



2015

# Summary of the Annual Report on the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2014

365 DAYS  
EVERYONE COUNTS



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

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To the Seimas of the Republic of Lithuania

13-03-2015 No 1/3D-

### Re: SUBMISSION OF THE ANNUAL REPORT ON THE ACTIVITIES IN 2014

In accordance with Article 11 (1) of the Law on the Seimas Ombudsmen, the Seimas Ombudsmen submit to the Seimas the Annual Report on their Activities in the previous calendar year by 15 March every year in writing. This Report, except for the part thereof related to the operation of the intelligence institutions, is examined by the Seimas and published on the website of the Seimas Ombudsmen's Office.

Taking the above account we hereby submit the Annual Report on the Activities of the Seimas Ombudsmen's Office in 2014. Please note that the Report does not contain its parts related to the operation of the intelligence institutions.

Please be informed that the entire Report has been published on the website of the Seimas Ombudsmen's Office [www.lrski.lt](http://www.lrski.lt).

Yours faithfully,

Seimas Ombudsman

Handwritten signature of Augustinas Normantas in blue ink.

Augustinas Normantas

Seimas Ombudsman

Handwritten signature of Raimondas Šukys in blue ink.

Raimondas Šukys



The Seimas Ombudsman and Head of the Office **Augustinas Normantas** (on the left) 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** (on the right) 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.

We hereby submit the Annual Report on the Activities of the Seimas Ombudsmen's Office in 2014 providing an overview of the activities of Augustinas Normantas, the Seimas Ombudsman and the Head of the Seimas Ombudsmen's Office, and Raimondas Šukys, the Seimas Ombudsman. It is our expectation that this Report will serve as an excellent mean to ensure wider dissemination of the information on human rights, contribute to more active discussions on human rights issues as well as promote the adoption of decisions needed by Lithuania and its people.

Public opinion polls reveal that many people still do not know how to behave in case their rights are violated. Members of the general public lack the fundamental knowledge on human rights and the understanding that their rights have been violated. According to public opinion polls, the number of people who know what is to be demanded from state and municipal institutions is increasing, however, because of a lack of information on the competence of institutions, they often decide to approach the Seimas Ombudsmen directly. It

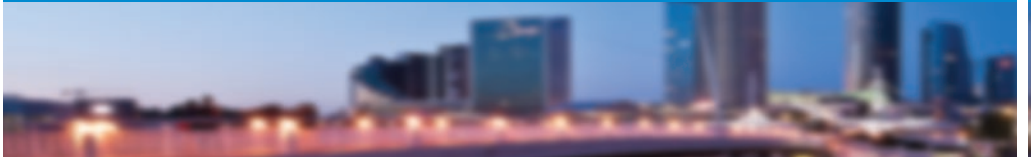
goes without saying that being responsible for the protection of human rights, we are not satisfied with such situation, therefore, we use all means made available to us by law to disseminate information on human rights in the hope that increasingly more citizens of Lithuania will stop disregarding human rights violations they sustain. One of such means is publication of the Annual Report on the Activities of the Seimas Ombudsmen's Office and its submission to the Seimas of the Republic of Lithuania as well as its presentation to the general public.

We believe that the problems in relation with violations of or restrictions on human rights raised in the Report will receive wider attention from the concerned members of the general public and promote more active discussions. We are delighted to note that last year the Seimas Ombudsmen's Office hosted many events aimed at discussing various human rights aspects with the participation of certain Members of the Seimas, representatives of the executive branch of government and, certainly, members of the civil society. We would like to highlight, in particular, much more active and fruitful cooperation with state institutions and NGOs operating in the area of protection of human rights and freedoms.

In 2014, the Seimas Ombudsmen's Office celebrated its 20th anniversary, therefore, it is our plan to have the Seimas Ombudsmen's Office host, in 2015 too, numerous events on human rights. These events will also contribute to wider dissemination of the information on human rights as well as discussions on how to improve the human rights situation in Lithuania by strengthening the cooperation of state and municipal institutions with the people.

The purpose of the activities of the Seimas Ombudsmen is to protect a person's right to good public administration ensuring human rights and freedoms and supervise fulfilment by state authorities of their duty to properly serve the people. The human rights situation in state and municipal institutions is not improving, which is reflected by the stable number of complaints received by the Seimas Ombudsmen's Office revealing the following key problems: inappropriate examination of requests from members of the public and inappropriate provision of services to them, refusal to provide requested information, non-fulfilment of the functions assigned to institutions and unreasoned decision making. A large part of these violations is committed due to a lack of knowledge and competence by officials, therefore, particular attention should be given to the education of officials.

In 2014, we received about 2,000 complaints, almost half of which were recognised as well-grounded, and provided over 1,800 recommendations. Please note that recommendations, which we provide following an investigation of the complaint, are one of the main measures making it possible to resolve the complainants' problems in an efficient, flexible and speedy manner as well as prevent possible human rights violations in state and municipal institutions. It is noteworthy that the implementation of recommendations is as high as 95 per cent. This demonstrates that the institutions, to which the recommendations are submitted, respect the position of the Seimas Ombudsmen and seek cooperation in addressing human rights problems identified by the Seimas Ombudsmen. In



addition, the high percentage of implementation of the recommendations is also undoubtedly influenced by thorough legal arguments of the Seimas Ombudsmen's conclusions; otherwise, it would be impossible to reach such a high figure of recommendations implemented.

The year 2014 was special for the Seimas Ombudsmen's Office because the Office started the implementation of a completely new function assigned to it by law – the national prevention of torture. This function was assigned to the Seimas Ombudsmen following the ratification by the Seimas of the Optional Protocol to the Convention against Torture (OPCAT).

The places of detention (there are more than 450 of them in Lithuania) are deemed to be any such places wherein persons are present with the knowledge of the authorities and without a possibility to leave those places any time they wish to do so. The work in the area of the national prevention of torture started with the collection of data and clarification as to how many places of detention Lithuania has and what is their type. Taking into account a large variety of such places, the Seimas Ombudsmen prepared monitoring methodologies for different institutions, made decisions regarding methods and duration of inspections and, certainly, carried out the very inspections.

In 2014, monitoring of the places of detention was conducted on 34 occasions in 40 such places. Please note that the results of the first inspection were already rather unexpected: human rights violations of diverse nature were identified, and these violations

had not been known when investigating complaints. Still it is gratifying that the majority of institutions inspected are willing to cooperate with the Seimas Ombudsmen's Office and seek all possible measures to eliminate the violations identified.

The very first year when the Seimas Ombudsmen's Office started implementing the national prevention of torture has demonstrated that this is indeed a significant function, which considerably contributes to the improvement of the human rights situation in this country.

The Seimas Ombudsmen continue seeking their strategic goal – to become a national human rights institution. In 2014, even without having the status of an officially recognised national human rights institution, we became a member of the European Network of National Human Rights Institutions. For us to be recognised as the national human rights institution, first of all, appropriate amendments to the Law on the Seimas Ombudsmen are required: certain additional functions in the area of human rights must be vested to us. At the time of preparation of this Report, the approval of amendments to the Law on the Seimas Ombudsmen was being finalised by a working group set up by the Committee on Human Rights of the Seimas of the Republic of Lithuania. It is to be expected that a new draft law will be submitted for consideration already during the Seimas spring session of 2015.

We would also like to draw your attention to mediation, a method of investigation of complaints widely used in 2014. This method of investigation aims at finding a solution to the problem identified

in the complaint by using mediation between the complainant and the institution complained of. The Seimas Ombudsman, using this investigation method, addresses the institution concerned presenting the issues related to the contents of the complaint and asking to resolve the problem in good will. In many cases, following such mediation by the Seimas Ombudsman, issues raised in the complaint are resolved. Certainly, in some cases this method does not help, therefore, a thorough investigation of the complaint is conducted.

The most important advantage of complaint investigation by mediation – the complaint is examined and the problem is resolved particularly rapidly – within one month on average. This enables more efficient and speedier protection of a person's violated rights by focusing on systematic human rights problems, which are relevant to the major part of the society.

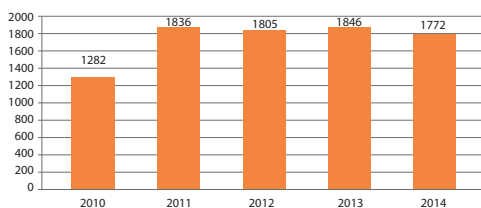
We would like to conclude by emphasising that the Seimas Ombudsmen's Office has a special place within the system of state institutions: we are neither the legislative, nor the executive, nor the judicial branch of power. Our purpose is to ensure that the authorities serve the people – duly fulfil the functions assigned to them. Paying attention to officials' negligence at work and non-compliance with laws or other legal acts, the Seimas Ombudsmen submit proposals and recommendations to the authorities; the efficiency of the implementation of such proposals and recommendations, in fact, is determined only by the Seimas Ombudsmen's authority, knowledge and competence, provision of thorough and reasoned arguments, mediation between the authorities and use of various publication measures.

All of that enables us to act as mediators between the people and the state as well as seek to ensure that Lithuania is a better place to live in for everyone.



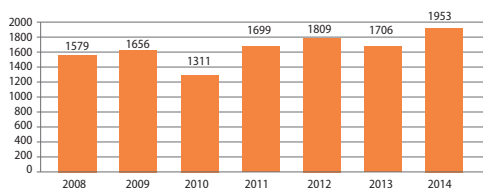
## STATISTICS

In 2014, the Seimas Ombudsmen's Office received 2,849 applications from natural and legal persons, of which 1,772 were new complaints. The number of complaints from natural and legal persons, which grew as from 2011, practically remains the same within the last four years. The average number of complaints from natural persons in 2011–2014 stays particularly high – 1,814 complaints (Fig. 1).



**Fig 1.** No of complaints received in 2010–2014

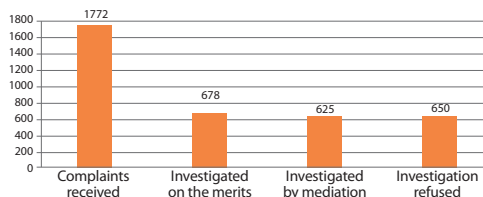
Received complaints/launched cases of complaints	1,772
Closed cases of complaints:	1,953
Investigated on the merits	678
Investigation by mediation	625
Investigation refused	650
Issues investigated and decisions made (in the cases investigated on the merits):	1,002
Declare the complaint as justified	399
Dismiss the complaint	301
Terminate the investigation	302
Investigations initiated by the Seimas Ombudsmen	10
Issues investigated and decisions made	12
The fact of infringement was confirmed	7
The fact of infringement was not confirmed	0
The investigation was discontinued	5
Recommendations provided by the Seimas Ombudsmen	1,796
Responses to the citizens applications	105
Complaints referred by the Seimas members	113



**Fig 2.** No of completed cases of complaints in 2008–2014

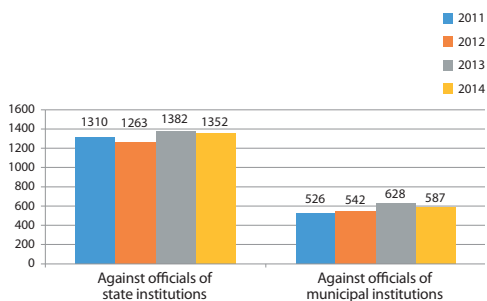
The number of completed cases of complaints in 2014 was considerably higher than the average for the last five years. From 2009 to 2013, the Seimas Ombudsmen would complete on average 1,636 cases of complaints per year. In 2014, 1,953 cases of complaints were completed (Fig. 2).

