



Lithuania

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Lithuania is a constitutional parliamentary democracy. The Constitution establishes a 141-member unicameral Parliament; a directly elected President; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Parliament. The Government held presidential and European Parliamentary elections in June and national parliamentary elections in October. These elections were generally free and fair. The Government exercises authority with the approval of the Parliament and the President. 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 civilian authorities maintained effective control of the security forces. Members of the security forces committed a number of human rights abuses.

The country, with a population of approximately 3.4 million, has a functioning market economy. The Government continued to privatize the few remaining large-scale enterprises, such as energy, gas, alcohol, and shipping companies; most housing and small businesses have been privatized. The largest single privatization took place in March, when the Government sold a 34 percent shareholding in the country's gas utility to the Russian company Gazprom. The largest number of workers (17.5 percent) worked in the manufacturing sector. Gross domestic product grew by 6.7 percent in the first 9 months of the year, and wages kept up with inflation.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police, at times, beat or otherwise physically mistreated detainees and misused detention laws. Prison conditions remained poor despite some improvement, although there were fewer cases of prolonged pretrial detention. There were some restrictions on privacy rights. Anti-Semitic incidents increased during the year. Societal violence against women and child abuse were serious problems. Trafficking in women and girls was a problem. There were some limits on workers' rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania continued its activities during the year (see Section 4).

From January to September, the Prosecutor General's Office initiated six investigations of genocide cases, war crimes, and crimes against humanity related to Nazi crimes committed against Jews during World War II. As of December, there were over 30 ongoing cases related to Nazi crimes.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits inhuman or degrading treatment or punishment; however, at times, police beat or otherwise physically

mistreated detainees, although such incidents continued to decline. The Constitution does not specifically prohibit torture; however, it could be considered an aggravating factor in the commission of other crimes.

Local media reported that a person died in June following a clash between police and soccer fans in Klaipeda. Authorities closed the case without final determination of police culpability. In August, a suspect complained to parliamentary controllers that officers from Kaunas assaulted and tortured him while escorting him to interrogation. The parliamentary Ombudsmen subsequently instructed local police to abide by the law. In September, relatives complained that an individual fell into a coma following injuries sustained during a narcotics raid in Klaipeda. In September 2003, a Parliament controller publicly criticized several instances of police violence against juveniles, under arrest and en route to police facilities. The controller said that the authorities shielded police officers suspected of violence against juveniles. In May, local media reported that police in the town of Telsiai beat a 17-year-old crime suspect.

The practice of hazing recruits by noncommissioned officers continued; however, the number of incidents decreased during the year. From January to July, the military police opened one criminal case related to hazing, compared to six cases in 2003.

Prison conditions remained poor and life threatening; however, there were a few improvements during the year. Sanitation improved and overcrowding decreased; however, they both remained problems at year's end. As of May, three correctional institutions remained seriously overcrowded; however, the Government was reconstructing 6 of the 15 correctional facilities. The Government increased funding for prisoner rehabilitation. In October, Parliament controllers instructed the Prisons Department to improve accounting practices for prison labor, having determined that a number of inmates in a Vilnius facility received pay for only 2 hours of work per day despite working 12 hours per day; the legal limit to the workday is 8 hours.

A significant number of pretrial detainees reported mistreatment, abuse, and violence, which Parliament controllers, public prosecutors, and judges acted to address. The Parliament controllers noted a marked decrease in complaints from investigation wards and prisons; however, they noted that prolonged transfer of suspects to interrogation facilities continued, prison authorities arbitrarily restricted rights of prisoners who had good conduct records, and that there was poor access to medical services in police detention facilities. Arrested and detained persons generally suffered worse living conditions than did convicted persons.

From January to August, 11 inmates of prisons died (5 of natural causes, 4 by suicide, and 2 killed by other prisoners). A decline in the suicide rate was attributed to the somewhat reduced prison overcrowding and the separation of prisoners into disciplinary groups. From January to August, there were 23 injuries inflicted by other inmates and 58 self-inflicted injuries, attributed to abuse and conflicts among fellow inmates, depression, or to protest against sanctions imposed by authorities, a significant decrease compared with 2003. From January to August, 2 persons committed suicide, and 46 injured themselves in protest against authorities in police detention facilities.

Violence among juveniles in detention remained a problem. In May, the Government adopted a Juvenile Justice Program for 2004-08, which aims to reduce asocial and criminal behavior among juveniles.

From January to August, there were 157 criminal offenses committed in prisons, compared with 138 during the same period of 2003. Authorities attributed the increase to their enforcement efforts to prevent the spread of drugs. Prison personnel were charged with committing three criminal offenses. From January to August, the Parliament controllers investigated 206 noncriminal complaints (62 deemed justified), mostly related to prison conditions and actions of Prison Department personnel. In March, the Prison's Department adopted an Ethics Code for its officials and personnel, codifying among its key principles respect for the individual and equal justice.

