



2016

Summary of the Annual Report on the Activities of the Seimas Ombudsmen's Office of the Republic of Lithuania in 2015



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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

10-03-2016 No 1/3D- 770

Re: SUBMISSION OF THE ANNUAL REPORT OF THE ACTIVITIES IN 2015

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 into account we hereby submit the Annual Report on the Activities of the Seimas Ombudsmen's Office in 2015. 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.

Yours faithfully,

Seimas Ombudsman

A handwritten signature in blue ink, appearing to read 'Augustinas Normantas'.

Augustinas Normantas

Seimas Ombudsman

A handwritten signature in blue ink, appearing to read 'Raimondas Šukys'.

Raimondas Šukys



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

Having established the principles of respect to human rights and freedoms in the Constitution of the Republic of Lithuania, the drafters thereof provided for a network of institutions responsible for the protection of human rights. One of such institutions is the Seimas Ombudsmen's Office of the Republic of Lithuania which is entrusted with the responsibility of protecting human rights and freedoms by examining complaints regarding abuse or bureaucratic behaviour of

state and municipal officials. Major focus on issues identified in complaints and a possibility of submitting proposals or comments to appropriate institutions and agencies regarding improvement of public administration so that human rights and freedoms are not violated, without investigating a complaint on the merits, as well as mediating to ensure that issues raised in a complaint are resolved in good faith determined a record number of recommendations issued in 2015, the

implementation of which reached as many as 96 per cent. The anniversary Report on the Activities of the Seimas Ombudsmen in 2015 provides an overview of the activities of the Seimas Ombudsman and Head of the Office Augustinas Normantas and the Seimas Ombudsman Raimondas Šukys. It is our hope that this Report will serve as an excellent mean for wider dissemination of information on human rights, contribute to more active discussions on human rights issues as well as promote the adoption of decisions necessary for Lithuania and its people.

The role of the Seimas Ombudsman consists in supervising the performance of their responsibilities and observance of legal acts by officials of state and municipal institutions by focusing on protection and defence of individuals' rights. As the concept of the ombudsman in democratic societies has been changing, the most important guideline of the work of the Seimas Ombudsmen has become the protection of human rights by mostly stressing the significance of the principle of the rule of law and the aspiration to ensure that all officials adhere to legal acts. Seeking to bring public administration closer to the citizen, even with the existence of the imperative grounds provided for by law to formally refuse the examination of a complaint, the Seimas Ombudsmen started looking for, increasingly more often, solutions to problems identified in a complaint by mediating between the individual and an appropriate institution complained against and asking to resolve the problems identified in good faith.

While investigating complaints the Seimas Ombudsmen give priority to the defence of

human rights by supervising whether officials observe the requirements of legal acts and whether they do not violate human rights when making decisions. Following the ratification by the Seimas on 3 December 2013 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the United Nations, the powers of the Seimas Ombudsmen have been expanded by granting to the Seimas Ombudsmen's Office the status of the national institution for the prevention of torture. The Seimas Ombudsmen have been entrusted not only with the protection of an individual's right to good public administration ensuring human rights and freedoms and supervision of the performance by authorities of their responsibility to properly serve people, but also with the performance of the national prevention of torture in places of detention.

In 2015, 44 visits to the places of detention were organized; in these places of detention, human rights violations of various nature, which were not known while investigating the complaints, were identified. The second year of conducting the national prevention of torture by the Seimas Ombudsmen's Office has shown that this is indeed a significant function, which contributes considerably to the improvement of the human rights situation in the country, therefore, last year we arranged especially many visits to the regions of Lithuania, where we presented the functions of the national prevention of torture and talked with heads of municipalities and places of detention about essential human rights violations in the places of detention. Implementing the resolution of the Committee



on Human Rights of the Seimas whereby the Report on the Activities of the Seimas Ombudsmen's Office in 2014 was approved; in 2015 we paid particular attention to problems of elderly individuals in care institutions and ensuring human rights of asylum seekers in places where foreigners are kept.

The recommendations of the United Nations' Human Rights Council encouraged the Republic of Lithuania to have the national human rights institution and the Seimas resolution encouraged us to seek to ensure that the Seimas Ombudsmen's Office of the Republic of Lithuania become the national human rights institution in the Republic of Lithuania fully in line with the National Human Rights Institutions Principles adopted by the United Nations General Assembly (the Paris Principles).

Becoming the national human rights institution is a strategic goal of the Seimas Ombudsmen's Office, therefore, at the end of 2015 we addressed the United Nations regarding the status of the national human rights institution in conformity with the National Human Rights Institutions Principles adopted by the United Nations General Assembly (the Paris Principles). Currently, even though we are not an officially recognized national human rights institution, we are active members of the European Network of National Human Rights Institutions and the European Network of Ombudsmen. In 2015, the Seimas Ombudsmen paid particular attention to the dissemination of human rights, therefore, we can be proud that the Seimas Ombudsmen's Office is increasingly better known. In recent years, the Seimas Ombudsmen's Office housed

many events aimed at discussing various human rights aspects with the participation of members of the Seimas, representatives of the executive branch of government and, certainly, members of the civic society. We would like to particularly highlight especially active and fruitful cooperation with state institutions and NGOs operating in the area of protection of human rights and freedoms.

The activities of the Seimas Ombudsmen in 2015 contributed to making the Seimas Ombudsmen's Office better known. According to a public opinion survey, people have increasingly more confidence in the Seimas Ombudsmen. Commissioned by the Seimas Ombudsmen's Office, a representative public opinion survey was conducted in 2015. The survey revealed that 59.7% of the population would know which institutions to address regarding the protection of human rights. We are happy that as many as 43.2% of the country's population would address the Seimas Ombudsmen regarding violated human rights.

As defenders of human rights, the Seimas Ombudsmen are mediators between an individual and the state. Our purpose is to seek to ensure that authorities serve people by properly performing the functions assigned to them. Therefore, by drawing attention to the officials' negligence at work or their 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 is in principle determined only by the Seimas Ombudsmen's authority, knowledge and competence, as well as thorough and reasoned arguments for the conclusions.

STATISTICS

In 2015, the Seimas Ombudsmen's Office received 2,838 applications from natural and legal persons, of which 1,752 were new complaints. The average number of complaints in 2012–2015 stays particularly high – 1,794 complaints (Fig. 1).

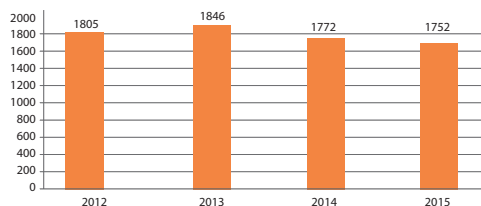


Fig 1. No of complaints received in 2012–2015

Received complaints / launched cases of complaints	1,752
Closed cases of complaints:	1,786
Investigated on the merits	558
Investigation by mediation	637
Investigation refused	591
Issues investigated and decisions made (in the cases investigated on the merits):	927
Declare the complaint as justified	330
Dismiss the complaint	272
Terminate the investigation	325
Investigations initiated by the Seimas Ombudsmen	17
Issues investigated and decisions made	21
The fact of infringement was confirmed	9
The fact of infringement was not confirmed	5
The investigation was discontinued	7
Recommendations provided by the Seimas Ombudsmen	2,194
Responses to the citizens applications	240
Complaints referred by the Seimas members	60

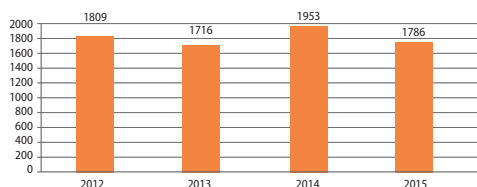


Fig 2. No of completed cases of complaints in 2012–2015

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 2015, the Seimas Ombudsmen investigated 558 complaints on the merits, investigated 637 complaints by mediation, and refused to investigate 591 complaints (Fig. 3).



Fig 3. Completed cases of complaints in 2015

1,354 complaints were related to the activities of the officials of state institutions and 520 complaints – to the activities of the officials of municipal institutions (120 complaints were related to the activities of both the officials of the state and municipal institutions).

In 2015, compared to 2014, the number of cases of complaints initiated against actions of the state institutions' officials increased by two and in respect of actions of the municipal institutions' officials – decreased by 67 (Fig. 4)

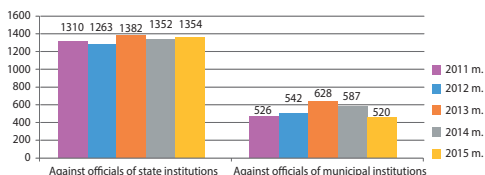


Fig 4. No of complaints against officials of state and municipal institutions in 2011–2015

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

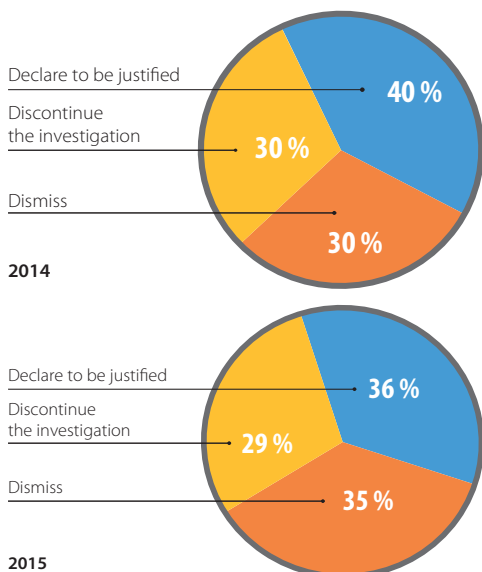


Fig 5. Distribution of all decisions made; a comparison of the data for 2014–2015

In accordance with Article 22 of the Law on the Seimas Ombudsmen, the Seimas Ombudsmen declared 36% of all complaints to be justified and dismissed 35% of complaints, while the investigation of 29% complaints was discontinued. The investigation is also discontinued in cases where the issues raised in a complaint are resolved in good will through the mediation of the Seimas Ombudsman. Compared to 2014, the number of complaints declared as justified by the Seimas Ombudsmen's Office decreased by 4% in 2015.

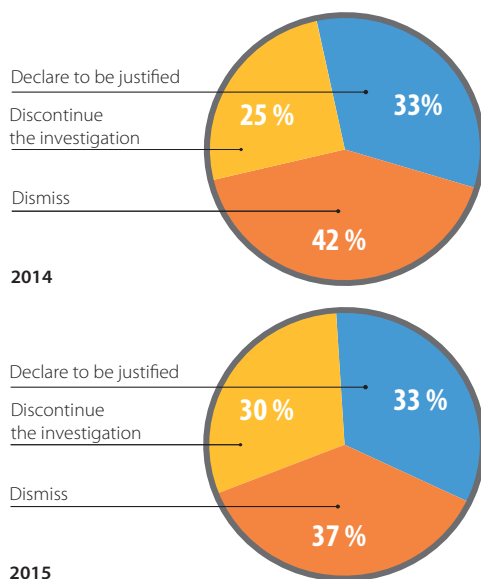


Fig 6. Distribution of decisions made in the cases related to state institutions and agencies; a comparison of the data for 2014–2015

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 37% of the complaints, while in 30% of cases the investigation was discontinued. In 2014, 33% of such complaints were declared to be justified and 42% were dismissed (Fig. 6).

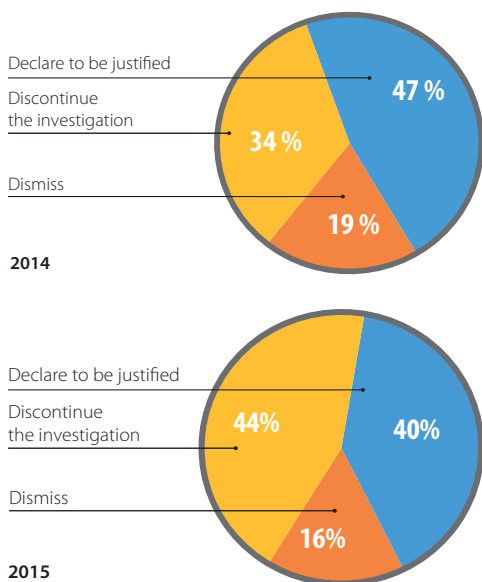


Fig 7. Distribution of decisions made in the cases related to municipal institutions and agencies; a comparison of the data for 2014–2015

As many as 40% of complaints against the activities of municipal institutions and agencies as well as their officials were declared to be justified, 16% of them were dismissed, while in 44% of cases the investigation was discontinued. In 2014, 47% of such complaints were declared to be justified, 19% were dismissed and in 34% of cases the investigation was discontinued (Fig. 7).

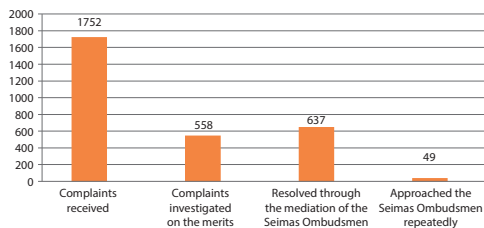


Fig 8. Investigated complaints

The Seimas Ombudsmen act as mediators in cases where there exist the grounds for refusal to investigate a complaint provided for in Article 17 (1) of the Law on the Seimas Ombudsmen. The Seimas Ombudsmen investigated 637 complaints acting as mediators between the general public and the authorities. In the majority of cases, the authorities resolved the issues identified in the complaints. Out of all (637) cases of mediation regarding the resolution of a problem indicated in the complaint, the Seimas Ombudsmen's Office was approached repeatedly by persons only in 49 cases (Fig. 8).

While resolving problems raised in complaints through mediation, the Seimas Ombudsmen 433 times addressed state institutions and 204 times addressed municipal institutions (Fig. 9).

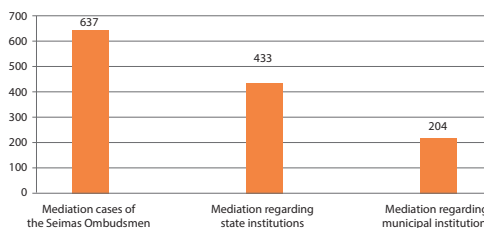


Fig 9. Investigation of complaints regarding the activities of state and municipal institutions through mediation

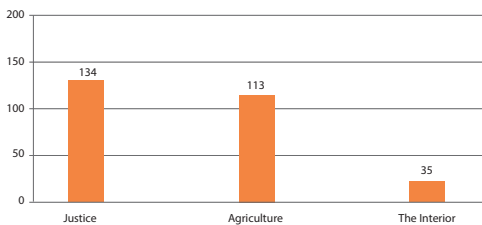


Fig 10. The majority of cases of mediation were related to these state institutions and institutions subordinate to them

The Seimas Ombudsman mostly acted as a mediator in resolving applicants' problems related to the Ministries of Justice (134 complaints), Agriculture (113) and the Interior (35) as well as institutions within their sphere of competence (Fig. 10).