A case of complaints is closed once the complaint has been investigated on the merits, investigated by mediation and if the investigation has been refused. In 2014, the Seimas Ombudsmen investigated 678 complaints on the merits, investigated 625 complaints by mediation, and refused to investigate 650 complaints (Fig. 3).



**Fig 3.** Completed cases of complaints in 2014



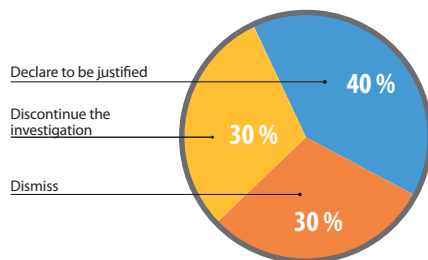


**Fig 4.** No of complaints against officials of state and municipal institutions in 2011–2014

1,352 complaints were related to the activities of the officials of state institutions and 587 complaints – to the activities of the officials of municipal institutions (167 complaints out of the latter number were related to the activities of both the officials of the state and municipal institutions).

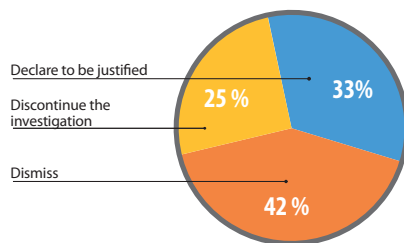
In 2014, compared to 2013, the number of cases of complaints initiated against actions of the state institutions' officials decreased by 30 and in respect of actions of the municipal institutions' officials – by 41 (Fig. 4).

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



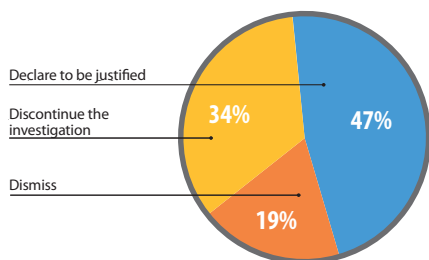
**Fig 5.** Total distribution of decisions made in the cases investigated on the merits in 2014

In accordance with Article 22 of the Law on the Seimas Ombudsmen, the Seimas Ombudsmen declared 40% of all complaints to be justified and dismissed 30% of complaints, while the investigation of 30% complaints was discontinued. The investigation is also discontinued in cases where the issues raised in a complaint are resolved in good will through the mediation of the Seimas Ombudsman.



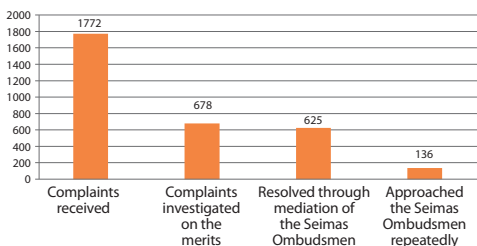
**Fig 6.** Distribution of decisions made in the cases related to state institutions and agencies in 2014

The investigation of complaints against activities of state institutions and agencies as well as their officials resulted in the declaration of 33% of the complaints to be justified and dismissal of 42% of the complaints, while in 25% of cases the investigation was discontinued (Fig. 6).



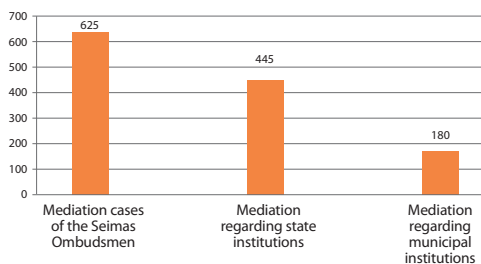
**Fig 7.** Distribution of decisions made in the cases related to municipal institutions and agencies in 2014

As many as 47% of complaints against the activities of municipal institutions and agencies as well as their officials were declared to be justified, 19% of them were dismissed, while in 34% of cases the investigation was discontinued (Fig. 7).



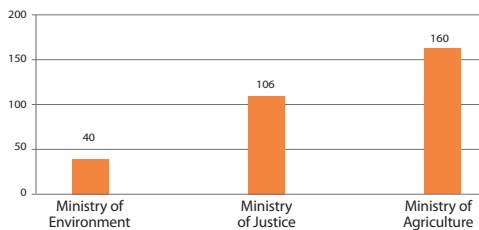
**Fig 8.** Investigated complaints

625 complaints were investigated by the Seimas Ombudsmen through mediation between the members of the general public and the authorities. In the majority of cases, the authorities resolved the problems raised in the complaints. Out of all 625 mediation cases, the Seimas Ombudsmen Office was approached repeatedly by persons only in 136 cases (Fig. 8).



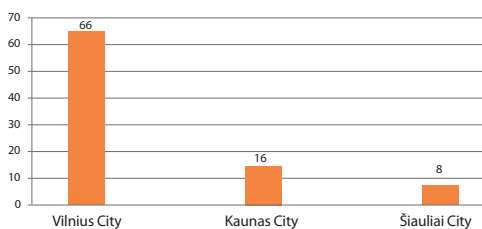
**Fig 9.** Investigation of complaints regarding the activities of state and municipal institutions through mediation

While resolving problems raised in complaints through mediation, the Seimas Ombudsmen 445 times addressed state institutions and 180 times addressed municipal institutions (Fig. 9).



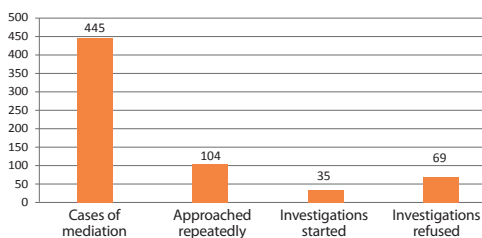
**Fig 10.** The majority of cases of mediation were related to these state institutions (ministries)

The Seimas Ombudsman mostly acted as a mediator in resolving problems related to the Ministries of Agriculture (160 complaints), Justice (106) and Environment (40) as well as institutions within their sphere of competence (Fig. 10).



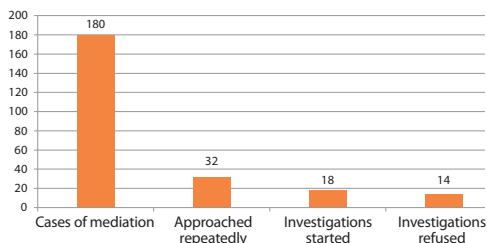
**Fig 11.** The majority of cases of mediation were related to these municipalities and institutions subordinate thereto

In 2014, the Seimas Ombudsmen mostly acted as mediators with regard to the municipalities of Vilnius City (66), Kaunas City (16) and Šiauliai City (8) as well as institutions subordinate thereto (Fig. 11).



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

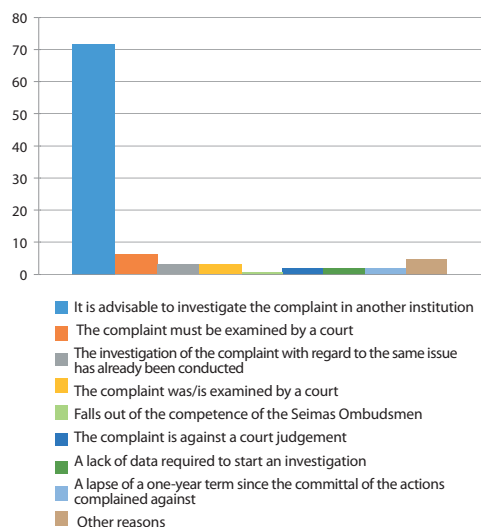
Out of 445 mediation cases regarding state institutions, in 104 cases complainants approached the Seimas Ombudsmen's Office repeatedly (23.3% cases); following the receipt of a follow-up complaint, 35 investigations were conducted/started, while in 69 cases investigations were refused (Fig. 12).



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

Taking into account the complaints received with regard to municipal institutions, 180 mediation letters were prepared; in 32 cases complainants approached the Seimas Ombudsmen's Office repeatedly (17.7% cases); following the receipt of a follow-up complaint, 18 investigations were conducted/started, while in 14 cases investigations were refused (Fig. 13).

## Investigations Refused



**Fig 14.** *The main reasons for refusal to investigate complaints*

Considering the reasons for refusal to investigate complaints it is important to mention that the investigation of the majority of complaints (72%) was refused because they were supposed to be investigated by other institutions. Thus in such cases the Seimas Ombudsman addressed an appropriate institution by a mediation letter asking it to investigate, without delay, the circumstances identified in the complaint and submit a reply to the complainant and the Seimas Ombudsman.

The Seimas Ombudsmen received complaints (6%) which are supposed to be examined by a court or which are/were examined by a court (3%). The Seimas

Ombudsmen refused to investigate 2.5% complaints which do not fall within their competence as provided for in Article 12 (1), Article 12 (2) and Article 12 (3) of the Law on the Seimas Ombudsmen (Fig. 14).

## Ten institutions against which the largest numbers of complaints were received in 2014

Item No	Institution	No of received complaints
1.	Vilnius City Municipality	188
2.	Marijampolė Correction House	91
3.	Lukiškės Remand Prison – Closed Prison	78
4.	National Land Service under the Ministry of Agriculture	76
5.	Kaunas City Municipality	48
6.	Vilnius Correction House	37
7.	Public Security Service under the Ministry of the Interior	37
8.	Prison Department under the Ministry of Justice	35
9.	State Territorial Planning and Construction Inspectorate under the Ministry of Environment	35
10.	Alytus Correction House	35

As is shown in the table, the majority of complaints were received by the Seimas Ombudsmen with regard to the Vilnius City Municipality (188) and the National Land Service under the Ministry of Agriculture (76). Besides, inmates of the Lukiškės Remand Prison – Closed Prison (78) and the Marijampolė Correction House (91) were particularly active in making complaints to the Seimas Ombudsmen.

