



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

## SECOND SECTION

### **CASE OF LANIAUSKAS v. LITHUANIA**

*(Application no. 48309/19)*

## JUDGMENT

Art 3 (substantive) • Inhuman and degrading treatment • No evidence that convicted prisoner's visual impairment such as to render his continued detention incompatible with Art 3

STRASBOURG

29 March 2022

*This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.*



**In the case of Laniauskas v. Lithuania,**

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Jon Fridrik Kjølbro, *President*,

Egidijus Kūris,

Branko Lubarda,

Pauliine Koskelo,

Jovan Ilievski,

Gilberto Felici,

Saadet Yüksel, *judges*,

and Stanley Naismith, *Section Registrar*,

Having regard to:

the application (no. 48309/19) against the Republic of Lithuania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Lithuanian national, Mr Remigijus Laniauskas (“the applicant”), on 2 September 2019;

the decision to give notice of the application to the Lithuanian Government (“the Government”);

the parties’ observations;

Having deliberated in private on 8 March 2022,

Delivers the following judgment, which was adopted on that date:

## INTRODUCTION

1. The applicant is a convicted prisoner who is nearly blind. He complained that, in view of his visual impairment, his detention was incompatible with Article 3 of the Convention.

## THE FACTS

2. The applicant was born in 1972 and is currently detained at the Prison Hospital, in Pravieniškės. He was represented before the Court by Mr R. Putinas, a lawyer practising in Kaunas.

3. The Government were represented by their Agent, Ms K. Bubnytė-Širmenė.

4. In 1993 the applicant sustained injuries to his eyes during an explosion. He underwent surgery and inpatient and outpatient treatment, but his vision continued to deteriorate, particularly starting in 2009. In 2014 the relevant authorities established that he had lost 50% of his working capacity.

5. In 2013 and 2015 he was convicted on several counts of unlawful possession and smuggling of firearms, explosive materials and narcotic or psychotropic substances, committed between 2006 and 2008 as part of an organised criminal group.

6. On 12 March 2015 the applicant began serving his sentence in Kybartai Correctional Facility. He is set to be released in March 2023.

7. While serving the sentence, the applicant was convicted of inciting a prison officer to hand over forbidden electronic items to him.

#### I. THE FIRST SET OF PROCEEDINGS CONCERNING THE APPLICANT'S RELEASE

8. In May 2017 the applicant was examined by an ophthalmologist, who diagnosed him with blindness in both eyes and prescribed him eye drops.

9. In June 2017 the applicant was examined by a medical commission, which established that the visual acuity of his right eye was 0.01 and the visual acuity of his left eye corresponded to his ability to see finger movements from a distance of ten centimetres. According to the criteria laid down in the relevant legislation, his condition constituted a serious incurable illness (see paragraphs 30 and 31 below).

10. In August 2017 the administration of Kybartai Correctional Facility applied to a court requesting that the applicant be released from serving the remainder of his sentence on account of his visual impairment (see paragraph 30 below).

11. On 5 December 2017 the Vilkaviškis District Court allowed the prison administration's application. It considered that the applicant's visual impairment made it too difficult for him to continue serving his sentence. In view of the fact that he had already served more than one-third of the sentence, the disciplinary penalties which he had received had already expired and his behaviour in prison had been characterised positively, the court held that he should be released from serving the remainder of the sentence.

12. Following an appeal lodged by the prosecutor, on 12 January 2018 the Kaunas Regional Court quashed the lower court's decision and dismissed the prison administration's application. It stated that the courts had the right to release a convicted person from serving the remainder of his or her sentence on account of ill health, but that they were not obliged to do so. Moreover, the fact that a convicted person suffered from a serious incurable illness was not the only factor to consider when making that decision and a number of other circumstances had to be taken into account (see paragraphs 28 and 33 below). The court heard the testimony of the head of the Healthcare Department and a specialist from the Social Rehabilitation Department of Kybartai Correctional Facility. On the basis of their testimony, the court found that the applicant could walk around the prison without any help and was able to read and sign documents. He exercised, attended yoga classes, took computer literacy courses, did gardening and participated in various other social and educational activities. Moreover, he had never complained to the prison administration that serving the sentence was too difficult or that

he needed help taking care of himself. The court also observed that the applicant was not totally blind and retained some limited visual acuity (see paragraph 9 above). Lastly, it took note of the fact that he had been convicted of serious criminal offences and had reoffended while in prison, as well as the fact that his condition did not pose any danger to the health of other prisoners. In the light of all the foregoing circumstances, the Kaunas Regional Court concluded that the applicant's continued detention would not amount to inhuman or degrading treatment and that there were no grounds to release him.