During the year, the Ombudsman deemed the use of force against protesting inmates at the Alytus prison in August 2003 to be legitimate. Women and men were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals. There were reports that individuals in police custody for minor offenses were held together with criminal suspects.

The Government permitted visits to prisons by independent human rights observers, and there were visits during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, there were instances of prolonged pretrial detention.

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 Office of Inspector General and the Internal Investigation Division at the Police Department investigate, on the orders of the Minister of Interior, abuses committed by the police. Prosecutors and the Parliament controller carry out independent investigations. From January to July, cases of abuse of power and abuse of office were initiated against 11 police officers. By the end of August, controllers investigated 125 complaints regarding police activities and determined 34 to be justified. Police found guilty were disciplined.

Warrants are required for arrest. Under the law, police may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Bail is available and was used widely. The Constitution provides

for the right to an attorney from the moment of detention; however, this right was not always respected. In February, police in the city of Panevezys interrogated two schoolgirls without informing their parents or lawyers.

Pretrial detention applies only in the case of felonies, to prevent flight, to allow unhindered investigation if the suspect might commit new crimes, or when there is an extradition request. A pretrial judge may order a suspect detained for up to 3 months, which may be extended to no longer than 18 months (12 months in the case of juveniles) in exceptional cases. The detainee or his or her counsel may appeal to a higher court against the imposition or extension of detention. The Civil Code provides for liability for damage caused by the unlawful actions of pretrial investigation officials, prosecutors, judges, and courts. From January to August, the Parliament controllers received a number of verified complaints of prolonged detention in transfer cells of the Siauliai interrogation facility. In May, local media reported that the administration of the major Pravieniskes correctional facility delayed the early release of prisoners for good behavior in order to retain staff positions.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The Constitution and the Law on Courts provide for 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 Constitution also provides for a Constitutional Court and specialized courts for consideration of cases involving administrative, labor, and family issues. District courts hear juvenile criminal cases and cases related to children's rights.

The Prosecutor General exercises oversight responsibility for the whole judiciary through a network of district and local prosecutors who work with investigators to prepare evidence for the courts. In October 2003, a study commissioned by the nongovernmental organization (NGO) Open Society Fund Lithuania criticized the court system for lack of transparency and accountability. In June, a local expert panel of independent lawyers said that judges do not always follow established court procedure.

The Constitution provides for the right to legal counsel for defendants; however, in practice, this right was abridged by the shortage of trained lawyers. The law provides for legal assistance for indigent persons; however, despite Government efforts such legal assistance was not always available. Defendants have access to government evidence and may present evidence and witnesses. A judge may hold a closed trial in a limited number of circumstances. Defendants have the right to appeal. The law permits trials in absentia when a defendant is outside the country and avoids trial. Local human rights experts criticized these provisions.

In the early 1990s, the Government rehabilitated over 50,000 persons charged with anti-Soviet crimes in the Stalin era, including those involved with crimes against humanity during the Nazi occupation. During the year, 17 individuals were "de-rehabilitated" under a special judicial procedure, making them ineligible for some social welfare benefits. There was a total of 167 de-rehabilitations since 1996.

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

The Constitution prohibits such actions; however, there were reports that the Government did not respect these prohibitions in practice. The law prohibits indiscriminate monitoring of the correspondence or communications of citizens; however, local human rights groups alleged that the Government did not properly enforce this. In February, unverified media reports stated that 2,000 permits for phone tapping were issued in 2003 and 250 in January alone. In November, Parliament accepted the conclusions of its ad hoc commission that law enforcement officials were unlawfully involved in wiretapping and selective anticorruption raids on the eve of presidential elections. The Criminal Process Code requires a judge's authorization for the search of premises of an individual. The seizure, monitoring, and recording of information transmitted through telecommunications networks or surveillance must also be court-ordered. The media frequently broadcast recordings of searches of suspects or their homes, which violated privacy laws.

From January to August, the State Data Protection Inspectorate conducted 244 investigations, examined 43 complaints, screened draft legislation, and provided numerous consultations. Most violations involved failure to report the fact of processing of personal data, violation of processing rules, and failure to inform individuals that their personal data was processed. Institutions found to have committed violations included the State Social Insurance Fund, the police, the Special Investigations Service, and a major bank. In May, the State Data Protection Inspectorate acquired the right to fine those alleged responsible for privacy and personal data protection violations.

In August, local human rights experts told an ad hoc parliamentary panel that broadcast and publication of the President's conversations in 2003 was a violation of his human rights. They also criticized, on privacy grounds, the parliament-ordered publication over the summer of recorded conversations and personal information of several legislators and businessmen suspected of corruption. In March 2003, the media reported that anticorruption service personnel responsible for protecting top state officials collected information about writers for a political television show without authorization.