Out of the institutions subordinate to the Ministry of Justice, the Prison Department should be mentioned (127 cases of mediation), while out of the institutions subordinate to the Ministry of Agriculture, the National Land Service stands out (106).

In 2015, the Seimas Ombudsmen mostly acted as mediators with regard to the municipalities of Vilnius

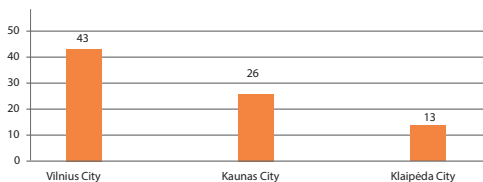


Fig 11. The majority of cases of mediation were related to these municipalities and institutions subordinate to them

City (43), Kaunas City (26) and Klaipėda City (13) as well as institutions subordinate thereto (Fig. 11).

Out of 433 mediation cases regarding state institutions, in 38 cases complainants approached the Seimas Ombudsmen's Office repeatedly; following the receipt of a follow-up complaint, 18 investigations were conducted/started, while in 20 cases investigations were refused (Fig. 12). cases investigations were refused (Fig. 12).

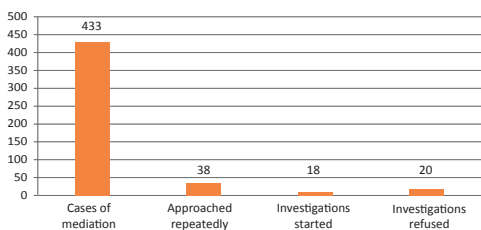


Fig 12. Cases when the Seimas Ombudsmen's Office was approached repeatedly regarding state institutions

Taking into account the complaints received with regard to municipal institutions, 204 mediation letters were prepared; in 11 cases complainants

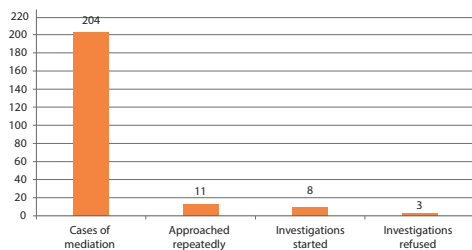


Fig 13. Cases when the Seimas Ombudsmen's Office was approached repeatedly regarding municipal institutions

approached the Seimas Ombudsmen's Office repeatedly; following the receipt of a follow-up complaint, 8 investigations were conducted/started, while in 3 cases investigations were refused (Fig. 13).

Investigations Refused

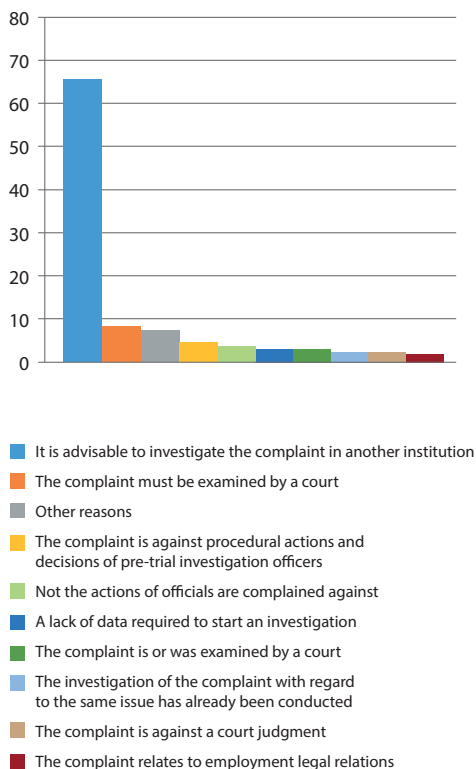


Fig 14. *The main reasons for refusal to investigate complaints (indicated in per cent)*

Considering the reasons for refusal to investigate complaints it is important to mention that the investigation of the majority of complaints (63.2%) was refused because they were supposed to be investigated by other institutions. Thus in such cases the Seimas Ombudsman addressed an appropriate institution by a mediation letter asking it to investigate, without delay, the circumstances identified in the complaint and submit a reply to the complainant and the Seimas Ombudsman. In the majority of cases, following such an intervention by the Seimas Ombudsman, the issues raised in the complaints are resolved in good will. Certainly, in certain cases this method does not help and a detailed investigation of the complaint is required. This makes it possible to protect the violated rights of individuals more efficiently and more rapidly by focusing on systemic human rights problems which are relevant for the major part of society.

The Seimas Ombudsmen received complaints (7.7%) which are supposed to be examined by a court or which are/were examined by a court (3%). Among other reasons for refusal to investigate complaints – the fact that the problems identified in the complaints do not fall within the competence of the Seimas Ombudsmen as provided for in Article 12 (1), Article 12 (2) and Article 12 (3) of the Law on the Seimas Ombudsmen (Fig. 14).

Review of received and investigated complaints by ministry and institutions subordinate to them in 2015

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	81	21	31	31	38	13	9	16	208
Energy	10	1	5	5	5	2		3	21
Finance	9		5	8	10	1	3	6	21
National Defence	4	2	1	2	3	1	1	1	4
Culture	10	2	7	3	3	3			16
Social Security and Labour	56	18	25	9	10	3	2	5	50
Transport and Communications	26	7	13	4	4	2	1	1	24
Health	51	18	7	33	37	15	14	8	78
Education and Science	5	4	2	2	2	1		1	11
Justice	480	206	134	148	269	90	111	68	402
Economy	8		4	5	5	2	2	1	11
Foreign Affairs	1			1	1			1	3
Interior	155	79	35	46	62	22	27	13	91
Agriculture	252	74	113	64	86	32	24	30	398

The majority of complaints were received by the Seimas Ombudsmen regarding the Ministries of Justice (480), Agriculture (252), the Interior (155) and Environment (81) as well as institutions subordinate to them.

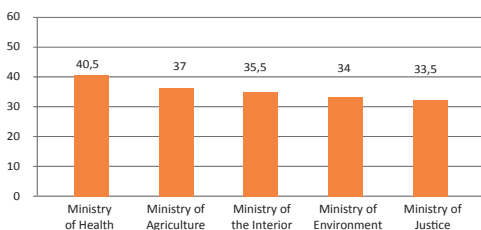


Fig 15. Five Ministries and institutions subordinate to them accounting for the largest numbers of complaints declared to be justified (in per cent)

However, the largest numbers of justified complaints were received with regard to the following Ministries and institutions subordinate to them: the Ministry of Health (40.5%), the Ministry of Agriculture (37%), the Ministry of the Interior (35.5%), the Ministry of Environment (34%) and the Ministry of Justice (33.5%) (Fig. 15).

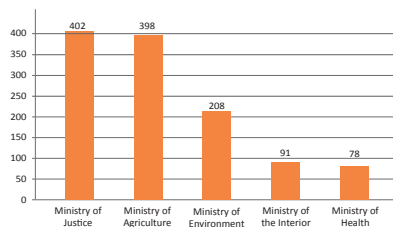


Fig 16. Five Ministries and institutions subordinate to them accounting for the largest numbers of issued recommendations

The Seimas Ombudsmen provided the largest numbers of recommendations regarding the following Ministries and institutions subordinate to them: the Ministry of Justice (402), the Ministry of Agriculture (398), the Ministry of Environment (208), the Ministry of the Interior (91) and the Ministry of Health (78) (Fig. 16).

The smallest numbers of complaints were received by the Seimas Ombudsmen in 2015 regarding the following Ministries and institutions subordinate to them: the Ministry of Foreign Affairs (1), the Ministry of National Defence (4), the Ministry of Education and

Science (5), the Ministry of Economy (8) and the Ministry of Finance (9) (Fig. 17).

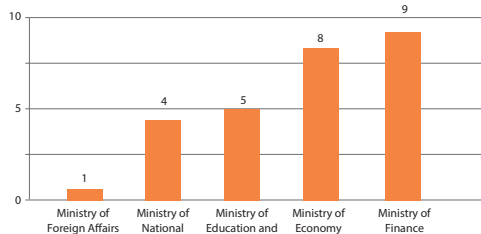


Fig 17. Five Ministries and institutions subordinate to them accounting for the smallest numbers of received complaints

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

The table shows municipalities and institutions subordinate to them accounting for the largest numbers of received complaints in 2015

Municipality	Com-plaints received	Investigation refused	Mediation used	Investigation on the merits	Decisions made	Justified complaints	Dismissed complaints	Investigation discontinued	Issued recommendations
Vilnius City Municipality	182	56	43	83	104	37	18	49	223
Kaunas City Municipality	64	7	26	25	32	14	5	13	74
Klaipėda City Municipality	27	7	13	16	22	7	3	12	34
Šiauliai Town Municipality	24	5	2	13	17	7	4	6	32
Vilnius District Municipality	21		5	14	26	11	3	12	28
Panevėžys Town Municipality	15	3	3	6	7	5	1	1	17
Klaipėda District Municipality	12	2	3	7	7	3	3	1	14
Alytus Town Municipality	11	4	3	6	8	5	1	2	12

The majority of complaints were received with regard to municipalities of Vilnius City, Kaunas City, Klaipėda City, Šiauliai Town and Vilnius District as well as institutions subordinate to them. However, the major part of justified complaints was received in relation to municipalities of Panevėžys Town (71.4%), Alytus Town (62.5%), Kaunas City (44%), Klaipėda District (43%) and Vilnius District (42%) as well as institutions subordinate to them (Fig. 18).

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.

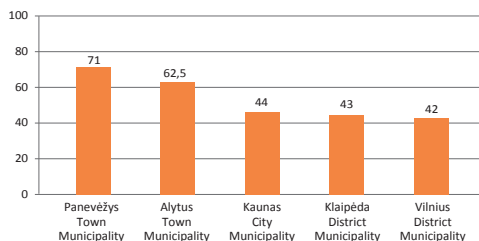


Fig 18. Five municipalities or institutions subordinate to them accounting for the largest share of complaints declared to be justified (in per cent)

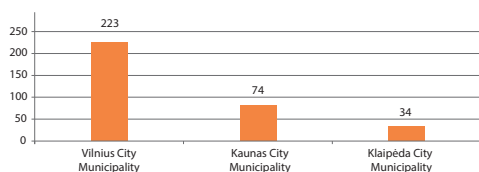


Fig 19. The municipalities accounting for the largest numbers of issued recommendations

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

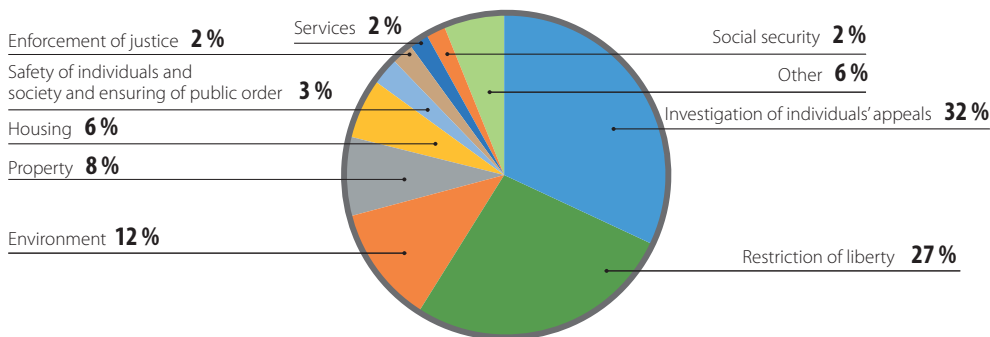


Fig 20. Completed complaints of natural persons by area

The majority of recommendations were provided with regard to municipalities of Vilnius City (223), Kaunas City (74) and Klaipėda City (34) as well as institutions subordinate to them (Fig. 19).

The breakdown of investigated complaints demonstrates that almost one third of all complaints investigated by the Seimas Ombudsmen in 2015 were complaints related to investigation of individuals' appeals (32%) and restriction of liberty (27%), while one sixth of all investigated complaints were complaints on issues of environment (12%). Almost one tenth of all complaints investigated by the Seimas Ombudsmen was related to property (8%).

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%. In 2015, the number of complaints related to restriction of individuals' liberty increased again and stands at 27%.

Complaints by Legal Persons

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

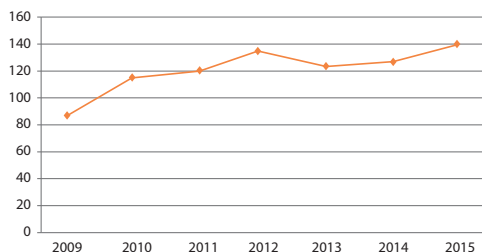


Fig 21. Number of complaints by legal persons; the data for 2009–2015

Every year, the Seimas Ombudsmen receive increasingly more complaints from legal persons.

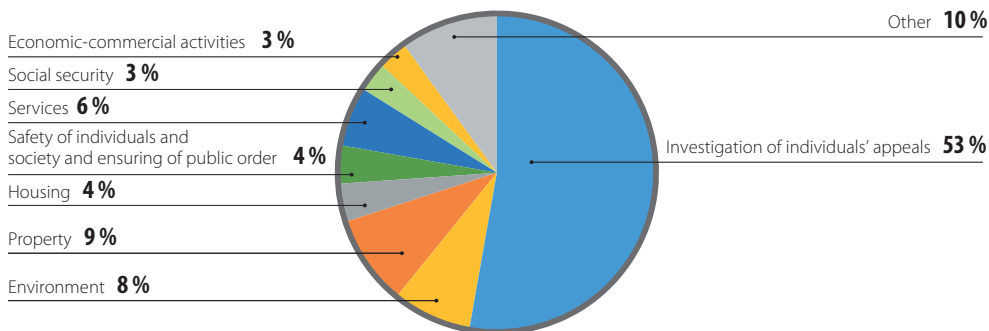


Fig 22. Complaints from legal persons by area



In 2010, the number of complaints received from legal persons was 114, in 2014, 126, and in 2015, 140. As compared with 2009, last year the number of complaints from legal persons was 67% higher (Fig. 21).

The breakdown of investigated complaints demonstrates that more than a half of all complaints from legal persons investigated by the Seimas Ombudsmen in 2015 were complaints related to investigation of individuals' appeals (53.5%) and a large share of complaints was related to issues of property (9%). 8% of all complaints of legal persons were complaints related to issues of environment (Fig. 22).

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 2015, the Seimas Ombudsmen conducted 17 investigations on their own initiative dealing with several problems in every case and adopting decisions with respect to each of them (21). It should be emphasized that, in 9 cases, the facts of officials' abuse of office, bureaucracy or other public maladministration were confirmed; in 5 cases such facts were not confirmed; and in another 7 cases the investigation was discontinued due to the fact that the circumstances complained against disappeared in the course of investigation or the problems under investigation were resolved in good will through the mediation of the Seimas Ombudsman.

