**Responses by the Republic of Lithuania to the request of the Office of the High Commissioner for Human Rights to provide information on human rights challenges addressing and countering all aspects of the world drug problem resolution 52/24 of the Human Rights Council**

**Arbitrary detention related to drug policies**

In 2017, administrative liability for the possession of small quantities of drugs was eliminated from the Administrative Offences Code of the Republic of Lithuania and thus this offense became fully criminalised. Under the Criminal Code, persons who possess a small amount of drugs without the purpose of distributing them are subject to criminal liability.

Strict liability (with only criminal liability remaining) of offenders for the illegal possession of a small quantity of drugs without the intent to distribute them (for personal consumption) have not reduced the number of these offences.

Such changes made in legal regulation regarding the application of liability for acts related to illegal possession of a small number of drugs without the purpose of distributing them (for personal consumption) in Lithuania do not reflect the principles of international drug policy based on the priorities of the United Nations and the EU for ensuring human rights, where drug use is seen as a public health problem that is not addressed by criminal law measures.

Criminal liability is an *ultima ratio* measure with significant side effects such as conviction and stigmatisation, while those sentenced to imprisonment face social reintegration problems. Strict liability does not deliver tangible positive results whereas mitigating responsibility for drug users (especially those in the high-risk group) can have positive effects by reducing the harm, marginalisation, and stigmatisation of users at risk, improving health outcomes, and reducing drug overdoses, which are generally high in countries with repressive policies, despite high-quality health services[[1]](#footnote-1).

Legal acts aimed at decriminalising illegal possession of a small amount of cannabis (parts thereof), cannabis oil, cannabis resin, cannabis extracts or plasters without the purpose of distributing such substances are currently being discussed by the country’s Parliament. The Draft Criminal Code of the Republic of Lithuania under discussion provides that persons who illegally produced, processed, acquired, stored, transported, or sent a small amount of cannabis (parts thereof), cannabis oil, cannabis resin, cannabis extracts or plasters without the purpose of selling or otherwise distributing them would be exempt from criminal liability. According to the Draft Administrative Offences Code of the Republic of Lithuania, such persons would be subject to administrative sanctions: obligation to participate in alcohol and drug addiction prevention, early intervention, health care, re-socialisation, improvement of communication with children, violent behaviour change and other programmes (courses). If a person had voluntarily applied to a health care institution for medical assistance, he would be released from administrative liability[[2]](#footnote-2), [[3]](#footnote-3).

**Gender perspective**

There is a lack of treatment, social care, social services, and social psychological rehabilitation services for vulnerable groups of people addicted to psychoactive substances (specialised programmes for women and minors) and insufficient development of access to community-based psycho-social rehabilitation services for women dependent on psychoactive substances as well as women with children.

Women are held criminally liable for the use of narcotic drugs and psychotropic substances during pregnancy (in relation to a newborn baby's health problems). Such policies can lead women to avoid seeking medical care, which can bring even worse health consequences for both the mother and the child.

There is a shortage of skilled professionals in prisons (in the areas of health care, social and psychological assistance) able to work with people with substance addictions. At the same time, a sufficient range of treatment and assistance services for addiction diseases remains to be ensured. The availability and quality of psychological social rehabilitation programmes differs from prison to prison. The possibility of starting substitution treatment in prisons appeared in Lithuania only in 2021, as until then it was only possible to continue substitution treatment if the person had been appointed to a it before the imprisonment.

**Involving civil society and affected communities in all aspects of the drug problem**

The Ministry of Social Security and Labour of the Republic of Lithuania is responsible for the development of non-governmental organisations in Lithuania. It analyses the activities of non-governmental organisations and communities, provides methodological support, presents proposals on the provision of legal and economic conditions, etc. The main obstacles to the development of the non-governmental sector are the lack of public participation, and the lack of administrative and financial resources of non-governmental organisations. For example, non-governmental organisations providing harm reduction services only started receiving guaranteed state funding in 2022. Until then, funding for the planned activities came from the EU Structural Funds, municipalities, and other sources, which were insufficient.