The media reported that doctors occasionally divulged confidential data about patients to employers and others. There were reports that privacy of HIV/AIDS-infected patients was violated.

In June, the European Court of Human Rights ruled that the Government discriminated against and violated the privacy of Kestutis Dziautas and Juozas Sidabras, former KGB employees. The two had complained that the Government had barred them from seeking employment in various private-sector fields until 2009 and had subjected them to daily embarrassment on account of their past. Several similar cases were pending.

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 respected these rights in practice, and did not restrict academic freedom.

The independent print media were active and expressed a wide variety of views. Radio and television included a mix of independent and state controlled stations. International media was generally allowed to operate without restriction; however, in September, the Government Ethics Commission recommended blocking transmission of cable broadcasts of the First Baltic Channel (registered in Latvia and transmitting a major Russian television channel throughout the Baltics) for violating ethics, disseminating disinformation, and issuing calls to violate the territorial integrity of the country, in violation of the Law on Public Information, after it broadcast a program reinterpreting the 1939 Ribbentrop-Molotov Pact. In October, the Latvian National Radio and Television Council fined the channel for broadcasting inaccurate information. In February, the periodical *Laisvas Laikraštis* complained that prosecutors questioned a journalist reporting on a major contraband case possibly involving public figures, in an attempt to intimidate him.

In November 2003, Parliament formed a 9-member ad hoc commission to investigate charges that President Paksas had links with organized criminal groups. The commission found that Paksas had links with organized criminal groups and that he was and remained vulnerable to such groups to the extent that it constituted a threat to national security. Parliament confirmed the findings of the commission and impeached Paksas for violating the Constitution and his oath of office. In March, the Constitutional Court stated in its ruling that President Paksas' public statements regarding the activity of and conclusions reached by the ad hoc parliamentary commission were incorrect and not applicable to the head of state. The Court ruled, however, that Paksas' statements did not violate the Constitution. Paksas contended that the parliamentary commissions' conclusions were part of a plot of the political elite to unseat him. In June, state-owned television refused to air an election ad of the Liberal Democratic Party, supporters of the impeached President Paksas.

In September, Prime Minister Brazauskas filed a lawsuit for slander against television journalist Ruta Grineviciute, who aired pretrial investigation material implicating the Prime Minister in corruption.

A court may order journalists to reveal their sources if concealment would violate other constitutional rights or privileges.

The Government did not generally restrict access to the Internet; however, at times, the Government attempted to control its content. In April, the Constitutional Court accepted a request to investigate a Government regulation regarding control of information on the Internet. The decision was pending at year's end. In September, the State Security Department asked the Journalists and Publishers Ethics Commission to consider whether the Kavkaz website's publication of an article reporting that rebels had offered \$20 million (55 million LTL) for assistance leading to capture of Russian President Vladimir Putin instigated ethnic hatred. The website was operated by supporters of Chechen independence. The Russian Foreign Ministry demanded that the Government shut down the Chechen website. In September, the Government closed the website for the second time (it was first closed in 2003). In November, after the main Kavkaz site had moved to Sweden, a local service provider opened a duplicate Kavkaz site.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, the Government continued to ban the Communist Party of Lithuania and other organizations associated with the former Soviet regime (see Section 3).

In August, officials at the Foreigners Registration Center in Pabrade used tear gas and handcuffs to suppress a riot of intoxicated illegal immigrants protesting efforts to curb the production and consumption of homemade alcohol on the Center's premises.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There is no state religion; however, some religious groups enjoyed special government benefits.

The Constitution divides religious communities into state-recognized, traditional groups, and all others; however, in practice, a four-tier system exists: Traditional, state-recognized, registered, and unregistered communities. Traditional religious communities receive special exemptions and rights not available to any other religious group. Both traditional and nontraditional religious communities that are state-recognized may receive state subsidies; however, in practice, only the traditional groups received the subsidies regularly. Registered religious communities did not receive the benefits and exemptions enjoyed by traditional and state-recognized communities, but they may act as legal entities and thus rent land for religious buildings. Unregistered communities have no juridical status or state privileges, but there were no reports that any such groups were prevented from worshiping or seeking members.

The Government did not restrict activities of foreign missionary groups within the country; however, the Government appeared to continue preferential treatment for missionaries from the nine traditional religions.

The law stipulates that state educational institutions may offer religious instruction only of traditional and other state-recognized religions; however, participation in the religious classes was not mandatory.

The Government and Vilnius city continued a program using private funds to rebuild parts of the Jewish quarter in Vilnius, with the understanding that the Jewish community will have use of some of the space upon completion of the project. In September 2003, the Government returned 46 Torah scrolls (in addition to 309 such scrolls turned over in January 2002) to an Israeli spiritual and heritage group for distribution among Jewish congregations worldwide. In November, the Vilnius city government participated in erecting a monument at the site of the former Jewish cemetery.

