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2009 Human Rights Report: Lithuania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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The Republic of Lithuania, population approximately 3.2 million, is a constitutional, multiparty, parliamentary democracy; legislative authority is vested in the unicameral Seimas (parliament). On May 18, Dalia Grybauskaite was elected as the country's first female president, and on September 17, Irena Degutiene was chosen as the first female speaker of the Seimas. Parliamentary elections in October 2008 led to the formation of a center-right coalition government. Both elections were free and fair. Civilian authorities generally maintained effective control of the security forces.

There were reports that police physically mistreated detainees to obtain confessions. Prison conditions were poor, and physical mistreatment of prisoners and overcrowding were reported. Detention center conditions were poor. There was continued corruption in the police and government. Domestic violence and child abuse, trafficking in women and children, and intolerance of sexual and ethnic minorities were problems.

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 that the government or its agents committed arbitrary or unlawful killings.

As of December 1, prosecutors had forwarded five cases involving alleged war crimes or crimes against humanity during the periods of German or Soviet occupation to the courts for trial and opened eight new investigations. At year's end the Prosecutor's Office was reviewing 65 cases relating to those periods.

By December military police opened six cases related to military hazing, compared with 10 in 2008. They forwarded three of the cases to the courts and terminated three due to lack of evidence. According to the national courts administration, three persons were convicted during the first six months of the year. The minimum sentence was three months (suspended sentence) and the maximum sentence was 22 months (suspended sentence). Most reports of hazing alleged that draftees physically abused each other or subjected each other to psychological pressure. Three persons were convicted during the first six months, compared with six persons throughout 2008.

In 2008 the European Court on Human Rights (ECHR) issued a judgment that found one violation by the country of the right to life involving the deprivation of life as provided under the European Convention on Human Rights. The case

involved the 1998 deaths of two persons in a car being chased by police. The court ordered the government to pay each applicant 30,000 euros (\$43,000) in damages.

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, there were reports that police physically mistreated detainees.

As of December 1, the Human Rights Ombudsman's Office had received 13 complaints that officials used force and psychological pressure to obtain evidence in an investigation. The Ombudsman's Office found eight complaints to be groundless, terminated four complaints because they did not fall within the competence of the ombudsman and found one complaint to be justified.

On June 25, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on the April 2008 visit of a CPT delegation to the country. The report noted that, while the majority of individuals interviewed indicated they had been treated correctly, the delegation received a number of allegations of recent mistreatment by police officers during questioning, often apparently intended to obtain confessions. It noted that juveniles appeared to be particularly at risk. The report described the mistreatment as mainly consisting of "kicks, punches, slaps, and blows with truncheons or other hard objects (such as wooden bats or chair legs)." The delegation also heard allegations of extensive beating and asphyxiation using a plastic bag or gas mask. The delegation indicated that, in some cases, it was able to provide evidence consistent with the allegations. During the visit the delegation also received a number of allegations that prosecutors and judges did not act on claims of mistreatment when these were brought to their attention. Authorities responded that training of police to observe human rights of prisoners was a continuing policy.

Prison and Detention Center Conditions

Prison and detention center conditions did not meet international standards. The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year. Although government measures to upgrade prisons brought them closer to meeting international standards, domestic human rights advocates reported that conditions remained poor in some prisons.

According to Prison Department data, as of mid-December there were 8,562 prisoners, including 363 women and 114 juveniles.

In its June 25 report, the CPT delegation noted that at the Lukiskes Prison it received several allegations from prisoners of physical mistreatment by staff, consisting of punches, baton blows, and blows with books. In some cases the mistreatment was said to have been inflicted by drunken prison officers. Physical mistreatment was also alleged at the Pravienuoskes-2 Correction Home No. 3 and at the Kaunas Juvenile Remand Prison and Correction Home.

Four correctional institutions remained overcrowded. For example, the facility in Siauliai had a capacity of 382 inmates after a recent remodeling but held 544. The CPT report noted that recently renovated cells at the Lukiskes Prison were overcrowded, sometimes to "an outrageous degree," with six prisoners in a cell measuring eight square meters (approximately 86 square feet).

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In 2008 the ECHR issued a judgment that found one violation by the country involving the prohibition of inhuman or degrading treatment as provided under the European Convention on Human Rights. The case related to detention conditions at Lukiskes Remand Prison and in the Rasu prison.

As of December 1, the parliamentary ombudsman had received 267 prisoner complaints, compared with 309 during 2008. Most related to the failure of administrators to give proper attention to prisoners' grievances, which included poor prison conditions; mistreatment by prison department personnel; restrictions on prisoners' rights, such as by censoring their correspondence or failing to allow family visitors; inadequate medical services; and poor working conditions. The ombudsman's investigators found 18 complaints to be justified, while the others were outside the ombudsman's purview. As of December 1, the ombudsman had received two complaints alleging that working inmates received less than they were supposed to be paid; the ombudsman found both complaints to be groundless.

