights experts and other social partners, the Seimas Ombudsmen do not limit themselves to meetings and discussions and increasingly involve them in the process of investigating complaints. By seeking expert insights in the field of human rights and using them in the performance of national prevention of torture, the Seimas Ombudsmen seek to offer opportunities to the civil society, human rights experts and NGOs to contribute in addressing human rights problems and issues. The main obligation of the Seimas Ombudsmen is the protection of human rights, with utmost emphasis on the importance of the rule of law and the objective that all officials would comply with the law. While investigating complaints, the Ombudsmen give priority to the protection of human rights by supervising the compliance of officials with the requirements of the law, whether their decisions do not violate human rights.

In 2017, the Seimas Ombudsmen examined complaints of 1,784 residents, and provided 2 766 recommendations to state and municipal institutions. According to the nature of complaints examined, more than one third of all complaints investigated in 2017 were related to handling individual appeals (39%), while one quarter of all complaints were related to the deprivation of liberty (26%). One tenth of all complaints investigated by the Seimas Ombudsmen were related to environmental issues (10%). It is worth noting that in 2017, as many as 74% of all recommendations of the Seimas Ombudsmen were intended to assist specific individuals; 26% of the recommendations of the Seimas Ombudsmen had an impact on the solutions to the problems of societal groups.

As the national prevention institution under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Seimas Ombudsmen's Office in 2017 carried out 55 inspections, and organised meetings with representatives from the ministries

of Justice and Health, the Prison and Police Departments, NGOs, as well as representatives of places of detention and responsible authorities in the counties.

Inspections on the prevention of torture carried out by the Seimas Ombudsmen's Offices allowed to take a systematic look at human rights issues in nursing and imprisonment institutions and to initiate the necessary amendments to legal acts.

This report on the activities of the Seimas Ombudsmen differs from the previous reports not only by its structure, but also in an attempt to discuss the main mandates of the Seimas Ombudsmen, providing the reader with a detailed explanation of the functions. Another important feature of this report is an overview of the most important, in the opinion of the Seimas Ombudsmen, country's human rights problems, in which readers will find a summary of information on human rights issues to be addressed, and which might require special attention by the state. The review of the country's human rights problems will become the basis for alternative reports to the United Nations and other human rights institutions in the future.

MANDATES OF SEIMAS OMBUDSMEN

Article 73 of the Constitution of the Republic of Lithuania entrusts the Seimas Ombudsmen with the duty to investigate citizens' complaints regarding the abuse of office or bureaucracy of state and municipal officials (except for judges). The second part of the same article provides that the powers of the Seimas Ombudsmen are determined by the Law on the Seimas Ombudsmen of the Republic of Lithuania. Article 3 of the Law, which was supplemented in light of new commitments of the Republic of Lithuania as a member of the international community, states that there are three main objectives (mandates) of the Seimas Ombudsmen.

It should be noted that in addition to the investigation of complaints provided for in the Constitution, at the end of 2013, when Lithuania ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Seimas Ombudsmen were entrusted with performing of the national prevention of torture and, from 1 January 2018 were assigned the functions of the National Human Rights Institution.

Investigation of complaints

The powers of the Seimas Ombudsmen to investigate citizens' complaints about abuse of office and bureaucracy of officials stem from the Constitution of the Republic of Lithuania, Article 73 and are specified in more detail in the Law on the Seimas Ombudsmen. The investigation of complaints constitutes a major part of the activities of the Seimas Ombudsmen, to which special attention is provided.

The Seimas Ombudsmen, in order to implement the right to proper public administration, using all rights conferred by law, investigate complaints, objectively evaluate the facts specified in a complaint, make decisions, provide recommendations to institutions, analyse information on the implementation of recommendations, and, if necessary, take other measures to ensure effective implementation of recommendations.

Seimas Ombudsmen actively respond to information received from the media or other means about possible abuse of office of officials, bureaucracy or other violations of human rights and freedoms. In such cases, the Seimas Ombudsman carries out investigations on its own initiative.

The right of the Seimas Ombudsmen to mediate between an individual and an official failing to solve the problem of a complaint is the traditional right of ombudsmen, implemented throughout the world. This right is also provided for in the Law on the Seimas Ombudsmen, which allows Seimas Ombudsmen to mediate in order to resolve a person's problem

in good faith. Mediation is applied where there are grounds for refusal to investigate a complaint provided for in the Law on the Seimas Ombudsmen Article 17 in cases provided for in items 6 and, sometimes 3 of part 1. This allows to solve issues raised in the complaint of an individual in a quick and effective manner. When mediating between individuals and state or self-government institutions and providing recommendations, the Seimas Ombudsman draws the attention of officials to the problem which should be solved. The ombudsman evaluates the information received from institutions on the implementation of recommendations. If the mediation procedure does not solve the problem and the recommendations are not followed up, the complaint is investigated more intensively. It should be noted that the mediation procedure makes it possible to significantly shorten the time of investigation of complaints and to solve the issues that are relevant to the complainants within 1-1.5 months, while dedicating more attention to the investigation of complaint issues that are complex and relevant to a significant part of society.

Only when people are assured that their rights and freedoms are protected, and effectively protected in the event of a violation, confidence in the state and its institutions will increase. Effective protection of human rights and freedoms is ensured by various means: by investigating complaints, conducting investigations at own initiative, mediating between individuals and the state, collaborating with non-governmental organisations, etc. It should be emphasised that effective protection of human rights is only possible if all the human rights measures envisaged are implemented, without limiting the application of any of these.

National prevention of torture

Since 2014, the Seimas Ombudsmen have been implementing the national prevention of torture¹, by regularly visiting the places of detention. In accordance with the Law on the Seimas Ombudsmen,

Article 19¹ (2), the place of detention is any place under the jurisdiction of the Republic of Lithuania or controlled by it, in which the freedom of persons is or may be restricted, in accordance with the decision of the public authority or upon its calling or with its consent or approval, i.e. arrest houses of police commissariats, imprisonment, nursing, mental health, communicable disease treatment facilities, facilities for detention or accommodation of foreigners and other. According to the data available to the Seimas Ombudsmen's Office, there are more than 400 places of detention in Lithuania.

In carrying out the national prevention of torture, Seimas Ombudsmen use broad powers, i.e. have the right to choose which places of detention to visit and which persons to question, access to all places of detention and all premises therein, to familiarise themselves with their equipment and infrastructure, to speak without witnesses with persons deprived of liberty, and to question any other persons who could provide relevant information. Moreover, the Seimas Ombudsmen have the right to carry out inspections of the places of detention together with the selected experts. In performing this function, they make continuous visits to places of detention and carry out inspections to determine if there are any forms of torture or other forms of cruel, inhuman or degrading treatment, or if otherwise human rights are violated, as well as supervise the implementation

of the recommendations of the Seimas Ombudsmen. Each year, about 50 visits are conducted at places of detention.

In the course of the National prevention of torture, it has become clear that torture and other human rights abusive activities are important and promote positive results: various types of violations of human rights are identified, which were unknown while investigating complaints; the attention of the institutions is drawn to the problems, aspects which may lead to violations of the rights of detainees, promoting a progressive and respectful attitude, with a view to achieving the long-term objective of ensuring that the rights of persons held in the places of detention are not violated. The ongoing national prevention of torture is an important contribution to improving the human rights situation in the country through the recommendations made to Lithuania during the Universal Periodic Review of the UN Human Rights Council and by various other international institutions.

National Human Rights Institution

The origin and scope of the National Human Rights Institutions (NHRI) is closely linked to the international mechanism for the protection of human rights. The concept of the work of the NHRI was formulated in the United Nations (UN) General Assembly in 1993 in Resolution No. 48/134, which encourages the Member States to set up an NHRI, emphasising the need for such institutions to adhere to the principles governing their status, operational guidelines and the main requirements (the Paris Principles) The adopted document provides that the status of the NHRI is granted to national institutions provided that they are independent and able to ensure the provision of objective human rights insight (opinion) on the progress of human rights in the country to international human rights organisations, participation in consideration of the state prepared reports on the requirements of the provisions of the UN Human Rights Protection conventions independently from the state governance authorities.

¹ After ratification by the Seimas of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of the UN Convention, the Seimas Ombudsmen were entrusted with engagement in the national prevention of torture in places of detention and performing constant visits to them, while the Seimas Ombudsmen's Office was appointed as the National Prevention Mechanism (NPM). This Protocol, adopted by the UN General Assembly on 18 December 2002, confirmed that the protection of detained persons from mistreatment can be strengthened by regular inspections of places of detention. This has led to the creation of a system whereby representatives of independent international and national institutions regularly visit places of detention to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The Seimas Ombudsmen's Office in the Strategic Plan of Action of the Seimas Ombudsmen's Office of 2015-2017 approved by order No. IV-4 of the Head of the Seimas Ombudsmen's Office dated 14 January 2015, has set the strategic goal of becoming an "A" status accredited national human rights institution. The UN Committee for the Coordination of National Human Rights Institutions in a letter of 23 March 2017 No. 1D-993 has informed that the application of the Seimas Ombudsmen's Office for accreditation has been considered, evaluated and the Seimas Ombudsmen's Office of the Republic of Lithuania was accredited as the national human rights institution (A Status), which complies with the Paris Principles.

The Seimas of the Republic of Lithuania on 7 December 2017 adopted the Law on amending Articles 3, 19, 19¹ of the Law on the Seimas Ombudsmen No. VIII-950 and supplementing it with Article 19² (effective from 1 January 2018), which defines the new areas of competence of the Seimas Ombudsmen in the exercise of the functions of the national human rights institution:

- ▢ carry out monitoring of human rights in Lithuania and prepare human rights reports;
- ▢ disseminate information on human rights and raise public awareness on human rights issues;
- ▢ present the evaluation of the human rights situation in Lithuania at international organisations and provide them with information on the commitments established in international agreements of the Republic of Lithuania;
- ▢ provide proposals to state and municipal institutions and bodies on human rights issues;
- ▢ seek to bring national legislation in line with the international commitments of the Republic of Lithuania in the field of human rights;
- ▢ initiate investigations on fundamental human rights issues.

One of the objectives of the NHRI is to promote the implementation of recommendations made to

Lithuania during the UN Universal Periodic Review. In 2016, during the second Universal Periodic Review cycle, the Republic of Lithuania reported to the UN Human Rights Council. A total of 172 recommendations were provided to the country during the twenty-sixth session of the Universal Periodic Review (in this session, the review of human rights activities of the Republic of Lithuania was carried out). The Seimas Ombudsmen's Office, in performance of the functions of the NHRI, will oversee and present an opinion on how Lithuania has complied with the recommendations made to it during the second cycle of the Universal Periodic Review. This way the Seimas Ombudsmen's Office contributes to the implementation of international commitments assumed by the Republic of Lithuania and the safeguarding of human rights.

In 2017, the Seimas Ombudsmen's Office spoke in the UN Working Group on the Human Rights Issues of Senior Citizens, and participated in the working groups of the Council of Europe on the implementation of the European Social Charter. In 2016, the Seimas Ombudsmen's Office advised the State of Lithuania in preparation for the country's second report to the UN Committee on the Rights of Persons with Disabilities on the progress of implementation of the provisions of the Convention on the Rights of Persons with Disabilities. The office also collaborates with the Ministry of Foreign Affairs in preparation for the consideration of the Republic of Lithuania in the UN Committee on Forced Disappearances, preparing for the fourth report of Lithuania pursuant to the UN International Covenant on Civil and Political Rights of 1966 and the 9th and 10th periodic reports of Lithuania under the International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965).

It is necessary to emphasise the critical role of the NHRI in systematically analysing and summarising the information for reports being prepared, conducting research on fundamental human rights issues, evaluating national legislation for its compliance with universally recognised human rights principles

and standards, providing recommendations on conditions for the elimination of possible human rights violations, etc. With a view to more effective implementation of decisions and recommendations, the NHRI invokes international, regional and national human rights mechanisms, national courts and the European Court of Human Rights, collaborates with government and non-governmental organisations and involves experts and representatives of the academic community working in various fields of human rights.

MAJOR CHALLENGES TO HUMAN RIGHTS IN THE COUNTRY

In identifying the most important human rights issues in the country, the Seimas Ombudsmen took into consideration the scale and the systematic nature, the relevance of each of these and considered whether the problem affects vulnerable groups of the society. It is widely recognised that the state must pay particular attention to the protection of vulnerable groups, therefore, by raising key issues, a focus was made on the impact of the problem on vulnerable groups². For example, institutional nursing problem is related to several vulnerable groups: these are elderly people with physical or mental disabilities, and children. On the other hand, by highlighting fundamental human rights issues, the Seimas Ombudsmen's Office paid much attention to the key violations of human rights that should not be tolerated by the state in fulfilling its international human rights commitments³, and preconditions for their emergence should be eliminated.