## Review of received and investigated complaints by ministry and institutions subordinate to them in 2014

Ministry and institutions and agencies attributed to its management sphere	Received complaints	Investigation refused	Mediation used	Investigated on the merits	Decisions made	Justified complaints	Dismissed complaints	Investigation discontinued	Recommendations provided
Environment	105	31	43	37	45	25	8	12	207
Energy	14	4	3	10	10	2	6	2	25
Finance	27	5	11	9	11	1	3	7	26
National Defence	4	1	2	2	2	1	1		4
Culture	14	3	6	7	9	5	3	1	24
Social Security and Labour	51	26	13	19	23	7	10	6	42
Transport and Communications	9		7	4	4		2	2	16
Health	57	26	12	25	27	9	14	4	53
Education and Science	25	12	8	1	1			1	10
Justice	437	230	106	119	134	40	74	20	225
Economy	5	2	1	1	1			1	11
Foreign Affairs	5		3	4	5	1		4	8
Interior	156	108	18	49	53	17	21	15	59
Agriculture	293	68	160	82	98	37	34	27	304

The majority of complaints were received by the Seimas Ombudsmen regarding the Ministries of Justice (437), Agriculture (293), the Interior (156) and Environment (105) as well as institutions subordinate to them.

However, the largest numbers of justified complaints were received with regard to the following Ministries and institutions subordinate to them: the Ministry of Environment and the Ministry of Culture (55.5% each), the Ministry of Agriculture (38%), the Ministry of Health (33%) and the Ministry of the Interior (32%) (Fig. 15).

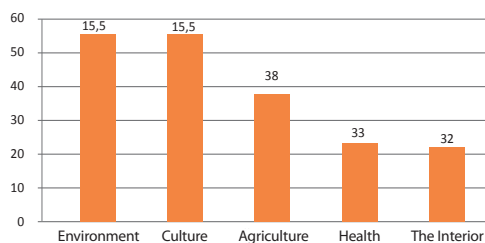
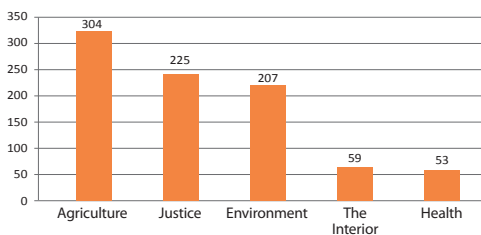


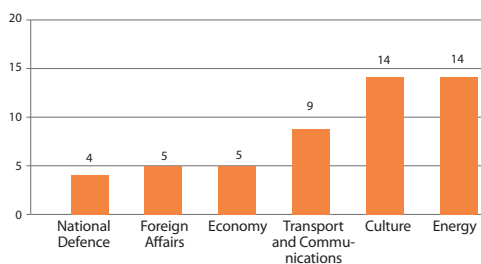
Fig 15. Five Ministries and institutions subordinate to them accounting for the largest numbers of complaints declared to be justified (in per cent)



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

The Seimas Ombudsmen provided the largest numbers of recommendations regarding the following Ministries and institutions subordinate to them: the Ministry of Agriculture (304), the Ministry of Justice (204) and the Ministry of Environment (207) (Fig. 16).

The smallest numbers of complaints were received by the Seimas Ombudsmen in 2014 regarding the



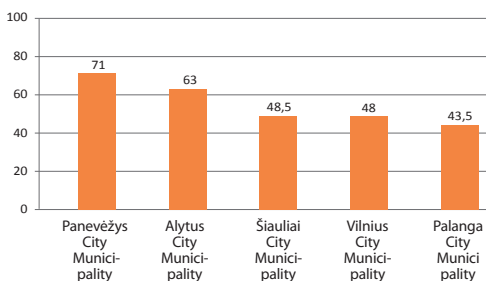
**Fig 17.** Six Ministries and institutions subordinate to them accounting for the smallest numbers of received complaints

Ministry of National Defence (4), the Ministry of Foreign Affairs (5) and the Ministry of Economy (5) as well as institutions subordinate to them; a little more complaints were received with regard to the Ministry of Transport and Communications (9), the Ministry of Culture (14) and the Ministry of Energy (14) and institutions subordinate to them (Fig. 17).

### Municipalities and institutions subordinate to them accounting for the largest numbers of received complaints in 2014

Municipality	Complaints received	Investigation refused	Mediation used	Investigated on the merits	Decisions made	Justified complaints	Dismissed complaints	Discontinued investigation	Issued recommendations
Vilnius City Municipality	220	63	66	147	192	92	40	60	359
Kaunas City Municipality	53	20	16	34	46	20	8	18	74
Šiauliai Town Municipality	23	7	8	20	33	16	3	14	46
Panevėžys Town Municipality	21	10	4	18	21	15	4	2	27
Klaipėda City Municipality	20	6	4	10	12	4	4	4	23
Alytus Town Municipality	17	5	5	9	11	7		4	43
Palanga Town Municipality	16	6	4	10	16	7	1	8	17
Vilnius District Municipality	15	2	5	19	27	8	6	13	26
Trakai District Municipality	13	4	2	8	12	4	3	5	14

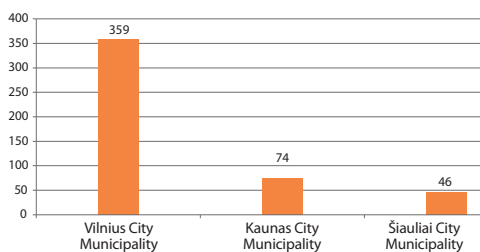
The majority of complaints were received with regard to municipalities of Vilnius City, Kaunas City, Šiauliai City, Panevėžys City and Klaipėda City as well as institutions subordinate to them. The major part of justified complaints was received in relation to municipalities of Panevėžys City (71.4%), Šiauliai City (48.5%), Vilnius City (47.9%) and Kaunas City (43.5%) and institutions subordinate to them (Fig. 18).



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

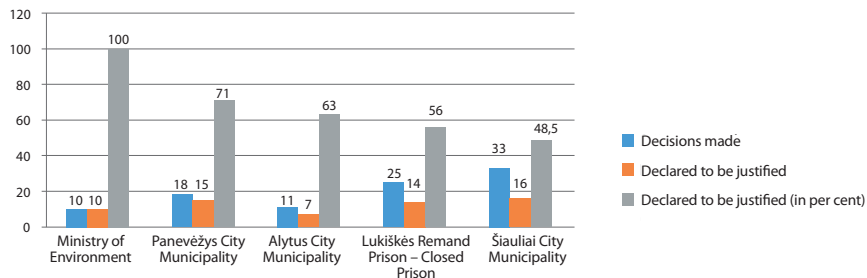
Having investigated the complaints the Seimas Ombudsmen issue recommendations to heads of

appropriate municipalities or institutions subordinate to them drawing the attention of officials to such issues as negligence at work, non-compliance with laws or other legal acts, infringement of official work ethics, abuse, bureaucracy or violations of human rights and freedoms as well as suggesting taking measures to eliminate violations of laws or other legal acts, their causes and conditions.



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

The majority of recommendations were provided with regard to municipalities of Vilnius City (359), Kaunas City (74) and Šiauliai City (46) as well as institutions subordinate to them (Fig. 19).

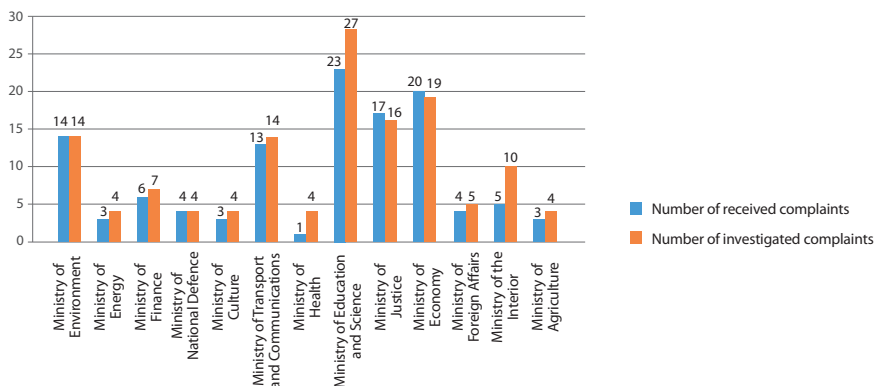


**Fig 20.** Five institutions with respect to which the largest number of justified complaints was received in 2014



The largest numbers of justified complaints received by the Seimas Ombudsmen were regarding the Ministry of Environment (10), Panevėžys City

Municipality (15), Alytus City Municipality (7), Lukiškės Remand Prison – Closed Prison (14) and Šiauliai City Municipality (16) (Fig. 20).

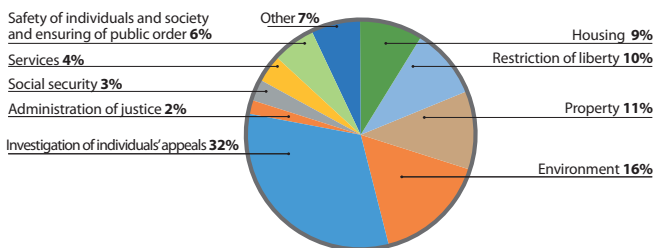


**Fig 21.** Numbers of received/investigated complaints by ministry (without taking into account institutions subordinate to them)

The largest numbers of complaints were received by the Seimas Ombudsmen with regard to the activities of officials of the Ministries of Health (23), Justice (20), Education and Science (17) and Environment (14).

The breakdown of investigated complaints demonstrates that almost one third of all complaints investigated by the Seimas Ombudsmen in 2014 were complaints related to investigation of

### Breakdown of complaints completed in 2014 by area



**Fig 22.** Completed complaints by area

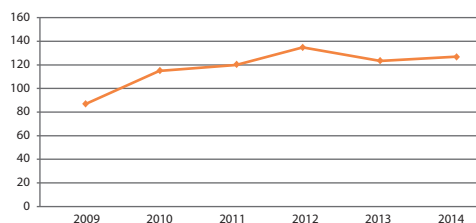
individuals' appeals (32%), while one sixth of all investigated complaints were complaints on issues of environment (16%). Almost one tenth of all complaints investigated by the Seimas Ombudsmen was related to property (11%) and restriction of liberty (10%) (Fig. 22).

Every year, the largest number of complaints used to be received from the convicts and detainees: in 2012, 28%, while in 2013, 33.5%. However, in 2014, the share of complaints with regard to the restriction of liberty was much smaller and constituted only 10%. Such a result was determined by efficient and constructive cooperation with the Ministry of Justice and the Prison Department in addressing the problems raised in the inmates' complaints.

### Complaints by Legal Persons

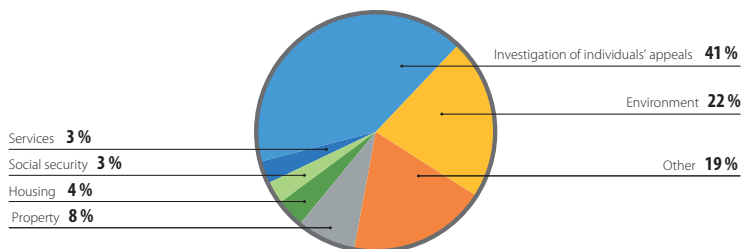
In accordance with Article 2 of the Law on the Seimas Ombudsmen, "the complainant" is

defined as a natural or legal person addressing the Seimas Ombudsmen's Office with a complaint regarding officials' abuse of office or bureaucracy. Natural persons still constitute the majority of complainants approaching the Office.