The CPT report noted that the material conditions in police detention centers it visited in Jonava, Rokiskis, Kupiskis, Siaulai, and Trakai displayed a number of major shortcomings and could in some cases be considered inhuman and degrading. The majority of cells were filthy and in a poor state of repair, with little or no access to natural light, only dim artificial light, and poor ventilation. At Siaulai city police headquarters, the delegation observed that a juvenile detainee had been kept in a cell with two adults for over a week.

In their September response to the CPT report, authorities acknowledged that only 10 of the country's 39 police detention centers were in good condition and the others did not meet international standards. They indicated they were in the process of closing several of them. Authorities noted that a number of new detention centers were under construction.

As of December 1, authorities had not taken action in response to a 2006 ECHR ruling that the country should amend its regulations to eliminate inappropriate monitoring of inmate correspondence.

The government permitted independent human rights observers and researchers to visit prisons. Representatives of the Office of the Parliamentary Ombudsman made two visits to prisons. Media representatives also visited prisons. Neither the International Committee of the Red Cross nor other international or intergovernmental organizations visited the country's prisons during the year.

During the year the government allocated 7.2 million litas (three million dollars) for renovation of the prison in Vilnius and two other facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. Nevertheless, there were complaints of illegally prolonged pretrial detention.

Role of the Police and Security Apparatus

A unified national police force is responsible for law enforcement and operates under the authority of the Ministry of the Interior. Police officers and other government officials who exceed their official authority are subject to prosecution or punishment. The State Security Department is responsible for internal security, intelligence operations, and investigating some economic crimes. It reports to parliament and the president.

Corruption in the police force remained a problem. There is a broad legal and institutional anticorruption framework and a system for investigating public corruption; however, media outlets and nongovernmental organizations (NGOs) indicated that corruption was a lingering problem.

In the first six months of the year, authorities accused seven police officers of abuse of power, compared with 11 throughout 2008. In the first eleven months of the year, the ombudsman investigated 123 complaints about police activities, compared with 146 during 2008, and determined 44 to be valid, compared with 51 during 2008. In all cases where complaints were found to be valid, authorities disciplined the officers involved. In most cases police officers faced administrative disciplinary actions, such as demotion or reprimand.

The 2008 appeal by a mother and daughter who contended that police violated their dignity with unnecessary physical force and by requiring the daughter to undress in front of neighbors and strangers, was pending in the ECHR.

Arrest Procedures and Treatment While in Detention

Warrants are generally required for arrest and must be granted by judges upon the presentation of reliable evidence of criminal activity. Police may detain suspects for up to 48 hours before charging them.

Detainees have the right to be informed of the charges against them, and there were no complaints of failure to comply with this requirement. Bail was available and was widely used. Detainees were allowed prompt access to family members. The law provides the right to an attorney from the moment of detention and, if the detainee is indigent, to one provided at state expense; however, these rights were not always respected in practice. The law entitles a detained person to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice.

In its report the CPT delegation noted that several detained persons it interviewed claimed they had been informed of their right of access to an attorney only at the time a "protocol of apprehension" was drawn up, i.e. several hours after apprehension. The CPT also found that most of the persons who had applied for legal aid complained that they had had no contact with state-appointed lawyers before their first interrogation or even before their first court hearing.

Judges may order pretrial detention only for persons suspected of a felony and only to prevent flight or the commission of new crimes, to allow unhindered investigation, or to comply with extradition requests. The pretrial judge may order a suspect's detention for up to three months. In some cases the detention may be extended to 18 months (12 months for juveniles), subject to appeal to a higher court. Such extensions were frequent. The law provides for civil liability for damage caused by the unlawful actions of investigating officials, prosecutors, judges, and courts. As of September the average length of pretrial detention was seven months and 13 days; approximately 10 percent of the incarcerated population consisted of pretrial detainees.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government respected this provision in practice.

Trial Procedures

Defendants enjoy the presumption of innocence. The law provides for public trials; juries are not used. While defendants have the right to be present, the law permits trials in absentia when a defendant is outside the country. The law establishes the right to legal counsel for defendants upon arrest. It provides for legal assistance for indigent persons; however, as of December 1, the human rights ombudsman had received eight complaints that authorities failed to provide such counsel. Defendants have access to government evidence and the right to present evidence and witnesses and confront or question witnesses against them. Defendants have the right to appeal. The law extends these rights to all citizens. Local human rights experts criticized the practice of holding trials in absentia, because defendants could not cross-examine witnesses or present evidence in their own defense.

