

LITHUANIA

Follow-up - State Reporting

i) Action by Treaty Bodies

CAT, A/60/44 (2005)

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CHAPTER IV. FOLLOW-UP ON RECOMMENDATIONS AND OBSERVATIONS ON STATES PARTIES REPORTS

115. At its thirtieth session, in May 2003, the Committee began a routine practice of identifying, at the end of each set of concluding observations, a limited number of recommendations that are of a serious nature and warrant a request for additional information following the dialogue with the State party concerning its periodic report. The Committee identifies conclusions and recommendations regarding the reports of States parties which are serious, can be accomplished in a one-year period, and are protective. The Committee has requested those States parties reviewed since the thirtieth session of the Committee to provide the information sought within one year.

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118. The Rapporteur has welcomed the follow-up information provided by six States parties as of 20 May 2005, when its thirty-fourth session concluded, indicating the commitment of the States parties to an ongoing process of dialogue and cooperation aimed at enhancing compliance with the requirements of the Convention. The documentation received will be given a document number and made public. The Rapporteur has assessed the responses received particularly as to whether all of the items designated by the Committee for follow-up (normally between three and five issues) have been addressed, whether the information provided is responsive, and whether further information is required.

119. With regard to the States parties that have not supplied the information requested, the Rapporteur will write to solicit the outstanding information. The chart below details, as of 20 May 2005, the conclusion of the Committee's thirty-fourth session, the status of follow-up replies to concluding observations since the practice was initiated. As of that date, the replies from seven States parties remained outstanding.

120. As the Committee's mechanism for monitoring follow-up to concluding observations was established in May 2003, this chart describes the results of this procedure from its initiation until the close of the thirty-fourth session in May 2005.

<u>State party</u>	<u>Date due</u>	<u>Date reply received</u>	<u>Further action taken/required</u>
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Lithuania	November 2004	7 November 2004	Request further clarification
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CAT, A/61/44 (2006)

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CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

38. In Chapter IV of its annual report for 2004-2005 (A/60/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2005. This chapter updates the Committee's experience to 19 May 2006, the end of its thirty-sixth session.

39. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2006 on the results of the procedure.

40. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment," as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

41. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow-up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow-up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' report under article 19.

42. Since the procedure was established at the thirtieth session in May 2003 through the end of the thirty-sixth session in May 2006, the Committee has reviewed 39 States for which it has identified follow-up recommendations. Of the 19 States parties that were due to have submitted their follow-up reports to the Committee by 1 May 2006, 12 had completed this requirement (Argentina, Azerbaijan, Czech Republic, Colombia, Germany, Greece, Latvia, Lithuania, Morocco, New Zealand, United Kingdom, and Yemen). As of May, seven States had failed to supply follow-up information that had fallen due (Bulgaria, Cambodia, Cameroon, Chile, Croatia, Moldova, Monaco), and each was sent a reminder of the items still outstanding and requesting them to submit information to the Committee.

43. With this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

44. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all of the items designated by the Committee for follow-up (normally between three to six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she writes to solicit the outstanding information.

45. Each letter responds specifically and in detail to the information presented by the State party, which is given a formal United Nations document symbol number.

46. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues not addressed but which are deemed essential in the Committee's ongoing work in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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48. The chart below details, as of 19 May 2006, the end of the Committee's thirty-sixth session, the state of the replies with respect to follow-up.

A. Follow-up reply due before 1 May 2006

State party	Date due	Date reply received	Document symbol number	Further action taken/required
...				
Lithuania	November 2004	7 December 2004	CAT/C/CR/31/5/RESP.1	Request further clarification
...				

CAT, A/62/44 (2007)

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IV. FOLLOW UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

46. In Chapter IV of its annual report for 2005 2006 (A/61/44), the Committee described the framework that it had developed to provide for follow up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2006. This chapter updates the Committee's experience to 18 May 2007, the end of its thirty eighth session.

47. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2007 on the results of the procedure.

48. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

49. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

50. Since the procedure was established at the thirtieth session in May 2003, through the end of the thirty eighth session in May 2007 the Committee has reviewed 53 States for which it has identified follow up recommendations. Of the 39 States parties that were due to have submitted their follow up reports to the Committee by 18 May 2007, 25 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Germany, Greece, Latvia, Lithuania, Monaco, Morocco, New Zealand, Qatar, Sri Lanka, Switzerland, United Kingdom and Yemen). As of 18 May, 14 States had not yet supplied follow up information that had fallen due (Bulgaria, Bosnia and Herzegovina, Cambodia, Cameroon, Democratic Republic of the Congo, Georgia, Guatemala,

Republic of Korea, Moldova, Nepal, Peru, Togo, Uganda and United States of America). In March 2007, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow up information was due in November 2006, but had not yet been submitted, and who had not previously been sent a reminder.

51. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report (A/61/44). However, only 4 (Austria, Ecuador, Qatar and Sri Lanka) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. While comparatively few States had replied precisely on time, 19 of the 25 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

52. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

53. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she writes to solicit the outstanding information.

54. At its thirty eighth session in May, the Committee decided to make public the Rapporteur's letters to the States parties. These would be assigned a United Nations document symbol number and placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies (these symbol numbers are under consideration) to the follow up and also place them on its website.

55. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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57. The chart below details, as of 18 May 2007, the end of the Committee's thirty eighth session, the state of the replies with respect to follow up.

Follow up procedure to conclusions and recommendations from May 2003 to May 2007

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Thirty first session (November 2003)

State party	Information due in	Information received	Action taken
...			
Lithuania	November 2004	7 December 2004 CAT/C/CR/31/RESP/1	Request for further clarification
		25 October 2006 CAT/C/LTU/CO/1/Add.2	Response under review
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CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

46. In this chapter, the Committee updates its findings and activities that follow-up on the conclusions and recommendations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on Follow-Up to Country conclusions. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated to through May 2008, following the Committee's fortieth session.

47. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2008.

48. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2008 on the results of the procedure.

49. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

50. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

51. Since the procedure was established at the thirtieth session in May 2003, through the end of the fortieth session in May 2008, the Committee has reviewed 67 States for which it has identified follow-up recommendations. Of the 53 States parties that were due to have submitted

their follow-up reports to the Committee by 16 May 2008, 33 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Bosnia and Herzegovina, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Republic of Korea, Latvia, Lithuania, Monaco, Morocco, Nepal, New Zealand, Qatar, Russian Federation, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen). As of 16 May, 20 States had not yet supplied follow-up information that had fallen due (Bulgaria, Burundi, Cambodia, Cameroon, Democratic Republic of the Congo, Denmark, Guyana, Italy, Japan, Luxembourg, Mexico, Moldova, the Netherlands, Peru, Poland, South Africa, Tajikistan, Togo, Uganda and Ukraine). In March 2008, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow-up information was due in November 2007, but had not yet been submitted, and who had not previously been sent a reminder.

52. The Rapporteur noted that 14 follow-up reports had fallen due since the previous annual report.³ However, only 2 (Hungary and the Russian Federation) of these 14 States had submitted the follow-up information in a timely manner. Despite this, she expressed the view that the follow-up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow-up to the review of the periodic reports. While comparatively few States had replied precisely on time, 25 of the 33 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non-governmental organizations, many of whom had also encouraged States parties to submit follow-up information in a timely way.

53. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

54. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

55. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

56. Since the recommendations to each State party are crafted to reflect the specific situation

in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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58. The chart below details, as of 16 May 2008, the end of the Committee's fortieth session, the state of the replies with respect to follow-up.

3/ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44).*

**Follow-up procedure to conclusions and recommendations
from May 2003 to May 2008**

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Thirty-first session (November 2003)

State party	Information due in	Information received	Action taken
...			
Lithuania	November 2004	7 December 2004 CAT/C/CR/31/RESP/1	Request for further clarification
		25 October 2006CAT/C/LTU/CO/1/Add .2	Response under review
...			

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IV. FOLLOW UP ON CONCLUDING OBSERVATIONS ON STATES PARTIES REPORTS

53. In this chapter, the Committee updates its findings and activities that follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on follow-up to concluding observations. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated through 15 May 2009, following the Committee's forty-second session.

54. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2009.

55. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2009 on the results of the procedure.

56. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and ill-treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

57. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

58. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-second session in May 2009, the Committee has reviewed 81 States for which it has identified follow up recommendations. Of the 67 States parties that were due to have submitted their follow up reports to the Committee by 15 May 2009, 44 had completed this requirement. As of 15 May 2009, 23 States had not yet supplied follow up information that had fallen due. The

Rapporteur sends reminders requesting the outstanding information to each of the States whose follow up information was due, but had not yet been submitted, and who had not previously been sent a reminder. The status of the follow-up to concluding observations may be found in the web pages of the Committee (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

59. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report. However, only 4 (Algeria, Estonia, Portugal and Uzbekistan) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. One State party (Montenegro) had already submitted information which was due only in November 2009. While comparatively few States had replied precisely on time, 34 of the 44 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

60. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

61. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she requests the outstanding information.

62. At its thirty eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

63. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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65. The chart below details, as of 15 May 2009, the end of the Committee's forty-second session, the state of the replies with respect to follow up.

Follow-up procedure to conclusions and recommendations from May 2003 to May 2009

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Thirty-first session (November 2003)

State party	Information due in	Information received	Action taken
...			
Lithuania	November 2004	7 December 2004 CAT/C/CR/31/RESP/1 25 October 2006 CAT/C/LTU/CO/1/Add.2	Request for further clarification Response under review
...			

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Forty-first session (November 2008)

State party	Information due in	Information received	Action taken
...			
Lithuania	November 2009	-	
...			

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Chapter IV. Follow-up to concluding observations on States parties' reports

65. In this chapter, the Committee updates its findings and activities that constitute follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the procedure established on follow-up to concluding observations. The follow-up responses by States parties, and the activities of the Rapporteur for follow-up to concluding observations under article 19 of the Convention, including the Rapporteur's views on the results of this procedure, are presented below. This information is updated through 14 May 2010, the end of the Committee's forty-fourth session.

66. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. In that report and each year thereafter, the Committee has presented information on its experience in receiving information on follow-up measures taken by States parties since the initiation of the procedure in May 2003.

67. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. In November 2009 and May 2010, the Rapporteur presented a progress report to the Committee on the results of the procedure.

68. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific measures to prevent acts of torture and ill-treatment. Thereby, the Committee assists States parties in identifying effective legislative, judicial, administrative and other measures to bring their laws and practice into full compliance with the obligations set forth in the Convention.

69. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information within one year. Such follow-up recommendations are identified because they are serious, protective and are considered able to be accomplished within one year. The States parties are asked to provide information within one year on the measures taken to give effect to the follow-up recommendations. In the concluding observations on each State party report, the recommendations requiring follow-up within one year are specifically identified in a paragraph at the end of the concluding observations.

70. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-fourth session in May 2010, the Committee has reviewed 95 reports from States parties for which it has identified follow-up recommendations. It must be noted that periodic reports of Chile, Latvia, Lithuania and New Zealand have been examined twice by the Committee since the establishment of the follow-up procedure. Of the 81 States parties that were due to have submitted their follow-up reports to the Committee by 14 May 2010, 57 had completed this

requirement. As of 14 May 2010, 24 States had not yet supplied follow-up information that had fallen due: Republic of Moldova, Cambodia, Cameroon, Bulgaria, Uganda, Democratic Republic of the Congo, Peru, Togo, Burundi, South Africa, Tajikistan, Luxembourg, Benin, Costa Rica, Indonesia, Zambia, Lithuania (to the 2009 concluding observations), Chad, Chile, Honduras, Israel, New Zealand, Nicaragua and the Philippines.

71. The Rapporteur sends reminders requesting the outstanding information to each of the States for which follow-up information is due, but not yet submitted. The status of the follow-up to concluding observations may be found in the web pages of the Committee at each of the respective sessions. As of 2010, the Committee has established a separate web page for follow-up (<http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>).

72. Of the 24 States parties that did not submit any information under the follow-up procedure as of 14 May 2010, non-respondents came from all world regions. While about one-third had reported for the first time, two-thirds were reporting for a second, third or even fourth time.

73. The Rapporteur expresses appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

74. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties which are posted on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website.

75. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

76. Among the Rapporteur's activities in the past year, have been the following: attending the inter-committee meetings in Geneva where follow-up procedures were discussed with members from other treaty bodies, and it was decided to establish a working group on follow-up; addressing the Committee on the Elimination of Discrimination against Women at its August 2009 meeting in New York concerning aspects of the follow-up procedure; assessing responses

from States parties and preparing follow-up letters to countries as warranted and updating the information collected from the follow-up procedure.

77. Additionally, the Rapporteur initiated a study of the Committee's follow-up procedure, beginning with an examination of the number and nature of topics identified by the Committee in its requests to States parties for follow-up information. She reported to the Committee on some preliminary findings, in November 2009 and later in May 2010, and specifically presented charts showing that the number of topics designated for follow-up has substantially increased since the thirty-fifth session. Of the 87 countries examined as of the forty-third session (November 2009), one to three paragraphs were designated for follow-up for 14 States parties, four or five such topics were designated for 38 States parties, and six or more paragraphs were designated for 35 States parties. The Rapporteur drew this trend to the attention of the members of the Committee and it was agreed in May 2010 that, whenever possible, efforts would henceforth be made to limit the number of follow-up items to a maximum of five paragraphs.

78. The Rapporteur also found that certain topics were more commonly raised as a part of the follow up procedure than others. Specifically, for all State parties reviewed since the follow-up procedure began, the following topics were most frequently designated:

Ensure prompt, impartial and effective investigation(s)	76 per cent
Prosecute and sanction persons responsible for abuses	61 per cent
Guarantee legal safeguards	57 per cent
Enable right to complain and have cases examined	43 per cent
Conduct training, awareness-raising	43 per cent
Ensure interrogation techniques in line with the Convention	39 per cent
Provide redress and rehabilitation	38 per cent
End gender-based violence, ensure protection of women	34 per cent
Ensure monitoring of detention facilities/visit by independent body	32 per cent
Carry out data collection on torture and ill-treatment	30 per cent
Improve condition of detention, including overcrowding	28 per cent

79. In the correspondence with States parties, the Rapporteur has noted recurring concerns which are not fully addressed in the follow-up replies and her concerns (illustrative, not comprehensive) have been included in prior annual reports. To summarize them, she finds there is considerable value in having more precise information being provided, e.g. lists of prisoners, details on deaths in detention and forensic investigations.

80. As a result of numerous exchanges with States parties, the Rapporteur has observed that there is need for more vigorous fact-finding and monitoring in many States parties. In addition, there is often inadequate gathering and analysing of police and criminal justice statistics. When the Committee requests such information, States parties frequently do not provide it. The Rapporteur further considers that conducting prompt, thorough and impartial investigations into allegations of abuse is of great protective value. This is often best undertaken through unannounced inspections by independent bodies. The Committee has received documents, information and complaints about the absence of such monitoring bodies, the failure of such bodies to exercise independence in carrying out their work or to implement recommendations for

improvement.

81. The Rapporteur has also pointed to the importance of States parties providing clear-cut instructions on the absolute prohibition of torture as part of the training of law-enforcement and other relevant personnel. States parties need to provide information on the results of medical examinations and autopsies, and to document signs of torture, especially including sexual violence. States parties also need to instruct personnel on the need to secure and preserve evidence. The Rapporteur has found many lacunae in national statistics, including on penal and disciplinary action against law-enforcement personnel. Accurate record keeping, covering the registration of all procedural steps of detained persons, is essential and requires greater attention. All such measures contribute to safeguard the individual against torture or other forms of ill-treatment, as set forth in the Convention.

82. The chart below details, as of 14 May 2010, the end of the Committee's forty-fourth session, the replies with respect to follow-up. This chart also includes States parties' comments to concluding observations, if any.

Follow-up procedure to concluding observations from May 2003 to May 2010

...

Thirty-first session (November 2003)

State party	Information due in	Information received	Action taken
...			
Lithuania	November 2004	7 December 2004 CAT/C/CR/31/RESP/1	Request for further clarification
		25 October 2006 CAT/C/LTU/CO/1/Add.2	Request for further clarifications
...			

...

Forty-first session (November 2008)

State party	Information due in	Information received	Action taken
...			

Lithuania	November 2009	-	
...			