**Fig 23.** Number of complaints by legal persons

Every year, the Seimas Ombudsmen receive increasingly more complaints from legal persons. In 2010, the number of complaints received from legal persons was 114, while in 2014, already 126. As compared with 2009, last year the number of complaints from legal persons was 46.5% higher (Fig. 23).



**Fig 24.** Complaints from legal persons by area



The breakdown of investigated complaints demonstrates that more than a third of all complaints from legal persons investigated by the Seimas Ombudsmen in 2014 were complaints related to investigation of individuals' appeals (41%), while almost a fifth was related to issues of environment (22%). 8% of all complaints of legal persons were complaints related to issues of property (Fig. 24).

Problem areas are covered in more detail in the part of this Report "Most Important Problems Identified in Complaints".

### Investigations Initiated by the Seimas Ombudsmen

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

Investigations initiated by the Seimas Ombudsmen are of a special preventive type, because the Seimas Ombudsman may initiate the investigation even without having received a complaint about a particular problem if he believes that human rights might have been violated in a certain case. These investigations enable to promptly and effectively respond to potential violations of human rights and, furthermore, they are usually related not to a single individual, but to a large group of individuals, or even to a big part of the society.

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

In 2014, the Seimas Ombudsmen conducted 10 investigations on their own initiative dealing with several problems in every case and adopting decisions with respect to each of them. It should be emphasised that 7 decisions were taken with regard to officials' abuse of office, bureaucracy or other public maladministration; in another 5 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.

### Investigations conducted by the Seimas Ombudsmen on their own initiative in 2014

In 2014, the Seimas Ombudsmen carried out the following investigations on their own initiative:

1. Regarding the actions of the Government representative in Kaunas County while performing the function of administrative surveillance of municipalities;
2. Regarding the lawfulness of activities conducted in Verkiai Regional Park;
3. Regarding replacement of the passport or the identity card of the citizen of the Republic of Lithuania by disabled persons in migration services;

4. Regarding the actions of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment in the investigation of a complaint containing information on possible unauthorised construction;
5. Regarding the implementation of the principle of subsidiarity provided for in Article 3 of the Law on Public Administration of the Republic of Lithuania by the Ministry of Culture in its activities;
6. Regarding the actions (omission) of the officials of the administration of Panevėžys City Municipality in the implementation of the principles of transparency of activities, publicity and response to the opinion of the residents of the municipality provided for in Article 4 of the Law on Local Self-Government of the Republic of Lithuania, complying with the provisions of the Law of the Republic of Lithuania on the Right to Obtain Information from State and Municipal Institutions and Agencies;
7. Regarding the actions of officials of the Prison Department while monitoring the activities of the commissions on conditional release from imprisonment institutions;
8. Regarding the implementation of the provisions of legal acts regulating dietary nutrition for convicts and detainees as well as provision of higher nutrition standards for the disabled convicts and detainees and patients in imprisonment institutions;
9. Regarding the actions of officials of the administration of Vilnius City Municipality in organising safe traffic in Vilnius City without violating the human right to good public administration;

10. Regarding the actions of officials of the administration of Vilnius City Municipality in making a decision on the formation of a plot of state land intended for privatisation.

### Recommendations Issued in 2014

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 2014, the Seimas Ombudsmen issued 1,796 recommendations. The majority of them (625) were addressed to institutions and agencies regarding improvement of public administration in order to ensure that human rights and freedoms are not violated. A large part of the recommendations (544) 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.

The Seimas Ombudsmen, by their recommendations (277), 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.

Recommendation	Number of recommendations	To state institutions	To municipal institutions
To provide to the respective institutions and agencies (without investigating on the merits the complaint not falling within the competence of the Seimas Ombudsman) the proposals or comments on the improvement of public administration to prevent the violations of human rights and freedoms.	625	445	180
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.	544	192	352
To draw attention of the officials to negligence at work, non-compliance with laws or other legal acts, violation of professional ethics, abuse, bureaucracy or violations of human rights and freedoms, and propose to take measures to eliminate the violations of laws or other legal acts, their causes and conditions.	277	107	170
To involve the officials and experts from the government bodies, ministries, municipalities, municipal institutions and agencies.	118	102	16
To propose to the Seimas, the Government, other state or municipal institutions and agencies to amend laws or other regulatory enactments, which have limiting effect on human rights and freedoms.	88	73	15
To request the immediate provision of information, material and documents necessary for the performance of the Seimas Ombudsman's functions.	82	35	48
To propose to a collegial body, the head of an institution and/or a body or institution of a higher level of subordination to impose (disciplinary) penalties on the officials who commit offences.	50	21	29
To keep informed the Seimas, Government and other state institutions and agencies or a respective municipal council about gross violations of laws or shortcomings, conflicts of, or gaps in, laws or other legal acts.	2	2	
To refer the material to a body of pre-trial investigation or prosecutor, when any signs of criminal acts are detected.	6	6	
To demand that officials, the activities of which are under investigation, provide explanations in writing or verbally.	2		2
To propose to the Chief Official Ethics Commission to assess whether an official violated the Law on the Adjustment of Public and Private Interests in the Public Service or not.	1	1	
To propose to a prosecutor to apply to court in accordance with the procedure set by laws for the protection of the public interest.	1	1	

### Comparison of Implementation of the Recommendations in 2013 and 2014

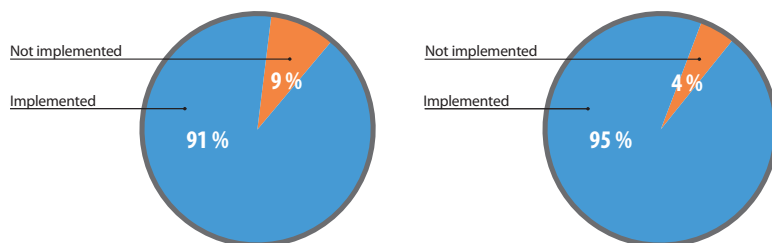
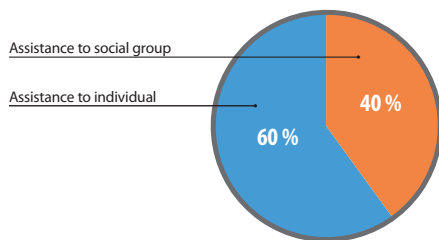


Fig 25. Comparison of data on implementation of the recommendations in 2013 and 2014

During the preparation of the Report, it was already known that 95% of recommendations provided by the Seimas Ombudsmen were taken into consideration. We are still looking forward to receiving replies from institutions regarding the remaining 5% of the recommendations issued. The comparison of data on implementation of the recommendations in 2013 and 2014 demonstrates that in 2014 the implementation of the recommendations increased by 4% (Fig. 25).

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



**Fig 26.** Comparison of the nature of the recommendations

In 2014, as many as 60% of all recommendations issued by the Seimas Ombudsmen provided assistance to individuals; 40% of the recommendations of the Seimas Ombudsmen addressed the problems of groups of the society (Fig. 26).

### Monitoring of Places of Detention\*

(Distribution of conducted inspections)

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

The Seimas Ombudsmen, seeking to prevent torture and other cruel, inhuman or degrading treatment or punishment in places of detention, regularly visit such places for the purposes of prevention. In accordance with Article 191 (3) of the Law on the Seimas Ombudsmen, a place of detention is any place under the jurisdiction or control of the Republic of Lithuania where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence.

There are more than 450 places of detention in Lithuania. These are places of custody, premises of temporary detention, places of imprisonment (prisons, correction houses, remand prisons), mental institutions, care institutions and institutions of child socialisation.

Conducting the national prevention of torture the Seimas Ombudsmen carried out 34 inspections regarding the human rights situation in places of detention during the year 2014.



Type of the place of detention	Number of cases of monitoring of the human rights situation
Correction houses	3
Remand prisons	2
Police custody facilities and/or premises of temporary detention	5
Mental institutions	1
Children's socialisation centres (six)	1 (in all 6 centres)
Foreigners' Registration Centre	1
Refugees' Reception Centre	1
Frontier stations	9
Care houses	10
A follow-up inspection regarding the implementation of the recommendations of the Seimas Ombudsman	1

\*Monitoring of places of detention is covered in more detail at the end of the Report, in the chapter *2014 Report on National Prevention of Torture*.

## MOST IMPORTANT PROBLEMS IDENTIFIED IN COMPLAINTS IN 2014

The following are the most important issues identified in complaints in 2014:


### 📄 Restoration of the ownership rights to land.


**Cadastral measurements of land plots** During the reference year, the investigation of complaints regarding restoration of the ownership rights to land, forest and bodies of water in rural areas revealed that seeking to complete the land reform by 1 October 2000, in 1999–2000, land

management projects for the land reform had been prepared hastily, without control and expert examination. In the course of implementation of land management projects for the land reform at that time, the majority of land plots were designed without access roads and without establishing the road servitude, which constituted a violation of the provisions of legal acts. The Seimas Ombudsmen often have to investigate complaints where citizens ask to clarify whether it was lawful and reasonable to attribute the land in urban territories, which these citizens would like to recover in kind, to the category of land to be redeemed by the state.


📄 **Territorial planning and construction** On 1 January 2014, a new version of the Law on Territorial Planning came into effect; it fundamentally changed the planning procedure which existed before. The new law was adopted in order to simplify the process by granting more powers to local self-government. The new version of the Law on Territorial Planning provided for a completely new institute – the right to construct without a detailed plan. As from 1 January 2014, any manager or user of land may address the director of the municipal administration or a public servant authorised by the director with a request to issue special architectural requirements for the design of a building. During the reference period, the Seimas Ombudsmen mostly received complaints regarding violations of the procedures for approval of territorial planning documents, a lack of information on the detailed plans under preparation, the formation of land plots next to residential apartment blocks or appropriation of land for the needs of society.



 **Waste management** In the area of environmental protection, social relations are regulated by the Law on Environmental Protection, Article 23 of which provides that persons must comply with the waste management requirements stipulated in laws and other legal acts of the Republic of Lithuania, while waste management expenses must be paid by the polluter. The organisation of systems of municipal waste management, which are necessary for the management of municipal waste accumulated on their territories, is the responsibility of municipal institutions. To implement this function, which is provided for both in the Law on Local Self-Government and the Law on Waste Management, the municipal councils were granted the right to establish a local charge for the collection of municipal waste from holders of waste and for waste management as well as advantages of the local charge. The most relevant issue in this area was unreasonable taxation for the collection and management of waste without taking into account the seasonal character of using real estate or the fact of generation of waste.

 **Supervision and control of activities of management bodies of housing societies of owners of flats and other premises of residential apartment blocks as well as of administrators appointed by municipalities** The Civil Code, the Law on Local Self-Government and other legal acts provide that municipalities perform supervision and control of activities of management bodies of housing societies of owners of flats and other premises as well as of persons authorised by a joint activity agreement and administrators of objects of general use appointed by the municipal executive

institution (hereinafter jointly referred to as "The Administrator"). Owners of premises of apartment blocks, not being able to resolve the issues of concern directly with the Administrator, address the municipality for help, however, if they still do not see the issues being resolved, they address the Seimas Ombudsmen which assess whether, in a particular case, the municipality appropriately implemented the independent function assigned to it by legal acts and related to supervision and control of the Administrators' activities. The Seimas Ombudsmen note that complaints regarding the control of the Administrators' activities performed by municipalities are deemed to be justified usually due to the fact that municipalities do not pay enough attention to these functions.