The Most Important Investigations Initiated by the Seimas Ombudsmen and Completed in 2015 Briefly Describing the Purpose and Results of the Investigation

In 2015, 11 investigations opened in previous years were completed whereby the Seimas

Ombudsmen sought to establish how urban and district municipalities implemented the requirement provided for in legal acts to publish statements issued by the Seimas Ombudsmen and information on enforcement thereof as well as the requirement to indicate in replies provided to persons the procedure for complaining against them. In certain

municipalities, no violations were established, while several municipalities were reminded that statements issued by the Ombudsmen of the Seimas of Republic of Lithuania and information on the results of examination of recommendations must be published on the websites of municipalities in accordance with the procedure provided for in legal acts.

The most important investigations initiated by the Seimas Ombudsmen are provided in the table below.

Item No	Investigation No	Purpose of the investigation	Result of the investigation
1.	4D-2015/1-1236	Regarding actions of officials of the National Land Service in resolving the issue as to whether vacation of state land complies with the requirements of legal acts.	The National Land Service should actively take action to ensure that state land is vacated. The National Land Service informed the Seimas Ombudsmen that it had addressed the State Territorial Planning and Construction Inspectorate under the Ministry of Environment regarding buildings constructed on state land without authorization; the Inspectorate drew up a statement of unauthorized construction and a mandatory instruction to eliminate violations.
2.	4D-2014/1-736	Regarding actions of officials of the National Land Service in resolving the issue of privatization of Lake Seliovinis located in Lazdijai District Municipality.	A recommendation has been issued to the National Land Service to resolve the issue regarding the amendment of Orders of the Head of the Lazdijai Division of the National Land Service whereby land management projects of the land reform, under which a body of water, Lake Seliovinis, had been designed for citizens (for the purposes of restoration of ownership rights), were approved. The National Land Service has informed the Seimas Ombudsmen that the Lazdijai Division decided to amend the project and not to restore ownership rights to Lake Seliovinis.
3.	4D-2015/1-535	Regarding different deadlines for appealing against penalties provided for in the Law on Arrest Enforcement and the Penal Enforcement Code; whether they are advisable and whether legal regulation of enforcement of a penalty to place a detainee into solitary confinement is clear enough.	A recommendation has been issued to the Minister of Justice to take measures to ensure that the provisions of the Penal Enforcement Code regulating the deadline for appealing against penalties imposed on convicts are brought into line with the provisions of legal acts regulating the same issue and applicable to detainees. The recommendations of the Seimas Ombudsman have been implemented by amending the provisions of the Law on Execution of Criminal Punishments which will take effect on 1 April 2016.
4.	4D-2015/1-232	Regarding performance of the responsibilities of the Government representative in Kaunas County provided for in the Law on Administrative Supervision of Local Authorities in resolving the contradiction of Item 11 of the Regulations for the Local Charge for Collection of Communal Waste from Waste Holders and Waste Management approved by the Municipal Council of Prienai District (Charge Regulations) to the principle of proportionality provided for in Article 3 (3) of the Law on Public Administration.	The Seimas Ombudsman has recommended to the Government representative in Kaunas County to address the court regarding non-conformity of the Charge Regulations to the requirements of a legal act having a higher legal power. The Government representative in Kaunas County addressed the court. On 23 September 2015, Kaunas County Administrative Court recognized that the Charge Regulations amended by the decision of 30 October 2014 of the Municipal Council of Prienai District are in conflict with the principle of proportionality provided for in Article 3 (3) of the Law on Public Administration. Prienai District Municipality has appealed against this court decision in accordance with the appeals procedure.



Item No	Investigation No	Purpose of the investigation	Result of the investigation
5.	4D-2014/2-1788	Regarding actions of officials of the Administration of Vilnius District Municipality and the Administration of Vilnius City Municipality in examining an applicant's application regarding the use of Karveliškės cemetery.	Having conducted an investigation, the Seimas Ombudsman recommended the Administration of Vilnius City Municipality to take measures to ensure that in the future individuals' complaints regarding the cemetery, the maintenance whereof is to be organized by Vilnius City Municipality according to its competence under legal acts, are not forwarded for examination to another state institution. The municipal administration informed the Seimas Ombudsman that the Administration of Vilnius City Municipality would implement the issued recommendation according to its competence provided by legal acts, namely, would check how individuals observe the prohibitions and requirements regarding installation of external advertising within the territory of Vilnius City Municipality, and would also comply with all the requirements established by legal acts and an agreement on gratuitous use with regard to the user of the plot of land in the future.
6.	4D-2014/2-964	Regarding enforcement of the requirement of legal acts to publish statements issued by the Seimas Ombudsmen and information on the implementation thereof in Kalvarija Municipality.	Having conducted an investigation on his own initiative, the Seimas Ombudsman recommended the Director of the Administration of Kalvarija Municipality to take measures to ensure that statements issued by the Seimas Ombudsmen and information on the results of examination of recommendations are published on the website of the municipality in accordance with the procedure provided for in legal acts. The Director of the Administration of Kalvarija Municipality approved a new version of 7 March 2011 Order No A-24 "Regarding the Website of Kalvarija Municipality" whereby he obligated concrete employees of the Administration to publish all the necessary information on the website. Statements issued by the Seimas Ombudsmen, which were not published previously, have also been published.

Recommendations Issued in 2015

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 2015, the Seimas Ombudsmen issued 2,194 recommendations. The majority of them (1,188) 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 (359) 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 (270), 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.	1188	926	262
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.	359	164	195
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.	270	149	121
To involve the officials and experts from the government bodies, ministries, municipalities, municipal institutions and agencies.	177	157	20
To request the immediate provision of information, material and documents necessary for the performance of the Seimas Ombudsman's functions.	103	55	48
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.	66	57	9
To propose to a collegial body, the head of an institution and/or a body or institution of a higher level of subordination to impose official (disciplinary) penalties on the officials who commit offences.	18	9	9
To keep informed the Seimas, the 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.	5	5	
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.	5	3	2
To demand that officials, the activities of which are under investigation, provide explanations in writing or verbally.	2		2
To propose to a prosecutor to apply to court in accordance with the procedure set by laws for the protection of the public interest.	1	1	
To propose that material and non-material damage, which was sustained by a complainant due to violations committed by officials, is compensated for in accordance with the procedure set by laws	1	1	

Comparison of Implementation of the Recommendations in 2014 and 2015

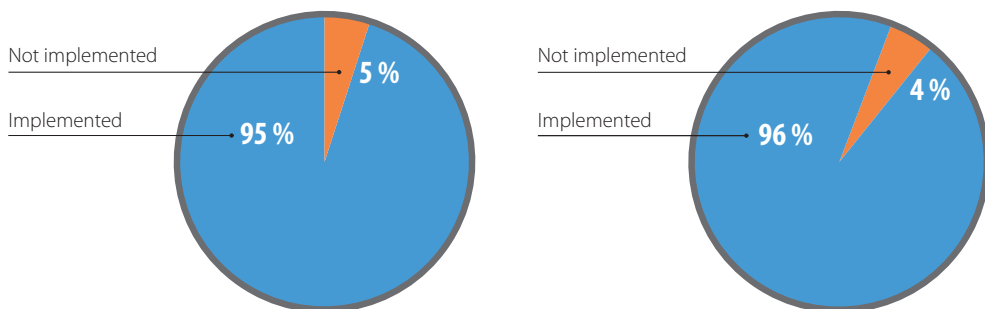


Fig 23. Comparison of data on implementation of the recommendations in 2014 and 2015

During the preparation of the Report, it was already known that 96% of recommendations provided by the Seimas Ombudsmen were taken into consideration. We are still looking forward to receiving replies from institutions regarding the remaining 4% of the recommendations issued. The comparison of data on implementation of the recommendations in 2014 and 2015 demonstrates that in 2015 the implementation of the recommendations increased by 1%.

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

In 2015, as many as 69% of all recommendations issued by the Seimas Ombudsmen provided assistance to individuals; 31% of the recommendations of the Seimas Ombudsmen addressed the problems of groups of the society.

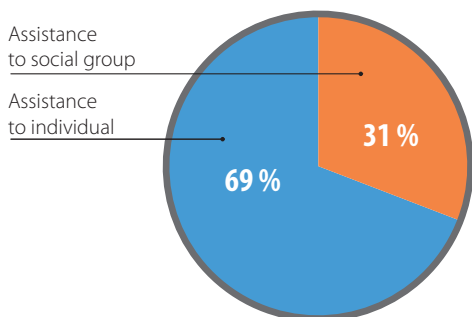


Fig 24. Comparison of the nature of the recommendations

Monitoring of Places of Detention¹

(Distribution of conducted inspections)

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

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

According to the data of the Seimas Ombudsmen's Office, there are 442 places of detention in Lithuania. These include 11 places of imprisonment, 92 places of police custody as well as premises of long-term and temporary detention, 13 mental institutions and medical institutions for treatment of contagious diseases, 172 care institutions for adults, 53 places of detention of foreigners (including 7 vehicles for transportation) and 101 institutions of child care and socialization. Conducting the national prevention of torture the Seimas Ombudsmen carried out 44 inspections regarding the human rights situation in places of detention during the year 2015.

Type of the place of detention	Number of cases of monitoring of the human rights situation
Care institutions for adults	22
Places of detention (accommodation) of foreigners	7
Police custody facilities and/or premises of temporary detention	7
Child care institutions	4
Imprisonment institutions	4
In total:	44

¹ Monitoring of places of detention is covered in more detail at the end of the Report, in the chapter *2015 Report on National Prevention of Torture*.

MOST IMPORTANT PROBLEMS IDENTIFIED IN COMPLAINTS

The following are the most important issues identified in complaints completed in 2015:

- **Control of cadastral measurements of land plots** (land surveyors conduct cadastral measurements of land plots inappropriately; while adjusting the boundaries of neighbouring land plots officials do not comply with the requirements of legal acts, they delay the approval of documents of cadastral measurements);
- **Absence of an access road to a land plot** (in violation of the requirements of legal acts, land plots were designed without access roads, the road servitudes were not established; land plots were designed with access roads, however,



when conducting cadastral measurements of a neighbouring land plot the road is eliminated, which is ungrounded; municipalities do not install a local road which was designed in a territorial planning document or a land holding design);

▢ **Territorial planning** (permits are not issued for drawing up land plot formation and re-shaping designs specifying motives not provided for in legal acts, or permits for drawing up designs are issued without grounds; municipalities do not draw up land plot plans for the restitution of ownership rights to urban land);

▢ **State supervision of construction** (officials of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment do not ensure the lawfulness of construction or refuse to conduct state supervision of construction without grounds);

▢ **Breach of the procedure and deadlines for the examination of requests or complaints, violations of the right to receive information** (deadlines for the examination of requests or complaints established in legal acts are missed; complainants are not informed about the extension of deadlines for the examination of requests or complaints; requests or complaints are examined not in a comprehensive manner, without providing the provisions of legal acts to substantiate the statements made; the appeals procedure is not indicated; there is a refusal to provide the requested information without grounds or the information provided is not accurate or is not in conformity with the contents of the request);

▢ **Protection of consumer rights and personal data** (the Bank of Lithuania, without grounds, did not apply the procedure for prior resolution of disputes in an out-of-court manner in the case of a dispute with a complainant (consumer) regarding currency exchange; the State Data Protection Inspectorate, the National Courts Administration and courts noticed a possible violation of a person's rights, however, they did not take any actions to address the problem because concrete violations of the requirements of legal acts were not identified due to shortcomings in legal regulation, e.g. legal acts do not clearly indicate that data, from which an individual may be indirectly identified, are not to be made public);

▢ **Inappropriate performance of functions of state institutions in the area of issue of visas** (information, which is necessary for the issue of visas, is not provided; problems of legal regulation with regard to the issue of visas, such as exceeding one's powers or non-proportionality and ungrounded nature of decisions taken, are raised);

▢ **Admission of children to pre-school and pre-primary education establishments** (information is not provided on the number of vacant places in pre-school and pre-primary education establishments, formation of queues and a factual child's place in the queue; problems in relation to transparency of submission of applications, choice of pre-school and pre-primary education establishments and admission of children are raised);

▢ **Control of activities of administrators of residential apartment blocks and**



management bodies of housing societies of owners of flats of residential apartment blocks (municipal officials perform supervision of activities of administrators appointed by municipalities and management bodies of housing societies of owners of flats of residential apartment blocks (organisation of meetings, decision-making, provision of information, maintenance of common-use objects, performance of repairs, accumulation of funds, calculation of fees, etc.) inappropriately, do not record violations, delay decision-making, do not take adequate measures to eliminate the violations, do not control fulfilment of obligations assigned to administrators and housing societies, do not avail of their right to draw up administrative law violation protocols);

▢ **Transportation of passengers by local routes organized by municipalities** (needs of and requests from the population are not taken into account when establishing routes of public buses, shortcomings in design of passenger vehicles, violations of enforcement of passenger control and problems of non-conformity of data of an electronic passenger transport ticket are also established);

▢ **Organization of safe traffic and maintenance of local roads and streets** (not enough attention is paid to requests from communities and individuals regarding maintenance and repairs of roads and streets, installation of street lighting, crossings and regulated crossroads as well as regulation of traffic flows and car parking; elders and municipal administrations do not submit proposals for investment planning, not enough funds are allocated, officials delay

resolution of problems and “transfer” it on private economic entities);

▢ **Management of water supply and wastewater** (public water suppliers require the receipt of a consent of third (private) persons for connection to the water supply and wastewater disposal network within the boundaries of installation of water supply inlets and wastewater outflow pipes);

▢ **Noise prevention** (reduction of noise from night clubs and bars, noise control and prevention);

▢ **Cash social assistance** (problems raised are related to allocation and payment of social and one-off benefits, allocation of social housing, return of unlawfully paid amounts (overpayments) in case a beneficiary is in a difficult financial situation, allocation of services of long-term social care, compensation for damage caused by loss of capacity to work and non-provision of information);

▢ **Examination of complaints and requests from persons in places of detention** (non-provision of information to be provided, including non-provision of information in an understandable language, non-provision of photocopying (printing) services, inappropriate application of legal acts, non-substantiated decisions, non-objective performance of investigations of complaints, non-examination of complaints regarding working conditions);

▢ **Conditions in places of detention** (non-compliance with the requirements of the



minimum area of accommodation and hygiene norms, non-glazed windows, non-provision of a possibility to use a shower);

▢ **Restriction of the right of detainees and convicts to communicate with their relatives** (application of disproportionate measures in order to restrict the right to communicate, inappropriate application of legal acts, adoption of unreasonable and ungrounded decisions to restrict meetings (communication) with their relatives);

▢ **Accessibility of health care during the period of sentence of deprivation of freedom** (long unjustified delay to register for a doctor's appointment and provide treatment services);

▢ **Complaints regarding the activities of bailiffs** (non-provision of clear and understandable information, non-compliance with the deadlines for information provision, insufficient mutual communication when recovering funds the recovery from which is not possible);

▢ **Complaints regarding actions (omission) of police officers and prosecutors** (non-provision or inappropriate provision of information on investigations conducted and decisions taken, procedure for the return of collateral, delay of a pre-trial investigation);

▢ **Activities of the State-Guaranteed Legal Assistance Office** (non-provision or inappropriate provision of information on decisions taken, control of activities of attorneys-at-law).