## II. THE SECOND SET OF PROCEEDINGS

13. In August 2018 the relevant authorities established that the applicant had lost 90% of his working capacity and that he needed constant care and assistance.

14. In January 2019 the applicant underwent another examination by a medical commission. During the examination, he stated that with his right eye he could see finger movements from a distance of twenty centimetres, and with his left eye he could only perceive light. The medical commission noted that "no objective reasons for the subjective deterioration of eyesight had been detected". It recommended the continuation of the regular supervision of the applicant's condition and his treatment with eye drops.

15. In March 2019 the administration of Kybartai Correctional Facility again applied to a court, requesting that the applicant be released from serving the remainder of his sentence on account of his visual impairment.

16. On 25 April 2019 the Marijampolė District Court refused the prison administration's application. It found that there had been no significant changes in the applicant's condition since the previous application to have him released, and thus there were no grounds on which to adopt a different decision from the one taken in the previous court proceedings.

17. The applicant lodged an appeal against that decision, but on 3 June 2019 the Kaunas Regional Court dismissed it and upheld the decision of the lower court. It once again observed that it appeared from the material in the case file that the applicant was able to take care of himself independently and to take part in various social and educational activities while in prison (see paragraph 12 above). The court also referred to the testimony of a doctor working at the Prison Hospital who had stated that the applicant was able to walk independently in familiar surroundings. In view of the fact that he had already served a substantial part of his sentence in the prison, the court considered that the applicant was familiar with his surroundings and that his continued detention there would not amount to inhuman or degrading treatment.

### III. THE THIRD SET OF PROCEEDINGS

18. In June 2019 the administration of Kybartai Correctional Facility lodged yet another application with the court, requesting that the applicant be released from serving the remainder of his sentence on account of his visual impairment.

19. On 27 August 2019 the applicant was transferred to Vilnius Correctional Facility.

20. On 3 October 2019 the Vilnius District Court refused to release the applicant from serving his sentence. It based that decision on essentially the same grounds as those given by the courts in the previous sets of proceedings (see paragraphs 12 and 17 above).

21. The applicant lodged an appeal against that decision, but on 14 November 2019 the Vilnius Regional Court dismissed it and upheld the decision of the lower court. It observed that the applicant's loss of vision had occurred before his detention and there was no indication that it was deteriorating in prison (see paragraph 14 above). It further noted that, according to the testimony of a doctor who had examined the applicant, on several occasions he had been offered the possibility of serving the remainder of his sentence at the Prison Hospital, but he had refused, preferring to remain in the correctional facility. Moreover, there was no indication that the applicant had ever complained to the prison administration that he had difficulties taking care of himself because of his visual impairment. The court acknowledged that a blind person might find it more difficult to serve a prison sentence than other prisoners; however, it considered that the applicant's impaired vision was not such as to make the serving of the sentence excessively difficult. It observed that being nearly blind had not stopped the applicant from committing offences, nor had it precluded him from taking part in sports and social activities while in prison; moreover, while serving his sentence, he had managed to acquire a professional qualification as a builder and decorator.

22. In March 2020 the applicant's lawyer asked the administration of Vilnius Correctional Facility for information about the conditions in which the applicant had been detained in that facility. The administration replied that upon their arrival at the facility, all detainees had to undergo an initial medical examination. If a detainee notified the prison administration that he had disabilities or other health problems which made it difficult for him to remain in the facility, he would be transferred to the Prison Hospital. However, in the absence of information about any such diseases or disabilities, the detainee would remain at Vilnius Correctional Facility. The administration noted that that facility was not adapted for detaining persons with disabilities.

#### IV. THE FOURTH SET OF PROCEEDINGS

23. On 28 August 2019 the applicant asked to be transferred to the Prison Hospital for the remainder of his sentence, on the grounds that he was disabled and needed constant supervision. He was transferred there on 2 December 2019 and placed in the Social Care Department.