² UN Committee on Economic, Social and Cultural Rights, General Comment, 1992, No. 20, E/C.12/GC/20.

³ The Ministry of Foreign Affairs, international treaties signed, adopted and in force by the Republic of Lithuania, available at: <https://www.urm.lt/default/lt/uzsienio-politika/tarptautines-sutartys/konvencijos/jungtines-tautos>.

In assessing human rights concerns, the main international instruments governing the protection of human rights, to which Lithuania is a party, are taken into account, including the Universal Declaration of Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, International Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other documents.

Punishment execution problems

Among the European Union countries, Lithuania is one of the "leaders" in terms of the number of imprisoned persons⁴. There are 11 imprisonment establishments in the country⁵. Comparing the data of 2012, when the number of sentenced persons in the country amounted to 9 754, in 2017 there were 6 693 persons in institutions of imprisonment⁶. The decrease in the number of people arrested (from 1 304 in 2012 to 611 in 2016) also indicates positive state efforts in addressing the imprisonment problems in the country, but reoccurring decisions of the legislative authority to criminalise new acts are alarming⁷. However, degrading conditions of detention still remain a sensitive issue in the country. The Seimas Ombudsmen and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter

⁴ Annual criminal statistics reports of the Council of Europe.

⁵ Imprisonment institutions are institutions where accused persons are awaiting trial and convicted persons are serving sentences. Detention in Lithuania is carried out in both remand prisons and arrest houses.

⁶ Data of the Prison Department under the Ministry of Justice of the Republic of Lithuania of December 2017.

⁷ Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 2016 (2018), p. 22.

referred to as the CPT; Committee for the Prevention of Torture) has repeatedly drawn the state's attention to poor conditions in the country, recognising that in Lukiškės⁸ and Šiauliai Remand Prison, Vilnius, Alytus and Pravieniškės Correctional Houses and at the Hospital of Imprisonment, the sanitary conditions are not in compliance with the legal requirements, the premises are insufficiently heated and ventilated, the cells accumulate moisture, the walls are covered with mould, prisoners are kept in overcrowded cells⁹. Recalling Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Court of Human Rights (hereinafter referred to as the ECtHR) recognised its violation by stating that the sanitary conditions in the Šiauliai Remand Prison are poor in particular: old and worn out rooms, damp and detached chambers, dirty toilets, worn out bed linen¹⁰. Cases of damage compensation caused by unlawful actions of authorities without ensuring proper conditions of detention and imprisonment were the main part of the case law of the Supreme Administrative Court of Lithuania. In 2017, claims for compensation of material and non-material damage incurred during arrest and detention were mainly related to small areas in the cells of imprisonment institutions¹¹.

In examining the convicts' complaints about incarceration conditions, the ECtHR noted that the shortage of living space cannot be compensated for by the freedom of movement in the territory for prisoners and the fact that other material conditions were guaranteed to them. Accepting

the fact that the Lithuanian courts found violations related to the breach of minimum area of residential space, the ECtHR recognised that imprisonment in overcrowded conditions could not be considered as brief or accidental¹².

The Seimas Ombudsmen's Office receives numerous complaints concerning violence in prisons. During the visit to Lithuania, the Committee against Torture drew the attention of the state to the violence among prisoners spreading in Marijampolė and Alytus Correctional Houses. Convicts, avoiding violence against them, refuse to live in general regime groups rather choosing discipline groups¹³, which do not ensure the opportunity to contact with officials without much effort; penalty isolation cells are incorrectly fitted; disciplinary group convicts cannot walk in the yard or the assigned yard is small and dark¹⁴. Moreover, restricts the rights of the discipline group residents, although they have not committed disciplinary violations. It should be noted that in addition to the duty of the staff of correctional institutions to take care of their wards, there is a responsibility to protect them from other prisoners living in the cell who want to harm them¹⁵, and the state has, in certain cases, a positive obligation to take preventive measures and to protect persons in order to prevent criminal offenses committed against them¹⁶.

In performing the monitoring of human rights in prisons, the Seimas Ombudsmen have repeatedly emphasised that the state has a positive obligation to ensure that prisoners are provided with

⁸ Decision of the ECtHR Savenkov v. Lithuania, No. 871/02, 18-11-2008.

⁹ Report of the Seimas Ombudsmen's Office on the monitoring of human rights in the places of detention, reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 2010, 2012, 2016 (published in 2018).

¹⁰ Vitanis and Šukys vs. Lithuania (petition No. 51043/13 and 54553/13); CPT report 2014, p. 23.

¹¹ Review of activities in 2017 of the Supreme Administrative Court of Lithuania, 2017.

¹² Stemplys and Debesys v. Lithuania (No. 71024/13, 71974/13) 17-10-2017.

¹³ Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 2016 (2018), p. 26.

¹⁴ Activity report of Seimas Ombudsmen in 2015 (2016) p. 99

¹⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The CPT standards relating to correctional institutions, Extract from the Eleventh General Report (2011).

¹⁶ Česnulevičius v. Lithuania (petition No 13462/06), 10-01-2012.

appropriate conditions of detention that do not violate the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and to ensure the proper implementation of the UN Conventions on the Rights of Persons with Disabilities by providing sufficient space to move freely when sitting in a wheelchair; people with mobility difficulties are provided with wheelchairs and other adequate means of compensating for physical disability (walking sticks, walking supports); stairs leading to dining rooms, separate library for disabled people, family doctor, dentist, psychologist's offices, are adapted for persons with a mobility handicap (with handrails and racks in the room, a lift or an elevator at the stairs)¹⁷.

The Seimas Ombudsmen note that the country needs to address the issues related to the improvement of imprisonment conditions, in fulfilling its international commitments in the field of human rights. The issue of relocation of Lukiškės Remand Prison – Closed Prison is one of the most urgent issues in absence of repeated commitments to the Committee for the Prevention of Torture – to close (move) the Lukiškės Remand Prison – Closed Prison¹⁸. Having acknowledged the inappropriate conditions of detention in this institution, the ECtHR has also obligated to make the immediate decision to close this institution, in the case *Aleksandravičius and others v. Lithuania* by establishing that the convicted persons were kept in degrading conditions thus violating Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.¹⁹ The ECtHR also maintained the same views in respect of the degrading

conditions in the Šiauliai Remand Prison²⁰. Based on the conclusions of the CPT report, which indicate that the Šiauliai Remand Prison is old and neglected and its cells are wet, mouldy, emphasised that the state has not provided any evidence that the conditions in this institution have changed²¹. The Seimas Ombudsmen note the lack of efforts to modernise detention facilities and the unfulfilled Plan for the modernisation of places of deprivation of liberty and its implementation measures for 2009-2017,²² and the slow implementation of the Programme for the modernisation of places of deprivation of liberty²³ may lead to further systematic violations of human rights.

Concerns have been raised in the latest CPT report about repeated violations of human rights due to the lack of compliance with minimum accommodation standards in prisons, lack of hygiene and overcrowding, as well as violence among prisoners. The problem of spreading HIV/AIDS and hepatitis C in detention facilities has also been highlighted²⁴. In organising a meeting with the members of the Committee for the Prevention of Torture, presenting the preliminary findings of the committee, the Seimas Ombudsmen drew the attention of the state to the need to address the identified human rights violations²⁵. The Seimas

²⁰ *Mironovas and others v. Lithuania* (petition No. 40828/12, § 149).

²¹ *Vitanis and Šukys vs. Lithuania* (petition No. 51043/13 and 54553/13).

²² Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 2008 p. 23.

²³ Report of the Government of the Republic of Lithuania on the measures taken or envisaged to implement the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment presented during the visit on 5-15 September 2016 in Lithuania.

²⁴ Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 2018 (2016) p. 24.

²⁵ Meeting with the CPT initiated by the Seimas Ombudsmen to present preliminary findings to the heads of institutions, available at <https://goo.gl/xLYTvQ>.

¹⁷ Activity report of Seimas Ombudsmen in 2016, report of the Seimas Ombudsmen on the Situation of Human Rights in the Alytus Correction House, 21-07-2016, No. 2016/1-55.

¹⁸ Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 2008, p. 23; report of 2012, p. 50, report of 2018, p. 23.

¹⁹ The case of the European Court of Human Rights (2017) *Aleksandravičius and others v. Lithuania* (petitions No. 32344/13, 43576/13, 49516/13, 65956/13 and 71139/13).

Ombudsman, in a meeting with the Minister for Justice on HIV/AIDS in prisons organised in 2017, drew the attention to the need to include in the plan the measures recommended by the World Health Organisation covering the education of convicts, voluntary testing of convicts, distribution of condoms, as well as the replacement treatment of convicts-drug abusers, and care for the HIV/AIDS treatment of infected individuals²⁶.

Institutional nursing issues

There are nearly 300 (three hundred) adult and child care and nursing facilities in the country with over 16,000 places²⁷. These institutions accommodate disabled adults; disabled children are separated from the community, the right to choose, equally with others, the place where they want to live and with whom and the right not to be accommodated in a specific residential environment enshrined in the United Nations Convention on the Rights of Persons with Disabilities²⁸ is not ensured, therefore, the placement of persons in institutions is considered to be an erroneous practice and violation of human rights, which leads to social exclusion of people, their dependence on the nursing system and lower quality of life.

It is necessary to understand clearly and unequivocally what the right to live in the community means, because the incorrect treatment of this right can replace one kind of exclusion with another. Moreover, usually a meaningful reform of social policy, that has an impact on the entire state budget, is required; it often involves several stakeholders,

and coordination of activities of state and municipal institutions is important for its implementation. Living in the community means not only the physical accommodation of a person in the community, but also ensuring the opportunity for the person to choose and live independently²⁹.

In order to implement the provisions of the UN Convention on the Rights of Persons with Disabilities, de-institutionalisation began in Lithuania – the transition from institutional nursing to community nursing or close family nursing. The de-institutionalisation in the country was mentioned back in 2000 in the approved Directory of Social Services³⁰, where de-institutionalisation was established as one of the principles of the provision of social services. Today this is one of the priorities of social policy in Lithuania.

According to the guidelines approved by the Ministry of Social Security and Labour³¹, de-institutionalisation is aimed at forming a coherent and coordinated system of assistance and services, enabling every disabled child without parental care, and a disabled person to receive individually tailored services and assistance, to engage in community life and without experiencing social seclusion, to participate in it, to grow in a safe and child-friendly environment, and it is planned to be implemented by 2030. The action plan is set up for the period 2014–2020, with a strategic goal to develop a system of integrated services³².

²⁶ Meeting of the Seimas Ombudsman with the Minister for Justice on HIV/AIDS problems in detention facilities, available at <https://goo.gl/451iTv>.

²⁷ According to the information of the Seimas Ombudsmen's Office, collected in December 2017.

²⁸ Lithuania has ratified the Convention on the Rights of Persons with Disabilities on 18 August 2010, also approved a separate complaint procedure under the Optional Protocol to the Convention.

²⁹ Report of the Commissioner for Human Rights of the Council of Europe, 19 April 2017, No. CommDH (2017)7.

³⁰ Order No 70 of the Minister of Social Security and Labour of the Republic of Lithuania of 10 July 2000 "On the approval of the Directory of Social Services in 2000".

³¹ Order No A1-517 of the Minister of Social Security and Labour of the Republic of Lithuania of 16 November 2012 "On the approval of strategic guidelines for the de-institutionalisation of social nursing homes for children with disabilities, children without parental care, disabled adults".

³² Order No A1-83 of the Minister of Social Security and Labour of the Republic of Lithuania of 14 February 2014 "On the approval of the action plan for the year 2014–2020 concerning transition from institutional nursing to family and community services for children with disabilities, children without parental care".

However, the reform process is not very successful, and at the moment the restructuring is still in the preparatory stage. On 7 April 2016 the UN Committee on the Rights of Persons with Disabilities has examined the initial report of Lithuania on the implementation of the provisions of the Convention on the Rights of Persons with Disabilities (hereinafter referred to as the CRPD) and has expressed concerns about many unenforceable articles of the CRPD³³. Nils Muižnieks, the Commissioner for Human Rights of the Council of Europe, drew attention to systematic institutional nursing issues and recommended to speed up the process of de-institutionalisation by adopting more ambitious national strategies to prevent the placement of children in care institutions, to provide more support to families with children and create an effective community-based service system. He reiterated the importance of meeting measurable targets, clear timetables, ensuring independent monitoring of the process and the involvement of disabled people and their representative organisations. The commissioner admitted the absence of progress in the process of de-institutionalisation of adults with disabilities, which is hampered by lack of cooperation between the responsible public authorities and the related lack of funding³⁴.