Follow-up - State Reporting

ii) Action by State Party

CAT CAT/C/CR/31/5/RESP.1 (2004)

Comments by the Government of Lithuania to the conclusions and recommendations of the Committee against Torture

[7 December 2004]

1. With reference to the conclusions and recommendations of the Committee against Torture, presented to the Republic of Lithuania 5 February 2004 (CAT/C/CR/31/5), and paragraphs 6 (d), (e) and (f) in particular, the Republic of Lithuania provides the following information.

Paragraph 6 (d) reads: The Committee recommends that the State party ensure in practice that the public prosecutor's actions are monitored to ensure that any persons who allege ill-treatment or torture or who require medical examination are permitted by the public prosecutor to receive such examinations at their request and not only at the order of an official.

2. On the basis of the recommendations of the Committee against Torture Order No. 96 of the Prosecutor General on "Prosecutorial control in ensuring protection of detained and arrested persons against torture and inhuman or degrading treatment or punishment" of 8 June 2001 was amended. With this order chief prosecutors are obliged:

(a) To ensure that every prosecutor who receives information about an incident of torture or inhuman or degrading treatment or punishment of an inmate immediately initiates a pre-trial investigation, if there is no ground provided in article 3 or article 168 (1) of the Criminal Code making a criminal procedure impassable. Under the procedure provided in article 205 the prosecutor should himself assign a specialist, in writing, the task of carrying out the investigation, i.e. to conduct the medical examination;

(b) To ensure that every prosecutor who receives notice of the initiation of a pre-trial investigation into the torture or inhuman or degrading treatment or punishment of an inmate under the procedure provided in article 205 should himself assign a specialist, in writing, the task of carrying out the investigation, i.e. conduct the medical examination, or assign an officer of the detention centre concerned to do so;

(c) To oblige prosecutors to carry out an investigation in cases where there is a suspicion that criminal acts were committed by the officers conducting the pre-trial investigation;

(d) To control the execution of the above-mentioned obligations, and in cases of non-compliance to react according to the laws.

3. It should be mentioned that prosecutors can decide whether there are grounds for starting a pre-trial investigation into acts of torture or inhuman or degrading treatment or punishment when

the information about such criminal act is received, i.e. at the procedural phase. At the subsequent stage the duty to ensure that the inmate has a medical examination lies with the establishment in which the person is kept.

4. Prisoners' medical examinations in penal institutions, including in cases of alleged torture or ill-treatment, are ensured by the following legal acts:

(a) The Law on Remand Detention. According to article 19 (3), a thorough medical examination (including psychiatric examination of newly arrived prisoners in remand prisons) is mandatory;

(b) The Internal Regulations of Remand Detention Establishments approved by Order No. 178 of the Minister of Justice dated 7 September 2001. Article 63 provides for the medical examination of newly arrived inmates (both detained and sentenced), and the results of the examination are to be entered into their personal medical case-record;

(c) The Internal Regulations of Correctional Labour Establishments, approved by Order No. 194 of the Minister of Justice of 2 July 2003. Article 62 provides for the medical examination of newly arrived sentenced prisoners and the results of the examination are to be entered into their personal medical case-record;

(d) The Internal Regulations of Remand Detention Establishments and the Internal Regulations of Correctional Labour Establishments. Articles 267 and 268 of the former and articles 262 and 263 of the latter provide for the medical examination of every injured inmate (both detained and sentenced) by a member of the prison medical staff and the issuance of a document certifying the nature of the injury, where it occurred and when. A member of the medical staff enters all the details of the examination into a special register and reports the facts of the injury to either the deputy director of the remand or correctional establishment responsible for the guarding and security of the inmates or, in case that officer is absent, to the head of the internal investigation division of the penal institution. Every incident of this kind is reported immediately to the territorial prosecution office in writing by the director of the penal institution or his/her deputy;

(e) Article 194 of the Internal Regulations of Remand Detention Establishments and article 252 of the Internal Regulations of Correctional Labour Establishments provide for the obligatory registration with a physician of persons in penal institutions where access to medical services is limited (e.g. both sentenced prisoners and detainees are locked in their cells on a permanent basis). An officer of the penal institution authorized by the director of the institution carries out the registration daily and is also responsible for the medical specialists' visits to the inmates.