ACTIVITIES OF THE SEIMAS OMBUDSMEN

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 2015, the Seimas Ombudsmen's Office maintained close relations with international organizations, arranged various meetings, conferences and round-table discussions as well as developed inter-institutional cooperation.

MEETINGS WITH STAKEHOLDERS

Seimas Ombudsman Had a Meeting with Representatives of the Lithuanian Bar Council to Discuss Issues Related to Ensuring the Right to Defence



On 5 January 2015, in response to the concern expressed by the Lithuanian Bar Council regarding possible restrictions of the right of

detainees to see a defence attorney in institutions of temporary detention, Seimas Ombudsman Augustinas Normantas proposed to the Ministry of Justice to change legal regulation to ensure an individual's right to defence.

The Seimas Ombudsmen's Office held a round-table discussion whereby representatives of the Lithuanian Bar Association, the Prison Department, the Ministry of Justice, the Prosecutor General's Office and the Human Rights Monitoring Institute discussed problems related to realization of an individual's right to defence.

Seimas Ombudsman Discussed the Most Relevant Problems with the Chairman of the Presidium of the Chamber of Judicial Officers of Lithuania



On 9 January 2015, Seimas Ombudsman Augustinas Normantas had a meeting with the Chairman of the Presidium of the Chamber of Judicial

Officers of Lithuania Aleksandras Selezniovas, and they discussed relevant issues related to activities of bailiffs. Seimas Ombudsman A. Normantas provided several comments to the Chairman of the Presidium of the Chamber of Judicial Officers of Lithuania regarding insufficient promptness or comprehensiveness of bailiffs' replies to complaints. Having taken the recommendations of the Seimas Ombudsman into account, members of the Presidium addressed bailiffs of Lithuania highlighting that it is necessary to pay more attention to communication with the parties to the process.

Seimas Ombudsmen Presented Conclusions Made Following Visits to Children Socialization Centres to Members of the Committee on Human Rights of the Seimas



On 25 March 2015, Seimas Ombudsmen Augustinas Normantas and Raimondas Šukys presented human rights monitoring conclusions drawn up following visits

to children socialization centres to members of the Committee on Human Rights of the Seimas responsible for parliamentary scrutiny.

The members of the Seimas Committee on Human Rights asked what human rights violations had been established, whether the Ministry of Education and Science responded to recommendations of the Seimas Ombudsmen and what changes may be expected in children socialization centres following the identification of human rights violations.

Upon the initiative of the Seimas Ombudsmen, a conference to discuss asylum seekers' rights organized at the Seimas



On 30 March 2015, upon the initiative of the Seimas Ombudsmen and in cooperation with the Seimas Committee on Human Rights and



the United Nations Refugee Agency, the Seimas hosted a conference “Is it only detention? Problems and challenges of detention of asylum seekers and other foreigners in Lithuania.”

The conference provided a forum for discussion of asylum seekers' rights as well as issues related to protection against torture and inhuman treatment. In his conclusions regarding detention of foreigners, the Seimas Ombudsman noted violations in several areas, including violations of conditions of detention of foreigners and problems of ensuring the right to privacy, freedom of thought and religion, security, health care and receipt of information.

Seimas Ombudsman and Representatives of the Ministry of Environment Discussed Waste Management Problems



On 15 April 2015, Seimas Ombudsman Raimondas Šukys and representatives of the Ministry of Environment and the Environmental

Protection Agency discussed problems related to regulation of waste management and management of municipal waste.

In a meeting with the head of the Waste Management Department of the Ministry of Environment and the director of the Environmental Protection Agency, Seimas Ombudsman R. Šukys talked about the importance of cooperation in

addressing complainants' problems and discussed flaws in the legal regulation of waste management.

Seimas Ombudsman A. Normantas and Members of the Seimas Committee on Human Rights Visited the Foreigners' Registration Centre

On 6 May 2015, Seimas Ombudsman, the head of the Office Augustinas Normantas and members of the Seimas Committee on Human Rights visited the Foreigners' Registration Centre in Pabradė during a “day of open doors”. The event was aimed at familiarizing with the activities of the Centre and strengthening inter-institutional cooperation in addressing problems of refugees. The head of the Foreigners' Registration Centre and the director of Caritas expressed their appreciation for the results of cooperation.

Following the visit to the Foreigners' Registration Centre, A. Normantas drew up conclusions and recommendations regarding the human rights situation in the Centre.

Seimas Ombudsman Augustinas Normantas Had a Meeting with Heads of Care Institutions of Kaunas County



On 11 May, Seimas Ombudsman Augustinas Normantas and members of the Human Rights Division of the Seimas Ombudsmen's Office visited Kaunas where they discussed issues in relation to

the implementation of national prevention of torture in care institutions for adults with heads of care institutions of Kaunas County and representatives of municipalities.

During the meeting, national prevention of torture conducted by the Seimas Ombudsmen was presented and the powers of the national institution for the prevention of torture were discussed. The meeting provided a forum for discussion and analysis of the methodology of inspections, specific features of assessment of the human rights situation as well as the most important systemic problems identified, recommendations provided and the progress of implementation of the recommendations by the institutions.

In a Meeting with Heads of Imprisonment Institutions, the Seimas Ombudsman Focused on Long-Standing Problems



In his meeting with heads of imprisonment institutions of Lithuania, Seimas Ombudsman Augustinas Normantas discussed issues of implementation of national prevention of torture and drew the attention of the heads of institutions to justified problems identified in complaints. The meeting, which was organized by the Seimas Ombudsmen's Office and the Prison Department, focused on discussing the problems related to conditions of detention of convicts and their supervision.

The meeting with heads of imprisonment institutions took place in Lukiškės Remand Prison – Closed Prison on 19 May 2015. The Seimas Ombudsman and heads of institutions discussed the procedure for provision of information to detainees and convicts, conditions of solitary confinement of convicts, use of special means, provision of information to foreigners in their native language (understandable to them), procedures for filming searches, accessibility and provision of medical services in places of detention and other important issues related to the activities of imprisonment institutions and ensuring human rights and freedoms.

Seimas Ombudsman Discussed Problems of Bureaucracy of Officials in Utena



On 25 May 2015, in a meeting with heads of Utena District Municipality, Seimas Ombudsman Raimondas Šukys drew their attention

to problems existing in all municipalities, about which inhabitants of Utena District also complained, including: supervision and control of administrative activities of common-use objects of residential apartment blocks and privatization of municipal (state) residential premises.

Officials of municipal institutions presented problems relevant to them to the Seimas Ombudsman. During the meeting, renovation of residential apartment blocks and problems related



thereto were discussed, such as unwillingness of people to renovate balconies or floors of the ground floor and their lack of understanding that these are constituent parts of a multi-storey apartment block. Management of municipal waste was also discussed, including problems related to calculation of a charge for the collection of municipal waste. Afterwards, the Seimas Ombudsman received inhabitants of Utena District who had registered in advance.

Seimas Ombudsman, Head of the Office Had a Meeting with Heads of the Police Department

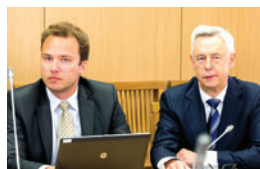


On 12 June 2015, Seimas Ombudsman, Head of the Office Augustinas Normantas discussed problems of ensuring human rights in

police custody facilities with officials of the Police Department. In a meeting with deputies of the Police Commissioner General, the Seimas Ombudsman drew their attention to problems in Police Headquarters of Vilnius and Klaipėda Counties.

Besides, the Seimas Ombudsman drew the attention of heads of the Police Department to the fact that certain heads of police headquarters of counties were slow in addressing possible human rights problems identified in statements issued by Seimas Ombudsmen. With heads of the Police Department, A. Normantas talked about the necessity to make public orders of the Police Commissioner General having an impact on ensuring an individual's rights.

Seimas Ombudsman Presented Activities of the National Prevention of Torture at the Seimas



On 17 June 2015, the Seimas Ombudsman, Head of the Office presented activities of the national prevention of torture,

conducted by the Seimas Ombudsmen's Office since the beginning of 2014, to members of the Seimas Committee on Foreign Affairs. While presenting the national prevention of torture, the Seimas Ombudsman drew the attention of the members of the Committee to a particularly high number of places of detention in Lithuania.

The Optional Protocol provides for regular monitoring of places of detention. According to experts from NGOs, which also contributed to the preparation of the Protocol, it is recommended to inspect places of detention once in three years on average.

Seimas Ombudsman Had a Meeting with Heads of Care Institutions of Panevėžys County



On 19 August 2015, Seimas Ombudsman Augustinas Normantas visited Panevėžys, where he had a meeting

at Panevėžys Town Municipality with heads of care institutions of Panevėžys County and

representatives of municipalities to discuss the issues in relation to the implementation of the national prevention of torture in care institutions for adults.

During the meeting, the national prevention of torture conducted by the Seimas Ombudsmen was presented and the powers of the institution responsible for the national prevention of torture were discussed. Other issues covered included the methodology of inspections, specific features of assessment of the human rights situation, the most important systemic problems identified in 2014–2015, recommendations issued and the progress of institutions in implementing them.

Seimas Ombudsman and Chairwoman of the Seimas Committee on Human Rights Visited the Foreigners' Registration Centre



In response to the information published in the media regarding possible human rights violations in the Foreigners'

Registration Centre, on 25 September 2015, Seimas Ombudsman Augustinas Normantas and Chairwoman of the Seimas Committee on Human Rights Zita Žvikienė visited the Foreigners' Registration Centre where they were interested in the conditions of accommodation of foreigners and discussed problems in relation to detention of foreigners in the Centre with the head of the Centre.

Seimas Ombudsman A. Normantas noted that any violations of human rights were significant, therefore, it was necessary to ascertain whether the circumstances indicated in the media did not constitute a precondition for possible violations of human rights.

Besides other problems, Seimas Ombudsman A. Normantas is concerned about the overcrowded building housing detained persons located in the Foreigners' Registration Centre, where the minimum residential area per person is not ensured.

In a Meeting with the Vice-Minister of the Interior, the Seimas Ombudsmen Discussed Problems of Transfer of Refugees to Lithuania



On 30 September 2015, Seimas Ombudsmen Augustinas Normantas and Raimondas Šukys had a meeting with the Vice-Minister of the

Interior to discuss procedures for transfer of asylum seekers to Lithuania as well as other issues related to the transfer of asylum seekers.

The issues discussed during the meeting included the number of asylum seekers that would come to Lithuania and the ways they would come here as well as where and in what stages they would be accommodated in the country. The Seimas Ombudsmen drew the attention of the Vice-Minister that the Foreigners' Registration Centre was overcrowded, while there were only a few



dozen of vacant places in the Refugees' Reception Centre.

Procedures for the transfer of asylum seekers from Greece and Italy were also discussed with the representative of the United Nations High Commissioner for Refugees in Lithuania and the director general of the Lithuanian Red Cross Society. These organizations take care to ensure dignified receipt of asylum seekers in the country.

Seimas Ombudsman Raimondas Šukys Visited Municipalities of Klaipėda, Šiauliai and Kaunas



On 26 May 2015, Seimas Ombudsman Raimondas Šukys had a meeting at Klaipėda City Municipality with the

Mayor, heads of the administration and divisions as well as other officials of municipal institutions. The meeting provided a possibility to discuss the objectives of activities of the Seimas Ombudsmen's Office, complaints under investigation regarding possible violations of human rights to good public administration as well as problems related to activities of officials of the administration of Klaipėda City Municipality and municipal institutions. While in Klaipėda, the Seimas Ombudsman received inhabitants which had registered in advance.

On 6 June 2015, the Seimas Ombudsman had a meeting with the Mayor, heads of the administration and divisions as well as other



officials of municipal institutions of Šiauliai District Municipality. Members of the Seimas Valerijus Simulikas and Edvardas Žakaris also participated in the meeting. The issues discussed included the objectives of activities of the Seimas Ombudsmen's Office, complaints under investigation regarding possible violations of human rights to good public administration as well as problems related to activities of officials of the administration of Šiauliai District Municipality and municipal institutions.

On 14 December 2015, the Seimas Ombudsman visited Kaunas City Municipality where he met with the Mayor of the City and the director of the municipal administration and discussed problems with regard to quality of public administration services provided to inhabitants of Kaunas City Municipality. In Kaunas, the Seimas Ombudsman received inhabitants together with the chairman of the Commission on Anti-Corruption of Kaunas City Municipality and participated in a meeting of the Commission on Anti-Corruption.

Seimas Ombudsmen Had a Meeting with Heads of Child Care Homes of Vilnius County



On 19 October 2015, Seimas Ombudsmen Augustinas Normančikas and Raimondas Šukys had a meeting

with heads of child care homes of Vilnius County to discuss issues related to the living conditions of children in care institutions.

The chief adviser to the Ombudsperson for Children's Rights, who also participated in the meeting, presented the main problems noticed in child care homes, including a lack of qualified staff, individualization of programmes of children's social needs and ensuring of privacy of children. She also drew the attention of those participating in the meeting to the fact that children did not trust the administration of a child care home and tended to look for help elsewhere.

The meeting also provided an opportunity to present the national prevention of torture conducted by the Seimas Ombudsmen and discuss the powers of the institution responsible for the national prevention of torture. Employees of the Human Rights Division of the Seimas Ombudsmen's Office discussed problems common to various care institutions.

Seimas Ombudsmen and the Management of the Association of Local Authorities in Lithuania Discussed Problems in Care Institutions



On 26 October 2015, Seimas Ombudsmen Augustinas Normantas and Raimondas Šukys met with representatives of the Association of Local Authorities in

Lithuania and the head of the administration of the Association Roma Žakaitienė.

The Seimas Ombudsmen presented to representatives of the Association of Local Authorities in Lithuania problems with regard to ensuring human rights, which transpired during visits in care institutions of the country. Issues discussed during the meeting included possible contribution of the management of municipalities to the elimination of human rights violations observed in care institutions.