Problems of institutional cooperation are also raised by experts from responsible institutions, at the meeting with the NGOs and social work expert from the US Vivian Ngwa on 5-6 February 2018³⁵. It is also worth mentioning the evaluation of the child

care system carried out by the National Audit Office in 2014. The authors of the evaluation found that this system was not effective and, during its operation, failed to ensure that the interests of the children are always protected or their needs adequately satisfied. It has been acknowledged that due to unscheduled and unsatisfactory measures the majority of the results of the reform of the child care system were not achieved due to the lack of proper planning and implementation of the necessary measures, the environment in some child nursing homes is not close to the family environment, the minimum needs of the child are not ensured, children are not adequately prepared for independent life and adaptation and integration into society³⁶.

During the transition period, state funds planned for the restructuring of stationary social nursing institutions, which should accommodate the children left without parental care (including infant homes), disabled children, disabled adults, will be allocated only for maintenance of minimum sanitary conditions, heating, etc. However, according to the information collected by the Seimas Ombudsmen, the living conditions in many nursing institutions, etc. are not in line with international human rights standards. In the course of the national prevention of torture, a total of 79 adult and child care and socialisation institutions were inspected in 2014-2017. During the visits ombudsmen identified a number of human rights problems related to the preservation of dignity, the right to privacy, autonomy, meaningful participation, security, and adequate provision of persons. There are institutions with inadequate facilities and some even operate without a license to provide custody services. The Seimas Ombudsmen issued many recommendations to social care institutions and responsible state and municipal institutions³⁷.

³³ Report of the Committee on the Rights of the Disabled dated 11 May 2016 No. CRPD/C/LTU/CO/1.

³⁴ Report of the Commissioner for Human Rights of the Council of Europe, dated 19 April 2017, No. CommDH(2017)7 after the visit to Lithuania on 5-9 December 2016.

³⁵ The meeting was organised by the US Embassy in Lithuania together with the association "Lithuanian Disability Forum" in order to share the US experience of de-institutionalisation of people with disabilities and community offered services as an alternative to institutional nursing.

³⁶ Report of the National Audit Office of 31 January 2014 No. VA-10-3-1 "Does the child care system comply with the best interests of the child in custody?"

³⁷ See reports of the Seimas Ombudsmen <http://www.lrski.lt/lt/nacionaline-kankinimu-prevencija-nkp.html>.

Regulatory issues of mental health

According to the data of the Health Information Centre of the Institute of Hygiene, more than 160 thousand people with mental and behavioural disorders are being registered each year in the country since 2010³⁸. Currently there are 25 permanent mental health facilities operating.

It should be noted that the Law of the Republic of Lithuania on Mental Health Care (hereinafter referred to as the Law on Mental Health) was adopted in 1995, but since then no strategic changes have been made to the law, and part of the ongoing or planned amendments to the law have been criticised by non-governmental³⁹ and international organisations. The concluding comments of the report for Lithuania of the UN Committee on the Rights of the Persons with Disabilities of 11 May 2016⁴⁰, the report of the Commissioner for Human Rights of the Council of Europe of 19 April 2017⁴¹, and the report of the European Committee Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1 February 2018⁴² all express concern about the current legal situation that does not ensure the adequate protection of

fundamental human rights and freedoms in the field of mental health care.

As a participant in the UN Convention on the Rights of Persons with Disabilities, Lithuania is committed to ensuring that persons with disabilities implement, on equal grounds with others, the right to personal liberty and security in such a way that such persons are not deprived of their liberty unlawfully or arbitrarily, in order to bring their deprivation of liberty into conformity with the law and that deprivation of liberty in no way is justified by disability⁴³. Unfortunately, the concluding observations to Lithuania of the UN Committee on the Rights of Persons with Disabilities dated 11 May 2016, expressed a deep concern about the implementation of Article 14 of the Convention on the Rights of Persons with Disabilities and recommended to immediately repeal the laws allowing deprivation of liberty for disability, compulsory treatment, limitation or isolation, and to adopt new legislation prohibiting such practices, by performing this also in the current draft amendment to the Law on Mental Health (hereinafter referred to as the Draft Law)⁴⁴.

The Committee Against Torture after its visits to our country in 2016 also highlighted that due to slow and insufficient legal changes in involuntary hospitalisation and forced treatment, most of the CPT recommendations made after the visit in Lithuania in 2008 were not implemented, and called on the authorities to speed up the adoption of the new version of the Law on Mental Health⁴⁵.

During the last two years (2016-2017), the Seimas Ombudsmen provided recommendations and suggestions on the Draft Law to various state institutions and repeatedly pointed out that not

³⁸ Health Information Centre of Hygiene Institute "Health of Lithuanian residents and activities of health care institutions 2016", 2017, Table 2.5.1.

³⁹ Expert opinion of Public Institution "Mental Health Perspectives", 14-02-2018 "On the Draft amendment to the Law on Mental Health Care of the Republic of Lithuania No. I-924" No. 1337; Expert opinion of the Psychologists Union of Lithuania, 14-02-2018 "On the Draft amendment to the Law on Mental Health Care of the Republic of Lithuania No. I-924" No. 2018/IR012; Expert opinion of the association "Lithuanian Disability Forum" 14-02-2018 "On the Draft amendment to the Law on Mental Health Care of the Republic of Lithuania No. I-924" No. 791.

⁴⁰ Report of the Committee on the Rights of the Disabled dated 11 May 2016 No. CRPD/C/LTU/CO/1.

⁴¹ Report of the Commissioner for Human Rights of the Council of Europe, 19 April 2017 No. CommDH(2017)7.

⁴² Report of the Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1 February 2018 No. CPT/Inf (2018) 2.

⁴³ United Nations Convention on the Rights of Persons with Disabilities, Article 14, 13 December 2006.

⁴⁴ Report of the Committee on the Rights of the Disabled dated 11 May 2016 No. CRPD/C/LTU/CO/1.

⁴⁵ Report of the European Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1 February 2018 No. CPT/Inf (2018) 2.

all of its provisions comply with international standards for the protection of human rights and the commitments of the Republic of Lithuania⁴⁶.

It is noteworthy that the Draft Law places great emphasis on involuntary hospitalisation and forced treatment, which, in the opinion of the country's non-governmental organisations, does not reflect the complexity of mental health services⁴⁷. Similarly, the Draft Law does not provide for a coherent procedure for involuntary hospitalisation and forced treatment⁴⁸ has no clear and specific criteria for possible hospitalisation⁴⁹. It should be emphasised that neither the current version of the Law on Mental Health, nor the Draft Law distinguish between involuntary hospitalisation and compulsory treatment procedures. The CPT in its recommendations to Lithuania has repeatedly spoken about the separation of these procedures and emphasised that patients in mental health facilities should be given the opportunity to express their free and informed consent to treatment. A person's involuntary hospitalisation in

a mental health facility should not be regarded as an authorisation to treat a person without his consent⁵⁰.

It should be noted that the Draft Law stipulates a longer period for involuntary hospital admissions without permission of the court. The existing provisions of the Law on Mental Health provide for the possibility of involuntary hospitalisation and compulsory medical treatment of a person in a mental health facility for a maximum of two days without permission of the court⁵¹, however, according to the legal regulation provided for in the Draft Law, a patient may be hospitalised in a mental health facility without a court order, including a judgment on the patient's involuntary hospitalisation and extension of involuntary treatment for up to 8 days⁵².

It should be noted that both the Seimas Ombudsmen of the Republic of Lithuania and the Committee Against Torture have repeatedly emphasised the need to ensure the patients' right to be heard by a judge individually when dealing with the matter of their involuntary hospitalisation⁵³. Article 14 (2) of the Draft Law establishes and envisages this right and the following possibilities: for the person (physically) to attend a court hearing or, if this is not possible due to health conditions, to be heard by a representative of the court in a mental health facility or by way of a

⁴⁶ Letter of the Seimas Ombudsmen's Office to the Director of the State Centre for Mental Health dated 27 July 2016 "On the draft Law on the Amendment of the Law on Mental Health Care" No. 1/3D-2212; Report of the Seimas Ombudsmen's Office of the Republic of Lithuania dated 15 June 2017 "On the situation of human rights in the Hospital of the Lithuanian university of Health Sciences, in the Psychiatric Clinic of Kauno Klinikos and at the public institution at the Vilnius Mental Health Centre" No. 2017/1-35; Letter of the Seimas Ombudsmen's Office to the Minister of Health of the Republic of Lithuania dated 11 July 2017 "On the Draft Law on the Amendment of the Law on Mental Health Care of the Republic of Lithuania".

⁴⁷ Expert opinion of the Psychologists Union of Lithuania, 14-02-2018 "On the Draft Amendment to the Law on Mental Health Care of the Republic of Lithuania No. I-924" No. 2018/IR012.

⁴⁸ Expert opinion of the association "Lithuanian Disability Forum" 14-02-2018 "On the Amendment of the Law on Mental Health Care of the Republic of Lithuania No. I-924" No. 791.

⁴⁹ Expert opinion of the Psychologists Union of Lithuania, 14-02-2018 "On the Draft Amendment to the Law on Mental Health Care of the Republic of Lithuania No. I-924" No. 2018/IR012.

⁵⁰ Report of the European Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment dated 25 June 2009 No. CPT/Inf (2009)22; Report of the European Committee Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment dated 4 June 2014 No. CPT/Inf (2014) 18.

⁵¹ The Law of the Republic of Lithuania on Mental Health Care No. I-924, Article 28.

⁵² For example: the patient is involuntary hospitalised on Monday for three working days; 48 hours after the beginning of involuntary hospitalisation, namely, on Wednesday, the court is contacted for extending the period of involuntary hospitalisation; on the next day (Thursday) the court starts to consider the application and has to make a decision on it within 3 business days, i.e., by the end of Monday (working day) of the next week.

⁵³ Report of the Seimas Ombudsmen of 15-06-2017, No. 2017/1-35, CPT/Inf (2014) 18] 98, CPT/Inf (2018) 2.

survey; however, it does not provide how the person should be transported to the court and who should do it, and that the person's participation in the court hearing in the matter of his involuntary hospitalisation is compulsory. Moreover, the possibility to be heard by a representative of the court in a mental health facility does not guarantee the right of a person to be heard by a court, namely, a judge; therefore, it is suggested to stipulate that a person must be provided with an opportunity to be heard by a judge⁵⁴.

Seimas Ombudsmen⁵⁵, the Committee for the Prevention of Torture⁵⁶ and non-governmental organisations operating in Lithuania,⁵⁷ evaluating the existing involuntary hospitalisation procedure in the country, emphasised the importance of the opinion of psychiatrist or the commission independent of the institution that initiated involuntary hospitalisation, on the condition of the person subject to involuntary hospitalisation, as the legislation in force does not require judges to seek alternative opinion and they virtually never seek it⁵⁸.

Moreover, attention should be paid to the fact that, under the current legal regulation on involuntary hospitalisation, the court's ruling on the issue of an authorisation to extend the period of involuntary

hospitalisation is not subject to appeal (Code of Civil Procedure of the Republic of Lithuania, Article 582 (7)). Article 14 (5) of the Draft Law provides that: "A person with mental illness and behavioural disorders and/or his spouse is entitled to go to court for appealing against a decision of a doctor psychiatrist on involuntary hospitalisation"⁵⁹, but this provision would not be implemented in practice due to regulatory imperfections, i.e. the incompatibility of the new version of the Law on Mental Health Care with the current provisions of the Code of Civil Procedure⁶⁰. It should be noted that the ECtHR has also noted these shortcomings of the legal regulation in the judgement *D.D. v. Lithuania*, by acknowledging that the complainant had no opportunity to independently go to court in order to exercise the remedies for the disputing of involuntary accommodation in a nursing home thus violating Article 5 (4) of the Convention for the Protection of Human Rights and Fundamental Freedoms (right to liberty and security)⁶¹.

The Council of Europe's Commissioner for Human Rights also expressed concern about the limited creation of alternatives to supporting decisions that would be based on the consent of people with disabilities and ensure the proper representation of their rights. The Commissioner also emphasised that, despite the amendments to the Civil Code have entered into force on 1 January 2016, allowing the recognition of a person legally incapable only in a specific area, according to the information of 2016, in more than 60 cases in Lithuania persons were declared legally incapable and only in 25 cases the incapacity was restricted to specific areas⁶².

⁵⁴ Letter of the Seimas Ombudsmen's Office to the Minister of Health of the Republic of Lithuania dated 11 July 2017 "On the Draft Amendment to the Law on Mental Health Care of the Republic of Lithuania".

⁵⁵ Report of the Seimas Ombudsmen of 15-06-2017, No. 2017/1-35.

⁵⁶ Report of the European Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 01-02-2018, No. CPT/Inf (2018) 2.

⁵⁷ Expert opinion of the public institution "Mental Health Perspectives", 14-02-2018 "On the Draft Amendment to the Law on Mental Health Care of the Republic of Lithuania No. I-924" No 1337; Expert opinion of the association "Lithuanian Disability Forum" of 14-02-2018 "On the Draft Amendment to the Law on Mental Health Care of the Republic of Lithuania No. I-924" No 791.