The political leadership of the country and the national press generally criticized anti-Semitic statements when they occurred; however, there was an increase in anti-Semitic remarks made by the media and some politicians. In February, popular national daily Respublika carried a series of editorials with obvious anti-Semitic undertones; the Prosecutor General's Office and the State Security Department launched pretrial investigations of Respublika's editor-in-chief for inciting ethnic and racial hatred. The case was pending at year's end. During the year, the Government acted against anti-Semitic statements made by individuals seeking political office; the distribution, including through the Internet, of anti-Semitic proclamations and other materials; acts of vandalism against Jewish graves and monuments; and anti-Semitic statements made during public gatherings. In December, the Municipality of Varena asked the police to investigate the desecration of a mass burial site of Jews killed during WWII. Unknown vandals painted over the memorial plaques and damaged markers erected months earlier. Police immediately launched an investigation, although there were no findings by year's end.

In April, the Parliament formed a working group to draft legislation increasing the penalties for inciting discord, anti-Semitism, racism, and xenophobia.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

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

The law provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and the Government did not employ it.

The Law on Citizenship generally allows emigrants to retain citizenship. Jewish and Polish minorities criticized the provisions because they create special conditions enabling "ethnic Lithuanian" emigrants to retain dual citizenship but do not allow this for local minorities when they "repatriate" to their "homeland" (for instance, Jews to Israel or Poles to Poland).

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to certain individuals who may not qualify as refugees under the 1951 U.N. Convention/1967 Protocol; however, in April 2003, the European Commission against Racism and Intolerance drew attention to the practice of granting temporary residence permits to asylum-seekers on humanitarian grounds, rather than full refugee status under the 1951 Convention. Asylum seekers coming from a safe country of transit are prohibited from entering the country. The right of an asylum seeker to appeal a decision denying entry into the country is limited. In April, the Parliament adopted a law on the "Legal Situation of Foreigners," bringing asylum regulations in line with European Union norms. The new law establishes expedited procedures but also tightened regulations by narrowing eligibility requirements for asylum applicants. It defined 3 forms of asylum: Refugee status, supplementary protection (temporary residence for up to 1 year, followed by an annual review), and temporary protection. From January to November, the Government granted supplementary protection to 380 applicants and refugee status in 11 cases. In 2003, authorities granted asylum in 3 cases and residence in 485 cases. In 2003, 376 foreigners were expelled from the country, mostly citizens of Russia, Vietnam, Belarus, India, and Ukraine.

Section 3 Respect for Political Rights: The Citizens' Right to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Parliament, 71 are elected directly, and 70 are elected through proportional representation. In March, the country became a member of NATO, and, in May, it joined the EU. Presidential elections are held at least every 5 years.

In January 2003, former Prime Minister and Liberal Union Party leader Rolandas Paksas defeated incumbent president Valdas Adamkus in a runoff presidential election. The election was considered free and fair, although campaign financing lacked transparency.

In April, the Parliament impeached President Paksas for violating the Constitution and his oath of office. In May, the Constitutional Court issued a ruling barring any person who violated the Constitution and oath of office from holding a high level government position for life. As a result, a special presidential election was held in June that was deemed generally free and fair; however, campaign financing lacked transparency in this election, and there were allegations that a major political corruption investigation may have influenced the elections.

In October, a Vilnius district court acquitted former President Paksas of charges that he divulged state secrets to Russian businessman Yuri Borisov, the principal financial backer of Paksas' 2002-03 election campaign. Also in October, the Prosecutor General's Office terminated a pretrial investigation of the charge that Paksas misused the power of his office to interfere in a dispute between two private companies. Local experts claimed that these two decisions did not invalidate the Constitutional Court's March ruling that Paksas violated the Constitution and his oath of office on three counts (granting citizenship to Borisov, divulging state secrets, and abuse of power), which served as the basis for Paksas' April impeachment. In October, Paksas filed suit claiming his rights to a fair trial and defense had been violated.

In June, the country held presidential and European Parliament elections. Valdas Adamkus was elected President for a second (but nonconsecutive) term. In October, there were two rounds of parliamentary elections. These elections were generally free and fair; however, there were complaints that campaign financing lacked transparency in both and reports of vote buying during parliamentary elections.

In March, six political parties (most without representation in the Parliament) objected to amendments to the Law on Political Parties, which entered into force in April. The amendments increased the party registration threshold from 400 to 1,000 members and introduced the requirement to provide the Ministry of Justice with the list of party members ahead of elections. The Government banned the Communist Party.

In August, the Parliament passed a new Law on Funding and Funding Control of Political Parties, Political Organizations, and Political Campaigns, which put stricter limits on campaign financing and introduced greater accountability. The local branch of Transparency International (TI) alleged that the new law stopped short of ensuring the transparent financing of political parties and candidates.