 **Renovation (modernisation) of apartment blocks** During the reference period, the Seimas Ombudsmen received complaints related to renovation (modernisation) of apartment blocks and a possibility to use the support provided by the state. Complainants complained about possibly inappropriate performance of works, non-compliance with design solutions or inappropriate performance of renovation of apartment blocks (organisation of the modernisation process). The Seimas Ombudsman, while investigating complaints with regard to renovation of apartment blocks, noted that due to imperfect legal regulation the established requirements for persons intending to renovate apartment blocks and use state support were not based on the law. Such requirements violate not only the persons' rights and lawful interests, but also the principles of the rule of law, lawfulness and supremacy of law, which are stipulated in the Constitution.




#### **Issue of trade permits or permits for provision of services**

The Law on Local Self-Government provides for the independent function of a municipality to establish the procedure for provision of trade and other services on public sites administered by municipalities or enterprises controlled by them, to issue permits (licences) and to create conditions for and promote business development. The Seimas Ombudsmen's practice reveals that proper implementation of this municipal function is of particular importance to persons conducting and planning to continue certain individual or other activities in the territory of a municipality, therefore, municipal decisions not to issue permits for whatever reasons are very painful to such persons since that prevents them from receiving the planned return on investment and, in addition, possibly violates the principles of fair competition.

#### **Admission to pre-school and pre-primary education establishments**

Problems relevant to complainants with regard to possible unreasonable non-admission of a child to a selected education establishment are often resolved in the course of investigation of complaints, i.e. by admitting the complainant's child to a corresponding educational establishment, however, there would remain unresolved problems related to the parents' possibility to receive information on a factual child's place in the queue, unclear procedure for establishing vacant places in kindergartens, interferences with electronic submission of applications and registration of data in the system, a possibility to modify the submitted data, non-assessment of correctness of application data, non-

provision of other information, which is important to parents, in a timely manner, etc. Resolution of such problems requires improving not only the established admission procedure but also the operation of information systems.

 **Social support** The Seimas Ombudsman notes that complaints regarding social support are usually deemed to be justified due to inappropriate interpretation and application of the provisions of legal acts.

#### **Other examples of implementation of the right to good public administration**

The Seimas Ombudsman notes that investigation of complaints regarding the activities (omission) of public administration entities in a certain area of their competence reveals violations determined by inappropriate performance of public administration functions related to examination of persons' requests and complaints. It has been noticed that state and municipal institutions, having received a person's complaint or request that they are not authorised to examine, forward it to a competent institution with delay. Cases have been established where state or municipal institutions avoid resolving problems identified by complainants referring to unreasonable bureaucracy, address an unauthorised entity or adopt decisions which are based neither on effective provisions of legal acts nor on objective data as required by the Law on Public Administration and other legal acts. The Seimas Ombudsmen, having investigated complaints and identified violations of legal acts, may submit proposals to state and municipal

institutions regarding opening an investigation on a professional violation in order to establish the person responsible for the violations identified during the investigation.

#### **Rights of persons deprived of their liberty**

Like every year, the Seimas Ombudsmen receive many complaints from convicts and detainees regarding possible violations of their rights and freedoms. During the reference period, convicts and detainees mostly complained about the examination of complaints and requests in correction houses; many of them also complained about accessibility of health care, conditions in places of detention, restriction of their right to long-duration visits, reduced possibilities of conditional release, a lack of leisure activities in places of detention, etc.

#### **Complaints regarding actions of police officers and prosecutors**

Persons often complained about procedural decisions adopted by officials during a pre-trial investigation and asked the Seimas Ombudsmen to amend or revoke them. Complaints of such nature are not investigated by the Seimas Ombudsman because decisions as to whether procedural decisions are lawful and reasonable may be adopted only by the prosecutor in charge of the investigation or a more senior prosecutor, or a pre-trial investigation judge. However, the Seimas Ombudsman investigates complaints regarding officials' actions in violation of human rights and freedoms. A large share of complaints received in 2014 regarding actions of police officers and prosecutors was related to these officials' actions in failing to

ensure public order or provide persons with the information related to their rights, etc.

#### **Complaints regarding the activities of bailiffs**

In recent years, the Seimas Ombudsman receives quite a lot of complaints regarding the activities of bailiffs. The control of bailiffs' procedural activities is conducted by the court, therefore, the Seimas Ombudsman does not investigate complaints of such nature, however, another share of received complaints is related to bailiffs' activities while providing information, which is not sufficiently clear, on the execution process and related actions of the bailiff. Complaints to the Seimas Ombudsman often indicate that execution and other documents provided by bailiffs and containing many extracts from legal acts are not understandable and the complainant does not know what exactly he/she should do. It also happens that bailiffs do not provide information to complainants or refuse to provide it in writing.

## PROMOTION OF INFORMATION

The Seimas Ombudsmen not only investigate complaints, but are also active in the areas of promoting human rights, increasing awareness of society regarding human rights, monitoring of the protection of rights and other issues within the competence of the national human rights institution.

In 2014, the Seimas Ombudsmen's Office signed a cooperation agreement with the Law Institute of Lithuania. The Office also maintains close relations

with international organisations, arranges various meetings, conferences and round-table discussions as well as develops inter-institutional cooperation.

### **A Meeting of the Seimas Ombudsmen with Human Rights Activists**



In May 2014, the Seimas Ombudsmen's Office invited human rights activists; the Seimas Ombudsmen, together with

representatives of NGOs, discussed common strategic policy for the establishment of the national human rights institution in Lithuania and possibilities for cooperation.

### **Cooperation with the Law Institute of Lithuania**



In 2014, the Seimas Ombudsmen's Office signed a cooperation agreement with the Law Institute of Lithuania. The

agreement provides for long-term cooperation between the Seimas Ombudsmen's Office and the Law Institute of Lithuania in promoting and fostering human rights, strengthening the development of law, reducing the gap between science and practice as well as supporting scientific, professional and cultural activities.

### **The Seimas Ombudsmen and the Ombudsperson for Children's Rights Agreed to Cooperate**



The Seimas Ombudsmen Augustinas Normantas and Raimondas Šukys and the Ombudsperson for Children's Rights

Edita Žiobienė agreed to cooperate in implementing the national prevention of torture in children's socialisation centres, child care institutions and other places of detention of children.

### **Discussion on Issues related to Ensuring the Journalist's Duty to Receive Information and Make it Public**



On 30 September 2014, on the occasion of the International Right to Know Day, the Seimas Ombudsmen's Office, on the initiative

of the Seimas Ombudsmen, hosted a meeting with representatives of the associations of those responsible for preparation of information and journalists.

### **The Seimas Ombudsmen's Office Hosted a Conference on Domestic Violence**

In November 2014, the Seimas Ombudsmen's Office hosted a conference during which the study



*The Victim's Rights Directive: A New Approach to Victims of Domestic Violence* was presented. Victims of

domestic violence receive more support from police officers and support services; however, the victims lack information, legal aid and physical protection for themselves and their children.

### **A Relevant Subject of the Human Rights Day – the Right to Know**



In 2014, on the eve of the International Human Rights Day, the Seimas Ombudsmen's Office organised a round-table discussion

*The Right to Know: Boundaries and Challenges.* Human rights are a live institution responding to ever-new challenges in the life of society. This year, on the eve of the Human Rights Day, the right to know was named one of the most important subjects taking into account the geopolitical situation, economic fluctuations, challenges raised by the Internet space, which is available to everyone, and the citizens' right to know.

### **On the International Human Rights Day – Attention to the National Human Rights Institution**

In 2014, on the International Human Rights Day, the Seimas Ombudsmen Augustinas Normantas and Raimondas Šukys had a meeting with the members of the working group for the establishment of the



National Human Rights Institution.

The discussions during the meeting covered the common strategic

policy of the establishment of the National Human Rights Institution in Lithuania and possibilities for cooperation as well as the necessary amendments to the law in order to expand the Seimas Ombudsmen's powers to conduct the national monitoring of human rights.

## **INTERNATIONAL COOPERATION**

### **COOPERATION WITH INTERNATIONAL ORGANISATIONS AND NETWORKS**

#### **The International Ombudsman Institute**

The International Ombudsman Institute, a member of which the Seimas Ombudsmen's Office is since August 1996, is a non-profit organisation initiating research and studies on the activities of ombudsmen. The Institute organises training, seminars and conferences for ombudsmen, the staff and other concerned persons.

On 17-19 September 2014, the European General Assembly and Conference of the International Ombudsman Institute *Ombudsman's Role in a Democracy* was hosted in Tallinn (Estonia). Chief Legal Adviser of the Seimas Ombudsmen's Office Martynas Vasiliauskas took part in the Conference and delivered a presentation *Is Ombudsman a Competitor to the Judicial Branch of State Power*.



The Seimas Ombudsmen's Office actively participated in the activities of the International Ombudsman Institute by providing information on the work of the Office, completing questionnaires and replying to requests of the Institute's members. In 2014, the Seimas Ombudsmen's Office nominated candidates for the post of the President of the European Region of the International Ombudsman Institute.

### **The European Ombudsman Institute**

The European Ombudsman Institute has as its members over 100 European Ombudsmen's Offices; the Institute conducts research in the area of protection of human and citizens' rights at the national and international level. The Institute, in cooperation with local, foreign and international institutions, promotes and supports the idea of the Ombudsmen's Office.

The Board of the European Ombudsman Institute, with the Head of the Seimas Ombudsmen's Office Augustinas Normantas among its members since the end of September 2013, visited Lithuania on 28 March 2014 and had a meeting at the Seimas. The visit of the Board members was organised jointly by the Seimas Ombudsmen's Office and the Seimas.

### **The European Network of Ombudsmen**

The European Network of Ombudsmen was created in 1996 and currently consists of over 100 human rights institutions in different European countries. The Network includes national and regional ombudsmen's institutions. The purpose of this Network is to create better possibilities for cooperation for ombudsmen's institutions and help them in the investigation of complaints.

Representatives of the Seimas Ombudsmen's Office also took part in seminars organised by the European Ombudsman's Office, including a meeting of contact persons of the European Network of Ombudsmen arranged by the European Ombudsman's Office.

### **The European Union Agency for Fundamental Rights**

The European Union Agency for Fundamental Rights, established in 2007, provides assistance and conclusions on fundamental rights to corresponding institutions and agencies of the Member States and the European Union. The Agency collects objective information and reliable data on the implementation of fundamental rights. The Seimas Ombudsmen's Office belongs to the information network established by the Agency (FRANET) and submits information to it on fundamental rights on a regular basis.