Seimas Ombudsman Visited Panevėžys to Discuss Problems of Possible Abuse of Office by or Bureaucracy of Officials



On 7 November 2015, Seimas Ombudsman Raimondas Šukys visited Panevėžys to discuss issues, which were the most important for the town, with the Mayor and other heads of the town as well as inquire as to how the problems indicated in the Seimas Ombudsman's recommendations were addressed.

During the meeting, problems pointed out to the Seimas Ombudsmen most often were also examined, including detailed territorial planning, supply of drinking water and organization of safe traffic. Long-standing issues of the northern bypass were also discussed. Seimas Ombudsman R. Šukys proposed to discuss this question with the community once again. Subsequently, the Seimas



Ombudsman received inhabitants of Panevėžys Town which had registered in advance.

Seimas Ombudsman Discussed Problems of Ensuring Human Rights in Care Institutions with Representatives of NGOs



On 9 November 2015, Seimas Ombudsman, Head of the Office Augustinas Normantas had a meeting with representatives of NGOs at the Seimas

Ombudsmen's Office to discuss various human rights problems observed during visits to care institutions.

Seeking to ensure closer cooperation with NGOs in addressing various human rights problems, Seimas Ombudsman A. Normantas presented to the representatives of NGOs the results of assessment of the human rights situation in care institutions and discussed with them the main problems of ensuring human rights.

On the Occasion of the International Human Rights Day, Seimas Ombudsmen Visited Šiauliai and Alytus



On 26 November and 7 December 2015, Seimas Ombudsmen Augustinas Normantas and Raimondas Šukys visited

municipalities of the towns of Šiauliai and Alytus where they invited heads of municipalities of the county to discuss public administration and the most important cases of bureaucracy of officials in the country.

Seimas Ombudsman R. Šukys discussed issues related to municipal waste management, organization of safe traffic, control of activities of chairmen of housing societies of residential apartment blocks, supervision of activities of administrators of residential apartment blocks and other problems with heads of municipal administrations.

In a meeting with heads of municipalities of the county and heads of social care institutions of the county, Seimas Ombudsman A. Normantas presented to them the mechanism of monitoring of the human rights situation conducted since 2014 and discussed the most relevant human rights problems identified during visits to care institutions. Seimas Ombudsman R. Šukys and Chairwoman of the Seimas Committee on Human Rights Zita Žvikienė received inhabitants of Šiauliai and Alytus towns who had registered in advance.

Seimas Ombudsmen's Office Commemorated the International Human Rights Day and the 20th Anniversary of the Establishment and Operation of the Office



On 10 December 2015, the Seimas Ombudsmen's Office commemorated the International Human Rights Day, which

is one of the most important celebrations for the Office, because the drafters of the Constitution of the Republic of Lithuania, having provided for respect for human rights, also provided for the mechanisms of protection of human rights, including the Seimas Ombudsmen's Office.

On 10 December, the entire world marks the International Human Rights Day, the day when democratic countries agreed regarding respect for human rights and freedoms by adopting the Universal declaration of Human Rights at the United Nations General Assembly on 10 December 1948.

At a conference, presentations were delivered by Vytautas Mizaras, professor of the Department of Private Law of Vilnius University, Toma Birmontienė, former judge of the Constitutional Court and professor of Mykolas Romeris University, Leonidas Donskis, professor of Vytautas Magnus University, Lyra Jakulevičienė, dean of the Faculty of Law of Mykolas Romeris University, as well as judges of the Constitutional Court Danutė Jočienė and Algirdas Taminskas.

to the Permanent Mission of the Republic of Lithuania to the United Nations Office and other international organizations in Geneva, at the Seimas Ombudsmen's Office where they discussed human rights problems, prospects of the national human rights institution in Lithuania as well as preparation for consideration of the Universal Periodic Review to be conducted in 2016.

Seimas Ombudsmen Met with the Council of Europe's Commissioner for Human Rights



At the beginning of July 2015, the Seimas Ombudsmen had a meeting with the Council of Europe's Commissioner for Human Rights Nils

Muižnieks who was visiting Lithuania. During the meeting, they discussed the human rights situation in Lithuania and the national prevention of torture conducted by the Seimas Ombudsmen.

INTERNATIONAL COOPERATION

Meeting with the United Nations Ambassador



On 16 April 2015, Seimas Ombudsmen Augustinas Norman-
tas and Raimondas Šukys had a meeting
with Rytis Paulauskas,

Ambassador Extraordinary and Plenipotentiary

Visit of a delegation from South Korea

On 4 June 2015, the Seimas Ombudsmen's Office was visited by a delegation from Kiongi Province of South Korea with the purpose of familiarizing with the strategy, specific activities and structure of the Office as well as the statistics of complaints. Members of the delegation were also interested in issues of ensuring of transparency and prevention of corruption.



Trilateral Meeting in Tallinn

On 16–17 September 2015, upon an invitation of the Chancellor of Justice of Estonia, Seimas Ombudsman Raimondas Šukys and a delegation of employees of the Seimas Ombudsmen's Office visited Tallinn, Estonia, where a cooperation seminar of Baltic-Nordic ombudsmen from the countries *Importance of Cooperation of Ombudsmen's Institutions of Baltic-Nordic Countries* took place.

The meeting was attended by ombudsmen from Lithuania, Estonia, Finland and Sweden as well as a group of representatives of the ombudsmen's institutions of the Baltic countries. During the two-day meeting, the following issues were discussed: how to ensure that all groups of the society, including national minorities and people with disabilities, have equal possibilities to acquire quality education; where is the boundary between the right to privacy and public interest in internet space.

COOPERATION WITH INTERNATIONAL ORGANIZATIONS 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 organization initiating research and studies on the activities of ombudsmen. The Institute organizes training, seminars and conferences for ombudsmen, the staff and other stakeholders.

In 2015, as every year, the Seimas Ombudsmen's Office actively contributed to the activities of the International Ombudsman Institute by providing information on the work of the Office, replying to questions on questionnaires sent to it as well as voting in the election of President of the European Region of the Institute and members of the Board.

Besides, on 17–19 June 2015, a representative of the Seimas Ombudsman's Office took part in practical training on the subject *Implementing a Preventive Mandate* organized in Riga by the International Ombudsman Institute together with the Association for the Prevention of Torture intended for employees of institutions conducting the national prevention of torture.

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.

In September 2015, member of the Board of the European Ombudsman Institute and Seimas Ombudsman Augustinas Normantas participated in the General Assembly of the European Ombudsman Institute held in Mainz, Germany, where he was re-elected as a member of the Board for another two years.

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.

In 2015, the Seimas Ombudsmen's Office took active part in the activities of the European Network of Ombudsmen by providing information for the newsletter and replying to questions raised in the internet forum. In addition, on 26–28 April Seimas Ombudsmen attended the seminar of the *Network Ombudsmen against Discrimination* organized by the European Ombudsman and the Commissioner for Human Rights of the Republic of Poland during which presentations were delivered and various issues were discussed, including ensuring of the rights of people with disabilities, older people and national minorities as well as monitoring of flights of forced return of migrants.

On 14 October 2015, a representative of the Seimas Ombudsmen's Office participated in a meeting in Madrid arranged by the European Ombudsman and the Spanish Ombudsman's Office to discuss an investigation by the European Ombudsman regarding the role of Frontex in organizing joint return operations and to share experience and the best practice.

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 fundamental rights and shares its experience with regard to fundamental rights in the implementation of Community law. The Seimas Ombudsmen's Office belongs to the information network established by the Agency (FRANET) and submits information to it on a regular basis.

Relevant data and information are also provided on the basis of an agreement signed by the Seimas Ombudsmen's Office and the Agency on 1 October 2014 regarding the implementation of the project *Data Collection and Research Services on Fundamental Rights Issues*.

In 2015, the staff of the Seimas Ombudsmen's Office attended a number of seminars or meetings organized by the Agency, including a discussion arranged by the Agency and the European Network of National Human Rights Institutions on 30 January *Integration into the Society of National Minorities (Roma): Importance and Problems*; a meeting of communication specialists held in Vienna on 4–6 May; a meeting of project managers of FRANET organized in Vienna on 29 September; and a meeting of human rights experts from various European countries held on 19–20 November to decide how to consolidate efforts in increasing awareness of the society about human rights.

The European Network of National Human Rights Institutions

The Seimas Ombudsmen's Office joined the European Network of National Human Rights Institutions on 30 September 2014. The Office, even without the status of an accredited national human rights institution, actively participates in the activities of the Network by providing replies



to various questions and contributing to research conducted by the Network.

As from 2014, the Office and other European national human rights institutions have been participating in the project on protection of rights of older persons, the purpose of which is to establish how the rights of the elderly are ensured in care homes of different countries. During the year 2015, the staff of the Office conducted 9 (nine) monitoring visits of social care institutions for adults where the elderly were accommodated, and on 15–17 June 2015, one of the members of this staff attended a conference *Addressing the Challenges of Older Persons in Europe* organized in Brussels in the framework of this project.

Besides, in 2015, representatives of the Office also participated in other events and training organized by the Network: On 29 June – 3 July, training of national human rights institutions in Warsaw, Poland, on 26–28 October, the conference *Global Aging and the Rights of Older Persons* organised by the National Human Rights Commission of South Korea in cooperation with the Network and, on 29 November – 2 December, the General Assembly of European national human rights institutions held in Utrecht.

The Council of Europe

The Council of Europe, founded in May 1949, is the first European political organization, which exerted and still exerts major influence on the process of European integration. The activities of the organization are based on cooperation seeking to strengthen democracy, human rights and the rule of law, promote the cultural identity of Europe and diversity as well as address various social problems.

One of the main achievements of the Council of Europe is the European Convention for the Protection of Human Rights and Fundamental Freedoms, which establishes the main human rights standards and set up of the European Court of Human Rights, popularly called the Strasbourg Court.

In 2015, representatives of the Seimas Ombudsmen's Office attended a number of events organized by the Council of Europe. On 12–15 October, representatives of the Office visited Strasbourg, where they met with Egidijus Kūris, a judge of the European Court of Human Rights, the ambassador of Lithuania at the Council of Europe and Nils Muižnieks, the Council of Europe's Commissioner for Human Rights. Participation in the conference *Freedom of Expression: still a precondition for democracy?* organized by the Council of Europe on 13–14 October provided an opportunity for the representatives of the Office to explore issues related to ensuring freedom of expression and state security as well as challenges faced by the media in collecting information and presenting it to the society.

On 3–4 December 2015, a representative of the Office took part in a meeting of the Council of Europe, the European Union Agency for Fundamental Rights, the European Network of National Human Rights Institutions and the European Network of Equality Bodies arranged to discuss issues with regard to the protection of rights of persons of Roma nationality in Europe.

The Organization for Security and Cooperation in Europe (OSCE)

The Organization for Security and Cooperation in Europe is the largest regional security organization in the world uniting 57 countries of Europe, North

America, South Caucasus and Asia as well as 11 partner states.

The OSCE focuses on promotion of mutual trust among states and nations, democratic reforms, creation of modern institutions and the civic society and election observation.



On 1–3 June 2015, representatives of the Seimas Ombudsmen's Office attended the OSCE human dimension seminar in Warsaw *The Role of*

National Human Rights Institutions in Promoting and Protecting Human Rights in the OSCE Area, and on 4 June, they participated in the discussion organized by the OSCE and the Association for the Prevention of Torture *Implementing the Preventive Mandate: The Ombudsmen's Institution Designated as a National Preventive Mechanism in the OSCE Region*.

The participants shared the best practice in implementing the national prevention of torture, including cooperation with NGOs, the civic society as well as state and municipal institutions. Issues discussed also covered the drawing up of reports on monitoring of places of detention, cooperation with experts of various fields in conducting monitoring and presentation of reports to heads of institutions wherein monitoring was performed.

The University of Florence and the European University Institute

As from 2014, the Seimas Ombudsmen's Office takes part, as an associated partner, in the project

"CharterClick" conducted by the University of Florence and the European University Institute. During the project, the Internet platform 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 is implemented by six higher schools from five EU Member States and various human rights institutions. In 2015, the Office provided replies and information related to the use of the Charter in their work on numerous occasions.

DISSEMINATION OF INFORMATION

Dissemination of information 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 2015, 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 70 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 18 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 with links to articles and radio and television programmes. In 2015, online means of the media made public about 300 articles and prepared about 17 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, Alytaus Radijas, Šiaulių Kraštas, Šiaulių Regioninė Televizija, Vakarų Ekspresas, Klaipėda and others.

The activities of the Seimas Ombudsmen were 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 600 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.

SURVEY ON 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 2015, which revealed that residents' knowledge about the Office was increasing.

According to the survey, as many as 43.2% of Lithuania's population know that the Seimas Ombudsmen protect human rights, though in 2014 this figure stood at 42% and in 2013, at 34.5%, while in 2012, at a mere 24.3%.

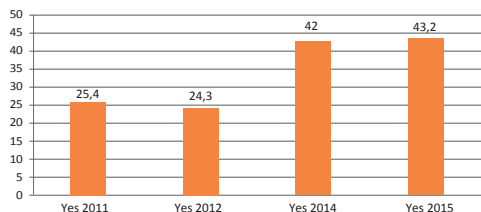


Fig 26. Data on residents who know that the Seimas Ombudsmen protect human rights (in per cent)

The survey revealed that more residents would know which institution to address regarding violated human rights (59.7%), while in 2014, this figure stood at 54%, and in 2012, at a mere 27.9%. However, those approaching the Office for help comprise only 15.1% of the entire population.

The number of people whose rights were violated in state or municipal institutions is slightly decreasing. One sixth of the respondents (16%) indicated that their rights had been violated in state or municipal institutions, while in 2014, this figure stood at 18%, and in 2013, at 20%.

The respondents are not inclined to seek the protection of violated human rights. As many as 84.9% of the respondents claimed that they never approached any institution for help, while 6.7% of them approached the police and the prosecutor's office, 5% addressed the court, 3.4% – the Seimas Ombudsmen's Office and 2.2% – the media.

The researchers noted that more educated respondents as well as those receiving higher income and the residents of major cities (71.5%) have better knowledge as to which institution to address regarding violated human rights, while those who do not know that more often include the

ones receiving lower income, residents of towns and villages as well as respondents without secondary education (52.8%).

REPORT ON NATIONAL PREVENTION OF TORTURE

Powers of the National Prevention Institution

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.

Methodology for Performance of the National Prevention of Torture

In the course of performance of the national prevention of torture in 2015, the Seimas Ombudsmen carried out questionnaire-based inspections, thematic inspections and follow-up inspections.