5. The above-mentioned legal acts guarantee the right of access to the medical services in the shortest possible time for all prisoners who suffer violence (torture) or any other kind of ill-treatment during their stay in the penal institution or during their transfer. It also guarantees that the proper records of such incidents are kept and that the administration of the penal institution and the territorial prosecution office are informed about the facts; it also ensures that the incident is investigated by the competent institutions and that legal sanctions are applied in respect of the guilty persons.

Paragraph 6 (e) reads: The Committee recommends that the State party take urgent and

effective steps to establish a fully independent complaints mechanism, ensure prompt, impartial and full investigations into the many allegations of torture reported to the authorities and the prosecutions, and punish, as appropriate, the alleged perpetrators.

6. The Constitution of the Republic of Lithuania determines that the Seimas Ombudsman shall examine complaints of citizens about the abuse of authority and bureaucracy by State and local government officials, with the exception of judges.

7. The Law on the Seimas Ombudsman establishes that the legality and validity of procedural decisions of the prosecutors, investigators and officers conducting an inquiry shall be outside the Seimas Ombudsman's powers of investigation. A broad interpretation of this provision by the prosecutors often was an obstacle to the Ombudsman's investigating complaints against officers of the violation of human rights in the course of procedural actions.

8. On 4 November 2004 a new version of the Law on the Seimas Ombudsman was adopted extending the competence of the Ombudsman. Like the earlier version, it establishes that the legality and validity of procedural decisions of the prosecutor, investigators and officers conducting an inquiry shall be outside the Ombudsman's powers of investigation, but it also determines that the Ombudsman shall investigate complaints regarding violations of human rights and freedoms when in the course of procedural actions. This provision should strengthen the right of the Ombudsman to investigate complaints regarding improper behaviour of officers conducting pre-trial investigations, without investigation of the legality and validity of procedural decisions. The implementation of this legal provision will contribute to an impartial and independent complaints mechanism.

Paragraph 6 (f) reads: The Committee recommends that the State party ensure that officials in the army promptly investigate reports of brutality against conscripts that may amount to ill-treatment or torture, and investigate other reports of abuse fairly and impartially, and hold those responsible to account.

9. The existing legal acts ensure a proper complaints procedure for abused members of the armed forces. They are:

- (a) The Law on the Organization of the National Defence System and Military Service;
- (b) The Armed Forces Regulations on Military Discipline (adopted by the law);
- (c) The Law on Military Police;
- (d) The Code of Criminal Procedure and the Criminal Code.

10. The legal acts provide for the possibility to complain about illegal use of force, which involves disciplinary liability in the following way:

- (a) Complaint within the chain of command;

(b) Complaint directly to the supervisory institution within the national defence system - General Inspection, which is independent from the military chain of command and responsible to the Minister of National Defence (a complaint concerning a decision of the General Inspection may be filed with the Minister of National Defence).

11. An abused person may lodge a complaint in accordance with the provisions of the Code of Criminal Procedure, provided in articles 62, 166, 167:

(a) Where the abuse involves criminal liability, the person may file suit with the courts of general jurisdiction;

(b) Complaints of improper actions of military investigators may be submitted to the prosecutor in charge of the investigation, or to the judge of a pre-trial investigation if the prosecutor does not accept the complaint.

12. In accordance with the order of the Minister of National Defence, complaints may be submitted to the General Inspection by means of “The Hot Line” (confidential telephone line or e-mail). Such complaints are registered and investigated if they are not anonymous, contain grounds for investigation and a decision to do so is taken by the Inspector General. “The Hot Line” enhances the guarantee that complaints are examined impartially and objectively.

13. The promptness of the investigation of complaints is guaranteed by the terms of the relevant legal acts. Regarding cases involving disciplinary action, according to the Armed Forces Regulations on Military Discipline the general rule is that the complaints must be processed within one month from the day it is received. For certain cases the Minister of National Defence may extend the time limit to up to six months when there is a need to examine or collect additional information, or other measures. In cases where complaints are self-evident and do not require investigation, they must be completed no later than within 15 working days.