In 2008 the ECHR issued judgments that found four violations by the country of the right to a fair trial as provided under the European Convention on Human Rights. For example, the applicant in one case alleged, inter alia, that he had been denied the opportunity to examine a key witness, who remained anonymous in criminal proceedings against him.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Plaintiffs may sue for legal or injunctive relief based on human rights violations. Apart from redress in the court system, victims of human rights abuses may appeal to the parliamentary ombudsman for a determination on the merits of their claims. Although the ombudsman may only make recommendations to the offending institution, his findings are commonly honored in practice.

On a number of occasions, the government did not pay damages awarded by the ECHR within the period stipulated in the court's final judgments.

Property Restitution

The law on restitution places significant restrictions on claims for communal property, and as a result the Jewish community has regained only a fraction of the communal property owned by the country's prewar Jewish population of more than 200,000. Fewer than 30 properties have been returned to the Jewish community under the law, which applies only to the restitution of religious properties. The government introduced a bill that would provide more than 113 million litas (\$48 million) in compensation for some expropriated properties, but the Jewish community rejected the bill as inadequate. The parliament had not acted on the bill by the end of the year.

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

The constitution prohibits arbitrary interference in an individual's personal correspondence or private and family life; however, there were reports that the government did not respect these prohibitions in practice.

The law requires a judge's authorization to search an individual's premises and prohibits indiscriminate monitoring of the correspondence or communications of citizens. However, local human rights groups alleged that the government did not properly enforce the law. As of October 1, the State Data Protection Inspectorate had investigated 108 allegations of arbitrary interference by officials with privacy, compared with 97 investigated complaints during the same period in 2008. Most complaints involved claims by individuals that government agencies were collecting or using their personal data, such as personal identity numbers, without a legal basis or justification. The inspectorate also conducted 122 preventive investigations, unrelated to specific complaints, of companies, enterprises, and government agencies, compared with 102 such audits during 2008.

In 2008 the ECHR issued judgments that found five violations by the country of the right to respect for private and family life as provided under the European Convention on Human Rights.

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.

A June 2008 law prohibiting the distribution or display in public gatherings of Soviet or Nazi-related symbols led to a court ruling in September 2008 that fined a woman in Vilnius 500 litas (\$209) for selling souvenirs containing Soviet symbols. On March 17, parliament amended the law to safeguard other salesmen from such fines in the future. The amended law permits the "collection and trade of antique and flea market items," that contain Soviet and Nazi symbols, as well as their use in museums and for purposes of education, science, and the arts. There would no longer be punishment for persons using the official symbols of an existing state or the wearing of uniforms by participants of World War II.

Incitement to hatred and discriminatory speech are crimes punishable by up to two years' imprisonment. As of December 1, the Prosecutor's Office had opened 39 investigations of incitement to hatred (most of them over the Internet). There were no new investigations involving discriminatory speech. In the same period the Prosecutor's Office forwarded 10 cases to the courts for trial. Courts completed seven of these and convicted six persons, imposing fines of 650 to 5,000 litas (\$271 to \$2,085). Another 37 investigations (including some from previous years) were terminated during the year for lack of evidence. A number of investigations and court cases (including some from previous years) were ongoing. Most of the allegations of incitement to hatred involved racist, anti-Semitic, or homophobic expression.

In July the parliament passed, over the president's veto, amendments to the Law on the Protection of Minors against the Detrimental Effect of Public Information. The amendments, which were to take effect in March 2010, would prohibit the dissemination of information that promoted hypnosis, "bad eating habits," paranormal phenomena, gambling, lotteries, physical passivity, and other subjects considered "detrimental" to minors' bodies or thought processes, or which would promote homosexual, bisexual, and polygamous relations. The law specifically stated that it was to apply to movies and Web sites. Following complaints from human-rights organizations and the EU, the parliament in December passed another set of amendments to the law, which replaced the prohibition on promoting homosexual, bisexual and polygamous relations with a ban on information "which promotes sexual abuse and harassment of minors and sexual relations by minors" as well as information "which promotes sexual relations" in general. Human rights organizations remained skeptical, noting that the amendment bars the promotion of any concept of the family other than that set down in the constitution, which stipulates that marriage is between a man and a woman.

Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism. Independent media were active and expressed a wide variety of views. Radio and television broadcasting included a mix of independent and public stations. International media generally operated without restriction.

The law prohibits the dissemination of information that is both untrue and damaging to an individual's honor and dignity. Libel is punishable by a fine or imprisonment of up to one year, or up to two years for dissemination of libelous material through the mass media. No cases were reported during the year.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, authorities initiated criminal prosecutions against persons posting material they deemed incitement to hatred.