The majority of inspections conducted during the reference year were questionnaire-based inspections (30). Out of that number, 19 questionnaire-based inspections were carried out in care institutions for adults, 5 – in police custody facilities and/or premises of temporary detention, and 6 – in frontier stations. 8 thematic inspections were also performed: 3 – in imprisonment institutions (regarding ensuring the rights of vulnerable groups), 4 – in child care institutions (on issues related to the staff, security, prevention of inappropriate behaviour, social skills, supply and leisure), and one – in the Foreigners' Registration Centre (in response to the information which appeared in the media). In addition, 6 follow-up inspections were carried out: one – in an imprisonment institution, 3 – in care institutions for adults, and 2 – in police custody facilities and/or premises of temporary detention.

While conducting questionnaire-based inspections, questionnaires adapted to each institution are completed; 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' 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 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which has been performing the prevention of torture in European states for 25 years already.

During thematic inspections, a concrete area (or areas) is focused on, for instance, provision of health care services, creation of general climate of security, prevention of smoking and alcohol consumption, imposition of penalties, issues of the staff, or concrete persons are focused on, for example, groups of vulnerable individuals (women, minors and persons with a physical disability), etc. In the course of thematic inspections in imprisonment institutions (Lukiškės Remand Prison – Closed Prison, Panevėžys Correction House and Kaunas Remand Prison for Minors – Correction House), ensuring of rights and freedoms of vulnerable inmate categories, such as women, minors and persons with a physical disability, in imprisonment institutions was assessed. Thematic inspections were also carried out in child care homes (Antakalnis Child Social Care Home, Child Social Care Home "Gilė", public institution Children and Adolescents Social Centre and Mintis Child Social Care Home) where the issues assessed included ensuring a sufficient number of the staff, involvement of volunteers, treatment of children by the staff and protection against inappropriate behaviour, application of disciplinary measures, development of social skills, organization of leisure, familiarization of children with their rights and obligations, availability of information and others.

The Seimas Ombudsmen also continuously monitor the information which is disseminated in the public space in relation to events in places of detention. If the Seimas Ombudsmen have some information or have reasonable suspicions regarding possible violations of the rights of persons whose liberty is restricted, they may decide to conduct monitoring of the human rights situation in an appropriate institution. In 2015, such an inspection was carried out in the Foreigners' Registration Centre in response to the information which appeared in the media with regard to possible violations of the rights of persons detained there (regarding such issues as overcrowding of the Centre, residential premises infested with parasites, a possibility of cooking one's food and receiving nutrition according to religious and cultural convictions, organization of additional activities and a lack of wheelchairs for persons with a disability of mobility).

The purpose of follow-up inspections is to clarify the results of implementation of recommendations issued by the Seimas Ombudsmen since the control of recommendation implementation is a very important aspect of the national prevention of torture making it possible to establish whether the recommendations were implemented and what specific actions were undertaken by the institution to implement them. In 2015, the Seimas Ombudsmen made follow-up visits to one imprisonment institution, three care institutions for adults and two police custody facilities and premises of temporary detention.

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

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

Following inspections of several places of detention of the same type, reports were drawn up; the reports assessed factual circumstances according to appropriate areas and described systemic human rights violations identified as well as the best practice observed in the institutions in order to improve the persons' living/detention conditions. Following performance of monitoring of the human rights situation, shortcomings observed during inspections were covered in reports providing a legal assessment of the shortcomings, appropriate conclusions and recommendations to eliminate the shortcomings. Reports with recommendations were submitted to heads of institutions inspected and, if required, to other responsible institutions. It is noteworthy that according to Article 19¹ (6) of the Law on the Seimas Ombudsmen, competent institutions must examine proposals (recommendations) of the Seimas Ombudsmen, consult the Seimas Ombudsmen regarding possible measures for implementation of the proposals (recommendations) and notify the Seimas Ombudsmen of the results of implementation of their proposals (recommendations).

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



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 2015, the following documents regulating the procedure for expert participation in inspections of places of detention were prepared: *Rules of Procedure for Inclusion of Experts in Inspections of Places of Detention* approved by 24 August 2015 Order No 1V-4 of the Head of the Seimas Ombudsmen's Office, *A Model Agreement on Provision of Fee-paying Expert Services with annexes: Certificate of Confidentiality* (Annex 1) and *Declaration of Objectiveness* (Annex 2) approved by 24 August 2015 Order No 1V-42 of the Head of the Seimas Ombudsmen's Office, *A Roster of Experts for Inclusion in Inspections of Places of Detention* approved by 3 December 2015 Order No 1V-65 of the Head of the Seimas Ombudsmen's Office as well as a plan of the content of introductory training for experts and a memorandum of monitoring.

In 2015, external experts (psychologists) were involved twice during inspections of child care homes.

While performing the function of the national prevention of torture, it is also important to ensure inter-institutional cooperation. Thus in 2015 the Seimas Ombudsmen focused on meetings with heads of responsible authorities as well as places of detention and their associations organized in various counties of Lithuania. These meetings provided an opportunity to present the national prevention of torture conducted by the Seimas Ombudsmen in various places of detention as well as the most relevant problems identified in 2014–2015 and discuss solutions to such problems.

CONDUCTED INSPECTIONS OF PLACES OF DETENTION

In 2015, the Seimas Ombudsmen carried out inspections in 44 places of detention: 22 (twenty-two) care institutions for adults, 7 (seven) police institutions of detention and accommodation of foreigners, 7 (seven) custody facilities and premises of temporary detention, 4 (four) child care institutions and 4 (four) imprisonment institutions. 189 recommendations were provided, out of that number, 64 recommendations were provided to care institutions, 14 – to institutions of detention and accommodation of foreigners, 30 – to police custody facilities and premises of temporary detention, 24 – to child care institutions, and 57 – to imprisonment institutions. The majority of recommendations were implemented (fully or partially) or the Seimas Ombudsmen were provided with plans regarding their implementation in the future.

Care Institutions for Adults

In 2015, the Seimas Ombudsmen assessed the human rights situation in **nineteen** institutions of social care (for disabled adults and the elderly):

☐ In 10 (ten) care institutions of Kaunas county, namely, public institution Rumšiškės Care Home for the Elderly “Auksinis Amžius”, public institution “Globasta”, public institution Ežerėlis Nursing Home, Kaunas Panemunė Care Home for the Elderly, Kėdainiai Social Care Home, Jonava Care Home, Čekiškė Social Care Home, public institution Home for the Elderly “Užusaliai”, public institution “Amžiaus Žiedas” and Vilijampolė Social Care Home (14 September 2015 Report No 2015/1-74);

☐ In 9 (nine) care institutions of Panevėžys county, namely, public institution St Joseph's Care Home, the Centre of Services and Occupation for the Elderly and the Disabled of Pasvalys District, public institution Pasvalys Hospital, Jotainiai Social Care Home, public institution St Vincent de Paul's Care Home of Biržai parish, public institution Ona Milienė's Care Home for the Elderly, Kupiškis Social Services Centre, Legailiai Social Care Home, and public institution "Vilties Namai".

Inspections were also conducted in **four** child care institutions of Vilnius county, namely, Antakalnis Child Social Care Home, Child Social Care Home "Gilė", public institution Children and Adolescents Social Centre, and Mintis Child Social Care Home (29 February 2016 Report No 2015/1-137).

Follow-up inspections were carried out in **three** social care institutions for adults, namely, Paberžė Care Home (13 May 2015 Report No 2015/1-47), the Home for the Elderly of public institution "Sevilis" (13 May 2015 Report No 2015/1-48), and the Care Division of Eišiškės Personal Health Care Centre (13 May 2015 Report No 2015/1-49).

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

1. *Regarding ensuring safety of residents* – Not all institutions were able to provide appropriate additional care and services to persons (aggressive residents) which needed such services; in certain care institutions, defects of the emergency alert system were identified: in some institutions, such system was not installed (including personal hygiene premises), while in others it was not accessible to all residents or was not always within reach of a hand, or

it did not function or was inefficient, and sometimes the staff did not respond to the emergency signal; assessing the safety of residents in case of a fire (fire safety) or in case of other emergencies, it was observed that in some institutions stairs leading to the ground floor were steep; in certain institutions, evacuation stairs were not installed properly; in some institutions, accidents were not registered in a special log or were registered inappropriately.

2. *Regarding ensuring residents' privacy* – In certain care institutions, residents did not have a possibility to lock their residential room from inside (considering the level of their independence), it also happened that the staff locked residential rooms without the residents' consent; often, the staff did not knock on the door before entering the rooms (or they did not always knock); privacy was not ensured in personal hygiene premises; in one institution, video surveillance cameras were installed in residents' rooms; sometimes, 5–6 residents shared the same room; in one institution, residents lived in a room which led yet to another room; privacy was violated when a person with mental disorders disturbed other residents; at the time of washing and bathing the residents who were not able to do that themselves, or changing their diapers, screens were not used; privacy was not ensured during medical check-ups.

3. *Regarding shortcomings related to adaptation of premises to disabled persons and mobility on the territory of the institution* – In some institutions, the main entrance and other premises, including hygiene premises, were inaccessible to the disabled; the territory was not adapted to the residents' needs, there were no appropriate conditions for moving independently, taking into account the age and the condition of health; sometimes, residents did not have a possibility to use a lift when they needed it;



it was not ensured that all residents with a mobility disability in their residential room had a possibility to observe the environment through the window, taking into consideration the height of windows and the location of the bed; not all institutions had a possibility to take outside persons with a severe mobility disability (who were always lying in bed).

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, or the plans were not reviewed according to the timeframe provided for in legal acts, or social work was not always recorded in detail; cases were also identified when the independence of residents was insufficiently encouraged: in one institution, autonomy promotion programmes were not conducted at all, which was explained by a severe health condition of residents; there were no appropriate conditions for residents to cook themselves (a kitchen was not appropriately installed); residents were not encouraged to use all cutlery when eating, or to independently develop skills by washing their clothes and taking care of their personal hygiene, especially oral hygiene; individuals were not encouraged or taught to use a computer and the Internet.

5. Regarding application of restrictive measures – Sometimes, restrictive measures were applied without a clearly-defined procedure and a medical doctor's permission, or continual surveillance of a person subject to such a measure was not ensured, it was also identified that cases of application of such measures were not always registered or were registered, but not in a special log.

6. 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; not in all institutions the right of residents to refuse treatment was ensured; 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; in some institutions, medicinal products were not suitable for use (they were past the expiry date); besides, residents often purchased various medicinal products from their own funds; in certain institutions, residents did not have a possibility to receive services of a psychologist; some institutions, possibly, inappropriately conducted harmful habits' prevention programmes.

7. 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, in addition, when only the minimum number of the staff was ensured, this number was not sufficient; it was also established that not all the staff took part in training programmes on the rights of the disabled or the elderly; the staff was not sufficiently informed about mental health care, management of aggressive behaviour, psychology of conflicts and prevention of violence, and they did not always improve their skills in the areas of rehabilitation services, patients' rights, mental health law and social care law; in several institutions, the staff used stigmatizing epithets and treated residents in an unethical and disrespectful manner, or performed their obligations

inappropriately; in the majority of institutions, internal work organization was not always based on a just work pay and appropriate workload.

8. Regarding ensuring the minimum living space requirements, and ventilation, cleanness and lighting of premises – In one institution, the requirement of the minimum living space was violated when a premise was shared by more people than the envisaged number of places; sometimes, a room was shared by more than 4 residents; not all institutions ensured cleanness and order; not in all institutions, residential premises were ventilated, there was a lack of ventilation equipment; in residential rooms of several institutions, there was too little daylight and/or artificial light.

9. Regarding installation of premises, provision of inventory to residents and personal hygiene – During inspections it was established that the environment of residential rooms was not always sufficiently similar to home environment; in some institutions, there was a lack of furniture (tables, cupboards), not all inventory was in good order (broken doors, furniture with ragged upholstery, cabinets without handles, a cupboard with a broken door lock, a light switch in a toilet was not working, a television set was not working because of a lack of a plug-in); not in all institutions, residents had appropriate conditions for eating; not in all institutions, the number of showers and bathroom premises as provided for in legal acts met the residents' needs; not everywhere, residents had a possibility to keep their personal belongings safely in locked cupboards or cabinets; in the majority of institutions, mattresses given to residents were often worn-out, dirty or torn, and they were not disinfected before passing them over for use to other residents; in almost all institutions, residents' underwear was changed once a week; there were

doubts on numerous occasions whether residents who were not able to take care of themselves were washed every day and whether sheets and clothes were changed according to the need, but at least once a week; in some institutions, clothes and/or shoes worn by residents were dirty and/or ragged; in one institution it was established that the institution did not wash personal clothes of residents; sometimes personal hygiene means were over in sanitary units; residents often used the same personal hygiene means; the institution did not supply all necessary hygiene means to residents (quite often, residents bought means of oral hygiene from their own funds).

10. Regarding availability of information and satisfaction of residents' wishes – In all institutions it was established that residents were only formally familiarized with internal regulations and that their rights and obligations were not explained to them in a language they understood; not all institutions had information boards with relevant information; in several institutions it was established that residents did not know how to behave if they experienced inappropriate treatment from the staff or other residents; newly arrived residents were not always asked about a person they wanted to share a room with; a case was established that an institution did not consider moving a person out of a room when persons sharing the room were always arguing; it was also established that residents were often afraid and did not have enough courage to submit requests to the administration; there were cases when the staff did not take residents' requests into consideration (regarding non-functioning television or radio sets; domestic help to a person with a physical disability; controlling noisy neighbours); in some institutions, the staff did not provide answers to residents' inquiries; it was also established that in one institution the staff did not buy various items for residents and did not even offer such



a service; in other institutions, following a purchase of items which residents asked for, copies of receipts were not kept, which made it difficult to address related problems (regarding purchase of inappropriate items, or possible misappropriation of money by the staff while buying items for residents); not in all institutions residents were asked about desirable nutrition, and sometimes residents' wishes regarding a menu were not taken into account (to put less salt into food); not in all institutions there was a possibility for residents to familiarize themselves daily with a menu in the format understandable to them; in one institution, the same food was provided according to the same menu every two weeks.

11. *Regarding other observed violations* – During inspections it was also established that in some institutions menus were drawn up by a member of the staff who did not have special knowledge or appropriate education necessary for drawing up menus; in one care institution it was established that a part of residents was served food in disposable plastic crockery; in another institution, residents who had been ill with tuberculosis in the past were accommodated and fed separately from others; not in all institutions residents' clothes were individualized, residents were clothed in common-use clothes; in certain institutions, residents lacked versatile leisure activities or such activities were not organized at all; not everywhere, residents had a possibility to use alternative communication means in cases a person did not have or had lost the ability to speak or other communication abilities due to the health condition; not all institutions provided a possibility for an unmarried couple to live together, sexual education was not conducted either and/or nothing was done to ensure provision of contraceptives to residents.

Following inspections in ten social care institutions for adults of Kaunas county, 41 recommendations were issued: to the Ministry of Social Security and Labour of the Republic of Lithuania (8), the Ministry of Health (1), the State Food and Veterinary Service (1), the Fire and Rescue Department and the Department of Supervision of Social Services (31).