Polls indicated that corruption was most prevalent among mid-level civil servants, among the traffic police, in the health sector, and in universities. Corruption was also a concern in public procurement, border protection service, customs, and the judiciary. Nepotism was a problem.

In July, the Parliament voted to reject the recommendation of an ad hoc parliamentary commission to strip three ranking lawmakers of their parliamentary immunity in order to permit investigation and possible prosecution for corruption. The lawmakers denied the allegations and resigned. Other major corruption investigations centered on the 2003 Vilnius municipal election, land restitution fraud, and health care procurement corruption.

The Government made significant efforts to curb corruption. The Government increased oversight over the administration of EU transfers and fought corruption in the State Border Protection and Customs Services, including the February removal of the Chief of the Border Protection Service for abuse of office; however, efforts to combat corruption stalled due to protracted disputes among politicians, prosecutors, and the Government's Special Investigative Service (STT) about how to proceed. In September, the STT Chief resigned as a result. Parliament failed to pass a Code of Ethics for either civil servants or politicians. According to TI, 1 in 12 persons admitted paying bribes to government officials in 2003. Those polled identified customs, political parties and Parliament, the courts, law enforcement, and the health care system as the most corrupt institutions.

The law provides for public access to government information; however, during the year, the Parliament controllers received numerous complaints regarding the failure of prosecutors, the Ministry of Defense, and the State Security Department employees to provide information.

There were 31 women in the 141-seat Parliament and 2 women in the 14-member Cabinet. There were 10 members of Parliament of Russian, Polish, Jewish, or Belarusian ethnic origin. One of the ministers was an ethnic Russian and another was

an ethnic Belarusian.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Human Rights Monitoring Institute, the Association for the Defense of Human Rights in Lithuania, the Human Rights Association in Lithuania, and the Lithuanian Center for Human Rights were the major human rights groups.

The Ministry of Justice monitors law, draft legislation, and legal practice to determine whether they are in accord with the country's international obligations.

There are three ombudsman institutions. The Parliament's controllers investigated complaints of the abuse of power by public servants. The controllers have the right to forward their cases for prosecution, to initiate a reprimand or removal from office of public servants, to initiate a compensation claim, to propose changes in laws and rules, and to inform the Parliament and the President about their findings. In November, a revised law on Parliament controllers clarified the definition of abuse of power, extended the controllers' oversight to cover notaries and bailiffs, and gave the controllers the right to investigate complaints about pretrial investigations. The Office of the Equal Opportunities Ombudsman exercised similar functions for complaints of discrimination and sexual harassment (see Section 5). The Office of the Ombudsman for Children's Rights controlled the implementation of relevant laws, oversaw local children's rights protection services, and investigated complaints of abuse of children's rights.

The Government continued to support the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission (which includes historians, human rights representatives, representatives of international Jewish organizations, and both Lithuanian and foreign lawyers) produced new reports during the year, continued to implement a program of Holocaust education, and organized conferences and seminars to promote the development of a tolerant civil society.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, sex, social status, or ethnic background; however, discrimination against women in employment and other areas persisted. The Law on Equal Opportunities, which forbids discrimination based on age, sexual orientation, disability, religion, or beliefs was not fully implemented by year's end.

Women

Societal violence against women, particularly alcohol-related domestic violence, was a serious problem. A 2002 study by the Women's Information Center indicated that 80 percent of women experienced psychological abuse in the workplace or at home, 35 percent experienced physical violence, and 17 percent were sexually abused.

The law does not specifically criminalize domestic violence; however, domestic violence was prosecuted under general assault laws. If such violence takes place in the home, the victim must file a complaint. Few domestic violence victims reported abuses to the police because they preferred to avoid publicity and were not confident that the courts would punish their assailants. Most conflicts did not reach criminal court, although there were a few criminal cases. The maximum penalty rendered by courts was 2 years imprisonment.

Thirteen women's shelters provided assistance to victims of violence. In July 2003, the Government co-founded an NGO, The Center for Development of Equal Opportunities, to reduce violence against women. During the year, the NGO organized a series of seminars on equal opportunities in politics and culture, conducted awareness campaigns with local governments, communities, and future members of Parliament, and was also involved in charitable projects. The NGO Women's Information Center, founded in 1996, continued to provide support to women in the areas of equal opportunities, empowerment, combating prostitution and trafficking, and domestic violence.

The law specifically criminalizes rape, including spousal rape. Persons convicted of rape generally received sentences of 3 to 5 years' imprisonment. From January to August, 159 rapes were reported. Prostitution is illegal under the Criminal Code and was a problem. The penalty for prostitution is a fine of \$107 to \$178 (300-500 LTL) for a first offense. Trafficking in women for the purpose of sexual exploitation was a problem (see Section 5, Trafficking).