According to the Department of Statistics, 58 percent of the country's residents between the ages of 16 and 74 had access to the Internet in the first quarter of the year, an increase from 47 percent in the same period in 2008. According to International Telegraphic Union statistics for 2008, approximately 54 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law and constitution provide for the right to assemble peacefully, and the government generally respected this right in practice for most groups; however, the government denied assembly permits to certain groups.

On March 4, the Human Rights Monitoring Institute and the Center for Equality Advancement asked the Vilnius Municipality for a permit to hold a rally and march supporting democracy, human rights, and tolerance, on the country's Independence Day, March 11. However, city officials refused to issue the permit. At the same time, municipal officials issued a certificate for a march, scheduled the same day, organized by the Lithuanian National Center, a group that espoused and demonstrated intolerance toward other racial, ethnic, and religious groups, claimed that human rights and antifascism were examples of extremism, and openly sympathized with neo-Nazi groups. Local human rights organizations appealed to the Vilnius First District Court, claiming that the denial was discriminatory. On September 21, the court dismissed the complaint on the grounds that the police would not have been able to preserve public order if the two events had taken place on the same day.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice; however, the government continued to ban the Communist Party and other organizations associated with the former Soviet regime.

c. Freedom of Religion

The constitution and the law provide for the free practice of religion, and the government generally respected this right in practice. There is no state religion; however, some religious groups enjoyed government benefits not available to others.

To have legal status, religious communities must receive official recognition in the form of registration. However, there were no reports that the government prevented unregistered groups from worshiping or seeking new members. There was no action during the year on pending applications for recognition from the United Methodist Church of Lithuania (applied in 2001), the New Apostolic Church (applied in 2003), or the Evangelical Belief Christian Union (Pentecostal, applied in 2002).

The law stipulates that only traditional and other state-recognized religions may offer religious instruction in public educational institutions. Student participation in religious classes was not mandatory; parents could choose either religious instruction or secular ethics classes for their children.

In June 2008 parliament approved amendments to the Law on Equal Rights adding prohibitions against discrimination based on ethnicity, religion, sexual orientation, age, and disability to the already existing prohibitions of discrimination based on gender, race, nationality, language, origin, social status, beliefs, or creed. However, these prohibitions do not prevent religious schools from discriminating in favor of their believers in admissions policies or teaching their faith.

In 2008 construction of a residential and commercial complex located on or near the site of a historic Jewish cemetery in Vilnius was completed. In May the government declared most of the cemetery site to be permanently protected from future development, but did not order any demolition or changes to buildings already built. The government continued to work with local and international Jewish communities and the developer to agree on final regulations concerning development of areas near the cemetery borders.

Societal Abuses and Discrimination

The Jewish community consists of about 4,000 members. No violent anti-Semitic attacks against individuals were reported during the year; however, anti-Semitism was widely manifested on the Internet.

On August 20, a Jewish cemetery in Klaipeda region was vandalized with anti-Semitic symbols and language. Police started an investigation.

Courts continued to hear cases against participants in a skinhead march in Vilnius in March 2008. On January 27, a court acquitted one participant of provoking ethnic hatred. The court reviewed video of the suspect singing and shouting "Lithuania for Lithuanians!" but not shouting "Juden raus!" ("Jews out!" in German), as initially charged. On March 4, another participant in the march was sentenced to house arrest, although the court concluded that video recordings did not show him shouting nationalist and anti-Semitic slogans as charged. Three other participants, all 18 to 29 years old, were fined in June 2008.

There were no reports of new developments in connection with a number of other anti-Semitic acts that took place in 2008, including the defacing with anti-Semitic symbols and phrases of buildings belonging to the Jewish community centers in Vilnius and Panevezys.

In October 2008 a forest ranger in the Kelme Region, near the village of Pluskiai, reported that vandals broke stones and painted anti-Semitic graffiti on a Holocaust memorial. An investigation of the incident continued.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Authorities did not permit asylum seekers coming from "safe" countries of transit to enter the country; they returned them to the country of transit without reviewing the substantive merits of their applications. According to the Migration Department, authorities did not have a list of safe third countries, but defined such countries as ones in which the person's life or liberty would not be threatened on account of membership in one of the categories specified in the 1951 Convention and its 1967 Protocol and from which the individual would not be sent to another country in contravention of his rights under these agreements.

The government can grant "temporary protection" in the event of mass influx of aliens, but an individual alien has no right to apply for this protection. No persons were granted temporary protection during the year. The government also employs

an additional form of protection, "subsidiary protection," available to individuals who do not qualify as a refugee but who cannot return to their countries of origin because of fear of torture or inhuman treatment, prevailing violence or military conflict, or systematic violation of human rights in that country would endanger their basic rights or fundamental freedoms. In the first six months of the year, the government granted subsidiary protection to 59 persons.