⁵⁸ Report of the European Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1 February 2018, No. CPT/Inf (2018) 2.

⁵⁹ Draft Amendment to the Law on Mental Health Care of the Republic of Lithuania No. Article I-924, Article 14 part 5.

⁶⁰ Expert opinion of the association "Lithuanian Disability Forum" of 14 February 2018 "On the Draft Amendment to the Law on Mental Health Care of the Republic of Lithuania No. I-924" No 791.

⁶¹ The European Court of Human Rights decision *D. D. v. Lithuania* of 14 February 2012 (Application No. 13469/06).

⁶² Report of the Commissioner for Human Rights of the Council of Europe of 19 April 2017, No. CommDH(2017)7.

Issues of access to information

Ensuring the right to receive information from state and municipal institutions is one of the fundamental prerequisites of democracy, as this tool of democratic control and supervision enables the public to participate as a fully capable partner in state affairs. The protection of this right is enshrined in the European Convention on the Protection of Human Rights and Fundamental Freedoms (Article 10) and the Constitution of the Republic of Lithuania (Article 25). Speaking about freedom of expression, the Constitutional Court of the Republic of Lithuania noted that “the constitutional freedom to unhindered search, receipt and dissemination of information and ideas is one of the fundamentals of an open, just, harmonious civil society, a democratic state. This freedom is an important prerequisite for the implementation of individual rights and freedoms enshrined in the Constitution, as a person can fully exercise many of his/her constitutional rights and freedoms only when having the freedom to search, receive and disseminate information without hindrance. The Constitution guarantees and protects the public interest of being informed”⁶³. As a result, when examining citizens' complaints, the Seimas Ombudsmen draw attention to the fact that when providing information to citizens or the media, state and municipal institutions must comply with the Law of the Right to Receive Information from State and Municipal Institutions and Bodies, the Law on Public Information, the Law on Municipal Administrative Supervision, the Law on Local Government and other laws and legal acts provisions. The Seimas Ombudsmen note that no unanswered questions and uncertainties should be left in providing answers to the appeals of individuals. The public administration entity must

respond clearly and reasonably to the request or complaint, indicating all the circumstances that influenced the processing of the claim or complaint, and the specific provisions of the legislation used to evaluate the substance of the request or complaint⁶⁴.

The tendency to restrict the freedom of the media to receive information is also seen in the investigation of complaints filed by the media to the Seimas Ombudsmen about the refusal of the officials of municipalities and state institutions to provide information or unjustified delays in providing information. The Seimas Ombudsmen point out that information to publishers and disseminators of public information is not always provided on time, thereby limiting the media's ability to fulfil their professional duty – to inform the society in a timely manner⁶⁵. When investigating complaints about the right to information, the Seimas Ombudsmen also point out unjustified restrictions on access to information. When assessing the reasons for not providing information, the Seimas Ombudsmen questioned whether the provisions of a commercial contract might have a higher power than the law. Moreover, according to the Seimas Ombudsman, limiting the use of information on the use of the European Union or other public finances in the context of commercial secrecy is unjustified and contradicts the public interests⁶⁶. As stated by

⁶⁴ Seimas Ombudsman's Statement No. 4D-2017/1-1470 dated 24-10-2017.

⁶⁵ Statement of the Seimas Ombudsman on complaint against Anykščiai district municipality administration No. 4D-2013/4-87, available at <http://www.lrski.lt/lt/seimo-kontrolieriu-pazymos/send/2-seimo-kontrolieriu-pazymos/6812-pazyma-del-skundo-pries-anyksciu-rajono-savivaldybes-administracija.html>.

⁶⁶ Certificate of the Seimas Ombudsman on the activities of Panevėžys City Municipality Administration, No. 4D-2014/2-631, available at <http://www.lrski.lt/lt/seimo-kontrolieriu-pazymos/send/2-seimo-kontrolieriu-pazymos/7985-pazyma-del-seimo-kontrolieriaus-savo-iniciatyva-atlikto-tyrimo-del-panevezio-miesto-savivaldybes-administracijos-veiklos.html>.

⁶³ Constitutional Court of the Republic of Lithuania, resolution on the protection of privacy of a public person and the right of the journalist not to disclose information source Official Gazette, No 104-4675 (2002), available at <http://www.lrkt.lt/lt/teismo-aktai/paieska/135/ta311/content>.

the Supreme Administrative Court of Lithuania, the recognition of any information of the entity of public administration as a commercial secret would not be compatible with the nature of the functions performed by the entity of public administration, as it would allow the non-disclosure of even insignificant information and would create unjustified preconditions for the entity of public administration to abuse this civil law institute⁶⁷.

The right to information is one of the most fundamental human rights, because in absence of necessary information, a person is not able to properly protect his violated rights, often he is not aware that his rights are being violated, therefore, when visiting places of imprisonment, the Seimas Ombudsmen evaluate whether information is accessible to persons deprived of liberty and whether this information is provided in a clear and comprehensible manner⁶⁸. During the visit to the Foreigners' Registration Centre, the Seimas Ombudsman stated that it is impossible to ensure proper communication without the provision of qualified interpreter services to persons who have illegally arrived in Lithuania or reside illegally in the Republic of Lithuania⁶⁹. The restriction of access to information even to persons in detention centres must be justified and proportionate. Referring to the violation of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms on the restricted complainant's right to receive online information in the imprisonment institution on his opportunities to study at a university, the ECtHR acknowledged that the ban

on the convicted person seeking information on study programmes was not justified⁷⁰.

From the complaints of the applicants to the Seimas Ombudsman regarding the right to receive information, it became clear that the statutory deadlines for the processing of applications and complaints are violated most often, and the complainants are not informed about the time limits specified in the legislation; complainants are not informed about the extension of deadlines for processing applications and complaints; applications and complaints are considered incompletely, without substantiating the claims by provisions of legal acts; no appeal procedure is indicated, there are unreasonable refusals to provide requested information and information is not explained or is inaccurate, not matching with the content of the request, etc. It is important to note that the Seimas Ombudsmen recommend that measures be taken to ensure that, in the future, upon receipt of applications, responses to them are made and complainants are informed in accordance with the procedure laid down by law, in particular by paying attention to the statutory principles of the legality and comprehensiveness of information⁷¹.

COOPERATION WITH SOCIAL PARTNERS

The meeting with representatives of the Organisation for Economic Cooperation and Development (OECD) **on 19 January 2017** at the Seimas Ombudsmen's Office focused on how public administration is being implemented in Lithuania, and the ways of combating bureaucracy and abuse of office. The delegation was also interested in how the people of

⁶⁷ Supreme Administrative Court of Lithuania decision of 8 June 2012 in administrative case No. A662-1612/2012.

⁶⁸ Report of the Seimas Ombudsman on the evaluation of the human rights situation in Alytus Correction House No 2016/155.

⁶⁹ Report of the Seimas Ombudsman on the evaluation of the human rights situation in the Foreigners Registration Centre No. 2017/1-49.

⁷⁰ Judgment of the European Court of Human Rights in the case Jankovskis v. Lithuania, petition No. 21575/08.

⁷¹ Seimas Ombudsmen's annual reports, available at <http://www.lrski.lt/lt/administracine-informacija/metines-seimo-kontrolieriu-veiklos-ataskaitos.html>.



the regions could apply to the Seimas Ombudsmen or meet with them, in absence of regional offices, but only the headquarters in Vilnius.



On 2-4 February 2017 in Kiev, Ukraine, the Seimas Ombudsmen participated in the opening ceremony of the EU Twinning Project “Strengthening the Institutional Capacity of the Apparatus of the Ukrainian Parliament Commissioner for Human Rights on issues of Human Rights and Freedoms”. Speaking about the project that mostly focuses on improving legal regulation, in order to prevent violations of human rights and freedoms, the project manager, Seimas Ombudsman Normantas emphasised that the institution of the Ombudsman in the democratic societies is “like a bridge between the society and state institutions”, therefore, its independence and readiness to address human rights problems are one of the most important issues in implementing the EU Twinning project.

At the 4th International Ombudsman Symposium on Migration and Refugees, held in Ankara on **2-3 March 2017**, participants discussed the issues of migration, the scale of the problem, the challenges

faced by the countries accepting huge flows of refugees, and the issue of resettling refugees.

During the meeting with the Australian human rights commissioner Edward Santow on **11 May 2017**, the most important human rights issues were discussed, along with considerations on how national human rights institutions could contribute to their solution. At the meeting, commissioner E. Santow, who was appointed for a five-year term in 2016, also introduced the Australian Human Rights Commission and was interested in the work of the Seimas Ombudsmen's Office.

The international conference in Zagreb organised on **11-12 May 2007** by the Croatian Ombudsman for its 25th anniversary celebrations addressed new challenges and problems faced by the societies in Europe.

The conference focused on the cooperation between human rights and ombudsman institutions and discussed the problems of human rights in national human rights institutions of different countries.



On 26 September 2017, the seminar on social and economic rights organised by the Ombudsman of the Republic of Latvia and international organisations spoke about poverty reduction problems in Europe. The participants of the seminar discussed the dignity of people living in poverty and their inclusion in social life and the labour market, the insights of the European Social Rights Committee of 2013 on the application of Article 30 of the European Charter of Social Rights in European countries, noting that the

Charter is the only legally binding instrument that clearly defines poverty. The meeting also discussed the mechanism of the European Social Pillar and ways to link it to the available monitoring tools, considered the possibilities of national human rights institutions to contribute to poverty reduction in countries, reviewed the European Guidelines on Poverty Reduction and poverty reduction strategies in the Member States of the European Union.



At the meeting of the Baltic and Nordic ombudsmen held in Stockholm, Sweden, on **5-6 October 2017**, issues of national prevention of torture and harmonisation of mandates at the ombudsman's office were discussed, addressing the challenges faced during inspections to institutions and/or by networking with human rights and other institutions. The meeting also discussed the issues of the ombudsman's involvement in the process of law-making. Besides, much attention was paid to awareness-raising activities for enhancing human rights and freedoms. Ways and means to change the perception of a vicious public opinion about certain human rights issues, as well as measures to counteract the negative aspects of the ombudsman's work in the media were also discussed at the meeting.

On 12 October 2017, a meeting with the representatives of the US Embassy Tadas Janis and Giedra Gurevičiūtė-Demereckienė, organised at the Seimas Ombudsmen's Office, had an aim to present replies to the questions sent by the US Embassy in a more detailed manner as well as discuss a report

on the human rights situation in the country. The Report is being prepared every year by the US State Department in Lithuania. Moreover, the new mandate of the Seimas Ombudsmen's Office – the functions of the national human rights institution – was presented at the meeting.

On 23-24 October 2017, at the European Law Academy's seminar "European Union Law on Gender Equality" the participants discussed the European Union legislation regulating the equality of persons, clarified the main concepts and terms, main practical problems related to the burden of proof in cases involving gender discrimination in the courts, award of damages, and protection measures for vulnerable groups due to their gender. The participants also focused on positive obligations under European Union law for the Member States allowing them to address issues relating to equal pay for men and women, the European Union laws, and the jurisprudence of the European Court of Justice and the European Court of Human Rights when protecting equal rights of both sexes.



On 21-22 November 2017, the international conference held by the National Centre for Human Rights of the Republic of Uzbekistan "Comparative indicators for measurement of progress on human rights: international practices and the experience of Uzbekistan" focused on the importance of protecting human rights in the promotion of democratic values, as well as the work of the Seimas Ombudsmen's Office in the field of protection of human rights.



During the meeting with the representatives of the National Equality and Diversity Forum on **21 December 2017**, opportunities for cooperation in solving human rights problems were discussed. The meeting also addressed global trends in ageing and related human rights issues, including the importance of involving older people in tackling older people's issues. Presenting the activities of the association "Lithuanian Disability Forum", its president Dovilė Juodkaitė highlighted the emerging problems of the implementation of the Convention on the Rights of Persons with Disabilities, that are related to the legal capacity institute and ensuring of accessibility for people with disabilities. Meanwhile, the leader of the LGBTQ organisation, Vladimir Simonko, encouraged supporting the approval of the Draft Law on Gender Reassignment prepared by the Ministry of Justice.

COOPERATION WITH INTERNATIONAL ORGANISATIONS AND NETWORKS

International Ombudsman Institute

The International Ombudsman Institute, to which the Seimas Ombudsmen's Office has been affiliated since August 1996, is a non-profit organisation that initiates various studies and research on

ombudsman activities, organises and implements training programmes for ombudsmen, staff and other stakeholders, as well as various seminars and conferences.

In 2017, the Seimas Ombudsmen's Office actively participated in the work of the International Ombudsman Institute by providing information on the work of the institution in response to questionnaires sent to it and voting in the election of the president and members of the governing board of the European region of the International Ombudsman Institute.