14. The promptness of the complaint procedure is enhanced by the possibility of using various means of communication to file the complaint with the General Inspection. In accordance with the Armed Forces Regulations on Military Discipline complaints may be filed with the Inspector General orally or in writing. Written complaints may be mailed, faxed or presented to the Inspector General during the course of an inspection. During non-workdays and holidays or non-working hours the complaint may be left on the answering machine. In accordance with the order of the Minister of National Defence complaints may be submitted to the General Inspection by means of “The Hot Line”, as mentioned above.

15. Concerning cases involving criminal liability for the illegal use of force, the order of the Commander of the Armed Forces “Concerning the Transfer of Information” stipulates the requirement to notify the duty officer of the Military Police of criminal acts immediately after the relevant information is received. Internal regulations of the Military Police stipulate that this information must be immediately transferred to the military investigator, who must immediately verify the information and start a criminal investigation. Thereafter, the criminal procedure is subject to the provisions of the Code of Criminal Procedure. Thus, its promptness is subject to the requirements stipulated in the Code.

16. In cases of illegal use of force in the armed forces when it is qualified as a disciplinary offence, disciplinary punishment is imposed in accordance with the Armed Forces Regulations on Military Discipline. Disciplinary punishment is imposed by the company commander or higher commander upon the individuals subordinate to him. The Regulations specifically characterize the insult of a military or civil person by use of force to be an offence (arts. 90 and 91). Other offences determined in the Regulations also may cover the illegal use of force.

17. In accordance with the Regulations of the General Inspection adopted by the Minister of National Defence, the General Inspection investigates reports, applications and complaints concerning the actions of officers of the National Defence System (the armed forces, including the Military Police). According to the Regulations, the General Inspection controls how disciplinary punishment, as defined by the Regulations or other military discipline regulations, is executed in the National Defence System.

18. Criminal liability for the illegal use of force is applicable together with disciplinary liability. Criminal liability applies in accordance with the provisions of the Criminal Code and the Code of the Criminal Procedure.

CAT/C/LTU/CO/1/Add.2 (2006)

Comments by the Government of the LITHUANIA* ** on the conclusions and recommendations of the Committee against Torture (CAT/C/CR/31/5)

[20 October 2006]

Supplementary information regarding implementation of recommendations by the UN Committee against Torture in the Republic of Lithuania

1. Supervision of prosecutors' procedural acts is envisaged in Art. 4(3) of the Law on Prosecutors' Office, which runs as follows:
2. Procedural acts of prosecutors are supervised by a higher-ranking prosecutor and a court. A higher prosecutor and a court establish violations of procedural laws made by prosecutors and quash illegal decisions".
3. Such supervision of prosecutors' acts is effected also in those cases when decisions regarding medical examination of detainees are made.
4. A higher-ranking prosecutor effects supervision of a prosecutor's procedural acts when
 - a) a prosecutor reports to higher-ranking prosecutor on the work done
 - b) a higher-ranking prosecutor checks their work, or
 - c) a higher-ranking prosecutor examines individual complaints, requests and statements regarding a prosecutor's procedural acts.
5. Procedural acts by the prosecutor are also supervised by a pre-trial investigation judge who under Art. 173(1)(6) of the Code of Criminal Procedure is empowered to examine complaints by participants of criminal proceedings regarding a prosecutor's procedural actions.
6. A detainee is entitled to submit a request to a prosecutor asking for medical examination of effects of torture suffered by them in the course of detention. The procedure to be followed in examining a request of this kind is set out in Art. 178 of the Code of Criminal Procedure. This article also establishes that upon declining a request a prosecutor is obliged to draw up a decision which can be appealed against by a complainant to a pre-trial investigation judge. A pre-trial investigation judge within 3 days from the receipt of a request must examine It and to adopt one of the following decisions:
 - a) to reject a complaint and leave the prosecutors' decision in force, or
 - b) to quash the prosecutor's decision and to obligate them to effect the requested procedural action, i.e. that person's medical examination. When a pre-trial investigation judge

quashes a prosecutor's decision, this decision by a pre-trial investigation judge must be enforced by the prosecutor as soon as possible.

7. Thus, where a prosecutor refuses to grant a detainee's request to effect their medical examination regarding possibly suffered violence or torture and by doing this violates certain rights of a person, there exists a legal mechanism to protect this person's rights and, if need be, to change the prosecutor's decision.