Sexual harassment was prohibited by law; however, it was a problem. In February, it was reported that 14 percent of university students surveyed, most of them female, experienced sexual abuse from professors and university staff. The Constitution provides for equal rights for men and women; however, women continued to face discrimination. The Equal Opportunities Ombudsman is an independent agency, accountable to the Parliament, which oversees the implementation of the law and investigates complaints concerning age and gender discrimination, as well as sexual harassment. The Ombudsman also has some enforcement powers in this regard, and the Criminal Code contains criminal sanctions for discrimination or harassment. The Law on Equal Opportunities provides for positive discrimination (affirmative action) toward women.

Official policy requires equal pay for equal work; however, in practice women were often paid less than their male counterparts. In 2003, a woman's average wage was 81 percent that of a man; in the public sector, their wage was 75 percent that of men. Women were underrepresented significantly in some professions, business, and the managerial sector as a whole.

From January to September, the Ombudsman received 34 complaints, initiated 10 investigations, and imposed 10 fines. Most complaints concerned discrimination against men in entertainment facilities' entrance fees, discrimination under old legislation, and discrimination against women in the workplace and in the labor market.

The Ombudsman, together with women's organizations, continued a public awareness campaign and a number of projects to advance gender equality.

Children

The Government was committed to children's rights and welfare; it funded a system of public education and medical care. The Government provided compulsory, free, and nearly universal education for children through the age of 15. Approximately 1 percent of children in this age group did not attend school. The Government provides school transportation for children in the countryside, low-cost health care for all children, and a free school meal for one-third of children. The Civil Code addresses relations between parents and children.

The Government continued to replace the Soviet-style orphanage (boarding) schools with residential homes or foster families, which permitted children to attend regular schools; however foster families often did not ensure good conditions for children: In October 2003, authorities confirmed reports that a 6-year-old girl from Avikliai foster family house had suffered sexual abuse for almost a year.

Child abuse, particularly in connection with parental alcohol abuse, was a problem; as of January, approximately 39,000 children lived in abusive and dysfunctional families. The penalties for violence and cruelty against underage persons are prison terms of 1 to 2 years; however, the press reported cruelty to children, including sexual abuse, intentional starvation, beatings, and killings, was common. Authorities reported that 13 children were killed due to family violence during the first 7 months of the year. Authorities may remove children subjected to parental violence from the family and place them in the care of a temporary guardian; however, the Ombudsman reported in 2003 that assistance for children who experienced abuse was insufficient.

There were rare reports of abuse of children at state correctional institutions or in arrest facilities.

The Penal Code provides for up to 13 years' imprisonment for sexual abuse of a child; however, sexual abuse was prevalent. For example, in December, local media reported that a coach of a children's soccer team was arrested following complaints of sexual abuse from four juveniles and their parents. From January to August, 23 cases of sexual abuse of children were registered (excluding rapes, for which separate data for children is not available). In May, a study by a Vilnius hospital and the polling agency RAIT indicated that 31 percent of 18- to 20-year-olds surveyed had experienced sexual abuse in their childhood and adolescence. The Government operated a children's rehabilitation center to provide special care for sexually abused children, and, in June, the Government selected a number of NGOs and other organizations to provide assistance to sexually abused children.

Trafficking in girls for the purpose of sexual exploitation was a problem (see Section 5, Trafficking). Exploiting children in the production of pornography is illegal; however, there were a few cases of this reported during the year. In June, the police detained a high school teacher suspected of distributing child pornography on the Internet.

Several thousand children reportedly lived on the street. Sixty regional government children's rights protection agencies, other institutions, and numerous NGOs routinely assisted these children. Street children had full access to free state services. There were no reports of police abuse against street children.

The Children's Rights Ombudsman controls the implementation of relevant laws and conventions, oversees children's rights protection institutions, investigates complaints, and advises the Government on improving the protection and legal interests of the child. In 2003, the Ombudsman received approximately 215 complaints and initiated a number of investigations regarding violations of child protection laws.

Trafficking in Persons

The Criminal Code prohibits trafficking in persons; however, trafficking in women and girls for the purpose of sexual exploitation was a problem. International and local NGOs claimed that the problem increased despite significant efforts by the Government to fight it.

The legal penalties and fines for trafficking-related activities are: Trafficking in persons, up to 8 years imprisonment; profiting monetarily from prostitution or pimping, up to \$8,900 (25,000 LTL) and up to 4 years' imprisonment; profiting monetarily from prostitution or pimping of a minor or engaging, organizing, and/or heading prostitution activities involving a minor, 2 to 8 years' imprisonment; organizing or heading prostitution rings or transporting a person for the purpose of prostitution, up to 6 years'

imprisonment; engaging in prostitution, up to \$4,400 (12,500 LTL) and 3 years' imprisonment; forcing individuals into prostitution by means of coercion or fraud and engaging a minor in prostitution, from 2 to 7 years' imprisonment; engaging in the trade in children, from 2 to 10 years' imprisonment.