24. In February 2021 he was examined by a medical commission, which found that there had not been any significant changes in his condition since the last examination and recommended that his existing treatment be continued (see paragraph 14 above).

25. In June 2021 the administration of the Prison Hospital applied to the court, requesting that the applicant be released from serving the remainder of his sentence on account of his visual impairment.

26. On 22 July 2021 the Kaunas District Court refused the administration's application. It heard the testimony of a representative of the Prison Hospital and a doctor who had examined the applicant. On the basis of their testimony, the court found that, at the Prison Hospital, the applicant was regularly visited by doctors, social workers and the prison administration in order to ensure that he was receiving all the necessary help. Moreover, his room was cleaned by the cleaning staff and food was prepared for him. The applicant walked around the facility without a cane, went to the gym and exercised without any help, and he had even applied for permission to work as a yoga instructor outside the prison. He had never complained to the prison administration that he had difficulties taking care of himself or that he needed special assistance. The court also noted that the Prison Hospital had signed a cooperation agreement with an association for the blind and visually impaired; thus, the applicant could learn braille and obtain audio books if he wished. Accordingly, the court concluded that his continued detention would not amount to inhuman or degrading treatment.

27. The applicant lodged an appeal, but on 20 August 2021 the Kaunas Regional Court upheld the lower court's decision in its entirety.

#### RELEVANT LEGAL FRAMEWORK AND PRACTICE

##### I. DOMESTIC LAW AND PRACTICE

28. Article 76 § 2 of the Criminal Code provides that a person who has been convicted of a criminal offence and who contracts a serious incurable illness after the conviction may be released from serving the remainder of his or her sentence. When making that decision, the court must take into account the gravity of the criminal offence, the personality of the offender, his or her behaviour while serving the sentence, the nature of the illness, and the duration of the sentence already served.

29. Article 359 § 1 of the Code of Criminal Procedure states that, in the circumstances provided for in Article 76 of the Criminal Code (see paragraph 28 above), an individual may be released by a court from serving his or her sentence following an application by the correctional facility in which the sentence is being served, and taking into account the findings of a medical commission.

30. The Order on examining the health of convicted persons who have contracted a serious incurable or mental illness was adopted by the Ministry of Justice and the Ministry of Health on 27 December 2013 and subsequently amended. In line with that Order, if the medical personnel of a correctional facility determine that a prisoner is suffering from a serious incurable illness, the prisoner must be referred for an examination by a medical commission in order to assess whether his or her health condition corresponds to any of the illnesses indicated in Annex 1 to the Order, which may constitute grounds for releasing the prisoner from serving the remainder of his or her sentence (paragraphs 6-8). When the administration of the correctional facility is informed that a prisoner suffers from an illness indicated in Annex 1, it must apply to a court to request that the prisoner be released from serving the remainder of his or her sentence (paragraph 18).

31. Annex 1 to the above-mentioned Order contains a list of serious incurable illnesses. The list includes total blindness and certain other severe visual impairments, including when, as a result of stable pathological changes, the visual acuity of the better-seeing eye is not higher than 0.03 and cannot be corrected.

32. In line with the Order on the transfer of convicted persons from one correctional facility to another, adopted by the Prison Department under the Ministry of Justice on 31 August 2015 and subsequently amended, a convicted person may be transferred to a different correctional facility on account of his or her health, following a doctor's recommendation.

33. In a decision of 31 March 2015 in criminal case no. 2K-123/697/2015, the Supreme Court held:

“When applying Article 76 of the Criminal Code and releasing a convicted person from serving a sentence on account of his or her health, it must be established that the serving of the sentence would be excessively difficult as a result of the convicted person's illness.

In line with the relevant case-law, establishing that the serving of the sentence would be too difficult as a result of a serious incurable illness is within the competence of the court. When taking a decision [on that matter], the court must take into account the gravity of the criminal offence, the character of the convicted person, the length of the sentence already served (if it is being served), the effect of the serving of the sentence on the illness, the possibility of treating the illness in the correctional facility, its impact on other prisoners in the facility and any possible danger to their health ... The conclusion on whether the serving of the sentence would be too difficult must be made in the light of all the relevant evidence ... The finding of a medical expert that the serving of the sentence would be too difficult for the individual in question is a very important piece of evidence for the court; however, it is not the only one. When deciding whether



to apply Article 76 of the Criminal Code, the court must also take into account the time when the serious incurable illness arose – whether it was at the time of the commission of the offence or afterwards. In accordance with the case-law, if the individual already had the relevant illness when committing the criminal offence and the illness did not preclude him or her from committing it, then it does not constitute grounds to exempt the individual from serving the sentence ...”