In March 2014, the Seimas Ombudsmen's Office contributed to the dissemination of information on a study conducted by the Agency by informing society about the results of a survey by the Agency regarding violence against women (more than 42 thousand women were surveyed).

On 1 October 2014, the Seimas Ombudsmen's Office and the Agency signed an agreement on the implementation of the project *Data Collection and Research Services on Fundamental Rights Issues*. One of the first tasks under the agreement was collection of information on human rights.

The staff of the Seimas Ombudsmen's Office also took part in a number of seminars and meetings organised by the Agency, including the presentation of the



project "Clarity" in May 2014 in Vienna; a meeting of representatives of the Agency, the Council of Europe, the European Network of National Human Rights Institutions and the European Network of Equality Bodies; and a meeting with the clients of the project *Data Collection and Research Services on Fundamental Rights Issues*.

### **The European Network of National Human Rights Institutions**

30 September 2014 was an important date for the Seimas Ombudsmen's Office. On that day, the Office joined the European Network of National Human Rights Institutions.

The Seimas Ombudsmen's Office, even without the status of an accredited national human rights institution, has been actively participating in the activities of the Network already since 2012 by providing replies to various questions and contributing to research conducted by the Network.

In 2014, the Seimas Ombudsmen's Office expressed a wish to take part in the activities of the advisory and pilot groups of the project on protection of the rights of older persons, which was aimed at identifying how the rights of older persons were enforced in care homes of different states, and was included into these groups.

In June 2014, representatives of the Seimas Ombudsmen's Office participated in a meeting where the planning of the project on protection of the rights of older persons was discussed, while in October 2014 they took part in the conference of the European Commission and the Network *Human Rights of Older Persons in Long-term Care* as well as

meetings of the advisory and executive groups of the older persons project.

In 2014, representatives of the Seimas Ombudsmen's Office also participated in other meetings and seminars organised by the Network, including a meeting held in May 2014 in Vienna on communication issues aimed at strengthening the existing communication links between institutions.

In June 2014, a representative of the Seimas Ombudsmen's Office took part in the event called the *NHRI Academy* (Academy for National Human Rights Institutions) held in Budapest, Hungary.

In September 2014, an Adviser of the Seimas Ombudsmen's Office participated in a meeting of a working group of the Network to discuss previous activities of the working group and prepare its action plan for 2014-2015.

### **The Office of the United Nations High Commissioner for Human Rights (OHCHR)**

The Office of the United Nations High Commissioner for Human Rights seeks to ensure human rights, conducts promotion of information on human rights, helps to identify current human rights problems and looks for ways to resolve them.

In 2014, the Seimas Ombudsmen's Office provided a reply to the OHCHR regarding the use of human rights data, while on 12-14 March 2014 the Head of the Seimas Ombudsmen's Office, the Seimas Ombudsman Augustinas Normantas participated in an annual meeting of national human rights institutions organised by the OHCHR.





### **The University of Florence and the European University Institute**

In 2014, upon invitation of the University of Florence and the European University Institute, the Seimas Ombudsmen's Office agreed to take part in the project prepared by them "CharterClick" as an associated partner. During the project, the Internet space will be created in order to verify whether a particular complaint falls within the scope of the European Union Charter of Fundamental Rights. The project will be implemented by six higher schools from five EU Member States, which will work on the project activities.

### **Study trips under the Nordic Baltic Mobility Programme for Public Administration**

At the beginning of 2014, the Seimas Ombudsmen's Office received financial support for the staff of the Office to carry out study trips, internships, training or network activities in the Nordic and Baltic countries.

On 7-9 October 2014, representatives of the Seimas Ombudsmen's Office were on a study trip to the Office of the Parliamentary Ombudsman of Norway, and on 27-31 October 2014, to the Office of the Parliamentary Ombudsman of Finland.

## **INFORMATION OF SOCIETY**

Information of society about the Seimas Ombudsmen's Office directly contributes to better familiarity with the Office's activities and education of society on human rights issues. The practice of the Seimas Ombudsmen demonstrates that residents,

having learned from the media about the restitution of another citizen's violated rights, also address the Office asking for an investigation regarding non-resolution by officials of state or municipal institutions of problems relevant to the residents or inappropriate resolution of such problems.

In 2014, the Seimas Ombudsmen's Office actively followed the principles of openness, transparency and publicity and promoted information on its activities as well as on problems relevant to society preparing and disseminating information in Lithuanian and English.

More than 50 press releases were made public at the website of the Seimas Ombudsmen's Office as well as disseminated to other means of the media. About 20 information messages were made public at the website of the Office to inform society about visits of the staff abroad, upgrading of qualifications and representation of the Office in other institutions. A media review is made public at the website of the Office [www.lrski.lt](http://www.lrski.lt) with links to articles and radio and television programmes. In 2014, online means of the media made public about 200 articles and prepared about 20 radio and television programmes, which informed society about the activities of the Seimas Ombudsmen.

The Seimas Ombudsmen's Office and its work was covered in television programmes and live radio programmes. Society was also actively informed about monitoring by the Office of human rights in detention places as well as investigations conducted on the initiative of the Seimas Ombudsmen and complaints investigated.

The means of the media, which announced information on the activities of the Seimas Ombudsmen in the areas of making public human rights violations in public administration and conducting the national prevention of torture, included national means, such as Lietuvos Žinios, Lietuvos Rytas, news agencies BNS and ELTA, 15min.lt, Delfi.lt, Lrytas.lt, Kaunodiena.lt, Alfa.lt, LRT Radio, Žinių Radijas, TV3, Info TV, and regional means, such as Alytaus Naujienos, Utenos Naujienos, Pūko Radijas, Panevėžio Balsas and others.

The Seimas Ombudsmen's Office also prepares releases to the media in English. The means of the media, which made public the information on the activities of the Office in English, included The Lithuanian Tribune, Baltic-course.lt and Baltictimes.lt.

During 2014, the activities of the Seimas Ombudsmen were started to be promoted via social networking services. Society is informed about the activities of the Seimas Ombudsmen on such social networking sites as Facebook and Twitter. On social networking sites, people not only can observe the activities of the Seimas Ombudsmen's Office but also respond by posting comments or share the message with other users of a social networking site.

The Seimas Ombudsmen also make their activities public via newsletters, which are sent to more than 500 state and municipal institutions and NGOs. The newsletters are disseminated twice a month. The newsletters provide information to representatives of institutions and NGOs about the most important activities of the Seimas Ombudsmen, namely, completed investigations of complaints, events and conducted monitoring of human rights.

## SIGNIFICANCE OF THE SEIMAS OMBUDSMEN'S OFFICE

In order to find out whether people of the country know that the Seimas Ombudsmen's Office defends human rights and which agency to address if people's rights are violated by state and municipal institutions, the Seimas Ombudsmen conduct a representative survey of Lithuania's population on a yearly basis.

Commissioned by the Seimas Ombudsmen's Office, public opinion and market research centre Vilmorus conducted a representative public opinion survey in November 2014. The survey revealed that as many as 54% of the country's population would know which institution to address regarding violated human rights, while in 2012 this figure stood at mere 27.9%.

According to the survey, as many as 42% of Lithuania's population would address the Seimas Ombudsmen regarding violated human rights, though in 2013 this figure stood at 34.5%, while in 2012, at a mere 24.3%.

The researchers noted that younger and more educated respondents as well as those receiving higher income (70%) and the residents of major cities (58%) have better knowledge as to which institution to address regarding violated human rights. The survey carried out in November 2014 revealed that the activities of the Seimas Ombudsmen's Office are best known to residents of major cities, and less known to rural population. In 2013, the largest part of the population knowing about the human rights protection function performed by the Seimas Ombudsmen lived in Kaunas and Marijampolė, while those knowing about this function least lived in Vilnius County.

## REPORT ON NATIONAL PREVENTION OF TORTURE

### Introduction

On 18 December 2002, the General Assembly of the United Nations adopted the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "The Optional Protocol"). The Optional Protocol confirmed that protection of persons deprived of their liberty against ill-treatment may be strengthened by regular inspection of places of detention. The aim of the Protocol is to establish a system of regular visits undertaken by representatives of independent international and national institutions to places of detention, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

On 3 December 2013, the Seimas ratified the Optional Protocol and adopted amendments to the Law on the Seimas Ombudsmen conferring the mandate of implementing the national prevention of torture in places of detention and visiting them regularly to the Seimas Ombudsmen's Office, and the Seimas Ombudsmen's Office was designated as the national preventive mechanism. Respective provisions of the said laws became effective as from 1 January 2014.

2014 was the first year when the Seimas Ombudsmen implemented the national prevention of torture. It should be noted that even though the Optional Protocol became effective and the implementation of the national prevention of torture pursuant to the Protocol started only from 1 January 2014, monitoring of the situation of human rights in places of detention

commenced already back in 2011. In 2011-2013, 14 inspections were carried out. Their results were also taken into account when implementing the national prevention of torture in 2014.

Inspections of places of detention convinced us that preventive activities against torture and other violations of human rights are important and create positive results: attention of institutions is drawn to possible problems and aspects which could lead to violations of the rights of detained persons, a progressive and respectful attitude is promoted, with the view to achieving the long-term goal, namely to ensure that the rights of persons held in places of detention are not violated.

This Report gives a presentation of the structure of the national preventive mechanism, its powers, the methodology of inspections of places of detention, the overview of the inspections carried out, the most important systemic problems identified, recommendations provided, cooperation between the Seimas Ombudsmen and Lithuanian as well as international institutions and NGOs, and other activities.

### NATIONAL PREVENTION OF TORTURE

#### Powers of the National Preventive Mechanism

When implementing the national prevention of torture, the Seimas Ombudsmen enjoy extensive powers, namely they have the right to choose which places of detention to visit and which persons to interview, to enter all places of detention and their

premises and to have access to their installations and facilities. The Seimas Ombudsmen also have the right to have private interviews with the persons deprived of their liberty without witnesses, as well as with any other persons who may supply relevant information, and to conduct inspections of places of detention together with selected experts. Inspections are organised to any place where persons are or may be deprived of their liberty, i.e. police custody facilities, imprisonment, care and mental institutions, institutions for treatment of infectious diseases, institutions for holding or accommodating foreigners and other institutions.

The Seimas Ombudsmen are assisted by employees of the Seimas Ombudsmen's Office in organising and performing activities of the national prevention of torture assigned to them. The employees of the Office regularly visit and inspect places of detention seeking to identify any indications of torture or other cruel, inhuman or degrading treatment or other human rights violations; they supervise the implementation of the Seimas Ombudsmen's recommendations in the area of national prevention of torture and perform other functions assigned.