Stateless Persons

Citizenship can be acquired either by birth in the country's territory or from one's parents. The government registers all births immediately. According to UNHCR statistics, there were approximately 8,700 stateless persons in the country at the end of 2008. Of these, approximately 7,500 had permanent residence permits.

Virtually all stateless persons were individuals who resided in the country at the time of the dissolution of the Soviet Union but did not qualify for automatic citizenship. According to the director of the Lithuanian Migration Department, persons in this category were entitled to apply for citizenship but these individuals did not do so.

The law permits the naturalization of an individual living in the country for at least 10 years who has an unlimited residence permit, passes an official language test and an examination on the basic provisions of the constitution, takes an oath of allegiance, and is able to defray his living costs.

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

The constitution provides citizens 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.

Elections and Political Participation

Presidential elections held on May 18 that resulted in the election of Dalia Grybauskaitė, former European budget commissioner and former minister of finance, as the country's first female president, were considered free and fair, as were parliamentary elections held in October 2008.

Elections to the European Parliament held on June 7 were also considered free and fair.

The government continued to ban the Communist Party; other political parties could operate without restriction or outside interference.

In 2007 the Constitutional Court announced that the Law on Municipal Elections, which allowed election to municipal councils only by party lists, contradicted the constitution. The decision did not affect the 2007 municipal elections, but it obliged parliament to prepare a law that would allow citizens not on party lists to run for municipal councils. Parliament did not pass such a law during the year.

At year's end there were 27 women in the 141-seat parliament and two women in the 15-member cabinet of ministers. Women accounted for 5 percent of mayors, 21 percent of municipal council members, and 5 percent of local administration directors.

There were three members of ethnic minorities in parliament and no members of ethnic minorities in the cabinet of ministers.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government often did not implement the law effectively, and corruption was a problem. Although courts convicted and punished some officials for corruption, the

penalties were usually minor, and many investigations did not result in convictions. The World Bank's worldwide governance indicators reflected that corruption was a problem.

A number of government officials were under investigation, facing trial, or convicted and sentenced for corruption during the year. The Special Investigation Service continued its investigation of the mayor, deputy mayor, and head of administration of the Trakai municipality on suspicion of receiving bribes of 200,000 litas (\$83,400) in connection with the development of a shopping and entertainment center. The officials were dismissed from their posts pending the outcome of the investigation.

In November a Vilnius court vacated the conviction of Vilnius City Council member and former mayor Arturas Zuokas, who had been convicted and fined for bribing a city council member while he was mayor.

An investigation continued of former parliamentary speaker Viktoras Muntianas, who resigned his post in March 2008 amid allegations that he bribed a deputy governor of Kaunas County to obtain assistance with a relative's business.

On April 24, a deputy mayor of Vilnius and two other city council members were questioned by the Special Investigations Service on corruption charges. The investigation continued at year's end.

Viktor Uspaskich, leader of the Labor Party continued to face legal charges for fraudulent accounting for party funds and providing false information to election commission officials. He initially fled to Russia but returned and was placed under house arrest. He acquired immunity from prosecution by being elected to parliament in October 2008. Parliament voted to lift his immunity, but it was restored again on June 7 when he was elected to the European Parliament. On July 14, the prosecutor general appealed to the Office of the President of the European Parliament to revoke Uspaskich's immunity; he had announced no response by year's end.

The law provides for public access to government information, and government institutions generally provided access in practice. As of December 1, the parliamentary ombudsman had received 88 complaints of delays by government offices in providing information and found 45 of them to be valid. The ombudsman recommended disciplinary action against the officials involved. Although the ombudsman's recommendations are not binding, officials took disciplinary action in all of the cases forwarded by the ombudsman in the first eight months of the year.

Section 5 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 government cooperated with UN and other international organizations. The Council of Europe Parliamentary Assembly's Human Rights Commissioner, Thomas Hammarberg, visited the country in October and participated in a seminar on discrimination issues. He discussed with President Grybauskaite the controversial Law on the Protection of Minors against the Detrimental Effect of Public Information, as well as additional amendments the president submitted to the Seimas aimed at countering some of the criticisms (see section 2.a).

The Office of the Equal Opportunities Ombudsman is an independent public institution with responsibility for implementing and enforcing rights under the 2005 Law of Equal Treatment, and investigates individual complaints. A Children's Rights Ombudsman Institution oversees observance of children's rights and their legal interests. The ombudsman may initiate an investigation on a possible violation of children's rights upon receipt of a complaint or on his own initiative. A parliamentary

ombudsman investigates complaints about the abuse of office or other violations of human rights and freedoms in the sphere of public administration.