## II. INTERNATIONAL MATERIAL

34. In its report to the Lithuanian Government on the visit to Lithuania from 20 to 27 April 2018, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) stated (footnotes omitted):

“58. The CPT’s delegation carried out a first-time fully-fledged visit to the new Prison Hospital located approximately 80 km from Vilnius. The Hospital was opened in August 2016, on the premises of the former Pravieniškės Correction Home – Open Colony; six buildings of the former prison had been entirely refurbished and equipped using the financial resources provided under the EEA/Norway Grants. The Committee welcomes the fact that the former Prison Hospital in Vilnius, repeatedly criticised by the CPT for very poor living conditions, has finally been closed.

With an official capacity of 180 beds, the Prison Hospital was accommodating some 150 inmates at the time of the visit, including 28 sentenced prisoners employed in maintenance tasks. The Hospital comprised seven wards: admission, internal medicine, tuberculosis (divided into two sections for infectious and non-infectious TB), psychiatric, reanimation/intensive care, palliative care, and an out-patient ward.

59. As regards staff-patient relations, the delegation heard hardly any allegations of ill-treatment by staff and the majority of the patients interviewed spoke positively of the staff.

60. As for living conditions, the newly-renovated premises were all in a very good state of repair, clean and sufficiently lit and ventilated. Patients were accommodated in rooms for up to four persons which were sufficient in size and adequately equipped; sanitary annexes, including toilets and washbasins, were fully partitioned. Depending on their health condition, patients could take their outdoor exercise for up to 4 hours per day.

61. The health-care team of the Hospital comprised 37 medical doctors of different specialisations, eight medical technicians, some 50 nurses and 13 orderlies, working both part and full-time. There was also one full-time psychologist and one half-time psychotherapist (both employed on the psychiatric ward). A doctor on duty for the whole Hospital was always present during the night and on weekends, as well as at least one nurse on each ward. Despite some thirteen additional posts being vacant at the time of the visit, the Committee considers that the staffing levels and presence of health-care staff on the wards were satisfactory.

...”

## THE LAW

### ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

35. The applicant complained that, in view of his visual impairment, his detention was incompatible with Article 3 of the Convention. That provision reads as follows:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

#### **A. Admissibility**

36. The Court notes that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

#### **B. Merits**

##### *1. The parties' submissions*

##### **(a) The applicant**

37. The applicant submitted that, as a result of his visual impairment, he found it very difficult to move around and take care of his basic needs, such as eating and using the toilet or the shower. However, none of the facilities where he had been detained had been adapted to the needs of blind persons (see paragraph 22 above with regard to Vilnius Correctional Facility), and he had not been provided with any assistance in his day-to-day activities.

38. While the applicant accepted that the overall conditions of detention at the Prison Hospital were better than in regular correctional facilities, he nonetheless submitted that the hospital building had not been adapted to the needs of persons with visual impairment – for example, there was no tactile signage on the doors and stairwells, and as a result, he had difficulties finding his way around the building. He also contended that there were insufficient staff to be able to provide him with personal care.

39. With regard to the Government's assertion that he was able to participate in social activities without any difficulties (see paragraph 43 below), the applicant submitted that that had been true only until 2016, while he had retained 50% of working capacity (see paragraph 4 above). However, after that date his eyesight had worsened and he had no longer been able to take part in any social programmes.

40. Lastly, in his reply to the Government's observations, the applicant additionally complained that the medical care and treatment which he had received in detention had been inadequate.

**(b) The Government**

41. The Government firstly submitted that, as established by doctors on several occasions, the applicant was not completely blind but retained some limited vision (see paragraphs 9, 14 and 24 above). Moreover, his eyesight could be corrected – in December 2018 he had been prescribed glasses, and later his wife had bought him contact lenses. According to the information available to the Government, the applicant had worn glasses while being detained in Kybartai Correctional Facility and he had continued to wear them at the Prison Hospital. The Government also noted that the medical examinations performed between 2017 and 2021 had not noted any significant changes in his condition, which showed that it had not deteriorated (see paragraphs 14 and 24 above).

