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## 1999 Country Reports on Human Rights Practices

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### LITHUANIA

Lithuania is a parliamentary democracy, having regained its independence in 1990 after more than 50 years of forced annexation by the Soviet Union. The Constitution, adopted by referendum in 1992, established a 141-member unicameral legislature, the Seimas; a directly elected president, who functions as Head of State; and a government formed by a prime minister and other ministers, appointed by the President and approved by the Seimas. The Government exercises authority with the approval of the Seimas and the President. The Conservatives prevailed in the 1996 parliamentary elections, followed by the Christian Democrats. The two parties formed a coalition government (the first in Lithuania's history). In February 1998, independent candidate Valdas Adamkus was elected President by a narrow margin. Following the resignation of Prime Minister Gediminas Vagnorius in May, the Seimas endorsed the 14-member Cabinet of Prime Minister Rolandas Paksas, a member of the ruling Conservative Party, to carry out the amended program of the Government. Paksas resigned in October due to his opposition to a government oil privatization contract. Prime Minister Andrius Kubilius was sworn into office in November. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

Since independence Lithuania has made steady progress in developing a market economy. Over 40 percent of state property, in addition to most housing and small businesses, has been privatized. Trade is diversifying and expanding both to the West and the East. The largest number of workers are employed in agriculture (21 percent). Major exports include textile and knitwear products, timber and furniture, electronic goods, food, and chemical and petroleum products. In July the Government reported a new low for deflation of 0.5 percent. Per capita gross domestic product (GDP) in 1998 was \$2,876. During the first quarter of the year, real GDP reportedly fell by 5.7 percent, and unemployment increased

to 7.4 percent.

The Government generally respects the human rights of its citizens; however, problems remain in some areas. Police on occasion beat detainees and abuse detention laws. The Government is making some progress in bringing police corruption under control. Prison conditions remain poor, and prolonged detention in a small number of cases is still a problem. State media continue to be subject to political interests. Violence and discrimination against women and child abuse are serious problems. There were a number of anti-Semitic incidents during the year. Trafficking in women and girls for the purpose of forced prostitution is a problem.

## **RESPECT FOR HUMAN RIGHTS**

### Section 1. Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

In September 1998, the President formed the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission includes historians, human rights representatives, representatives of international Jewish organizations, and lawyers from Lithuania and a number of foreign countries. The Government allotted \$37,500 (150,000 Litas) to establish a full-time working secretariat for the Commission. The secretariat was formed by October and the first research group of the Commission began to work in December.

In August a court found six persons guilty of complicity in the January 1991 coup attempt. The defendants were former leaders and officials of the Lithuanian Communist Party and were sentenced to prison terms of from 3 to 12 years for crimes including premeditated acts of murder and inflicting serious bodily harm. Defense lawyers appealed the verdict, but at year end the courts had not considered the appeal.

Formal charges have been brought against alleged war criminals Aleksandras Lileikis and Kazys Gimzauskas. After being stripped of his U.S. citizenship in May 1996 for concealing his World War II activities, Lileikis returned to Lithuania. He is accused of acts of genocide committed when he headed the security police of the Vilnius district under Nazi control. Gimzauskas, who had served as Lileikis's deputy, returned to Lithuania in 1993. After his appointment in February 1997, Prosecutor General Kazys Pednycia actively investigated the case and prepared to prosecute Lileikis by the end of June 1997. However, the law stipulates that the accused has a right to a fair, public trial and that the trial cannot proceed if the defendant's health precludes his or her appearance in court. In February when a panel of doctors found that both defendants physically were unable to stand trial, the court stopped their trials indefinitely. On June 29, the Prosecutor General's Office of Special Investigations filed genocide charges against Vincas Valkavickas, who returned to Lithuania in June. The Prosecutor's Office also brought charges against Petras Bernotavicius. In July the prosecutor launched a criminal investigation into the activities of Kazys Ciurinskas. The prosecutor also investigated Antanas Gudelis, an Australian citizen. In July the General Prosecutor's Office also appealed to the public for more information on persons under investigation for genocide.