The human rights committee of the parliament prepares and reviews draft laws and other legal acts related to civil rights and presents recommendations to state institutions and other organizations on issues concerning the protection of civil rights. It also has oversight of the Office of the Parliamentary Ombudsman.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits and penalizes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government programs and efforts at enforcement, discrimination against women and against ethnic and sexual minorities persisted.

Women

The law criminalizes rape, including spousal rape. Convicted rapists generally received three- to five-year prison sentences. In the first eleven months of the year, 144 rapes were reported compared with 149 during 2008. Societal violence against women, particularly alcohol-related domestic violence, remained a serious problem. There is no law specifically prohibiting domestic violence; however authorities prosecuted domestic violence under general assault laws. To initiate an investigation into cases of domestic abuse, the victim must file a complaint. **Surveys showed that 56 percent of divorced women and 15 percent of married women had suffered domestic violence.** In 2008, according to the Ministry of Interior, 359 women were abused by spouses and 96 by their children. In that year police registered 8,066 violent acts against women and initiated 680 investigations. Fines were imposed on 1,276 persons.

In 2008, as part of the National Strategy for Reduction of Domestic Violence against Women for 2007-09, the government funded 29 projects aimed at prevention, education, and victim assistance. NGOs, which also received assistance from EU structural funds, implemented most of the projects. The government operated a specialized Web site aimed at preventing domestic violence.

Municipal governments and NGOs funded and operated 39 shelters that provided assistance to victims of domestic violence. The government provides full funding for two shelters. One of them, the Shelter for Children and Mothers in Vilnius provided assistance to more than 80 victims of domestic violence, forced prostitution, and human trafficking during the first nine months of the year.

Prostitution is illegal but remained a problem. The penalty is a fine of 300 to 500 litas (\$125 to \$209) for a single offense and up to 1,000 litas (\$417) for repeat offenses. In the first six months of the year, police charged 42 women with administrative violations for prostitution. In 2008 police charged 11 men for using prostitution services.

The law prohibits sexual harassment. According to the Ombudsman's Office, women remained reluctant to approach police or other institutions in cases of sexual harassment. According to the Office of the Equal Opportunities Ombudsman, approximately 20 percent of women had experienced sexual harassment. As of December 1, the opportunity ombudsman had received one complaint of sexual harassment, but found it groundless.

The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local NGOs are permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Public Health. There were no restrictions on access to contraceptives. According to United Nations data and the Kaunas Institute of Medicine, 47 percent of women used these

measures. The government provided free childbirth services. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

Men and women have the same legal rights in the judicial system, including family and property law. Women nevertheless continued to face discrimination. Government policy requires equal pay for equal work; however, women often earned less than their male counterparts. In 2008 women earned an average of 80 percent of what men earned in comparable jobs; the figure was 78 percent in the public sector. Women were significantly underrepresented at the managerial level.

Children

Citizenship can be acquired either by birth in the country's territory or from one's parents. The government registers all births immediately.

Child abuse, particularly in connection with parental alcohol abuse, continued to be a problem. According to the Department of Statistics, in 2007 approximately 36,500 children lived in 16,400 abusive or dysfunctional families. Media sources reported that incidents of cruelty to children, including sexual abuse, intentional starvation, and beatings, were common. As of December 1, there had been 11 deaths from child abuse. The children's rights ombudsman reported 257 complaints during the same period, compared with 382 during 2008, and 387 in 2007; authorities initiated 209 investigations, compared with 199 during 2008.

The penalty for violence or cruelty against minors is a one- to two-year prison sentence. Authorities may also remove abused children from their families and place them in foster care. Despite efforts to combat child abuse and aid abused children, the ombudsman reported that insufficient assistance was provided. In 2008 the Child Line (a children's hotline) and Youth Line received more than 175,000 calls and 2,000 letters from children about problems ranging from relations with their parents and friends to violence in their families and sexual abuse.

The law provides for up to 13 years' imprisonment for sexual abuse of a child; however, sexual abuse of children remained a problem. As of July 1, the Interior Ministry had registered 26 cases of child sexual abuse (excluding child rape), compared with 55 cases during 2008. The government operated a children's rehabilitation center to provide special care for sexually abused children.

There were no reports that children engaged in prostitution for survival, nor were there reports of child sex tourism. Laws against child pornography were enforced. Anyone involving a child in pornographic events or using a child in production of pornographic material can be imprisoned for up to five years. As of December 1, the children's rights ombudsman received 18 complaints and initiated 13 investigations regarding sexual exploitation of children.

Complete statistics on street children were not available. According to the ombudsman for children's rights, during 2008 there were reports of 202 children living on the streets; 27 children were found begging in public areas. They were widely scattered among the country's cities. Most of the street children were runaways or from dysfunctional families. They had full access to free, government-sponsored services.