### **Programme for National Prevention of Torture**

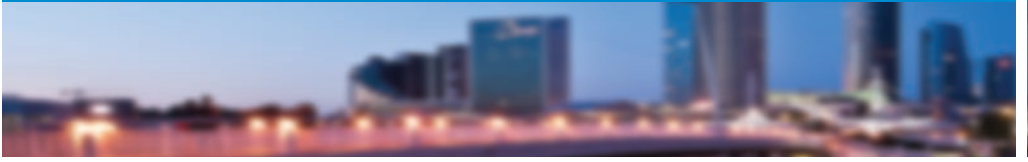
On 5 February 2014, the Head of the Seimas Ombudsmen's Office approved the Programme for Implementation of National Prevention of Torture establishing tasks and measures of national prevention of torture. The Programme for National Prevention of Torture contains analysis of the number of institutions 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.

### **Methodology for Performance of the National Prevention of Torture**

In the course of performance of the national prevention of torture, questionnaire-based inspections, thematic inspections and in-depth inspections are carried out.

In 2014, the majority of conducted inspections were questionnaire-based. This type of inspection is based on completing questionnaires adapted to each institution; these questionnaires cover the most important issues related to ensuring security and suicide prevention, use of special, restrictive and disciplinary measures, material conditions of detention (housing), nutrition, health care, ensuring persons' independence and autonomy as well as provision of information and examination of complaints. These questionnaires are prepared taking into account the requirements of national and international legal acts as well as the standards of the Committee against Torture.



Preparation for inspections included analysis of the requirements provided for in legal acts, the standards of the Committee against Torture and its reports following visits to Lithuania as well as collection of material on the institution to be inspected. Institutions were not notified in advance of questionnaire-based inspections. All inspections lasted no more than one day. No inspections lasted several days or were carried out during non-working days or public holidays.

In addition to questionnaire-based inspections, in-depth and thematic inspections were also conducted. An in-depth inspection was carried out in the Foreigners' Registration Centre with the participation of several members of the Seimas Committee on Human Rights. Following an inspection, a report was drawn up; the report contained detailed information on the situation of human rights and freedoms in the Centre, risk factors, problems identified and good practice. Thematic inspections were carried out in children's socialisation centres where the procedure for placement into pacifying rooms and conditions of keeping in these rooms were assessed.

Following each inspection, reports were prepared with conclusions on noticed shortcomings and recommendations for eliminating them. The reports with the said recommendations were submitted to heads of institutions inspected, and, where necessary, to other responsible institutions. All reports on inspections in places of detention are published on the website of the Seimas Ombudsmen's Office.

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). 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. On one occasion, where doubt arose as to whether the recommendations were indeed implemented, the institution was visited after the working hours and the information submitted by the institution was verified on site.

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, the following documents were prepared: 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. The plan is to conduct, in 2015, 10 inspections of places of detention with at least one external expert in the team.

## Cooperation

In 2014, a lot of attention was paid to meetings with experts in prevention of torture. Member of the Subcommittee on Prevention Mari Amos visited the Seimas Ombudsmen's Office twice and provided consultations to advisers of the Seimas Ombudsmen. During the first visit, the discussion with Mari Amos focused on issues of implementation of the Programme for National Prevention of Torture in Lithuania and sharing experience in monitoring of places of detention. The expert made recommendations on possible ways to improve methods of prevention and encouraged to draw up a 5-year plan of inspections in places of detention. During her second visit in Lithuania, the member of the Subcommittee on Prevention organised training at the Seimas Ombudsmen's Office and visited, together with employees of the Office, the Antaviliai care home for the elderly.

Cooperation possibilities in performing the national prevention of torture were discussed with representatives of the Psychological-Pedagogical Service of Vilnius City and Lithuania's representative on the Committee against Torture, psychiatrist Vytautas Raškauskas.

Seeking to develop cooperation and partnership with other institutions, the following meetings were organised: with the Ombudsperson for Children's Rights regarding the performance of the national prevention of torture in places of detention where children are kept, with the representative of the United Nations High Commissioner for Refugees in Lithuania regarding

cooperation in eliminating human rights violations in the environment of asylum seekers and monitoring of the human rights situation in frontier stations, and with representatives of Lithuanian NGOs acting in the area of protection of human rights regarding cooperation and participation of experts in the implementation of the Programme for National Prevention of Torture.

## CONDUCTED INSPECTIONS OF PLACES OF DETENTION

In 2014, the Seimas Ombudsmen carried out inspections in 40 (forty) places of detention: 10 (ten) care institutions (10 inspections), 1 (one) mental institution (1 inspection), 9 (nine) police custody facilities and premises of temporary detention (5 inspections), 4 (four) imprisonment institutions (5 inspections), 6 (six) children's socialisation centres (1 inspection) and 10 (ten) institutions of detention and accommodation of foreigners (11 inspections). 219 recommendations were provided, out of that number, 84 recommendations were provided to care institutions, 48 – to institutions of detention and accommodation of foreigners, 42 – to police custody facilities and premises of temporary detention, 15 – to the mental institution, 82 – to imprisonment institutions, and 2 – to children's socialisation centres. The majority of recommendations were implemented (fully or partially) or the Seimas Ombudsmen were provided with plans regarding their implementation in the future. It should be noted that one follow-up inspection was conducted in a care institution regarding the implementation of the recommendations by the Seimas Ombudsmen.



## Care Institutions

In 2014, the Seimas Ombudsmen assessed the human rights situation in ten institutions of social care (for disabled adults and the elderly).

The following are the main problems and human rights violations identified:

**1. Regarding ensuring safety of residents** – In the majority of institutions inspected (in seven out of ten), defects of the emergency alert system were identified: in some institutions such system was not installed, while in others it did not function or was inefficient and did not perform its direct function of ensuring residents' safety. Another important aspect of residents' safety is the preparedness of residents and the staff of the institution for emergencies, for instance, a fire. In one of the institutions visited, a fire safety inspection had not been carried out, in another one, the staff and residents admitted that in case of fire they would not know what particular actions should be taken to ensure safe evacuation, in yet another one, stairs leading to the ground floor were especially steep, therefore, it was likely that in case of fire residents would not be able to evacuate in a timely and safe manner.

**2. Regarding the living environment and conditions for the disabled** – Not in all care institutions the environment of residential rooms was similar to that of home; the main entrance and other premises, including hygiene premises, were inaccessible to the disabled; there were no appropriate conditions for moving independently, taking into account the age and the condition of health; it had not been ensured that all residents in their residential room have a possibility to observe the environment through the window, taking into consideration the

height of windows and the location of the bed. Cases have also been established where the required minimum living space per person (5 m<sup>2</sup>) was not ensured or residents were not sufficiently supplied with means of hygiene.

**3. Regarding ensuring residents' privacy** – In certain care institutions, residents did not have a possibility to lock their residential room from inside, it also happened that at night (and sometimes during the day) the staff locked residential rooms without the residents' consent; the staff did not knock on the door before entering the rooms; at the time of washing and bathing the residents who are not able to do that themselves, screens were not used, privacy was not ensured during medical check-ups; there were no separate premises (a private space) for private meetings with family or friends, or where two residents could spend some time together; individuals did not always have a possibility to use all the cutlery.

**4. Regarding individual care and encouragement of independence** – Not in all care institutions individual social care plans were drawn up for residents following an assessment of their needs, or such plans were drawn up without the participation of residents, and the independence of residents was insufficiently encouraged: there were no appropriate conditions for residents to cook themselves (there was a lack of crockery and cutlery), there was no possibility to express their preferences with regard to foodstuffs and/or choice of dishes, or to independently develop skills by washing their clothes, etc.; individuals were not encouraged or taught to use a computer and the Internet; they were not encouraged to learn alternative communication skills such as Braille and/or the sign language.



**5. Regarding provided health care services** – Not in all care institutions health care services were provided in compliance with the requirements of legal acts regulating provision of such services: there were no residents' signatures (regarding consent to or refusal of treatment prescribed to them) next to entries in medical histories of residents; residents were not notified of having an oncological disease; they were not offered to make use of state-funded preventive health care programmes; where physical restraint measures were applied to residents (medical belts, placement into the isolation room), decisions regarding their use were made not by a medical doctor, but by the administration of a care institution, and the application of such measures was not registered.

**6. Regarding the adequate number and competence of the staff** – Not in all care institutions the composition and number of the staff (24 hours a day) met the needs of residents; and not all the staff took part in training programmes on the rights of the disabled or the elderly.

The majority of recommendations addressed to care institutions were related to the installation and proper functioning of the emergency alert system; also, several recommendations were provided regarding these issues: encouragement of independence of persons kept in institutions, appropriate organisation of leisure, ensuring privacy, accessibility of institutions' entrances and premises for the disabled, drawing up individual social care plans and participation of residents therein, appropriate provision of relevant information, and proper application of physical restraint measures; in addition, practically all institutions were advised to organise, as possible, training to the staff on protection of human rights and fundamental freedoms and the rights of the disabled.

## **The Mental Institution**

In 2014, the human rights situation was assessed in one mental institution (Šiauliai Psychiatric Hospital). The following are the main problems and human rights violations identified:

### **1. Regarding safe, secure and appropriate conditions** –

A part of premises was not under surveillance by video cameras; therefore, secure environment for patients and the staff was not adequately ensured. Besides, the living space in a ward per patient (bed) (7 m<sup>2</sup>), as required by legal acts, was not ensured. In some wards, there were more than 4 beds, and there were no single-occupancy wards. There were also doubts as to whether it was reasonable to restrict a possibility to take a walk outside and as to the need for smoking premises.

### **2. Regarding ensuring the right to privacy** –

The patients had no possibility to lock hygiene premises from the inside; there were no separate premises for patients to have meetings with family or friends without the presence of strangers; patients were not guaranteed nutrition according to religious, cultural or other convictions; patients did not have a possibility to express their preferences with regard to the choice of food.

### **3. Regarding ensuring the right to receive information** –

There were doubts as to whether patients were always appropriately informed about the prescribed treatment, its duration and efficiency, medication they are taking, the possibility of alternatives, etc.; the patients' right to have access to medical documents and receive extracts thereof in accordance with the effective legislation was not ensured; information on sexual and reproductive health was not provided. If need be, interpretation services would not be ensured to patients.



**4. Regarding the analysis of patients' written submissions** – It was established that the institution does not perform the analysis of issues raised in patients' written submissions.

The mental institution was given recommendations regarding appropriate provision of information to patients, ensuring possibilities to exercise the right to privacy, ensuring the minimum living space per patient, proper registration of cases of physical restraint of patients and the analysis of patients' written complaints, requests, etc.

### **Police Custody Facilities**

In the course of assessment of the human rights situation in police custody facilities and premises of temporary detention in police stations during the reporting period, inspections were conducted in custody facilities and premises of temporary detention of four police stations as well as premises of temporary detention of one police station (custody facilities and premises of temporary detention of Šalčininkai Police Station of the Police Headquarters of Vilnius County; custody facilities and premises of temporary detention of the Police Headquarters of Panevėžys County; premises of temporary detention of Panevėžys Police Station; custody facilities and premises of temporary detention of the Police Headquarters of Alytus County; custody facilities and premises of temporary detention of Elektrėnai Police Station of the Police Headquarters of Vilnius County).