## b. Disappearance

There were no reports of politically motivated disappearances.

There is a growing problem of women being forced or sold into prostitution by organized crime figures. Their families often believe that they have disappeared or have been kidnapped (see Section 6.f.).

## c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically forbids torture, and there were no reports of its use; however, police sometimes beat or otherwise physically mistreat detainees. The local press reported that incidents of police brutality are becoming more common. In many instances, the victims reportedly are reluctant to bring charges against police officers due to fear of reprisals. According to the Ministry of Interior, during the first 6 months of the year, four police officers were charged with abuse of power and one officer was sentenced. In 1998 four officers were charged and three were sentenced for the same crime.

The Interior Ministry states that district police inspectors are the most negligent in the force. To strengthen the integrity of the police, the Inspectorate General of the Interior Ministry was given administrative autonomy in May 1997. In March the Inspectorate General was reorganized into an office of the Inspector General, and some functions of the Inspectorate were delegated to the internal investigations division at the police department. The Inspector General cannot investigate abuses on his own authority but can act only on the order of the Minister.

In the past, noncommissioned military personnel committed human rights abuses, despite efforts to quash hazing--a practice inherited from the former Soviet armed forces. As living conditions improve for military personnel, there has been a significant reduction in human rights violations committed by noncommissioned officers, and during the year there were no reports of such abuse. During the first half of the year, six criminal cases were brought against conscripts and officers for systematic degrading treatment (one case) and breach of discipline involving violence (five cases). According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The Ministry believes that a lack of professionalism among noncommissioned officers--rather than ethnic, regional, or social factors--is a primary factor in cases of hazing, and it is working actively to improve the skills and judgment of such officers. In May the Seimas approved the new disciplinary statute of the armed forces, and the military police formed by the law of October 1998 is charged with maintaining discipline in the armed forces. The disciplinary statute provides procedures for investigation of disciplinary offences, assures the right to appeal, and lists the types of punishments.

Prison conditions are poor. Due to limited resources, most prisons are overcrowded and poorly maintained. One local human rights group claims that the administration of prison institutions does not do enough to prevent violence among prisoners. The country is attempting to reform its prison system with international assistance and the Seimas is reviewing a new criminal code; however, progress has been very slow. As of November, new hygiene norms came into effect to establish the required space for each convict as well as to assure healthy and safe conditions. On the recommendation of the Seimas

Ombudsman, some detention facilities were closed temporarily due to unsatisfactory conditions. The Seimas allotted the prisons department \$30.7 million (123 million Litas) for 14 correctional institutions. As of July, there were 12,291 prisoners (550 women, 201 juveniles) and 1,887 detainees (98 women, 159 juveniles).

Human rights monitors are permitted to visit prisons. A human rights monitor of the Council of Europe's Parliamentary Assembly visited the country in July and expressed surprise that the country had failed to make any progress in reforming its penal system in the past year and a half.

#### Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person may be arbitrarily arrested or detained; however, there were instances of prolonged detention. Police may detain a person for up to 48 hours based upon reliable evidence of criminal activity. Under a law passed in June 1998, a judge also must approve the detention. At the end of that period, police must decide whether to make a formal arrest, and a magistrate must approve an arrest warrant. The authorities have 10 days to present supporting evidence. Once a suspect is charged formally, prosecutors may keep the suspect under investigative arrest for up to 2 months before taking the suspect to court. In exceptional cases, investigative arrest may be extended by a further 6 to 9 months with the written approval of the Prosecutor General. The Constitution provides for the right to an attorney from the moment of detention.

In an effort to cope with the rise in violent organized crime in 1993, Parliament passed the Preventive Detention Law pertaining to persons suspected of being violent criminals. The law was passed as a temporary measure and was repealed in June 1997. The effect of the law was to give prosecutors and investigators additional time to conduct an investigation and file formal criminal charges against the detainee. The Law on the Prevention of Organized Crime, passed in July 1, 1997, allows for the application of preventive measures on a person who by his actions might "restrict the rights and freedoms of other persons, creates conditions for the emergence and development of social and economic preconditions of organized crime, or poses a threat to public security." The Government is addressing concerns that periods of detention were excessive.