Sixty children's rights protection agencies administered by regional governments, other institutions, and numerous NGOs routinely assisted vulnerable children. There were 105 orphanages and 36 foster homes. Orphanages still housed the vast majority of orphans and other children in need of care. In the first eight months of the year, the children's rights ombudsman initiated ten investigations of possible violations of children's rights in orphanages. One complaint was received about a foster home.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that women and girls were trafficked to, within, and from the country for purposes of sexual exploitation.

The principal overseas destinations of trafficking victims were the United Kingdom, Germany, the Netherlands, Spain, Italy, Denmark, and Norway. According to NGOs that focus on trafficking, source countries for women and girls trafficked to and through Lithuania for sexual exploitation included Russia and Belarus. During the year the press cited a British detective as stating that in recent years authorities rescued hundreds of Lithuanian women, some underage, who had become trafficking victims. A British Web site described the apprehension and subsequent conviction in the United Kingdom, of two Albanians in the process of selling a Lithuanian woman for 3,000 pounds (\$4,860) to a brothel owner.

Within the country trafficked women and girls in forced prostitution worked on streets, in illegal brothels, and as call girls.

Individuals and organized groups, some belonging to international trafficking rings, engaged in trafficking. Traffickers approach women through advertising in newspapers, magazines and, increasingly, through the Internet. These advertisements often promised employment abroad in restaurants, bars, nightclubs, and hotels or invited women to work as nannies, nurses, or models. Other advertisements sought women to provide intimate services, such as massage and escort services. Police reported that nearly half of traffickers were linked to organized crime, including international groups.

In many cases close relatives or friends of victims initiated the trafficking process. Victims' compliance was ensured through threats and the withholding of their personal documents. Families often were unaware of the victims' predicament and believed that they had been kidnapped.

The law provides penalties for trafficking in persons of two to 12 years' imprisonment and two to 15 years for trafficking in children (minors or juveniles). Through December 1, the government opened seven criminal trafficking cases and referred three of these to the criminal court system. Courts handed down guilty verdicts in three cases in the same period with 11 persons sentenced to prison terms ranging from 24 months to nine years.

In the first 11 months of the year, police identified 13 persons as victims of trafficking; investigations of cases from earlier years continued.

The Ministries of Interior, Justice, Social Security and Labor, and Education and Science, along with the police department, the State Border Guard Service, the General Prosecutor's Office, and the National Courts Administration, are responsible for enforcement of trafficking laws. In March 2008 the government appointed an undersecretary-level official at the Interior Ministry to coordinate government antitrafficking activities.

Police cooperated regularly with their British, German, Italian, Latvian, and Scandinavian counterparts in the fight against trafficking in persons. They cooperated with other European governments on several specific trafficking cases during the year. London police reported they often received help from Lithuania's judicial system and law enforcement officials in their efforts to accumulate evidence in trafficking cases involving Lithuanian victims. No persons were extradited from the country on trafficking offenses in the first eight months of the year.

During the year prosecutors investigated 12 suspects in an organized crime gang charged with transporting nearly 100 young women to the United Kingdom. Charges were brought against seven suspects.

The courts continued to deal with appeals stemming from a December 2008 conviction of five persons on trafficking charges. The Siauliai Regional Court sentenced Jolanta Razmiene, the head of a modeling agency, to five years in prison for selling 11 young women and gave four others prison terms of at least 21 months. The sentences also required the traffickers to pay 50,000 litas (\$20,850) to 10 of the victims (the other victim would not accept any money). The prosecutor

appealed the acquittal of one of those charged. The four persons who were convicted also filed appeals, but the victims failed to appear at the court hearing on their appeal. The court planned further hearings for 2010.

The government partially funded 15 day centers that assisted various groups at risk, including trafficking victims. In contrast with previous years, it did not provide **grants to NGOs that offered temporary shelter or other assistance to trafficking victims. Authorities implemented formal screening and referral procedures for trafficking victims.**

The government continued implementing a prevention campaign that included an educational presentation, *Truth and Myths about Trafficking in Persons*, that was posted on the Internet Web sites of 90 schools and also utilized posters, television and radio public service announcements, and antitrafficking brochures.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. Through December 1, the equal opportunities ombudsman investigated 14 cases of alleged discrimination against persons with disabilities. The law mandates access to buildings for persons with disabilities; however, according to official data from 2008, 48 percent of housing was inaccessible.

Individuals involuntarily declared incapacitated have no right to appeal the decision in court.