8. Administrative courts of the Republic of Lithuania are competent to examine complaints of detainees regarding violations of their individual rights made by administrative institutions. The European Court of Human Rights has acknowledged that addressing administrative courts is an effective domestic remedy in the case of complaints under Art. 3 (prohibition of torture) of the European Convention for the Protection of Human Rights and Fundamental Freedoms in the Republic of Lithuania (see e.g. ECHR admissibility decision of 16 December 2003 in the case of Jankauskas v. Lithuania, application no. 59304/00). Therefore, regulation in the law of the Republic of Lithuania of the right of detainees to submit complaints regarding torture is to be regarded as sufficient.

9. During the period of 1 January 2006 to 1 September 2006 Seimas Ombudsmen's Office of the Republic of Lithuania examined 69 complaints regarding allegedly illegal actions by pre-trial investigation officials, 15 complaints regarding alleged use of physical or psychological violence, 19 complaints regarding alleged procrastination in conducting pre-trial investigation.

10. Breakdown by institutions involved of complaints regarding allegedly illegal actions by pre-trial investigation officials admitted for examination is presented in the following table.

Institution	Number of decisions adopted		
	Substantiated	Rejected as unsubstantiated	Investigation discounted
Office of the Prosecutor General and subordinate institutions	2	10	12
Ministry of the Interior and subordinate institutions	6	22	17
Total	8	32	29

11. Breakdown by institutions involved of complaints regarding alleged use of physical or psychological violence admitted for examination is presented in the following table.

Institution	Number of decisions adopted		

	Substantiated	Rejected as unsubstantiated	Investigation discounted
Office of the Prosecutor General and subordinate institutions	1	2	1
Ministry of the Interior and subordinate institutions	1	6	4
Total	2	8	5

12. Breakdown by institutions involved of complaints regarding alleged procrastination in conducting pre-trial investigation admitted for examination is presented in the following table.

Institution	Number of decisions adopted		
	Substantiated	Rejected as unsubstantiated	Investigation discounted
Office of the Prosecutor General and subordinate institutions	1	5	1
Ministry of the Interior and subordinate institutions	1	8	3
Total	2	13	4

13. Subject-matter of the complaints reveals the following possibly problematic issues of pre-trial investigation: application of informal procedures (absence of human rights safeguards in such cases), detention in the short-term detention centres located outside the area of alleged crime (possible poor detention conditions in such centres, use of it as psychological pressure), close relations (being situated in the same building, shared work) between those institutions whose actions are complained against and those which conduct supervision (doubts as to objective and impartial nature of pre-trial investigation in such cases).

14. As detainees have a possibility of submitting complaints to administrative courts and this domestic remedy is effective, the question of establishing an independent body of appeals for detainees is not particularly urgent.

15. Complaints by member of the armed forces regarding alleged violence and illegal use of force may be submitted by means of the "hot line" to the General Inspection or by means of ordinary procedures to the Seimas Ombudsmen's Office of the Republic of Lithuania, Office of Prosecutor General, etc.

16. Lithuanian Military Police conducts pre-trial investigation upon receipt of notifications or complaints regarding the use of violence among members of the armed forces. Pre-trial investigation is conducted in accordance with the procedure set out in the Code of Criminal

Procedure. Upon conclusion of pre-trial investigation the case-file is transmitted to the prosecutor for the purpose of drawing up of the act of indictment.

17. In 2005 the Military Police conducted 13 sets of pre-trial investigation regarding alleged use of violence among members of the armed forces. Out of those, 2 sets of pre-trial investigation were discontinued due to the lack of sufficient evidence of perpetrators' guilt, 8 cases were transmitted to the Prosecutors' Office for the purpose of drawing up of the act of indictment, and the remaining sets of pre-trial investigation are still in progress.

18. In the months of January to August 2006 the Military Police initiated 9 sets of pre-trial investigation regarding allegations of the use of violence among members of the armed forces. Out of these, 3 cases have been transmitted to the Prosecutor's Office for the purpose of drawing up of the act of indictment, and the remaining sets of pre-trial investigation are still in progress.

* Previous replies to the conclusions and recommendations of Lithuania of the Committee on its initial report (CAT/C/37/Add.5) are available in document CAT/C/CR/31/5/RESP.1.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.