There is no provision for exile, nor is it practiced.

#### Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the judiciary is independent in practice.

The Constitution and the 1994 Law on Courts established a four-tier court system: the Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Supreme Court's Senate of Judges, consisting of the Supreme Court chairman, the division chairmen, and other members of the Supreme Court, rules on the decisions by domestic courts that violate the European Convention on Human Rights. The Constitution also established the Constitutional Court and allowed for specialized courts for administrative, labor, family, and other purposes.

The administrative courts began functioning on May 1. The main function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in the sphere of public administration and taxation. The creation of administrative courts completes the national court reform, a process that started in 1995. The Ministry of Justice is moving towards a system of specialization of judges in district and local courts according to the types of cases.

New criminal and civil codes, and codes of civil and criminal procedure are being drafted. The Government planned to submit the drafts of three codes to the Seimas for consideration in the fall; however, by year's end they had not been approved. The main drafting principle was compliance with the requirements of the European Convention on Basic Human Rights and Freedoms, taking into account the jurisprudence of the European Human Rights Commission and European Court of Human Rights.

The Constitutional Court, at the request of the President, members of the Seimas, the Government, or the judiciary, reviews the constitutionality of laws and other legal acts, as well as that of actions by the President and the Cabinet. The Constitutional Court's authority to issue the final word on subjects within its jurisdiction is unquestioned; it is the country's ultimate legal authority with no further appeal of its rulings.

The Law on Commercial Arbitration, adopted in April 1996, provided for the establishment of arbitration institutions and the abolition of the economic court (abolished in 1998). The law provides for private dispute resolution by an arbitrage tribunal, either organized by a permanent arbitrage institution or by the parties themselves.

The Prosecutor General exercises an oversight responsibility through a network of district and local prosecutors who work with police investigators--employed by the Ministry of the Interior--in preparing the prosecution's evidence for the courts.

The Constitution provides defendants with the right to counsel. In practice the right to legal counsel is abridged by the shortage of trained advocates, who find it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. Outside observers have recommended the establishment of a public defender system to regularize procedures for provision of legal assistance to indigent persons charged in criminal cases. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honor routine, written requests for evidence.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some persons who allegedly were involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established in 1997 to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. During the year, the Supreme Court overturned the rehabilitations of 32 persons.

Parliamentarian Audrius Butkevicius, former Minister of National Defense, was arrested in October 1997 and charged with several counts of corruption. According to the Lithuanian Human Rights Association, the case was based on false information from the State Security Department. Butkevicius's pretrial detention was prolonged without the

decision of a judge. The parliamentary Ombudsman said that there were many similar cases and confirmed that the authorities had violated the law. Typically, he wrote, judges and prosecutors wrongly interpret the law to mean that pretrial detention would be expanded automatically when a case was submitted to a court of law. On November 18, 1998, Butkevicius received a 5 1/2-year prison sentence, a fine of \$12,500 (50,000 Litas), and confiscation of half of his property. On May 12, the Supreme Court rejected Butkevicius's appeal. Butkevicius's lawyers appealed to the European Court of Human Rights, and in September the Court agreed to review the case; but it had not been resolved by year's end.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy, and the Government generally respects this right in practice. The authorities do not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens. However, with the written authorization of a prosecutor or judge, police and the security service may engage in surveillance and monitoring activities on grounds of national security. Except in cases of hot pursuit or the danger of disappearance of evidence, police must obtain a search warrant signed by a prosecutor before they may enter private premises.

However, it is widely assumed that law enforcement agencies have increased the use of a range of surveillance methods to cope with the expansion of organized crime. There is some question as to the legal basis for this police surveillance, but there are no known legal challenges to such surveillance.