NGOs active in the area and assisting persons with addictions are relatively active in policymaking. NGOs, for example, were invited and participated in the preparation of a long-term national strategy paper, *The National Agenda on Drug, Tobacco and Alcohol Control*, *Prevention of Drug Use and Drug- Related Harm Until 2035[[4]](#footnote-4)*. Lithuania shared its experience of good cooperation practice between NGOs and the private sector at the side event of the 65th session of the CND[[5]](#footnote-5).

**Racial discrimination problem**

Roma people are an ethnic minority who still suffer certain discrimination in Lithuania. Society is dominated by stereotypical attitudes about Roma as distributors of drugs and the ethnic minority prone to criminal acts[[6]](#footnote-6),[[7]](#footnote-7).

**Other challenges**

The report by the National Audit Office of Lithuania on *Organisation of treatment services for persons with addiction diseases[[8]](#footnote-8)* published in 2023 states that as many as 18.1 thousand persons were provided with addiction treatment services financed by the Compulsory Health Insurance Fund (PSDF) in Lithuania in 2022. According to the auditors, 43% of treatment institutions eligible to provide treatment services for addiction diseases did not provide services funded by the PSDF between 2019 and 2022. 38% of the bodies surveyed reported not providing treatment services for mental or behavioural disorders due to a lack of specialists. 45% of the population who applied for addiction assistance experienced difficulties in obtaining it, as such services are not provided in the place they live. Psycho-social rehabilitation for minors and adults was provided in only 3 counties in 2022. Thus, it can be concluded that there is a territorial inaccessibility of required services.

Due to the existing stigma, individuals tend to treat addiction anonymously and are provided with the conditions to do so. In 2022, a third (687 out of 1,779) of individuals received treatment services for addiction diseases anonymously at the Republican Centre for Addictive Disorders, 85% of whom received services under the Minnesota program. In the case of administrative offences, the number of individuals who can choose an alternative to punishment – the treatment of addiction – increased by 83% in 2022 compared to 2019.

In the future, the aim will be to: (1) increase access to psycho-social rehabilitation services for addiction patients, ensure the provision of in-patient Minnesota programme and/or motivational therapy services in each county; (2) create preconditions for early provision of mental health care services for children and adolescents who are harmfully using substances or have addictions, and change the requirements under which psycho-social rehabilitation services may be provided to them; (3) develop missing documents setting standards for diagnosis and treatment addictions of adults, children and adolescents, and update existing ones; (4) improve monitoring of data on mental and behavioural disorders of people using narcotic and psychotropic substances and upgrade risk assessment of treatment facilities, with a view to improving the quality of services.

As many as 40% of those who have completed psychological and social rehabilitation programmes start looking for jobs, possibilities to study or work, including self-employment. However, reintegration services in Lithuania are much less developed than treatment or psychological social rehabilitation. There is a lack of a combination of rehabilitation and reintegration services, cross-compliance assistance and measures to help dependant people get ready to return to the labour market, get employment and stay in the job.

New psychoactive substances and related changes in trends in drug use also pose new challenges for the health system. At present, there is a lack of a monitoring system for measuring the habits of consumption of psychoactive substances and developed methodologies for diagnosing and treating topical addictions. Besides, there is a need for continuous training of specialists to meet today’s needs, aimed at upgrading their qualifications and increasing their competences.

1. <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/05bcd330bf3b11ed924fd817f8fa798e?positionInSearchResults=16&sea> [↑](#footnote-ref-1)
2. <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/05bcd330bf3b11ed924fd817f8fa798e> [↑](#footnote-ref-2)
3. <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/56fa5f507d2e11edbdcebd68a7a0df7e> [↑](#footnote-ref-3)
4. <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/14de2fa0d4d911ecb1b39d276e924a5d> [↑](#footnote-ref-4)
5. <https://www.unodc.org/unodc/en/commissions/side-events-and-exhibitions.html> [↑](#footnote-ref-5)
6. <https://www.europarl.europa.eu/doceo/document/TA-9-2022-0343_EN.html> [↑](#footnote-ref-6)
7. <https://www.lrt.lt/en/news-in-english/19/1177610/the-end-of-vilnius-roma-settlement-discrimination-hampers-%20relocation-drug-trade-remains> [↑](#footnote-ref-7)
8. <https://www.valstybeskontrole.lt/LT/Product/24158> [↑](#footnote-ref-8)