European Ombudsman Institute

The European Ombudsman Institute is an organisation that unites 100 European ombudsman institutions, conducting research in the field of protection of human and citizen's rights both nationally and internationally. The institute, in cooperation with local, foreign and international institutions, promotes and supports the idea of an ombudsman institution.

Member of the board of the European Ombudsman Institute, the Seimas Ombudsman Augustinas Normantas on 7 April 2017 attended the board meeting of the European Ombudsman Institute (EOI) in Budapest (Hungary) and the EOI Conference and General Assembly, held on 20-24 September 2017 in Bucharest, Romania.

European Network of Ombudsmen

The European Network of Ombudsmen was established in 1996 and currently unites over 100 human rights institutions in different European countries. The network brings together national and regional ombudsmen bodies. The objective of this network is to improve the possibilities for cooperation between ombudsmen institutions and to help them deal with complaints.

The Seimas Ombudsmen's Office, as a member of the network, provides answers to inquiries from other countries, sends the latest news about the institution and its activities to the network, and participates in conferences and seminars organised by the European Ombudsman's Office.

One of such workshops was held on 19-20 June 2017 in Brussels. It discussed three main topics: growing populism in the European Union, the UK's decision to withdraw from the European Union and open and transparent governance.

European Union Agency for Fundamental Rights

The European Union Agency for Fundamental Rights was established in 2007 and since then has been providing assistance and opinion on fundamental rights issues to the relevant institutions and authorities of the Community and its Member States. The Agency on a continuous basis collects objective information and reliable data on fundamental rights issues and shares fundamental rights in implementing Community law. The Seimas Ombudsmen's Office belongs to the Agency's Information Network (FRANET) and provides it with information on a regular basis.

Moreover, on 27-28 June 2017, a representative of the Seimas Ombudsmen's Office participated in the symposium organised by the European Fundamental Rights Agency together with Malta, which had its presidency of the Council of the EU "Is Europe doing everything in its power to guarantee fundamental rights?" The basis for the discussion was the "Fundamental Rights Report: Challenges and Achievements in 2017" prepared by the agency. Based on 10 years of experience of the Fundamental Rights Agency, the aim was to find out how European and national human rights defenders can improve the protection and diffusion of fundamental rights, with particular focus to the rights of the child.

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 August 2014. Although back then it had not yet been an accredited national human rights institution, but every year it actively contributed to the ENNHRI's activities, providing answers to various inquiries as well as participating in research, seminars and trainings organised by the network. The Seimas Ombudsmen's Office became an official member of the network on 23 March 2017, when it was accredited as the National Human Rights Institution, recognising its compliance with the Paris Principles and granting it the highest "A" status.

From 2014, the Seimas Ombudsmen's Office, together with other European national human rights institutions, has also participated in the project on the protection of the rights of the elderly, aimed to find out how the rights of the elderly are guaranteed in the nursing homes of different countries.

In 2017, representatives of the Seimas Ombudsmen's Office participated in several important events in relation to the above-mentioned issues:

- On 5-7 July 2017, in New York, the United Nations Open-Ended Working Group on Ageing presented the results of the study in the project "Human Rights of Older Persons and Long-Term Care", implemented by ENNHRI and the Seimas Ombudsmen's Office, and discussed the most burning issues in social care institutions;
- On 28-30 November 2017, at the GANHRI General Assembly and the final event of the project "Human Rights of Older Persons and Long-Term Care" the conclusions of the monitoring of human rights in social care institutions were presented. Summarising the conclusions of the project, policy makers, care providers and defenders of elderly rights were offered further guidance, focusing on the implementation of long-term human rights-based supervision and the protection of the rights

of elderly people as well as promotion of social care facilities.

The employees of the Seimas Ombudsmen's Office also travelled to other events organised by the European Network of National Human Rights Institutions:

- The Seimas Ombudsmen's Office as an accredited national human rights institution, from May 29 to June 2 of 2017 attended the Academy of National Human Rights Institutions, with discussions on the methodology of drafting national human rights reports, effective communication strategies and possible challenges for national human rights institutions in dealing with different state institutions and non-governmental organisations. During the training, the Concept of Sustainable Development Goals and its relationship with the daily activities of national human rights institutions were addressed along with the issues of economic and social inequalities, gender inequalities and the challenges of ensuring the rights of socially vulnerable groups.

United Nations

This is an association of states based on the principles approved by the United Nations Charter. Officially the United Nations was founded on 24 October 1945. The main objectives of the United Nations are to maintain peace and security in the world, to protect human rights, to reduce poverty, and to seek social unity and global progress. Members of the United Nations are 193 countries in the world. Lithuania became a member of the United Nations on 17 September 1991.

The Seimas Ombudsmen's Office provides answers to various requests from United Nations organisations and participates in their events:

- On 6-8 March 2017, the delegation of the Seimas Ombudsmen's Office took part in the General Assembly of the Global Alliance of National

Human Rights Institutions in the United Nations, Geneva;

- On 5-7 July 2017, in New York, the representative of Seimas Ombudsmen attended the United Nations Open-Ended Working Group (OEWG) on human rights issues of older persons. The national human rights institutions accredited with an "A" status in the United Nations for the first time had an opportunity to attend the 8th session of the OEWG and speak out on burning issues of global ageing. The working panel meeting discussed issues of older person's concerns in long-term care institutions and home environment. Also, a great deal of attention was drawn to discussing the issues of protection against violence, discrimination of older persons in the labour market and other social spheres. The representative of the Seimas Ombudsmen's Office at the main session of the UN OEWG presented a position of the Seimas Ombudsmen's Office regarding the protection of the rights of older persons in the country, focusing on human rights problems observed in care institutions.

AWARENESS RAISING AND DISSEMINATION OF INFORMATION ON HUMAN RIGHTS

The Seimas Ombudsmen's Office launched a Volunteering Programme



In 2017 the Seimas Ombudsmen's Office first launched an volunteering programme aimed at educating young lawyers in order they would understand the importance of applying the principles of human rights in the penal system. During the programme, practical and theoretical tasks were performed to develop the understanding of future lawyers on human rights, to provide them with information about the United Nations and regional human rights mechanisms.

Participating in the programme, created and coordinated by the employees of the Seimas Ombudsmen's Office, students performed practical and theoretical tasks, visited the imprisonment institution, learned to observe and evaluate possible human rights violations in places of deprivation of liberty.

Students became aware of the importance of the right to access information



The Seimas Ombudsmen's Office welcomed 4th year students of Communication Programme from Communication Institute of Mykolas Romeris University (MRU). The students were introduced to the activities of the Seimas Ombudsmen including investigations of violation of the right to receive information from the state and municipal institutions.

The young people from Mykolas Romeris University were greeted by the head of the Seimas

Ombudsmen's Office, A. Normantas, who told about the activities of the Seimas Ombudsmen, and why the protection of fundamental human rights is one of the main goals of the institution. At the meeting, the students were introduced with the concepts of freedom of expression and access to information, discussed possible aspects of freedom of speech and the key legislation on the implementation of freedom of expression (right to information).

Students from European countries talked on human rights at the Seimas Ombudsmen's Office



On 23 March 2017, during a discussion organised by the Seimas Ombudsmen's Office and the Ministry of Foreign Affairs, students from eight European countries discussed human rights, focusing on principles set for the protection of human rights and international commitments made after the Second World War. Participants of the discussion from Greece, Spain, Italy, Lithuania, Portugal, France, Romania and Turkey shared their thoughts on the human rights principles enshrined in the European Convention on Human Rights, discussed respect for diversity, equality and equal rights.

The discussion at the Seimas Ombudsmen's Office was organised upon the initiative of Vilnius Salininkai Gymnasium in the framework of the Erasmus+ project "Participative culture – the way

to an active European citizen". At the meeting, human rights experts sought to draw the students' attention to the importance of citizenship in fostering democratic values in Europe and putting emphasis on building a sustainable and democratic Europe.

Training organised by the Seimas Ombudsmen's Office at the centre of social services in Kupiškis



At the seminar organised by the Seimas Ombudsmen's Office and the European Network of National Human Rights Institutions (ENNHRI) in Kupiškis Centre for Social Services (Subačius) "Human rights-based care of elderly", specialists of the Seimas Ombudsmen's Office and the ENNHRI expert Dr. Ciara O'Dwyer spoke on human rights-based social care.

The seminar was aimed at reviewing and presenting the workers of Panevėžys region social welfare institutions, in which human rights monitoring was carried out, the problems of long-term institutional social care. At the event, the staff of the Seimas Ombudsmen's Office explained how international human rights standards are (and should be) applied in social care institutions when planning and organising their activities. Presenting the guidelines of the human rights-based social care, specialists of the Seimas Ombudsmen's Office also spoke about the main problems identified in social care institutions and presented cases of good practice.

Awareness of activities of the Seimas Ombudsmen

Each year, the Seimas Ombudsmen conduct a representative survey of the Lithuanian population in order to find out if the people of our country know that the Seimas Ombudsmen's Office is protecting human rights, whether they know where to apply when their rights are violated by state and municipal institutions.

People tend to appeal to the court, the Seimas Ombudsmen's Office, or the police and the prosecutor's office for the violation of human rights. The public is less likely to trust the media and other state human rights institutions. Such results were revealed by the representative survey commissioned by the Seimas Ombudsmen's Office.

Although the trust in Lithuanian human rights institutions is extremely low, the percentage of population confident with the Seimas Ombudsmen's Office in 2017 increased: a total of 7.1% of respondents would seek aid at this institution compared to 6.3% in 2016, and 3.4% in 2015. From among state institutions, people mainly trust the courts (13.5%), the prosecutor's office and the police (7.0%). However, only 6.4% of respondents would contact the media for defending their violated rights.

The representative survey of public opinion and research centre Vilmorus revealed that more than half of the population would know where to contact for their violated rights (57.5%), when in 2016 it was 52.6%, and in 2014 – 54%. However, in 2012 the number of people who knew where to contact for their violated rights was record low – making up only 27.9%.

This year, the number of persons whose rights have been violated by state and municipal institutions increased by almost two percent, up to 14%, although in 2016 it was 12.3%, in 2015 – 16%, in 2014 – 18% and in 2013 – 20%.

This population survey conducted in January 2018 revealed that the percentage of those who knew

that the Seimas Ombudsmen's Office was protecting human rights, increased in recent years (44.4%), while in 2016, the number of respondents knowing that the Seimas Ombudsmen are defending human rights was 42.5%, and in 2015 – 43.2%. Compared with 2013, when the respondents with positive answers comprised 34.5%, and in 2012 just 24.3%, the percentage of those who know that the Seimas Ombudsmen's Office is protecting human rights has almost doubled.

The representative survey of the population revealed that 49.7% of the country's population were seeking help for their violated rights, however, the percentage of those who have not applied regarding their violated rights has remained high – 56.7%.

The survey showed that the number of persons not knowing where to contact for their violated rights is higher among the elderly (70 years and older) (62.0%), the unemployed (55.2%) and the retired (56.1%), as well as among less educated people (61.9%).

REPORT ON NATIONAL PREVENTION OF TORTURE

Introduction

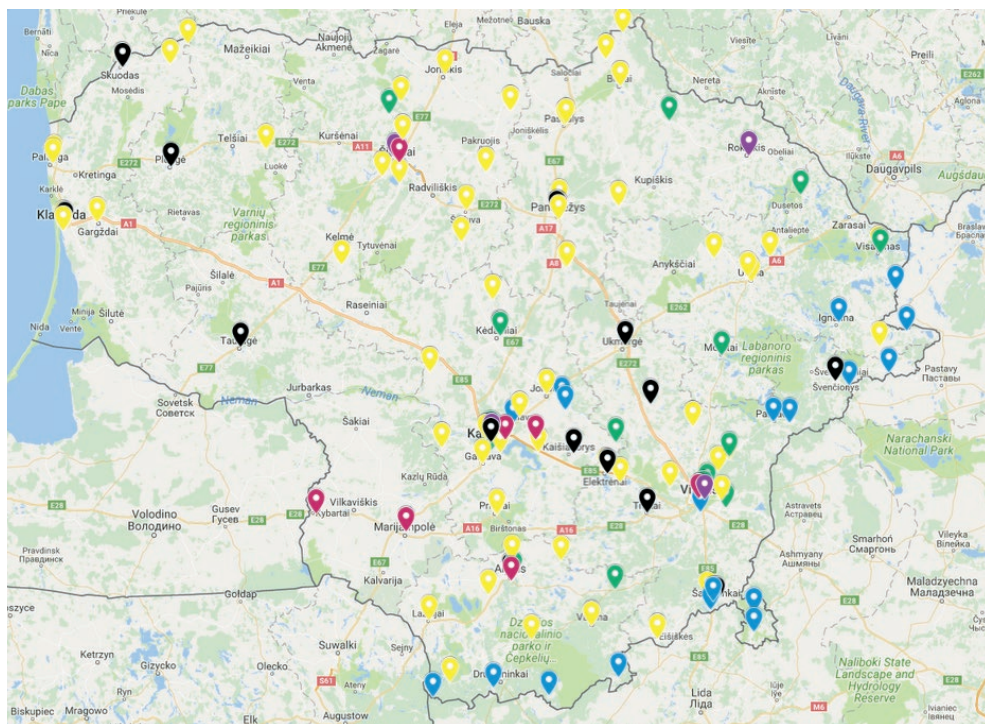
The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Optional Protocol") adopted by the United Nations General Assembly on 18 December 2002 has reaffirmed that the protection of persons deprived of their 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 preceding year was important to the Seimas Ombudsmen's Office, since in performing the function of the national prevention of torture, the Seimas Ombudsmen focused on the defence of the rights of vulnerable social groups. For example, 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. On the initiative of the Seimas Ombudsmen, in 2016 the International Ombudsman Institute organised international training in Lithuania for employees of European ombudsmen institutions with the aim of improving the skills of human rights monitoring at mental institutions.