### Section 2. Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

Prior restraint over either print or broadcast media and restrictions on disclosure are prohibited, unless the Government determines that national security is involved. The Parliament adopted a media law in 1996 that introduced an element of self-regulation but postponed a difficult decision on advertising of tobacco products. Under the 1996 law, the media created a special ethics commission and an ombudsman to check libel cases and other complaints. This ombudsman was later established by the Seimas.

The independent print media are flourishing, including a wide range of newspapers and magazines. Radio and television are a mix of state and private stations. State television and radio are in the process of being transformed into public television, independent financially from the Government.

There are no restrictions on academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of peaceful assembly and association, and the Government respects them in practice.

The Communist Party of Lithuania and other organizations associated with the Soviet regime continue to be banned.

### c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally respects this provision in practice. The Law on Religious Communities and Associations was passed in 1995. It grants religious communities, associations, and centers property rights to prayer houses, homes, and other buildings. Article 5 of this law mentions nine religious communities that have been declared "traditional" by the law and therefore are eligible for governmental assistance: Latin Rite Catholics; Greek Rite Catholics; Evangelical Lutherans; Evangelical Reformers; Orthodox; Old Believers; Jews; Sunni Muslims; and Karaites. Additionally this year the Hasidic Chabad Lubavich community was recognized as a traditional religious group and was granted the status of a traditional religious community. All other foreign religious workers must obtain work permits, and they face difficult bureaucratic requirements to obtain residence permits from officials who regard them as representatives of cults and sects. These religious workers complain of unofficial harassment. There are no restrictions on the activities of other religious communities.

There is no law for the return of communal property and no action to develop such a law. Although the Justice Ministry prepared legislation to liberalize the restitution of property to religious institutions, at year's end, no parliamentary action was taken. The Catholic community has been more successful in having property returned than the Jewish community; an agreement between Jewish community leaders and the WJRO signed in 1995 has never been implemented. However, some religious property including 26 synagogues has been returned to the Jewish community.

The law provides for the restitution of private property to citizens, but the deadline for filing claims has passed. A number of successful claims have been made, and others still are pending. Lack of funds for compensation and protracted bureaucratic obstacles are the primary problems preventing the return of private property. The Government has taken no action on the problem of heirless (community) property and has no plans to do so.

### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Under the law, citizens and permanent residents are permitted free movement within the country and the right to return to the country, and the Government respects these rights in practice. There are no restrictions on foreign travel.

In 1997 the Law on Refugee Status came into effect, allowing for the first formal grant of refugee status to qualified applicants, in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The 1998 Law on Legal State of Aliens came into effect on July 1.

There is a registration center for migrants and asylum seekers in the town of Pabrade, where 77 illegal immigrants were registered by year's end. With fewer refugees in

residence, during the year the center was able to redirect funds towards improving living conditions. A modern, well-equipped refugee reception center for asylum seekers opened in 1997 in the town of Rukla. By August it had approximately 160 residents and is intended to help integrate into society those persons granted refugee status. As of August, of 2,272 refugees initially settled at the Pabrade center since 1997, over 1,905 eventually were deported.

Lithuania continued its efforts to stop illegal migrants by negotiating readmission agreements with Russia and Belarus, the two countries used by most migrants to reach Lithuania. No progress has been made in negotiating readmission agreements and border agreements still have not been ratified. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Seimas, 71 are elected directly and 70 are elected through proportional representation. Only those parties that receive more than 5 percent of the total ballots (or 7 percent for coalitions) are allowed representation in the Parliament.

While there are no legal restrictions on women's participation in politics or government, they are underrepresented in political leadership positions. There were 24 female parliamentarians out of 137 members (with 4 seats vacant); there is 1 female minister in the 15-member Cabinet. The Cabinet also includes one Jew, four Poles and one Russian.

### Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Most government authorities cooperate with local nongovernmental organizations and actively encourage visits by international and nongovernmental human rights groups. A key exception in the past was the Ministry of Interior, which continually refused to release information on police brutality and statistics on corruption-related incidents. The Ministry has improved its willingness to share information on police brutality and statistics on corruption-related incidents; however, it has done little in releasing statistics or producing public reports. The Association for the Defense of Human Rights in Lithuania is an umbrella organization for several small human rights groups, all of which operate without government restriction.

In 1994 the Government established the Department of International and Human Rights within the Ministry of Justice, which monitors law and legal practice to determine whether these are in accord with Lithuania's international obligations.

### Section 5. Discrimination based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, or ethnic background; however, discrimination against women in employment and other areas persists.

### Women

Abuse of women at home is reportedly common, especially in connection with alcohol abuse by husbands, but institutional mechanisms for coping with this problem only slowly are being formed. A women's shelter funded in part with Norwegian assistance is now in operation. According to one sociological survey published in 1997, 20 percent of women reported experiencing an attempted rape, while another 33 percent reported having been beaten at least once in their lives. During the first 6 months of the year, 108 rapes were reported. Official statistics on the incidence of abuse of women in the home are not filed separately from other categories of assault. Persons convicted of rape generally receive sentences of from 3 to 5 years in prison.

Trafficking in women for the purpose of forced prostitution is a problem (see Section 6.f.).

The Constitution provides for equal rights for men and women; however, women continue to face discrimination. Official policy specifies equal pay for equal work. The Law of Realization on Equal Rights and Opportunities for Women and Men came into effect on March 1. The Office of the Ombudsman for Equal Opportunities of Women and Men was established May, and the Seimas appointed lawyer Ausra Burneikiene as Ombudsman. The Ombudsman's office is an independent public organization, accountable to the Seimas, which oversees the implementation of the law and investigates complaints concerning violations of gender discrimination and sexual harassment. Generally, men and women receive the same pay for comparable work, but women are underrepresented significantly in some professions and in the managerial sector as a whole. Women are underrepresented in businesses. Significant inequalities in society based on gender continue, and there are still very conservative views about the role of women. During the year, the Ministry of Education and Science abolished preferential university entrance criteria for men and women. During the year, the Equal Opportunities Ombudsman also closely followed admission examinations to high schools. The Ombudsman received no complaints based on gender discrimination.

### Children

The Ministries of Social Security and of the Interior share official responsibility for the protection of children's rights and welfare. By the end of April, the Minister of Justice appointed 85 judges in the district courts for hearings in juvenile criminal cases and cases related to children's rights (adoption and paternity matters). Starting in 1994, the Children's Rights Service of the Ministry of Social Security (also known as the Children's Rights Protection Council) began to take on many of the functions formerly handled by the Interior Ministry and its subordinate police officers throughout the country, thereby focusing more attention on the social welfare needs of children. This service registers and cares for children in abusive and dysfunctional families, and had registered 34,379 children in 1998.

Child abuse is a problem. Child abuse in connection with alcohol abuse by parents is a

serious problem. The prevalence of authoritarian values in family upbringing has discouraged more active measures against child abuse; however, the press has reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and murder. Authorities reported that two children were killed by their parents in 1998; however, the media widely reported on five cases during the year. However, no department or organization collects information on child abuse. Moreover, there are no specific criminal codes for child pornography, sexual abuse, or sex tourism. There is one rehabilitation center in the country for children who have been abused sexually.

The Penal Code provides for terms of from 1 to 4 years' imprisonment for exploiting children in the production of pornography. One case was brought during the year; however, there was no result in the case by year's end. Penalties for violence and cruel behavior against underage persons were made stricter during the year, providing for imprisonment terms of from 1 to 2 years. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

#### People with Disabilities

The 1991 Law on Integrating Disabled People provides for a broad category of rights and public benefits to which disabled people are entitled legally. Legal provisions for access to buildings for the disabled are in place but are not widely enforced; the vast majority of public buildings remain inaccessible to the disabled.