While providing information on the implementation of 31 (thirty-one) recommendations addressing the shortcomings specified above, the Department of Supervision of Social Services indicated that all the institutions listed in the Report would be included into a list of more risky institutions and a plan of care institutions to be assessed according to the relevance of information provided in the Report and, if need be, appropriate measures would be taken.

The Ministry of Health also agreed with a recommendation provided by the Seimas Ombudsman regarding improvement of legal regulation, drew up draft amendments to legal acts and submitted them for approval to stakeholder institutions.

Yet another recommendation related to amendment of legal acts by providing for an obligation for social care institutions for adults to coordinate menus with territorial divisions of the State Food and Veterinary Service also received support from the director of the Service, however, he proposed to include such a requirement not into the Law on Food of the Republic of Lithuania but into another legal act.

The Ministry of Social Security and Labour agreed in principle regarding 4 (four) recommendations indicating that institutions were encouraged to improve the competence of the staff in various ways, besides, the skills of a staff member of a care institution

had to be improved taking into account his/her practical activities; if there were residents wishing to leave a care institution and live independently in the community, care institutions were obligated to take steps and help such a person as well as make sure that he/she would be ensured appropriate living conditions and provided necessary services in the community, in addition, the deinstitutionalization process of care institutions which was underway currently would help to better assess how many and what services were accessible to persons willing to leave a care institution and live independently in the community as well as provide them; when conducting inspections, the Department of Supervision of Social Services always evaluated whether the environment of an institution was adapted to persons according to their needs and whether legal acts ensured transfer of orderly and clean mattresses and sheets to residents, however, the Ministry also noted that it had addressed social care institutions and would consider a necessity of improvement of legal acts.

However, several recommendations (4 out of 8) remained unimplemented. The Ministry of Social Security and Labour indicated that there was no necessity to improve legal regulation regarding the establishment of a higher minimum number of the staff, drawing up of guidelines for recording (description) of social work, the establishment of rights to living in a couple, sexual education and availability of contraceptives, or supplementation of the licensing procedure with the minimum fire safety requirements. According to the Ministry, current legal regulation is sufficient and ensures the provision of quality services of long-term social care.

It is noteworthy that with regard to recommendations issued by the Seimas Ombudsmen, with which the

institutions did not agree, further cooperation will be pursued and solutions to problems will be sought in order to improve the human rights situation in care institutions.

So far no information has been received on the implementation of recommendations provided following inspections in social care institutions for adults of Panevėžys county.

During the reference period, follow-up inspections were also conducted in three social care institutions for adults, namely, Paberžė Care Home, the Care Division of Eišiškės Personal Health Care Centre and the Home for the Elderly of public institution "Sevilis", in order to assess whether the recommendations provided during prior inspections were implemented (28). Follow-up inspections revealed that 25 recommendations had been implemented (or partially implemented), while 3 recommendations remained unimplemented, therefore, the institutions were again advised to take measures to ensure appropriate implementation of all the recommendations, besides, 4 recommendations were issued regarding additional shortcomings identified during the follow-up visits (23 in total).

According to the data provided by the institutions, they managed to implement almost all the recommendations (22): vacant staffing positions were filled in, emergency alert buttons were installed in residents' rooms, old emergency alert buttons were replaced by new ones, reminders were posted on the walls with information on the staff which can help on various issues, the "post" of secret complaints, requests and notifications was prepared, and on information boards residents can find information on which institutions to address outside the care



home. In all hygiene premises, additional cabinets with hygiene items accessible to residents were placed; in order to ensure residents' privacy door signs "free" and "occupied" were hung on hygiene premises' doors; and the staff were once again reminded about their obligation to knock before entering residents' rooms and the prohibition to lock residents' rooms. A form of a resident's consent to the treatment prescribed was approved and is signed in each specific case. Residents' files were reviewed and all shortcomings related to individual social care plans were eliminated (the plans were reviewed and approved and signed by residents). In a social workers' office, residents may familiarize themselves with the United Nations Convention on the Rights of Persons with Disabilities or read the most recent articles on social skills, the society's attitude towards the disabled and the social environment. Residents started using a kitchen installed in an institution more often. Due to a lack of funding, a recommendation regarding the installation of a wheelchair ramp to the main entrance of an institution and a lift for the disabled remained unimplemented.

Child Care Institutions

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

1. Regarding the composition and number of the staff – If a member of the staff falls ill, goes on vacation, etc., the number of the staff is not sufficient; institutions need a psychologist on the staff, however, they do not have one; the absolute majority of the staff doing social and teaching work are women; mixed composition of the staff in terms of gender helps to prevent inappropriate behaviour.

2. Regarding working hours and work pay – The workload is high, while salaries of social workers are not sufficient; the turnover of the staff is high, which does not encourage the formation of a close positive relationship between children and the staff.

3. Regarding upgrading of qualifications – Qualifications upgrading seminars for social workers and their assistants are very expensive, institutions have no funding for such training courses, while the staff cannot always afford to pay for them themselves.

4. Regarding the activities of volunteers – The procedure for voluntary activities does not operate appropriately, because the requirements for volunteers are not provided for.

5. Regarding the general climate of safety – Problems arise concerning children with behavioural and emotional disorders, because the staff are not able to provide specialized services to such children; the children are not supervised by a psychiatrist; and the Child Development Centre no longer provides recommendations on how to work with such children.

6. Regarding the treatment of children by the staff and the protection against inappropriate treatment – Communication of the staff with children is inappropriate, the staff speak too loudly or even shout angrily.

7. Regarding applied disciplinary measures and the control of children's behaviour – Children who behave inappropriately are subject to disciplinary measures, including the prohibition to go outside of the territory of a care home or go home on weekends or bank holidays, restrictions on entertainment activities or participation in trips or camps, the prohibition

to take part in celebrations held in an institution, isolation from other children, restoration (repair) of damaged objects, reading a book on a certain subject (about the love for younger ones or good behaviour); children who behave inappropriately also have to draw up an explanation about their behaviour and read it out loud to all the children; quite often, children are disciplined by reducing the amount of pocket money or its withdrawal; when left in charge of the younger ones, older children would discipline them for inappropriate behaviour.

8. Regarding appropriate preparation of children for independent life (development of responsibility) – There are no possibilities for children to have a pet (to take care of it), older children are not sufficiently encouraged to cook independently.

9. Regarding prevention of smoking and alcohol consumption – Quite a lot of children smoke, and sometimes they return to an institution intoxicated with alcohol; educators often do not consider such behaviour of children to constitute a violation of the internal rules.

10. Regarding the procedure for payment of pocket money – Children of similar age receive a different amount of pocket money in different institutions; the procedure for payment of pocket money may be abused by an institution by withdrawing pocket money from children; children are required to specify how they are planning to use the money and to report on the money spent.

11. Regarding ensuring personal hygiene means – Centralized acquisition of personal hygiene means does not ensure a possibility for children to participate in their acquisition and express their opinion.

12. Regarding creation of conditions for doing homework – The number of desks and chairs in the rooms did not correspond to the number of children living in the premises.

13. Regarding children's leisure – Due to the attitude of the administration towards differentiation of leisure clubs or groups according to children's gender, conditions for club/group attendance are different; children are not happy with the quality of clubs/groups they attend, while their complaints are not taken into account, and their wishes concerning the clubs/groups they would like to attend are not considered either.

14. Regarding familiarization of children with their rights and obligations, availability of information and examination of inquiries – Due to the fact that anonymity might not be ensured, some children avoid approaching either their educators, or the administration.

15. Regarding the "label" of a child from a care home – Children from an institution are often "labelled" negatively. Children face a stigmatizing attitude both in educational and personal health care institutions, and in the local community.

24 recommendations were provided to responsible institutions in relation to the shortcomings indicated above. Information on the implementation of the provided recommendations has not been received yet.

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 **five** police stations: custody facilities and premises



of temporary detention of the Police Headquarters of Utena County; custody facilities and premises of temporary detention of Varėna District Police Station of the Police Headquarters of Alytus County; custody facilities and premises of temporary detention of Švenčionys District Police Station and premises of temporary detention of Trakai District Police Station of the Police Headquarters of Vilnius County; and custody facilities and premises of temporary detention of Kėdainiai District Police Station of the Police Headquarters of Kaunas County (21 May 2015 Report No 2015/1-22).

In addition, **follow-up inspections were conducted in two** police custody facilities and premises of temporary detention in police stations, which had been inspected in August–September 2014: custody facilities and premises of temporary detention of the Police Headquarters of Alytus County (9 June 2015 Report No 2015/1-54) and custody facilities and premises of temporary detention of Elektrėnai Police Station of the Police Headquarters of Vilnius County (5 June 2015 Report No 2015/1-61).

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

1. *Regarding an insufficient number and competence of officers as well as their working conditions* – Not all the positions of officers are filled in, working conditions could be assessed only as satisfactory, not everywhere officers have a possibility to upgrade their qualifications often enough and in some institutions officers demonstrated inappropriate attitude towards detained persons.

2. *Regarding detention conditions and supply* – Persons are still kept in premises the area of which

is less than 2 m² (even if for very short periods of time), not everywhere the minimum living space provided for one person held in custody (5 m²) is ensured, not everywhere premises are clean enough and appropriate ventilation, natural lighting and dignified personal hygiene conditions are ensured; in all police stations and police headquarters, the environment of courtyards used for taking a walk should be improved; due to the condition of meeting rooms, persons' right to see people is not adequately ensured; not always the timeframe of detention of persons in premises of temporary detention provided for in legal acts is observed; detained persons are not always supplied with appropriate and sufficient hard and soft inventory provided for in legal acts; disabled persons do not always have access to premises without additional difficulties; there no possibilities to wash one's clothes and sheets, and persons who do not have appropriate clothing are not supplied with clean clothes according to the season; detainees and convicts are transported from institutions of imprisonment to police custody facilities for interrogation and other pre-trial investigation actions even though the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment criticized this practice several times and proposed to stop it.

3. *Regarding ensuring of safety* – Rubber bats carried by officers are quite noticeable even though such practice is not necessary for ensuring safety and does not promote good relations between the staff and detainees; when the liberty of persons is restricted, not all characteristics determining their assignment to a risk group or a group of vulnerable persons and special needs are taken into consideration, not all police stations and police headquarters follow the requirements of isolation of persons; not everywhere

interrogation rooms are appropriately installed and video recordings of interrogations are made.

4. *Regarding organization of nutrition and health care –*

The quality of food supplied to custody facilities is not always checked; there were doubts as to whether the food supplied was of adequate nutritional value and whether menus were drawn up taking into account physiological nutrition standards of different groups of persons; in one custody facility, detainees are not allowed to use their own metal spoons; persons brought to custody facilities do not always receive a check-up by a health care specialist within 24 hours, sometimes because there is no medical office in the facilities, while in one custody facility the medical office did not have a permission-hygiene passport and medicinal products kept in the office were unsuitable for use; in one custody facility detainees did not have a possibility to see a psychologist; there were cases when medical documents were not filled in appropriately.

5. *Regarding shortcomings of the Electronic Register –*

During inspections, it was established that as from 9 February 2015 data on persons kept in premises of temporary detention or custody facilities were uploaded into the Electronic Register, however, the new Register did not contain all data on the duration of the persons' presence in the police station/headquarters and premises of temporary detention, or on the fact whether a person was placed into premises of temporary detention at all; when an extract was printed out, it lacked more than a half of the data on the time of release of persons from the police station/headquarters and those data did not coincide with the data in the Electronic Register; in the Register, there are no possibilities to receive information on the performance of a certain specific action (for instance,

taking a detainee out of a cell), the format of a log is not appropriate and the log does not record data on a person's refusal, for example, to go for a walk outside.

6. *Regarding the persons' (including citizens of foreign countries) right to receive information –* Detainees are only formally familiarized with the internal regulations of custody facilities, in some custody facilities (cells) the internal regulations are not posted on the wall, citizens of foreign states are not familiarized with their rights, obligations and prohibitions in a language they understand (the internal regulations of police custody facilities are available only in Lithuanian).

Following inspections in five police stations/headquarters, 20 recommendations were provided to the Police Commissioner General of the Republic of Lithuania. The majority of them (12) were implemented or partially implemented. In addition, all territorial police stations and their divisions were familiarized with a report on inspections by drawing their attention to shortcomings identified in the report and instructing them to take measures to ensure that the indicated shortcomings were avoided when organizing the work in police custody facilities and premises of temporary detention.

Taking into account the provided recommendations, *A plan of measures for improvement of conditions of detainees in police custody facilities and premises of temporary detention* was approved whereby the following was provided for: to close down custody facilities of Varėna Police Station (by 1 April 2016); to review the timeframe of keeping detainees in premises of temporary detention; to renew soft inventory used in police custody facilities as well as sheets and towels; to assess possibilities of reconstruction of premises of sanitary units, calculate the required funding



and provide for that funding according to financial possibilities; in courtyards of custody facilities intended for taking a walk, to install places for detainees to rest; and to acquire clothing to be handed out to detainees who are dressed not according to the season (to clothe them temporarily). Territorial police stations were instructed to keep rubber bats in the security territory of the internal post and, if need be, to ensure their use; and agreements were concluded with translation agencies in order to guarantee the right of foreign citizens to receive information. Shortcomings identified during inspections were also taken into consideration when improving the module of the Electronic Register. The Police Headquarters of Vilnius County informed that in Trakai District Police Station, following the receipt of funding, vacant positions of officers would be filled in. In accordance with the amendments of Article 2 of the Law on Arrest Enforcement drafted by the Ministry of Justice of the Republic of Lithuania, the term of transfer of detainees (during a pre-trial investigation) from a remand prison to custody facilities of a territorial police station was reduced to 5 days and nights (in order to conduct procedural actions if the performance of procedural actions cannot be ensured while detainees are in a remand prison or due to the participation of detainees in the examination of cases in court; the amendments will take effect from 1 April 2016). The Police Department also approached public health centres and the State Food and Veterinary Service asking to assess possible shortcomings indicated in the report. To address the problem of sobering of detainees, the Ministry of Health set up an interdepartmental working group which also included representatives of the Police Department.

Not all the recommendations issued by the Seimas Ombudsmen were implemented. Regarding

ensuring of the minimum living space for one detainee in police custody facilities, the Police Department informed that instead of following Item 80 of the Regulations of Activities of Custody Facilities of Territorial Police Stations approved by 29 May 2007 Order No 5-V-356 of the Police Commissioner General of the Republic of Lithuania providing for the living space of at least 5 m², they followed the 18 January 2013 judgement of the Administrative Court of Lithuania in administrative case No A858-105/2013 which explained that one person must be ensured a space which was not less than 3.6 m². Provision for mandatory filming of interrogation, according to the Department, will not protect a suspect against violation of his/her interests or rights, because an investigator's meetings with a suspect are also possible prior to interrogation, besides, provision for mandatory filming of interrogation could violate the rights of persons who do not wish to be filmed during interrogation.