The following report gives an account of activities of the Seimas Ombudsmen carrying out the national prevention of torture, the methodology for performing its functions, the inspections conducted, the critical systemic problems identified, the recommendations issued, and the information on the implementation of the recommendations provided.



Map of the NPM monitoring visits in 2014-2017: yellow colour pins – adult care institutions; green – children's care institutions; black – police institutions; red – imprisonment institutions; blue – places of foreigners' accommodation; violet – psychiatric institutions

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

On 5 February 2014, the Head of the Seimas Ombudsmen's Office approved the Programme for Implementation of National Prevention of Torture establishing tasks and measures of national prevention of torture. The Programme for National Prevention of Torture contains analysis of the number of institutions in Lithuania falling into the category of places of detention defined in the Optional Protocol, models of activities and experience of national preventive mechanisms of other countries, the Optional Protocol Implementation Manual prepared by the Association for the Prevention of Torture, the Guidelines on National Preventive Mechanisms drawn up by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture of the United Nations (the Subcommittee on Prevention) as well as standards, recommendations and reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the Committee against Torture). The Programme also discusses types and methodology of inspection of places of detention.

In the course of performance of the national prevention of torture, questionnaire-based inspections, thematic inspections, in-depth and follow-up inspections are carried out. The national prevention of torture by the Seimas Ombudsmen in 2016 involved questionnaire-based, thematic and follow-up inspections.

An in depth-inspection

An in depth-inspection is a comprehensive, carefully worked out, detailed and thorough evaluation of human rights and freedoms. No such inspections were carried out in 2016 due to extensive time required for an in depth fact-finding and evaluation. However, a number of in-depth inspections are planned to be carried out in 2017.

Questionnaire-based 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.

Thematic 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

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 Rūpeštinga 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.

Stages of Inspections

The stages of inspections to places of detention include the following stages:

1. Preparation for the visit
2. Conducting the visit
3. Writing a report with findings and recommendations
4. Publishing the report on the Internet
5. Sending the report to the head of the monitored institution
6. Consultations regarding possible implementation measures of issued recommendations
7. Receiving feedback from the place of detention
8. Considering whether to make a follow-up visit

Preparation for inspections included review of the requirements of legal acts, case law, and the standards of the Committee for the Prevention of Torture and its reports following visits to Lithuania collecting material about the institution to be inspected. Planned inspections were not noted in advance.

During the visit, officials carrying out an inspection communicated with heads of institutions, the staff of the administration and other staff as well as detainees and, if that was possible, with their relatives. Also, various premises (personal, common-use) were inspected, the installation of the premises was assessed, the infrastructure of the institution as well various registration logs and other documents were examined.

In the first year of work, following each inspection, a report was prepared with conclusions on noticed shortcomings and recommendations for eliminating them and it was submitted to the heads of institution, and, where necessary, to other responsible institutions.

However, it was noticed that many problems were systemic, therefore individual reports were replaced by common reports following inspections of several places of detention of the same type. Such reports assessed factual circumstances according to appropriate areas and described systemic human

rights violations identified as well as the best practice observed in the institutions in order to improve the persons' living/detention conditions.

All reports on inspections in places of detention are published on the website of the Seimas Ombudsmen's Office.

It is noteworthy that according to Article 191 (6) of the Law on the Seimas Ombudsmen, competent institutions must examine proposals (recommendations) of the Seimas Ombudsmen, consult the Seimas Ombudsmen regarding possible measures for implementation of the proposals (recommendations) and notify the Seimas Ombudsmen of the results of implementation of their proposals (recommendations).

The institutions examined the conclusions set out in the reports and submitted plans for the implementation of the recommendations with specific timeframes for the implementation of recommendations. It should be noted that a part of the recommendations of the Seimas Ombudsmen were fully or partially implemented. Cooperation further continues regarding the recommendations which were not implemented.

We note with great pleasure the willingness to cooperate with the Seimas Ombudsmen's Office, to take into account the provided recommendations and make efforts to implement them demonstrated by the majority of institutions. Unfortunately, failure to implement the recommendations is often related to the lack of funding.

Seeking to ensure proper implementation of recommendations, the Seimas Ombudsmen carry out follow-up monitoring of the situation of human rights. Therefore, a lot of attention was paid to observing the implementation of the recommendations, namely the information on implemented recommendations or recommendation implementation plans submitted by institutions was carefully analysed and lacking information was requested. To the extent possible, follow-up visits were carried out.

Involvement of Experts

While performing the national prevention of torture, it is crucial to involve experts, namely persons with special knowledge and competence who are capable of providing assessment of a situation based on their expert knowledge supported by practical skills.

In 2014, a preliminary roster of experts including representatives of various state institutions, research establishments and NGOs who expressed their consent to assist the Seimas Ombudsmen in the performance of the national prevention of torture, draft Rules of procedure for inclusion of experts in inspections of places of detention, and a draft model agreement on provision of expert services. This preparatory work was finished in 2015 adopting the Rules of Procedure for Inclusion of Experts in Inspections of Places of Detention (approved by 24 August 2015 Order No 1V-4 of the Head of the Seimas Ombudsmen's Office), A Model Agreement on Provision of Fee-paying Expert Services with annexes: Certificate of Confidentiality (Annex 1) and Declaration of Objectiveness (Annex 2) (approved by 24 August 2015 Order No 1V-42 of the Head of the Seimas Ombudsmen's Office), A Roster of Experts for Inclusion in Inspections of Places of Detention (approved by 3 December 2015 Order No 1V-65 of the Head of the Seimas Ombudsmen's Office) as well as the plan of the content of introductory training for experts and the memorandum of monitoring.

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.

Most important systemic problems identified

Social Care Institutions

Social 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: Aukštelkė 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 Parish 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.

Social 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 Paparčiai 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.

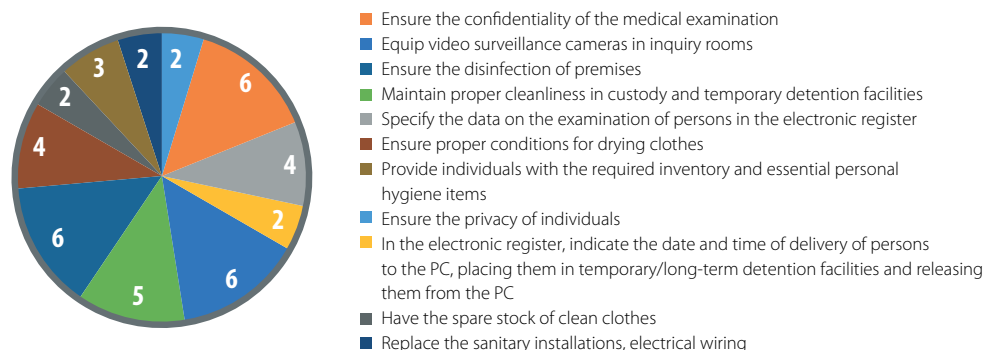
4. Concerning the right of access to information for persons, including foreign nationals. The custody and long-term detention facilities have no internal rules of procedure displayed; persons are not introduced with their rights and duties at long-term detention facilities against signature; and no 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



Recommendations, that were most often issued to police institutions

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, disinsection 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 respectively, 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 inquiries 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).

Social 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.

Additional Activities

On 9 March 2016, Seimas Ombudsman Raimundas Šn 9 March 2016, Seimas Ombudsman Raimundas S institutions after the follow-up inspection, almost all recommendations provided repeatedly were implemented immediately after the follow-up inspections or the institutions were obligae representatives of the Seimas Ombudsmen's Office also visited several social care institutions for older people 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.

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.

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.

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.

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.

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.

Conclusions

The previous year reported posed not only challenges to the Seimas Ombudsmen's Office but offered multiple opportunities. One of which the training organised in Lithuania by International Ombudsman Institute which gave us possibilities to get a more comprehensive understanding of challenges that may arise during the inspections conducted in mental institutions.

At the same time, the discussion between representatives of NPM from different countries organised by the Council of Europe served as a forum for various ideas and exchange of views as to how the performance of NPM shall be improved. Furthermore, a meeting with the representatives of the Committee on Torture of the Council of Europe in the premises of the Seimas Ombudsmen's Office with the aim of presenting initial findings after their visit to several institutions in Lithuania was of great importance. Because of this, we could not only facilitate dialogue with different stakeholders for accommodating greater interest among them in the outcomes presented by delegates but also for creating opportunities to learn more about the idea of the preventive mechanism.

Finally, after the ratification of Optional protocol, we could get to the bottom of systemic problems which were not apparent during an investigation of individual complaints. This empowered us to seek for resolutions to the problems by initiating different meetings with state and municipal authorities, other stakeholders, and proposing amendments to the legislation.

ANNEXES

Statistics of complaints

In 2017, the Seimas Ombudsmen's Office received 2 876 applications from natural and legal persons altogether, of which 1 784 became new complaints. For several consecutive years, the decline in the number of complaints was observed, but in 2017, the number of complaints received, increased again. The average number of complaints received during 2013-2017 remains high – 1 768 complaints (Fig. 1).

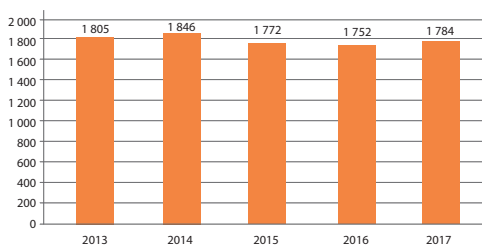


Fig. 1. Number of complaints received in 2013-2017

Complaints received/ Complaint cases opened	1,784
Closed cases of complaints:	1,749
Investigated on the merits	445
Investigation by mediation	806
Investigation refused	498
Problems investigated and decisions made (in the cases investigated on the merits):	714
Complaint recognised to be justified	337
Complaint dismissed	188
Investigation discontinued	189
Investigations carried out on the initiative of the Seimas Ombudsmen	9
Problems investigated and decisions made	10
Fact of violation confirmed	7
Fact of violation not confirmed	1
Investigation discontinued	2
Recommendations provided by Seimas Ombudsmen	2766
Responses to the citizens applications	152
Complaints referred by members of the Seimas	96

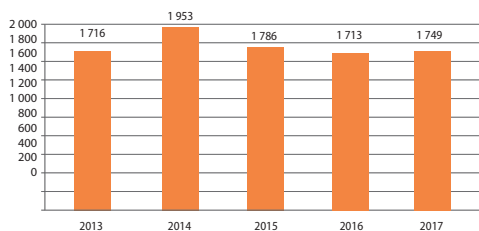


Fig. 2. Number of completed cases of complaints in 2013-2017

A complaint case is closed once the complaint has been investigated on the merits, investigated by mediation and investigation of the complaint has been refused. In 2017, the Seimas Ombudsmen investigated a total of 445 complaints on the merits, 806 complaints by mediation, and refused to investigate 498 complaints (Fig. 3).

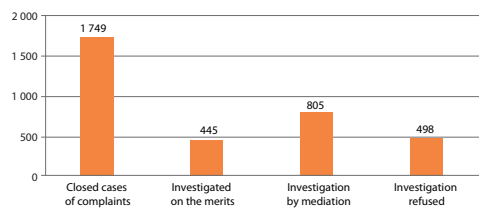


Fig. 3. Complaint cases closed in 2017

A total of 1389 complaints were related to the activities of the officials of state institutions, and 568 complaints – to the activities of the officials of municipal institutions (161 complaints were related to the activities of both the officials of the state and municipal institutions).

In 2017, compared to 2016, the number of cases of complaints initiated against actions of the state institutions' officials increased by 137 and in respect of actions of the municipal institutions' officials – decreased by 3 (Fig. 4).