More than 350,000 disabled persons live in the country--10,000 of them children. During 1998 Parliament allotted approximately \$35 million (140 million Litas) for persons with disabilities, including \$20 million (80 million Litas) for institutions caring for such persons, \$6.8 million (27.3 million Litas) for various specific programs, and \$5.8 million (23.4 million Litas) for orthopedic assistance programs. A project in Kaunas to build an apartment building for persons with disabilities has not been completed due to a lack of funds and to the fact that the pending privatization of the state institution that was to have supervised the project is still not complete. A center for deaf children and a program for children with special orthopedic problems have been created.

#### Religious Minorities

Jewish community leaders expressed their concern regarding desecration of several cemeteries and the Holocaust Memorial at Paneriai. Although authorities responded promptly in such cases, no witnesses were found and no charges were brought. A certain level of anti-Semitic sentiment persists in the country. For example on the eve of Hitler's birthday, a flag with a swastika was raised at the center of Klaipeda port and Nazi graffiti appeared on a wall of a Jewish community building. The mayor of the city said that anti-Semitic attacks by pro-Fascist youths could not be tolerated and appealed to the State Security Department for action; however, the perpetrators were not apprehended. The Penal Code provides for a sentence of imprisonment from 2 to 10 years for incitement of racial or national hatred or incitement of violence against foreigners. However, the Ministry of Justice has no statistics on how many cases, if any, were brought under this provision of the law.

#### National/Racial/Ethnic Minorities

Minority ethnic groups--including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites--make up roughly 20 percent of the country's citizens.

Many non-ethnic Lithuanian public sector employees were required to attain a functional knowledge of Lithuanian within several years, although the authorities have been granting liberal extensions of the time frame in which this competence is to be achieved. As of August, 314 persons took a language test for acquiring citizenship and 298 persons passed the test successfully. During the first half of the year, 354 persons were naturalized (compared with 550 in 1998). There is no documented evidence of job dismissals based on the language law. The authorities have indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they have asserted that no one would be dismissed solely because of an inability to meet the language requirements.

## Section 6. Worker Rights

### The Right of Association

The Constitution and the 1991 Law on Trade Unions recognize the right of workers and employees to form and join trade unions. The Law on Trade Unions formally extends this right to employees of the police and the armed forces, although the Collective Agreements Law of 1991 does not allow collective bargaining by government employees involved in law enforcement and security related work.

In 1990 the Lithuanian branch of the Soviet Union's All-Union Central Council of Trade Unions, including 23 of 25 trade unions, renamed itself the Confederation of Free Trade Unions (CFTU) and began asserting increased independence from its Soviet parent organization. In 1993 the CFTU joined eight other unions that also had been part of the All-Union Central Council to form the Lithuanian Trade Union Center (LTUC).

The Lithuanian Workers' Union (LWU) was formed in 1990 as an alternative to the CFTU. Unlike the CFTU/LTUC, the LWU was an early supporter of Lithuanian independence from the Soviet Union and actively sought Western free trade union contacts. The LWU claims a dues-paying membership of 78,000 organized in 35 regional groupings.

The Law on Trade Unions and the Constitution provide for the right to strike, although public officials providing essential services may not do so. There were no major strikes during the year.

There are no restrictions on unions affiliating with international trade unions.

### b. The Right to Organize and Bargain Collectively

The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees, although several provisions reportedly hinder the establishment of new union organizations. Probably as a result of the discrediting of labor unions during Soviet period, only 10 percent of enterprises have trade unions. Collective negotiations regarding labor relations, including wages, are not very widespread. Workers often present their own case against their employer. Negotiations are more common in

enterprises that have trade unions.

According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Difficulties commonly arise in state enterprises in which employees are represented by more than one union. LWU officials charge that managers in some state enterprises discriminate against LWU organizers and have on occasion dismissed employees in retribution for their trade union activities. The LWU also charges that the judicial system is slow to respond to LWU grievances regarding dismissals from work. LWU representatives claim that state managers sometimes prefer the CFTU/LTUC over LWU unions as collective bargaining partners.