42. They further contended that the applicant had been provided with adequate medical care and treatment in detention. In accordance with the domestic law, there was a general practitioner at each correctional facility who could refer prisoners for a consultation with an ophthalmologist, and the prisoner would then be taken to the Prison Hospital or a civilian healthcare institution for consultation or further treatment. As for the applicant, he had been taken to the Kaunas Santaros Clinics on four occasions in May 2017, August 2018 and December 2018; each time, he had been examined by ophthalmologists, who had carried out various tests on his eyes, clarified the diagnosis and recommended treatment with eye drops. He had had additional consultations and tests in June 2017 at the Prison Hospital and in October 2018 and January 2021 at the Kaunas Santaros Clinics. In January 2019 he had been hospitalised at the Prison Hospital for twelve days, where his condition had been found to be satisfactory and without any significant changes, and he had been advised to continue the previously prescribed treatment. The Government submitted that the applicant had thus been examined by doctors at regular intervals and that the treatment which had been prescribed to him had been pursued in the correctional facilities.

43. The Government further submitted that there was no evidence that the applicant required assistance in his daily life. On the contrary, it was clear from the material in the case file that he was able to take part in various physical, social and educational activities, he had acquired a professional qualification, and had sought permission to work outside the prison (see paragraphs 12, 21 and 26 above).

44. The Government emphasised that in none of the correctional facilities in which he had been detained had the applicant notified the administration that he was having difficulties in his day-to-day activities, nor had he ever asked for assistance. Moreover, the material in the case file showed that on a number of occasions he had refused to be transferred to the Prison Hospital (see paragraph 21 above). The Government pointed out that the applicant had complained of his alleged difficulties for the first time on 28 August 2019

(see paragraph 23 above), that is, only a few days before lodging the present application with the Court (on 2 September 2019).

45. The Government further submitted that, following the applicant's request to be transferred to the Prison Hospital, the transfer had taken place shortly afterwards (see paragraph 23 above). He had been placed in the Social Care Department, where the prisoners had access to medical assistance; moreover, the premises had been renovated and adapted to the needs of persons with disabilities. Furthermore, the detainees were relieved of the duty to clean the common areas. Following his transfer there, the applicant had not complained to the administration of the Prison Hospital of any difficulties.

46. Lastly, the Government submitted that the domestic law was exceptionally favourable to convicted persons suffering from serious incurable illnesses. Whenever a prisoner asked a doctor to refer him or her for an examination by a medical commission, and the commission confirmed that the prisoner was suffering from a serious incurable illness as defined in the domestic law, a procedure was initiated whereby the administration of the correctional facility was obliged to lodge an application with the courts requesting that the prisoner be released on account of his or her health (see paragraph 30 above). The law provided no limitations as to when or how often such proceedings could be initiated, and the applicant had taken advantage of that fact by initiating several sets of proceedings, despite the fact that his health had not changed in the meantime. Be that as it may, the medical commission's conclusion was only one of several factors to be taken into account when deciding whether to release a prisoner from serving his or her sentence (see paragraphs 28 and 33 above), and the courts which had examined the applicant's case in four sets of proceedings had given well-founded decisions based on the entirety of the circumstances (see paragraphs 12, 17, 21 and 26 above).

## 2. *The Court's assessment*

### (a) **General principles**

47. The relevant general principles concerning the detention of persons who are seriously ill or persons with disabilities have been summarised in *Enea v. Italy* ([GC], no. 74912/01, §§ 55-59, ECHR 2009) and, more recently, in *Potoroc v. Romania* (no. 37772/17, §§ 61-65, 2 June 2020).

48. In particular, the Court reiterates that, in order to determine whether the detention of a person who is ill complies with Article 3 of the Convention, it must consider three different factors: (a) the applicant's state of health and the effect on the latter of the manner of his or her imprisonment; (b) the adequacy or inadequacy of the medical care and treatment provided in detention; and (c) whether or not the person should continue to be detained in view of his or her state of health (see *Dorneanu v. Romania*, no. 55089/13, §§ 77-80, 28 November 2017, and the cases cited therein).