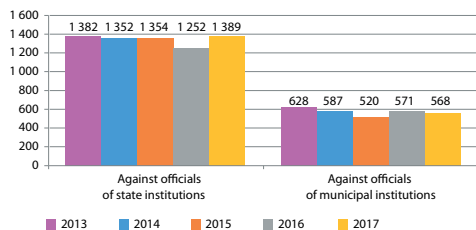
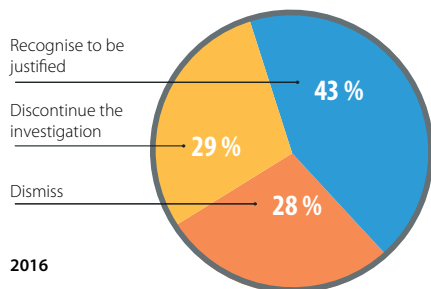
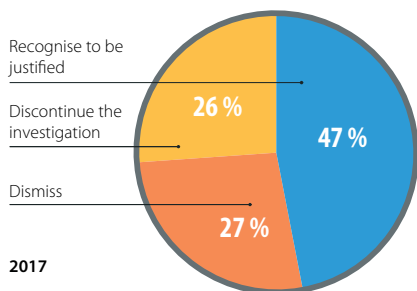


Fig. 4. Number of complaints against officials of state and municipal institutions in 2013-2017

After the investigation of the 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) recognise the complaint (or its part) to be justified; 2) dismiss (recognise as unjustified) the complaint (or its part); 3) discontinue the investigation of a complaint (or its part) (Fig. 5).



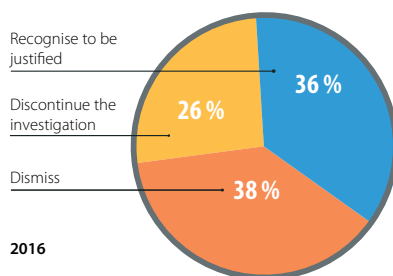
2016



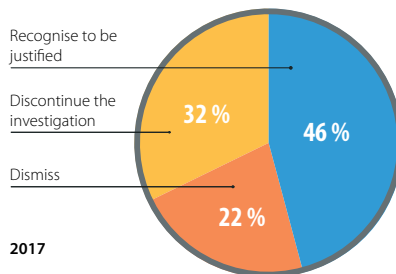
2017

Fig. 5. Distribution of all decisions made; a comparison of the data for 2016-2017

In accordance with Article 22 of the Law on the Seimas Ombudsmen, the Seimas Ombudsmen recognised 47% of all complaints to be justified and dismissed 26% of complaints, while the investigation of 27% of complaints was discontinued. The investigation is also discontinued in cases where the problems raised in a complaint are resolved in good will through the mediation of the Seimas Ombudsman. Compared to 2016, the number of complaints recognised to be justified by the Seimas Ombudsmen's Office increased by 4% in 2017.



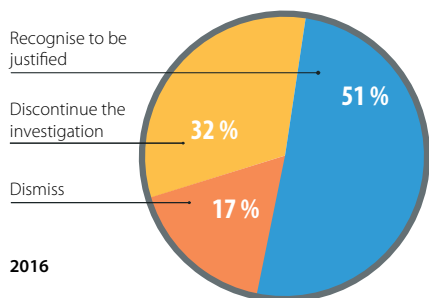
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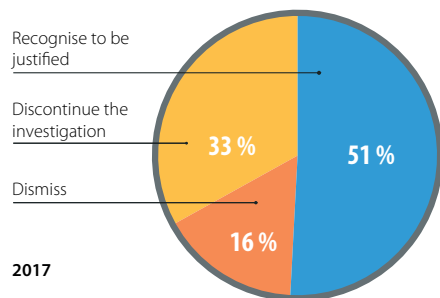
2017

Fig. 6. Distribution of decisions made regarding state institutions and agencies; a comparison of the data for 2016-2017

The investigation of complaints against activities of state institutions and agencies as well as their officials resulted in recognition of 46% of the complaints to be justified and dismissal of 22% of the complaints, while in 32% of cases the investigation was discontinued. Compared to 2016, the number of justified complaints against state institutions increased even by 10%, while the number of dismissals decreased accordingly by 16% (Fig. 6).



2016



2017

Fig. 7. Distribution of decisions made regarding municipal institutions and agencies; a comparison of the data for 2016-2017

As many as 51% of complaints against the activities of municipal institutions and agencies as well as their officials were recognised to be justified, 16% of these were dismissed, while in 33% of cases the investigation was discontinued. Compared to 2016, the statistics of both years is almost identical (Fig. 7).

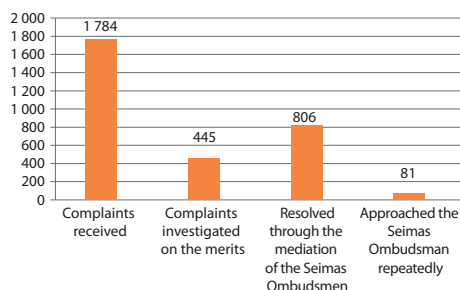


Fig. 8. Statistics of investigated complaints

The Seimas Ombudsmen act as mediators in cases where there exist the grounds for refusal to investigate a complaint provided for in the Article 17 (1) of the Law on the Seimas Ombudsmen. Acting as mediators between the general public and the authorities, the Seimas Ombudsmen investigated 806 complaints. In the majority of cases, the authorities have resolved the issues identified in the complaints. Out of all (806) cases of mediation regarding the resolution of a problem indicated in the complaint, the Seimas Ombudsmen's Office was approached repeatedly only by one-tenth (in 81 cases) of the complainants (Fig. 8).

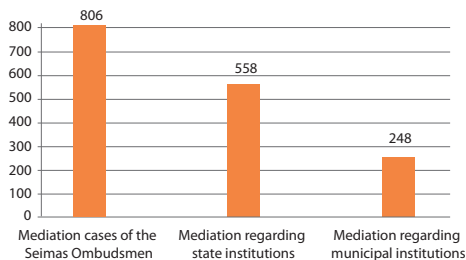


Fig. 9. Investigation of complaints regarding the activities of state and municipal institutions through mediation

In resolving problems raised in the complaints through mediation, the Seimas Ombudsmen 558 times addressed state institutions and 248 times addressed municipal institutions (Fig. 9).

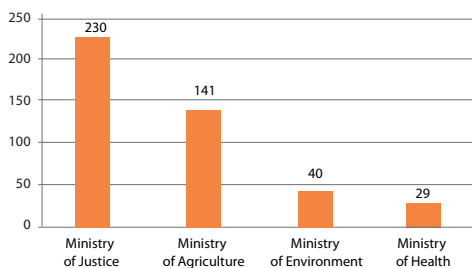


Fig. 10. The majority of cases of mediation were related to these state institutions and institutions subordinate to them

The Seimas Ombudsmen mostly mediated in resolving applicants' problems related to the Ministries of Justice (230), Agriculture (141), the Interior (40), Environment (29) and institutions within their area of administration (Fig. 10).

Out of the institutions subordinate to the Ministry of Justice, the Prison Department and imprisonment institutions under its jurisdiction (210 cases of mediation), out of the institutions subordinate to the Ministry of Agriculture, the National Land Service with its Territorial Units (97 case of mediation), out of the institutions subordinate to the Ministry of the Interior, the Police Department and police stations subordinate to it (36 cases of mediation), out of the institutions subordinate to the Ministry of Environment, State Territorial Planning and Construction Inspectorate with its units (9 cases of mediation) and regional departments for environment protection (6 cases of mediation) should be mentioned.

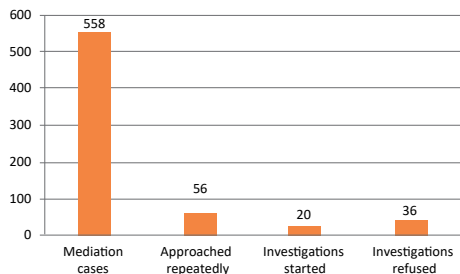


Fig. 12. Cases when the Seimas Ombudsmen's Office was approached repeatedly regarding state institutions

Out of 558 cases of mediation regarding state institutions, in 56 cases the complainants approached the Seimas Ombudsmen's Office repeatedly; following receipt of a follow-up complaint, 20 investigations were conducted/started, while in 36 cases investigations were refused (Fig. 12).

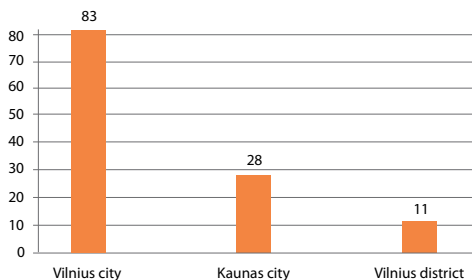


Fig. 11. The majority of cases of mediation were related to these municipalities and institutions subordinate to them

In 2017, the Seimas Ombudsmen mostly acted as mediators with regard to the municipalities of Vilnius city (83), Kaunas city (28) and Vilnius district (11) and institutions subordinate to them (Fig. 11).

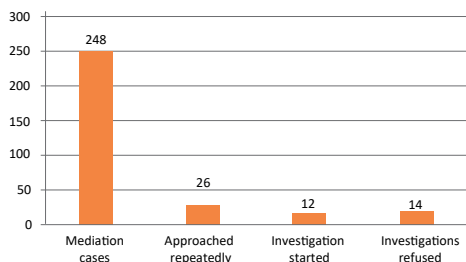


Fig. 13. Cases when the Seimas Ombudsmen's Office was approached repeatedly regarding municipal institutions

Taking into account complaints received from municipal institutions, 248 mediation letters were prepared; in 26 cases complainants approached the Seimas ombudsmen's Office repeatedly;

following the receipt of a follow-up complaint, 12 investigations were conducted/started, while in 14 cases the investigations were refused (Fig. 13).

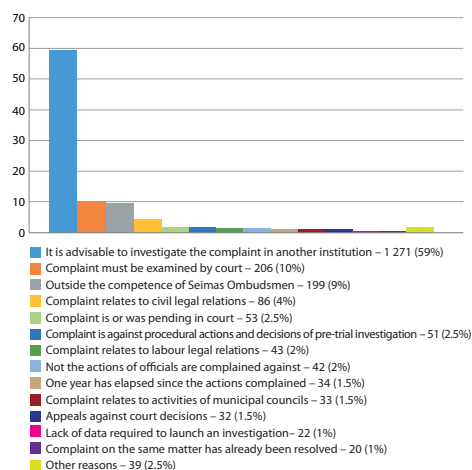


Fig. 14. Main reasons for refusal to investigate complaints (indicated in percent)

When discussing the reasons for refusal to investigate complaints it is important to note that the investigation of the majority of complaints (59%) was refused because they were supposed to be investigated in other institutions. In such cases, the Seimas Ombudsman addressed the 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 Ombudsman, complaints are resolved in good will. Of course, in some cases, this method does not help, and it is necessary to conduct a detailed investigation of the complaint. This makes it possible to protect the violated rights of individuals more efficiently and rapidly, paying more attention to systemic human rights problems, which are relevant for the major part of the society.

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

Review of received and investigated complaints by ministries and institutions subordinate to them in 2017

The 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	75	24	29	34	39	22	11	6	208
Energy	11	6	1	7	7	2		5	36
Finance	31	9	8	11	12	4	3	5	33
National Defence									
Culture	11	1	6	4	5	4	1		19
Social Security and Labour	47	14	19	12	16	9	2	5	74
Transport and Communications	7	2	1	6	7	2	2	3	25
Health	49	17	10	13	21	12	3	6	82
Education and Science	18	3	9	5	5	4	1		34
Justice	597	175	230	158	202	82	85	35	710
Economy	7	2	3	2	2	2			17
Foreign Affairs									
The Interior	126	56	40	40	47	25	18	4	111
Agriculture	228	34	141	47	62	28	10	24	376

The majority of complaints received by the Seimas Ombudsmen regarding the ministries of Justice (597), Agriculture (228), the Interior (126) and Environment (75).

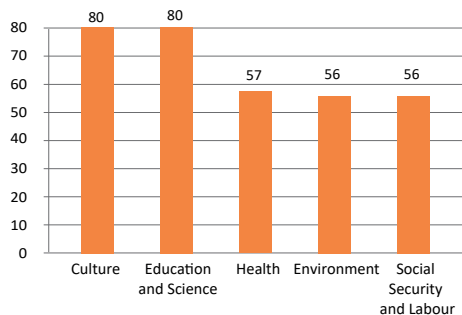


Fig. 15. Top five Ministries and institutions subordinate to them accounting for the largest numbers of complaints declared to be justified (in per cent)

However, the largest number of justified complaints were received with regard to the following Ministries and institutions subordinate to them: the Ministry of Culture and the Ministry of Education and Science (80%), the Ministry of Health (57%), the Ministry of Environment and the Ministry of Social Security and Labour (56%) (Fig. 15).