The Government opened 22 criminal cases related to trafficking in persons, referring 13 to the courts. Four prosecutions ended in convictions, with sentences ranging from fines to 3 years' imprisonment. Law enforcement officials continued to cooperate with other government on trafficking and participated in over 10 joint investigations.

The country was a source, transit point, and destination for trafficking in women and girls. Women from the country were primarily trafficked to Western Europe. Most women trafficked into or transiting the country were from Eastern Europe.

According to Europol, every year approximately 1,200 Lithuanian women fell victim to trafficking or left the country against their will. Twenty women (3 under the age of 18) were reported to the police as victims of trafficking during the year.

Traffickers particularly targeted the socially most vulnerable groups: Young females from poor, asocial, or unstable families. Traffickers also commonly targeted young women from ethnic minorities. Many were lured by deceptive offers of jobs such as household helpers, bar dancers, nannies, nurses, models, or waitresses, or through false marriage advertisements. In many cases, close relatives or friends made the offers. Victims' compliance was ensured via threats and the withholding of their documents. Families often were unaware of their predicament and believed that they had been kidnapped. Boarding schools that also serve as orphanages were new targets of traffickers. In 2003, criminal police detained five Lithuanian, Italian, and Spanish nationals believed to be members of an organized trafficking group, the first operation in the country that resulted in the arrest of leaders of an international trafficking ring. These cases were still pending at year's end.

Organized groups, some belonging to international trafficking rings, and individuals, some of them formerly involved in the used-car trade between the country and Western Europe, engage in trafficking.

The Government funded the establishment of victim protection centers in Kaunas and Klaipeda and local NGOs that were involved in prevention and victim assistance. There were 15 working day centers, which provide aid for various groups at risk, including victims of trafficking.

The Government relied heavily on NGOs to organize and run programs to combat trafficking in persons. In one campaign, the International Organization for Migration (IOM) counseled 3,000 job seekers on legally obtaining work abroad. IOM trained 102 social workers and 107 police officers on preventing trafficking and launched an information program for teachers, parents, and students. The Government and NGOs organized three international conferences on reintegration of victims and interagency cooperation. Local NGOs also provided training to over 80 women at high-risk for trafficking and built 10 municipal trafficking information networks.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. In October, a visually impaired individual was elected to Parliament. The law mandates access to buildings for persons with disabilities; however, the Government generally did not enforce this provision in practice, although most new buildings ensured such access. Individuals involuntarily declared as incapacitated have no right to appeal the decision in court.

Many persons with disabilities lived in poverty because the state pension for a person with disabilities was lower than the minimum wage. However, every local government ran home help services for persons with disabilities, and the Government financed a network of facilities for them, including daycare centers, state children care houses, and residential care homes for mentally ill adults. During the year, a government-business partnership supplied computers with Internet access to some 25 centers for persons with disabilities. The Government financed the National Program of Social Integration of the Disabled, which was coordinated by the Disabled Persons' Affairs Council, the Government, and NGOs.

In May 2003, a study on the rights of persons with mental disabilities recommended that the Government end the care of disabled persons in large social and health care institutions, determine minimum service quality standards, and create a system to provide disabled persons with prophylactic technology and special education services.

National/Racial/Ethnic Minorities

Minority ethnic groups-including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites constituted approximately 16.5 percent of the population. Although the law prohibits discrimination of ethnic or national minorities, intolerance persisted.

The small Romani community (approximately 3,000) suffered discrimination in many areas of daily life, including education, employment, health care, housing, services, citizenship, and contacts with the police. In June, the Government adopted a program designed to increase tolerance towards minorities and to reduce discrimination; however, it had not been implemented by year's end. The Government ran a social center and community school for the Roma.

In December, the Parliament Ombudsman stopped the Vilnius municipal authorities from destroying an allegedly illegal house in a Roma village and referred the matter to the courts. Local minority experts criticized the city government for indiscriminately targeting Roma while doing little to help their integration into the broader community. Following talks between the city government and Roma, some families agreed to move to public housing in other parts of the city.

The Penal Code provides for a sentence of from 2 to 10 years' imprisonment for the incitement of racial or national hatred or incitement of violence against foreigners. The State Security Department initiated several investigations into reports of acts tending to incite racial or national hatred but closed them either because the suspects apologized or because the cases would have been difficult to prove in court.

Public sector employees are required to have a functional knowledge of the Lithuanian language; there was no documented evidence of job dismissals based on this language law. The authorities indicated that while the law's intent is to encourage competence in Lithuanian as the official language of the State, no one would be dismissed solely because of an inability to meet the language requirements.