The situation with the recommendations provided by the Seimas Ombudsmen, with which the Police Department did not agree, is further clarified and solutions to problems are sought in order to improve protection of human rights in police stations/headquarters.

During the reference period, follow-up inspections were also conducted in two police institutions – the Police Headquarters of Alytus County and Elektrėnai Police Station – in order to assess the implementation of recommendations (18) provided during inspections in 2014. Follow-up visits revealed that 8 recommendations had been implemented, while others had not been implemented or had been partially implemented (10), therefore, it was

recommended to take measures to ensure the implementation of all the recommendations. The management of the police headquarters and the police station informed that 5 recommendations had been implemented: a permission-hygiene passport was received; beds were removed from cells to ensure that the area of the cell complied with the requirements; cooperation with primary health care institutions regarding the provision of a psychologist's services was ongoing; and drying rooms were installed for drying the laundry of detainees. While still waiting for appropriate funding from the Police Department, the following recommendations remained unimplemented: regarding installation of video surveillance cameras in interrogation premises, adaptation of the entrance to the disabled, repairs of premises of sanitary units, and reconstruction of courtyards used for taking a walk.

Imprisonment institutions

In 2015, the Seimas Ombudsmen assessed the human rights situation in three imprisonment institutions (two correction facilities and one remand prison-closed prison) regarding the human rights situation of vulnerable groups in imprisonment institutions: Lukiškės Remand Prison – Closed Prison, Kaunas Remand Prison for Minors – Correction House and Panevėžys Correction House (20 November 2015 Report No 2015/1-99).

A follow-up inspection was conducted in one imprisonment institution – Marijampolė Correction Home.

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

1. *Regarding the number and composition of the staff and improvement of qualifications* – Detainees are not always provided continuous services of a psychologist, social worker and other staff of the social rehabilitation division; in upgrading of qualifications, the subjects related to questions relevant to minors are not sufficiently covered, while specialized subjects on women inmate issues are non-existent.

2. *Regarding the use of special measures, searches and imposition of penalties* – When applying the measure of tying, there is a possibility of abuse and inappropriate treatment by officers; searches are not filmed or only several of them are filmed in a year; inmates kept in a disciplinary group are not ensured a possibility to contact officers except with major efforts; penalty isolation cells are not installed appropriately; convicts serving a penalty in a penalty isolation cell are not visited by a medical specialist daily; women inmates kept in a disciplinary group may not use their courtyard for taking a walk; a courtyard intended for taking a walk which is assigned to a penalty isolation cell is small and dark.

3. *Regarding the environment and privacy* – Institutions' entrances to premises and premises themselves are not fully adapted to the disabled; rubber bats openly carried by security officers do not create a psychological climate suitable for the staff and inmates.

4. *Regarding detention and hygiene conditions* – The minimum living space per person provided for in legal acts is not ensured; newly arrived inmates are temporarily kept in cells smaller than 2 m²; conditions in quarantine premises are to be considered as below human dignity; there is mould on the walls



and the ceiling; there is no appropriate lighting; cleanness is not ensured in sanitary units, privacy is not ensured when using a bidet; mechanisms of sanitary units did not function or were damaged; conditions are not provided for inmates to wash themselves after work.

5. Regarding material and domestic supplies – Worn-out, damaged furniture; sufficient amount of hard inventory is not ensured; conditions are not provided to keep clothes and other personal items; worn-out floors; poor condition of soft inventory: stained, visually dirty, torn mattresses and blankets; when a person is moved from a remand prison to a correction house, he/she is not given the necessary personal hygiene means.

6. Regarding organization of nutrition and conditions for cooking – Nutrition of adequate value and in conformity with professed religion is not ensured; appropriate conditions are not created for cooking; inmates are given dirty cutlery.

7. Regarding provision of health care services – Medical case histories do not have entries confirming consent and signatures concerning health check-ups; the number of positions of the staff working in the Health Care Service does not correspond with the number of positions provided for in legal acts; due to vacant positions or part-time employees the Health Care Service may not be able to provide all envisaged health care services; personal health care services are not always available during the night; complaints regarding provision of dental care services are not sufficiently taken into consideration.

8. Regarding provision of information and examination of appeals – Inmates are not

appropriately familiarized with their rights and obligations; proper conditions are not created for submission of appeals to the administration of an institution.

9. Regarding special rights – There is no possibility to cover the expenses of third parties for transportation of spouses, both of which are serving a sentence of imprisonment, to a correction house where a long-term meeting will take place and back.

10. Regarding employment, leisure activities and implementation of social rehabilitation – The right to work of the disabled is not ensured; there is a lack of jobs; inmates lack leisure activities out of cells/residential premises; there is a lack of programmes for the development of maternity skills; women inmates are not prepared for life in the society following the end of their sentence.

Following inspections conducted in imprisonment institutions, 46 recommendations were provided to the management of the Prison Department under the Ministry of Justice of the Republic of Lithuania and inspected institutions. Out of that number, 44 were implemented, and positions are being coordinated regarding the implementation of 2 (two) recommendations.

The Prison Department informed that the following topics had been included into a plan of upgrading of qualifications of the staff of imprisonment institutions in the Training Centre for 2016: work with minors and women, and the use of handcuffs, straitjackets and other restraining means; 12 special certified beds for restraining persons going wild had been acquired and transferred to imprisonment institutions and recommendations regarding

their use were under preparation; where possible, searches conducted in imprisonment institutions were filmed; there was a plan to improve legal regulation regarding a penalty imposed on minors, namely, closing them in a disciplinary isolation cell; in 2016, appropriations from the state budget were provided for the installation of wheelchair ramps and adaptation of residential premises of imprisonment institutions for the disabled; there was a plan to initiate amendments of the Penal Enforcement Code concerning the establishment of the procedure for the payment of expenses related to travel to long-term meetings when both spouses served their imprisonment sentences.

Kaunas Remand Prison for Minors – Correction House agreed with all the recommendations issued by the Seimas Ombudsman and drew up a plan for the implementation of the recommendations providing for a timeframe and employees responsible for appropriate implementation of the recommendations.

Kaunas Remand Prison for Minors – Correction House took steps to receive additional staffing positions to ensure appropriate functioning of the Health Care Service; check whether medical case histories contain entries confirming consent of detainees and convicts and signatures regarding health check-ups and prescribed treatment; update information files kept in cells and ensure that informational documentation kept in cells was checked every working day and that the head of the division would stress to his staff the necessity of appropriate familiarization of persons with their rights and obligations as well as amended legal acts during every staff meeting; ensure that each morning everyone willing were registered to a

reception with the staff of the administration of the institution and install boxes for submission of appeals; ensure that the staff of the Social Rehabilitation Division provide social services to detainees; ensure that leisure activities are actively pursued with convicts taking them out of their cells. For good behaviour, work and studies inmates are encouraged by trips to events or social campaigns outside the institution; a draft order amending the order of the director of the institution “On Approval of Positive Leisure Measures and Appointment of the Staff Responsible for their Implementation” is under preparation; in 2016, the environment of the institution will be adapted to persons with a physical disability (the installation of wheelchair ramps); in 2016, premises of the institution will be adapted to keeping persons with a physical disability; in 2016, appropriate lighting will be installed in a disciplinary isolation cell; sanitary units in the institution were repaired; additional hard inventory was bought to detainees and conditions were also created for detainees to make some of it themselves; a check is conducted once a month as to whether persons transferred from the remand prison to the correction home are given hygiene means; clean cutlery is given to detainees; privacy of persons is ensured in cells; additional soft inventory was purchased to detainees.

Panevėžys Correction House agreed with the majority of the recommendations provided by the Seimas Ombudsman and, like Kaunas Remand Prison for Minors – Correction House, drew up a plan of implementation of the recommendations: a part of the premises was adapted to persons with a physical disability, the other part is being prepared for the adaptation; specialists are hired to the positions of the Health Care Service;



anonymous survey of convicts regarding the quality of provision of dental care services is conducted; special stamps are placed in medical case histories confirming that a patient has been informed about the treatment plan, understands it and agrees to receiving treatment; all household appliances in kitchens are functioning; a memo about their rights and obligations was drawn up and is handed to women inmates, the memo was also translated into Russian; boxes were placed for submission of anonymous written appeals; there is telephone connection and there is a possibility to make an information call; a penalty isolation cell was installed properly; the right of persons in a disciplinary group to use courtyards for taking a walk was ensured; quarantine premises were repaired; appropriate cleaning of residential premises is ensured; sanitary units were repaired; conditions were provided for women inmates, who had a job, to wash themselves after work; appropriate conditions for keeping clothes and other personal belongings were ensured.

However, two recommendations remained unimplemented. According to the institution, the right to receive health care services during the night is ensured for women inmates, and nutrition of adequate value and in accordance with religious convictions is ensured. It is noteworthy that a dialogue is ongoing regarding the implementation of the two recommendations indicated above trying to achieve their implementation.

Lukiškės Remand Prison – Closed Prison implemented a recommendation of the Seimas Ombudsman and installed a cell adapted for a person with a physical disability; such persons are also provided a possibility to work, if need be.

During the reporting period, a follow-up inspection was conducted in one imprisonment institution (Marijampolė Correction Home) in order to assess whether recommendations which had been provided during a prior inspection were implemented (5). A follow-up visit revealed that one recommendation had been implemented, while the rest had not been implemented or had been implemented inappropriately, therefore, it was recommended to take measures to ensure that all the recommendations were implemented, and additional recommendations were issued (7) regarding other shortcomings identified during the follow-up visit.

According to the data provided by institutions to which recommendations had been issued, almost all the recommendations were implemented (8) or partially implemented (2): measures were taken to ensure that complaints addressed to the director of the Correction Home regarding possibly inappropriate behaviour of officers were registered separately; a staff member responsible for the control of drawing up of replies to inmates' complaints was designated; the procedure was approved and persons were designated responsible for elimination of faults of various types and the control of performance of these works; windows were glazed in temporary detention and penalty isolation cells (it was not possible to ensure the established indicator of natural lighting, because that would require the reconstruction of a building). The Prison Department conducted targeted inspections in imprisonment institutions regarding the registration of detainees' requests, applications and complaints, provided recommendations to imprisonment institutions regarding filming of searches and the procedure for keeping records,

provided for nutrition of detainees according to a special dietary menu, analysed in detail measures envisaged and performed in 2015 related to recruitment of specialists to health care services of subordinate institutions, and drew up an action plan as to how to fill in vacant positions of health care specialists.

Places of Detention of Foreigners

In 2015, the Seimas Ombudsmen assessed the human rights situation in seven places of detention of foreigners: in Vilnius Airport and Kaunas Airport Frontier Stations of Vilnius Frontier District, Tribonys Frontier Station of Varėna Frontier District, Stasylos border crossing point and Šalčininkai border crossing point of Tribonys Frontier Station of Varėna Frontier District and Kapčiamiestis Frontier Station of Lazdijai Frontier District of the State Border Guard Service (12 May 2015 Report No 2015/1-33), and a visit was also made to the Foreigners' Registration Centre of the State Border Guard Service (15 October 2015 Letter No 2015/1-118/3D-2840).

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

Frontier Stations of the State Border Guard Service

1. *Regarding registration of persons who are brought in* – Registers of persons do not always contain information on whether a person who had been brought in was placed in premises of temporary detention and how long he/she was there, also the date and/or time of delivery or release of a person.

2. *Regarding adaptation of premises to the disabled* – Premises (including sanitary units installed in the

premises) are not adapted to persons with a physical disability, and conditions are not ensured for such persons to access the premises.

3. *Regarding ensuring artificial and natural lighting* – Insufficient artificial and natural lighting.

4. *Regarding health care* – Medical aid means kept in first aid kits were past expiry date or there were no first aid kits at all, and in some cases, kits contained not only medical aid means but also medicinal products.

5. *Regarding ensuring cleanness in the premises and performance of disinfection, disinsection and deratization* – Premises of temporary detention and asylum seekers are dirty, and in the majority of the premises disinfection, disinsection and deratization are not carried out.

Foreigners' Registration Centre of the State Border Guard Service

During the reference period, an inspection was conducted in the Foreigners' Registration Centre of the State Border Guard Service taking into consideration the information which had appeared in the media with regard to possible violations of the rights of persons detained there (regarding such issues as overcrowding of the Centre, residential premises infested with parasites, a possibility of cooking one's food and receiving nutrition according to religious and cultural convictions, organization of additional activities, and a lack of wheelchairs for persons with a disability of mobility).

1. *Regarding overcrowding of the Centre* – The Centre was overcrowded.



2. *Regarding parasites in residential premises* – Premises are regularly disinfected against fleas, but it is still not possible to eradicate them.

3. *Regarding a possibility to cook one's food and receive nutrition according to religious and cultural convictions* – An alternative menu does not ensure nutrition in conformity with foreigners' cultural convictions, and a menu for children is the same as the one for adults. In a building for arrested persons, foreigners have limited possibilities to cook.

4. *Regarding a lack of activities for detainees* – A social worker employed in the Centre is not able to provide all the necessary social services to all detainees: the services of the social worker are available one hour a day on average.

5. *Regarding supply of a wheelchair* – A person was provided with a wheelchair, however, he did not have a possibility to move freely around the territory of the Centre.

6. *Regarding a possibility to use a phone* – Because of the absence of a procedure for using a phone of the Centre, a possibility to use a phone for detainees is not appropriately ensured.

Following conducted inspections, 14 recommendations were provided to responsible institutions. Out of that number, 9 were

implemented, while the implementation of the remaining five was started.

Recommendations related to frontier stations of the State Border Guard Service were fully implemented: officers record the date and time of delivery and release of persons as well as the fact of placement into premises of temporary detention; if a disabled person arrives, appropriate mobility is ensured without prejudice to such a person's rights and lawful interests; artificial lighting in accordance with the requirements was installed; appropriate first aid kits were acquired; order and cleanness are controlled.

The Foreigners' Registration Centre agreed with all the recommendations provided by the Seimas Ombudsman; with regard to some of them, the Centre provided for a certain implementation period (due to funding and other circumstances); persons are ensured the minimum living space; wide-scope disinfection of premises and personal-use inventory is regularly carried out in the premises; according to possibilities, persons are ensured nutrition taking into account their religious and cultural convictions; the nutrition norms for children are higher; efforts are made to continuously increase leisure activities organized for detainees; persons with a physical disability are accommodated on the ground floor which has a wheelchair ramp; a schedule for using a payphone was drawn up (it is also allowed to use a payphone at another time).



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