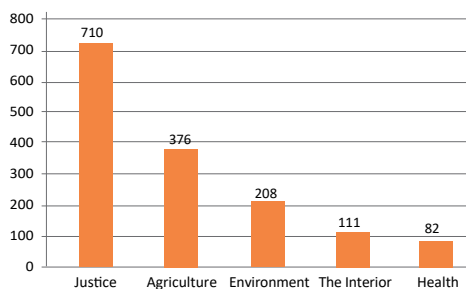


Fig. 16. Top five Ministries and institutions subordinate to them accounting for the largest numbers of issued recommendations

The Seimas Ombudsmen provided the largest numbers of recommendations to the following Ministries and institutions subordinate to them: Justice (710), Agriculture (376), Environment (208), the Interior (111) and Health (82), and institutions within their area of management (Fig. 16).

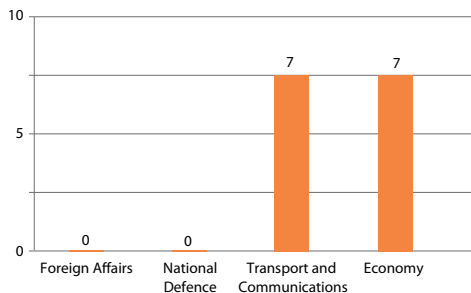


Fig. 17. Top four Ministries and institutions subordinate to them accounting for the smallest numbers of received complaints

It should be noted that in 2017 no complaints were received regarding the activities of the Ministry of National Defence and the Ministry of Foreign Affairs as well as institutions subordinate to them. Only a few complaints were received regarding the following Ministries and institutions subordinate to them: Transport and Communications (7) and Economy (7) (Fig. 17).

The majority of complaints were received with regard to municipalities of Vilnius city and Kaunas city as well as institutions subordinate to them; however, the major part of justified complaints was received in relation to Vilnius (70%), Šiauliai (58%) and Širvintos (57%) districts as well as Palanga (55.5%) and Kaunas (52%) municipalities and institutions subordinate to them (Fig. 18).

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 (ten or more) of received complaints in 2017.

Municipality	Com-plaints received	Investi-gation refused	Mediation used	Investigat-ed on the merits	Deci-sions made	Justified com-plaints	Dismissed com-plaints	Investiga-tion discon-tinued	Issued recommen-dations
Vilnius city	182	52	83	49	57	27	14	16	231
Kaunas city	54	7	28	20	23	12	6	5	93
Klaipėda city	24	7	10	7	8	3	1	4	27
Vilnius district	21	6	11	8	10	7	1	2	52
Šiauliai city	17	4	6	8	11	6		5	35
Palanga town	16	1	8	5	9	5	1	3	18
Širvintos district	15	2	9	4	7	4		3	26
Panevėžys city	14	4	3	8	12	4	3	5	24
Jurbarkas district	12	6	5						19
Šiauliai district	12	3	4	7	12	7	2	3	24
Marijampolė	11	3	3	5	6	3	1	2	25
Radvilėškis	10	2	3	4	6	2		4	10

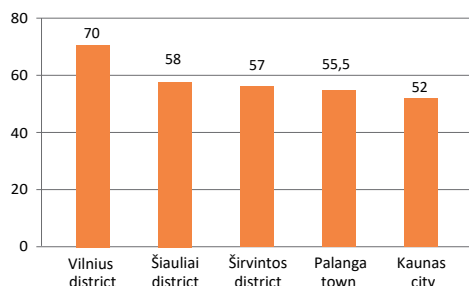


Fig. 18. Top five municipalities or institutions subordinate to them accounting for the largest share of complaints declared to be justified (in per percent)

Having investigated the complaints, the Seimas Ombudsmen issue recommendations to the heads of respective 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 of office, 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.

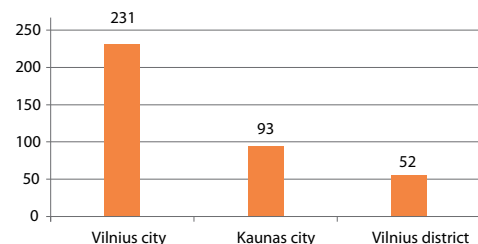


Fig. 19. Municipalities accounting for the largest numbers of issued recommendations

The majority of recommendations were issued with regard to municipalities of Vilnius city (231), Kaunas city (93) and Vilnius district (52) as well as institutions subordinate to them (Fig. 19).

It should be noted that in 2017 no complaints were received regarding the actions of officials of municipalities of Kalvarija, Kazlų Rūda, Rietavas and institutions subordinate to them.

Investigated complaints by area in 2017

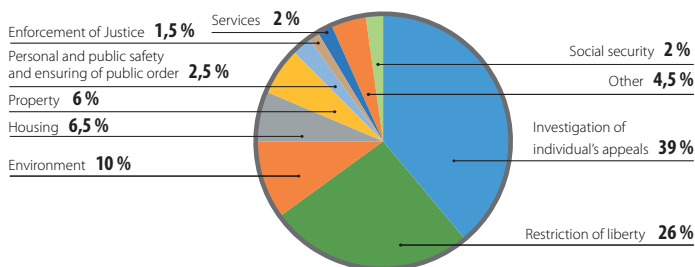


Fig. 20. Investigated complaints by area

The breakdown of investigated complaints demonstrates that more than one third of all complaints investigated by the Seimas Ombudsmen in 2017 were complaints related to handling individual's appeals (39%), while one quarter of all complaints were related to the restriction of liberty (26%). One tenth of all complaints investigated by the Seimas Ombudsmen concerned environmental issues (10%).

In 2017, compared to 2016, the number of complaints from detainees and convicts increased. In 2016 such complaints comprised 21% and in 2017 – 26%.

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 with a complaint about abuse of office or bureaucracy of officials. Natural persons still constitute the majority of complainants approaching the office.

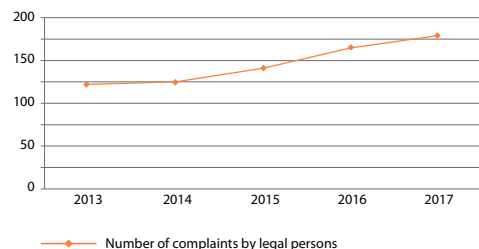


Fig. 21. Number of complaints by legal persons; the data for 2013-2017

Every year, the Seimas Ombudsmen receive increasingly more complaints from legal persons: 123 in 2013, 126 in 2014, 140 in 2015, 163 in 2016, and 178 in 2017 (Fig. 21).

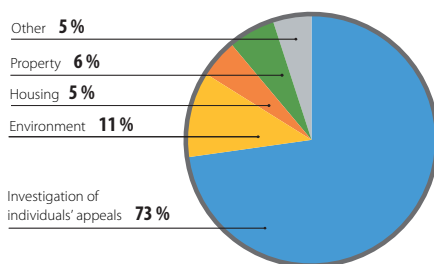


Fig. 22. Complaints from legal persons by area

The breakdown of investigated complaints demonstrates that almost three quarters of all complaints from legal persons investigated by the Seimas Ombudsmen were complaints related to processing of individuals' appeals (73%), one tenth of complaints were related to environmental issues (11%), while 6% of all complaints from legal persons were property related complaints (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 nature, 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 2017, the Seimas Ombudsmen started 12 investigations on their own initiative and completed 9 investigations, dealing with several problems in every case and adopting decisions with respect to each of them (10). In 7 cases, the facts of officials' abuse of office, bureaucracy or other public maladministration were confirmed and in 2 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.

Recommendations issued in 2017

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 2017, the Seimas Ombudsmen issued 2766 recommendations. The majority of them (1785) 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 (420), 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 (291) 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.

While preparing the report, it was already clear that 95% of the recommendations issued by the Seimas Ombudsmen were taken into consideration. Responses from institutions regarding 10% of issued recommendations are still pending.

It should be noted that, most often, once the recommendations provided by the Seimas Ombudsmen are implemented, not only the problems of a particular complainant but also 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.

In 2017, as many as 74% of all recommendations issued by the Seimas Ombudsmen provided assistance to individuals; 26% of the recommendations of the Seimas Ombudsmen addressed the problems of groups of the society.

Recommendation	Number of recommendations	To state institutions	To municipal institutions
Submit to the relevant institutions and agencies (without investigating on the merits the complaint outside the competence of the Seimas Ombudsmen) the proposals or comments on the improvement of public administration to prevent the violations of human rights and freedoms.	1785	1342	443
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.	420	259	161
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.	291	139	152
To request the immediate provision of information, material and documents necessary for the performance of the Seimas Ombudsman's functions.	79	32	47
To propose to the Seimas, the Government, other state or municipal institutions and agencies, to amend laws or other regulatory enactments, which have limiting affect on human rights and freedoms.	78	70	8
To involve the officials and experts from the government bodies, ministries, municipalities, municipal institutions and agencies	63	58	5
Recommend to the collegial body, the head of the institution or a body or institution of a higher level of subordination to impose disciplinary (official) penalties on the official at fault.	40	15	25
To propose to the prosecutor to apply to the court in accordance with the procedure established by law for the protection of public interest	3	2	1
To propose to compensate in accordance with the procedure established by laws for pecuniary and non-pecuniary damage incurred by the complainant as a result of violations committed by officials.	2	1	1
To forward the material to the pre-trial investigation institution or prosecutor, when evidence of a criminal offense is found.	2	2	
To propose to the Chief Professional Ethics Commission to evaluate, whether the official violated the Law on the Adjustment of Public and Private Interests in the Public Service or not.	1	1	
To require officials under investigation to provide explanations in writing or orally.	1	1	

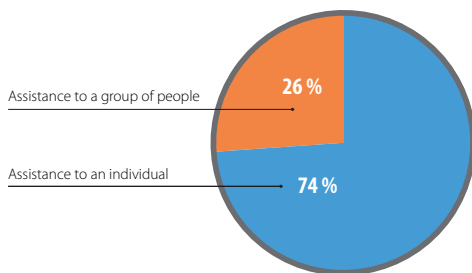


Fig. 23. Comparison of the nature of the recommendations

Consultations 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.

Despite the fact that the state provides free legal assistance, there are persons who are not eligible to this assistance and who are not able to pay a lawyer

for legal services. In this case, the reception division of the Seimas Ombudsmen remains the only place where many low-income people seek legal aid.

In 2017, the Seimas Ombudsmen's Office provided legal consultations to 1203 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.

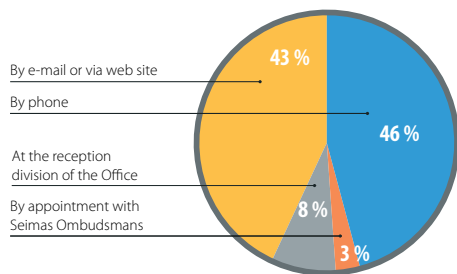


Fig. 24. Most common ways of contacting the Seimas Ombudsmen's Office

In 2017, the most popular way used by individuals to contact the Seimas Ombudsmen's Office still was that by telephone (46%). However, applying to the Seimas Ombudsmen's Office by email or via the website has also become quite common. In 2017, applications to the Seimas Ombudsmen's Office by electronic means accounted for 43% of all applications, compared to 37% in 2016, 41% in 2015, 28% in 2014 and only 11% in 2013.

Visits of Seimas Ombudsmen to the regions

In 2017, the Seimas Ombudsman Raimondas Šukys visited the districts of Širvintos, Raseiniai, Trakai, Kėdainiai, Kretinga, Elektrėnai, Marijampolė, Jurbarkas, where he discussed with the mayors of municipalities, heads of municipal administrations and departments and institutions the goals of the Seimas Ombudsmen's Office, complaints investigated by the Seimas Ombudsmen regarding potentially violated human rights to good public administration and issues related to the activities of municipal officials. They also discussed the possibilities and problems of quality assurance of provision of public administration services to the population.

After meeting with the heads of municipalities, the Seimas Ombudsman received the residents who registered for the meeting in advance.

In 2017 the Seimas Ombudsman Augustinas Normantas visited Utena, Pravieniškės, Kybartai, Pabradė, where he monitored human rights in places of detention, and met with the heads of these places to discuss human rights issues in their institutions.

Head of the institution, Seimas Ombudsman Augustinas Normantas

Seimas Ombudsman Raimondas Šukys

NOTES

NOTES

CONTENTS

- 4** Introductory Word
- 5** Mandates of Seimas Ombudsmen
- 9** Major Challenges to Human Rights in the Country
- 18** Cooperation with Social Partners
- 21** Cooperation with International Organisations and Networks
- 23** Awareness Raising and Dissemination of Information on Human Rights
- 26** Report on National Prevention of Torture
- 53** Annexes: Statistics of the Complaints



2018

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