The following are the main problems and human rights violations identified:

**1. Regarding violations of hygiene norms and installation of premises** – Most common finding was that the detention conditions failed to comply with

the hygiene norms, besides, a number of cells and premises of temporary detention did not meet the requirements for the installation of such premises: cells were often insufficiently clean, the obligation to provide detained persons only with disinfected (cleaned) soft inventory (a mattress, a pillow, a blanket) was not always complied with, privacy was seldom ensured in sanitary units of cells, and the sanitary equipment was technically faulty; conditions were not provided for drying the laundry; interrogation rooms and residential cells were often not under surveillance by video cameras, there were also cases where the minimum living space per person in custody (5 m<sup>2</sup>) was not ensured. It was also noticed that main entrances to police stations and other premises were not adapted for the disabled.

**2. Regarding accessibility of health care** – Medical posts were installed not in all custody facilities, and some medical posts operated in conflict with the requirements of legal acts regulating the activities of such services (for instance, they did not have a licence or a permit-hygiene passport); detainees did not always have a possibility to see a psychologist and/or a psychotherapist; medical documents were filled in inappropriately; in certain cases the quality of food supplied to detainees was not checked. There were also cases established where detained persons were not supervised and checked by a health care specialist with only emergency medical care accessible to them; the condition of health of detainees on a hunger strike was not monitored.

**3. Regarding appropriate access to information** – There were cases where persons placed into custody were inappropriately informed of their rights and the internal regulations of police custody facility.

**4. Regarding access to additional out-of-cell activities** – In certain custody facilities, detainees had completely no access to sports, cultural and leisure activities.

Custody facilities were mostly recommended to ensure the minimum living space per person (5 m<sup>2</sup>), adapt premises and entrances for the disabled, ensure that the cells are kept clean, provide possibilities to detainees to dry the laundry, ensure privacy by correspondingly screening off sanitary units; provide detained persons with adequate information about their rights and obligations, and provide proper access to information relevant to detainees.

### **Imprisonment Institutions**

In 2014, the Seimas Ombudsmen assessed the human rights situation in four imprisonment institutions (two correction facilities and two remand prisons) (Marijampolė Correction House; Vilnius Correction House (Rasų Street Sector and Sniego Street Sector); Kaunas Remand Prison).

The following are the main problems and human rights violations identified:

**1. Regarding vacant staff positions** – In some of imprisonment institutions, there were vacant staff positions.

**2. Regarding officers' behaviour in cases of self-harm by inmates** – In one imprisonment institution, there were cases recorded when persons were kept handcuffed for a particularly long period of time because they were harming themselves due to unwillingness to be transported with convoy.

**3. Regarding assessment of proportionality of the use of special measures** – No assessment of proportionality of the use of special measures was provided in the

conclusions regarding disciplinary investigations into the use of special measures.

**4. Regarding performance of searches** – In certain imprisonment institutions, neither the supervising inmate of the cell nor any other person detained in the cell were present during the performance of searches of persons and premises; searches were filmed inappropriately or were not filmed at all.

**5. Regarding detention conditions** – A part of premises of imprisonment institutions was inaccessible for the disabled; the minimum living space per person (5 m<sup>2</sup>) was often not ensured; there was a lack of both natural and artificial lighting; there was also a lack of furniture and hard inventory; adequate cleanliness of sanitary units was not ensured; in some cases smoking inmates were kept together with the non-smoking ones; not all outside yards were clean.

**6. Regarding provided health care services** – Persons who were imposed with a penalty – solitary confinement – were not regularly visited by a health care specialist; health care services were possibly provided without compliance with the requirements of legal acts regulating the provision of such services; furthermore, there were doubts as to whether the convicted persons were properly informed of the treatment prescribed to them and agreed to receive it.

**7. Regarding nutrition** – Dietary or special nutrition for medical indications was not always ensured.

**8. Regarding provision of toiletry items** – In one imprisonment institution, toiletry items were kept in inappropriate conditions.

**9. Regarding out-of-cell activities** – The range of out-of-cell activities that detained persons could engage in was insufficient.

**10. Regarding dissemination of information** – Citizens of foreign countries were not always informed of their



rights, obligations and prohibitions applied in the language they understand.

The majority of recommendations addressed to imprisonment institutions were related to filling vacant positions and ensuring dietary or special nutrition for medical indications. Other recommendations were also provided, namely related to appropriate provision of health care services to inmates: there were doubts as to whether inmates were always properly informed of the prescribed treatment and expressed their consent to it; whether persons who were imposed with the solitary confinement penalty were visited by a health care specialist on a regular basis. Particular institutions were also given other recommendations with regard to ensuring appropriate, safe and secure detention conditions, appropriate and sufficient provision of the necessary items, organisation of nutrition, adaptation of premises for the disabled, properly informing inmates of their rights and obligations, organisation of inmates' leisure, training for the staff, etc.

### Children's Socialisation Centres

In 2014, the Seimas Ombudsmen assessed the human rights situation in six children's socialisation centres (Vėliučionys Children's Socialisation Centre; Vilnius Children's Socialisation Centre; Kaunas Children's Socialisation Centre Saulutė; Kaunas Children's Socialisation Centre; Gruzdžiai Children's Socialisation Centre; Children's Socialisation Centre Širvėna).

The following are the main problems and human rights violations identified:

**1. Regarding lawfulness of the use of pacifying rooms –** In certain children's socialisation centres, pacifying rooms were still used, thereby posing a possible risk of

violation of children's rights. Such violations may result from failure to comply with the procedure provided for in legal acts and the standards of the Committee against Torture: in certain children's socialisation centres, the scope of circumstances under which a child may be placed in a pacifying room was unreasonably extended, and a child was placed into the pacifying room without first trying to calm him/her down by other means; no measures were taken to ensure that the child is kept in the pacifying room for as short a time as possible; following the child's placement into the pacifying room, the problem of the child's behaviour which resulted in the placement to the room was not addressed.

**2. Regarding safe, secure and appropriate conditions in pacifying rooms –** In one of the centres, the number of pacifying rooms was insufficient; therefore, more than one child at a time was placed therein; in another centre, pacifying rooms did not meet the applicable installation requirements; proper surveillance of the child placed into the pacifying room was not ensured; in certain cases, in order to place the child into the pacifying room, special measures were applied which are allowed against minors only in exceptional cases – when they resist in a manner endangering human life or health.

**3. Regarding registration of information, notification and complaining against placement in pacifying rooms –** In many children's socialisation centres, conclusion was drawn that information on placing and holding children in pacifying rooms was not properly registered; in one of the centres, there were no possibilities for the child to file a complaint against his/her placement into the pacifying room.

Inspections of children's socialisation centres focused only on the assessment of the conditions and situation

of the placement of children residing in the centres into pacifying rooms. Following the inspection, one joint report with summarised conclusions was drawn up. It was recommended that the Minister of Education and Science consider a possibility, in accordance with the good practice applied by the two socialisation centres indicated by the Seimas Ombudsmen, to abandon the use of pacifying rooms in the remaining socialisation centres; should a decision be made to install and use pacifying rooms, it should be ensured that children's rights are not violated due to installation and use of these rooms; undertake appropriate actions to prevent unlawful use of special measures against children in one of the inspected socialisation centres.

### Places of Detention of Foreigners

In 2014, the Seimas Ombudsmen assessed the human rights situation in ten places of detention of foreigners: the Foreigners' Registration Centre, the Refugees Reception Centre as well as frontier stations of Vilnius and Ignalina Frontier Districts (Gintaras Žagunis, Dieveniškės, Pavoverė, Švenčionys, Adučiškis, Tverėčius, Puškai frontier stations and the Headquarters of Ignalina Frontier District).

The following are the main problems and human rights violations identified:

**1. Regarding safe, secure and appropriate conditions** – In all inspected frontier stations and the Refugees Reception Centre, residential premises were not suitable to persons with reduced mobility, entrances to frontier stations were not adapted to such persons either. Not all places of detention of foreigners ensured cleanness and neatness; in certain places, some of the necessary items were lacking; violations

of lighting, heating, ventilation and other hygiene norms were identified. Not all frontier stations had video surveillance cameras installed; in the Foreigners' Registration Centre, safety and security was insufficiently ensured, since only the asylum seekers' dormitory had a newly installed and properly operating electronic security system. As for ensuring safety and security, it should also be noted that, in the Foreigners' Registration Centre, a violation of rights was identified due to the failure to comply with the obligation to accommodate detained foreigners separately from detained asylum seekers, and men separately from women.

**2. Regarding ensuring the right to private life and the freedom of religion** – It was established that, in the Refugees Reception Centre, sanitary premises were installed without taking into account the specific features of religion professed by accommodated foreigners; the Foreigners' Registration Centre did not always ensure nutrition according to religious or cultural convictions, besides, due to the infrastructure of the Foreigners' Registration Centre, it was not always possible to provide possibilities for persons to practice their religious rites according to the faith professed. Moreover, in the Foreigners' Registration Centre, families were not provided with a possibility to be accommodated separately.

**3. Regarding the right to receive information** – In the section of unaccompanied minors of the Refugees Reception Centre, there were no information stands, while on other information stands, information was provided only in Lithuanian. In the Foreigners' Registration Centre, data received during the inspection on the information provided on information boards did not reflect the reality. In addition, even though interpretation services



were ensured in the Foreigners' Registration Centre, sometimes accommodated persons speak only their mother tongue, a rare language in the European Union, making it problematic to address these persons' everyday issues.

**4. Regarding inappropriate management of documents** – In the majority of frontier stations, placement of detained persons into premises of temporary detention was not registered in an appropriate register. In the Foreigners' Registration Centre, the registration of documents related to cases of violence was inappropriate because they were split into two registers. It was also established that, in the Foreigners' Registration Centre, regulation in cases of use of a firearm and special measures was insufficient – official notifications were drawn up inappropriately and medical doctors did not perform check-ups following the use of these measures, which could have resulted in a violation of the principle of proportionality.

When providing recommendations to places of detention of foreigners, the majority of remarks were related to the adaptation of residential premises and premises of temporary detention as well as entrances to institutions for the disabled. Many frontier stations were also given a recommendation to ensure appropriate registration of the fact, date and time of placement of detained persons into premises of temporary detention. Frontier stations were also provided recommendations with regard to ensuring the validity of medicinal products and medical aid means kept in medical kits, warnings regarding the use of video surveillance cameras in accordance with the requirements of protection of personal data, and conformity of cells to the requirements of legal acts. As for the Foreigners' Registration Centre and

the Refugees Reception Centre, it should be noted that they were given recommendations regarding sufficiency of the necessary items, cleanliness, neatness, lighting, heating, ensuring the compliance with safety and security requirements, providing possibilities to exercise the right to privacy (ensuring nutrition and installation of premises taking into account religious and cultural convictions, provision of possibilities for members of the same family to be accommodated together), ensuring appropriate provision of information (including the provision of information in the language understood by persons).

### **Regarding the Implementation of Provided Recommendations**

The Seimas Ombudsmen provided respective recommendations to heads of institutions of detention and other responsible institutions regarding all the circumstances established. 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 particular 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.







2015

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