**(b) Application of the above principles in the present case**

49. There was no dispute that the applicant suffered from a serious visual impairment following an injury to his eyes sustained in 1993 (see paragraph 4 above). On several occasions medical experts established that he was nearly blind and had very limited vision in both eyes (see paragraphs 9, 14 and 24 above). Under the domestic law, his condition was considered a serious incurable illness (see paragraphs 30 and 31 above). Moreover, the relevant authorities recognised that he had lost 90% of his working capacity (see paragraph 13 above).

50. At the same time, the Court observes that between 2017 and 2021, medical experts found no significant change in the applicant's condition (see paragraphs 9, 14 and 24 above). Thus, nothing in the case file indicates that his eyesight deteriorated during his detention (see, *mutatis mutandis*, *Potoroc*, cited above, § 73).

51. Regarding the medical care and treatment which was provided to the applicant, the Government submitted information regarding his visits to specialist doctors, the tests which had been carried out and the treatment which had been prescribed to him (see paragraph 42 above). Although the applicant asserted that the medical care had been inadequate (see paragraph 40 above), he did not challenge the facts as presented by the Government, nor did he indicate any treatment which either had not been provided to him or had been provided belatedly. Accordingly, the Court finds the applicant's assertion to be vague and unsubstantiated. It also takes note of the fact that he did not lodge any complaints with the relevant domestic authorities concerning the allegedly inadequate medical care. Given the circumstances, the Court has no grounds to find that the authorities failed to provide the applicant with the necessary medical care and treatment (see, *mutatis mutandis*, *Kaverzin v. Ukraine*, no. 23893/03, §§ 145-47, 15 May 2012, and *D.G. v. Poland*, no. 45705/07, § 175, 12 February 2013).

52. As to the conditions in which the applicant was detained in Kybartai Correctional Facility and Vilnius Correctional Facility, the Court observes that those were regular detention facilities, and there is no indication that they were suited to the detention of blind or nearly blind persons, such as the applicant (see paragraph 22 above with regard to Vilnius Correctional Facility). Moreover, whereas the general conditions of detention at the Prison Hospital appear to have been adequate (see the CPT report cited in paragraph 34 above), the applicant argued that the hospital had not been specially adapted to the needs of visually impaired persons (see paragraph 38 above). The Government did not make any submissions which might suggest otherwise.

53. Be that as it may, when deciding whether the applicant should be released on account of his health, the domestic courts assessed a number of relevant circumstances (see the relevant domestic law and case-law in paragraphs 28 and 33 above), among which was the applicant's real capacity

to independently move around and take care of himself (compare and contrast *Dorneanu*, cited above, § 97). To that effect, the courts heard testimony from doctors and prison officers and established that the applicant walked around without any assistance, that he was able to read and sign documents, and furthermore, that he took part in various social and educational activities, such as physical exercise, gardening, and computer literacy classes (see paragraphs 12, 17, 21 and 26 above; compare and contrast *Butrin v. Russia*, no. 16179/14, §§ 60-61, 22 March 2016). The applicant did not challenge those statements in the domestic proceedings. In his submissions before the Court, he contended that he had been able to participate in such activities only until 2016 and that afterwards his eyesight had deteriorated, precluding him from participating in further social activities (see paragraph 39 above). However, the Court considers that this assertion is unsupported by any evidence and, furthermore, that it is refuted by the above-mentioned findings of the domestic courts from the period 2018-2021.

54. The Court also finds it relevant that, during the entire time of his detention, the applicant did not complain to the administration of any of the correctional facilities of having difficulties in his daily life and did not ask for any additional assistance (see paragraphs 21, 26, 44 and 45 above).

55. In the Court's view, the applicant's complaint in the present case concerned not so much his access to medical care or assistance as his wish to be released from serving the remainder of his sentence. In this connection, the Court reiterates that Article 3 of the Convention cannot be construed as laying down a general obligation to release detainees on health grounds (see *Yunusova and Yunusov v. Azerbaijan*, no. 59620/14, § 138, 2 June 2016, and the cases cited therein).

56. The above-mentioned circumstances lead the Court to conclude that the applicant's visual impairment was not such as to make his continued detention incompatible with Article 3 of the Convention.

57. There has accordingly been no violation of that provision.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been no violation of Article 3 of the Convention.

LANIAUSKAS v. LITHUANIA JUDGMENT

Done in English, and notified in writing on 29 March 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stanley Naismith  
Registrar

Jon Fridrik Kjølbro  
President