Other Societal Abuses and Discrimination

The local Human Rights Monitoring Institute reported that homosexuals suffered permanent social exclusion. Representatives of the Lithuanian Gay League complained that they suffered physical abuse and insults on the street and in the mass media.

Section 6 Worker Rights

a. The Right of Association

The law recognizes the right of workers and employees, including members of the police and armed forces, to form and join trade unions, and workers exercised this right in practice.

Unions must have at least 30 founding members in large enterprises or a membership of one-fifth of all employees in small enterprises to legally register. Individuals employed in enterprises where there was no union were free to join an established regional union, but this practice was not widespread.

Approximately 10 percent of the workforce was unionized.

Unlike in the previous year, there were no reports of direct discrimination against members of unions; however, most employers did not favor workers participating in trade unions.

Large retail stores hired workers only on the basis of short-term contracts in order to avoid having a unionized workforce and employers often did not renew contracts of workers that belonged to unions.

Age discrimination figured prominently in the labor market.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining and the right of unions to organize employees; however, it does not allow collective bargaining by government employees involved in law enforcement and security-related work. The law provides unions the right to negotiate nationwide, branch, and territorial collective agreements; however, collective negotiations regarding labor relations, including wages, are not widespread. Workers often took their complaints directly to their employers. There was no collective bargaining in approximately 90 percent of enterprises, since most of them did not have labor unions. According to the Lithuanian Labor Federation, collective bargaining was very rare in the private sector since employers discouraged organizing unions. There were no cases of employers being punished for such actions.

The Labor Law, effective in January 2003, establishes collective bargaining as the main tool to regulate labor relations, restricts short-term contracts, including at retail stores, subjecting them to collective bargaining, and gives employees the right to be represented in collective bargaining by unions or by a work council elected by a secret ballot. Leaders of the Solidarity labor union complained about the Government's failure to eliminate illegal, undeclared wages, which reduced employees' social security benefits and their future pensions.

Managers often determined wages without regard to union preferences, except in larger factories with well-organized unions. The Government periodically issued guidelines for state enterprise management in setting wage scales.

The unions criticized provisions of the Code of Civil Procedure, which do not allow labor unions to represent their members at the Supreme Court; members must engage their own counsel.

The law provides for the right to strike, except for workers in essential services; however, labor code procedures made it difficult to exercise this right and there were no official strikes during the year. The law provides that only a union or a union's strike committee may call a strike, thus employees at any of the approximately 90 percent of enterprises without unions could not

strike.

There are no special laws or exemptions from regular labor laws in the export processing zone in the port city of Klaipeda.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, there were some reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the exploitation of children in the workplace and this law was generally enforced effectively; however, there were some reports of problems. Statistics indicated that 10 percent of working children did so illegally, mostly in the agricultural sector where children were employed for meager pay. There was also evidence of child labor in the form of prostitution and pornography (see Section 5).

The Labor Law sets the minimum employment age at 16, and persons of 14 may be hired to perform light jobs. Children from age 14 to 16 may be hired, provided that the job does not preclude their attending school and that the parents and school provide written consent. The law provides for reduced working hours for children: Up to 2 hours per day during the school year or 12 hours a week; or 7 hours per day and 32 hours per week when school is not in session. These laws were generally enforced effectively in practice.

There were isolated cases of trafficking of teenagers and two cases during the year related to child pornography (see Section 5).

The State Labor Inspectorate is responsible for control and receipt of complaints related to employment of people under 18. The Ministry of Social Security and Labor, the Ministry of Education, the Ministry of Health, and the Ministry of Interior ran programs aimed at the protection of children's rights. From January to June, the State Labor Inspectorate conducted 1,957 inspections of illegal employment; however, no investigations were related to illegal child labor, although there were three instances of minor violations of special conditions applied to employees under 18.

e. Acceptable Conditions of Work

The legal minimum wage, which in May was increased to \$178 (500 LTL) per month, did not provide a decent standard of living for a worker and family. According to the Department of Statistics, the average gross wage in the second quarter of the year was \$427 (1,222 LTL) per month, which provided a decent standard of living for a worker and family.

The law provides that maximum working hours within a 7-day period, including overtime, may not exceed 48 hours. Overtime can be allowed only in cases stipulated by law and, along with night work, must be compensated at a minimum of 1.5 times the hourly rate.

The Constitution provides that workers have the right to safe and healthy working conditions, and the State Labor Inspection Service is responsible for implementing the Labor Safety Law. From January to October, the Labor Inspection Service conducted 16,691 inspections of companies. The most numerous abuses included wage arrears, illegal employment (working without a written contract), the violation of labor contracts, time off and work time accounting, harmful working conditions, and the unsatisfactory investigation of accidents. Workers have the right, both in law and practice, to remove themselves from dangerous work environments without jeopardizing their continued employment. From January to November, the State Labor Inspection Service recorded 161 fatal accidents at work and 190 other serious work accidents.