In general trade union spokesmen say that managers often determine wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government issues periodic decrees that serve as guidelines for state enterprise management in setting wage scales. The LWU and the LTUC engage in direct collective bargaining over wages at the workplace level. Wage decisions increasingly are being made at the enterprise level, although government ministries still retain some control over this sphere in state-owned enterprises. The LWU reports that it supplements its bargaining efforts with active lobbying in government ministries that own enterprises.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced labor by all, including children, and this prohibition generally is observed in practice; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment of children without parental consent is 16 years; with the written consent of parents, it is 14 years. Complaints about infringement of child labor regulations generally are referred to local prosecutors who investigate the charges and take legal action to stop violations. Child labor problems appear to be rare.

The Constitution specifically prohibits forced and bonded labor by children, and this prohibition generally is observed in practice; however, girls are trafficked for the purpose of forced prostitution (see Section 6.c. and 6.f.).

#### e. Acceptable Conditions of Work

The Constitution provides for every person's right to receive just payment for work.

As of December, the legal minimum wage was \$107.50 (430 Litas) per month. The minimum wage does not provide a decent standard of living for a worker and family. The average wage in the public sector is \$280 (1,122 Litas) per month, compared with \$215 (861 Litas) in 1997. The Council of Ministers and the Ministry of Social Security periodically adjust the minimum wage. Every 3 months these government bodies must submit their minimum wage proposals to the Seimas, which has the right to approve or

revise the minimum wage level. Enforcement of the minimum wage is almost nonexistent, in part because the Government does not want to exacerbate unemployment.

The 40-hour workweek is standard, with a provision for at least one 24-hour rest period. For a majority of the population, living standards remain low. The poorest households spend 70 percent of their income on food, compared with 36 percent in wealthier households.

The Constitution provides that workers have the right to safe and healthy working conditions. The State Labor Inspection Service, which the law established, is charged with implementing the Labor Safety Law, which went into effect in 1993. In the first half of the year, the Labor Inspection Service received more than 2,000 complaints, of which more than half were confirmed to be true; 95 percent of complaints involve abuses of labor laws, while only 5 percent deal with working conditions. The largest abuses include illegal employment (working without a written contract), not paying wages for more than several months, and time off.

The 1993 Labor Safety Law sets out the rights of workers facing hazardous conditions and provides legal protection for workers who file complaints about such conditions.

#### Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women and girls for the purpose of forced prostitution was a problem. In July 1998, the Seimas passed the Law on the Amendment to the Penal Code, which provides for criminal liability for persons who engage in trafficking in persons for purposes of sexual abuse.

The country is a source, transit point, and destination for trafficking in women. Women from Belarus, Russia (Kalingrad District), Latvia, and the Lithuanian countryside are trafficked to major cities. Some are trafficked further to Western Europe and elsewhere. Germany, Israel, the Netherlands, Denmark, and Austria are major destinations, based on the figures of women subsequently deported from these countries to Lithuania.

A number of women, some underage, have been enticed or forced into prostitution and sold abroad by organized crime figures. Many are lured by deceptive offers of seemingly innocent jobs as household helpers, bar dancers, or waitresses. Women also are tricked into prostitution through false marriage advertisements. Their families often are unaware of their predicament and believe that they have disappeared or been kidnaped. However, it is difficult to determine what percentage were enticed or coerced and how many departed voluntarily. Reportedly, 70 percent of those returned to Lithuania as deportees said that they knew what type of work they were going to undertake.

There were three cases involving trafficking in persons brought during the year. In November the Klapeida port police arrested four persons suspected of trafficking in women. Criminal charges were brought based on the accounts offered by witnesses. At year's end, there had been no court hearing. Law enforcement officials complain that victims of such crimes do not approach the police or they refuse to provide information about the circumstances of trafficking and sale. There are no specific government assistance programs for victims of trafficking; however, the police offer to provide protection for witnesses.

The media report extensively on trafficking in persons. A local NGO, Missing Persons' Families Support Center, received a grant from a foreign government during the year to implement an awareness campaign on trafficking in persons.

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