The Ministry of Social Security and Labor and the Lithuanian Council for the Affairs of the Disabled are the two primary governmental organizations responsible for developing equal opportunities in the labor market and improving government effectiveness in meeting the needs of and augmenting the social security net for persons with disabilities. The Ministry of Health is responsible for making health services equally accessible to all inhabitants of the country.

National/Racial/Ethnic Minorities

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

On September 8, Valdemar Tomasevski, the representative in the European Parliament of Lithuanian Polish Electoral Action, complained to European Commission president Barroso about alleged discrimination against the Polish minority. Tomasevski claimed that Poles were not allowed to conduct official business in Polish, even in settlements with as many as 80 percent Polish-speaking inhabitants and could not have street signs in their language. He asserted that the country's laws regulating the use of language in public life were contradictory and conflicted with EU law and international conventions.

Through December 1 the Prosecutor's Office initiated 39 investigations of alleged discrimination or incitement to racial or ethnic hatred (most of the instances investigated involved the Internet), compared with 84 during 2008 and 37 in 2007.

There were no reports of racially motivated incidents during the year. However, there were developments related to earlier incidents. On May 27, a court convicted Violeta Iljinych for her part in an April 2008 assault against a South African singer of Indian descent. Iljinych's appeal was pending at year's end. A police investigation of posters with the slogan "no to the culture of black people" displayed in a Klaipeda city park in 2008 was inconclusive. No developments were reported in the verbal assault of two black athletes by an inebriated man in Kaunas in April 2008.

No developments were reported in connection with a number of incidents that occurred in 2007, including: assaults on several foreign students of the Lithuanian Christian College in Klaipeda; a fight in Vilnius between Lithuanian and Nigerian youths; an attack on a man from Ghana two days later, also in Vilnius; an August attack on an Italian exchange student by assailants who apparently thought he was a Muslim; and the December death in Vilnius of a former Somali student at Kaunas Medical University after he was beaten in October, allegedly because he spoke on television about racial violence he had experienced in the country.

The small Romani community (approximately 3,000 persons) continued to experience problems, including discrimination in access to services such as education, housing, and healthcare; in employment (the unemployment rate was 50 percent); and in relations with police, although there were no official charges of police abuse. Minority advocates continued to criticize the Vilnius city government for focusing on law enforcement in the Romani community but doing little to integrate Roma into the broader community.

At year's end the Vilnius Regional Court had not reached a decision on its reconsideration of claims for compensation by the residents of a Romani neighborhood for the destruction of their housing in 2004. The court initially awarded 100,000 litas (\$41,700) to the inhabitants, but following appeals, the Supreme Administrative Court ordered the case to be reheard.

On September 2, the government established a Commission for Affairs of Ethnic Minorities to make proposals for coordinating government actions to integrate ethnic minorities into the country's political, public, and cultural life, and to provide expertise on the preparation and expediency of draft legal acts relating to ethnic minorities. The commission will be headed by the prime minister and will include ministers of culture, finance, foreign affairs, social security and labor, education and science, and internal affairs, the chairman of the Council of Ethnic Communities and six representatives of ethnic communities.

A 2007 study by the EU Agency for Fundamental Rights concluded that governmental responses to cases of ethnic discrimination were ineffective and that insufficient attention was given to the problem. According to the agency's research, the law provides possibilities to complain about ethnic discrimination, but the penalties usually applied in such cases were insufficient, and victims received insufficient or no compensation. On April 15, the government approved a new National Antidiscrimination Program for 2009-11. The government allocated no funds for the program during the year, but allocated 30,000 litas (\$12,510) for 2010. The EU allocated 500,000 litas (\$208,500) for the year, 1.9 million litas (\$ 792,300) for 2010, and 2.1 million litas (\$875,700) for 2011.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual acts are not criminal, and there was no official discrimination against lesbian, gay, bisexual or transgender (LGBT) persons, but society's attitude towards homosexuality remained negative. NGOs focusing on LGBT issues faced no legal impediments, but the few that functioned kept a low profile because of public hostility to their aims. The Lithuanian Gay League (LGL) is an advocacy organization dedicated to fighting homophobia and discrimination based on sexual orientation and gender identity. Through education, support, and representation of the LGBT community, LGL promotes an inclusive social environment for LGBT persons.

Local human rights organizations and members of the LGBT community reported that discrimination and persistent social exclusion of LGBT persons were problems. In November a court upheld the refusal of the Vilnius municipality to allow two NGOs that support gay rights and other human rights causes to organize a tolerance march on Independence Day, March 11 (see section 2.b.).

In July 2008 the government paid 40,000 euros (\$57,200) to a transsexual woman after the ECHR ruled in 2007 that authorities had violated her privacy rights.

Amendments to a law protecting minors against certain public information were enacted in July over the president's veto. They were criticized by many human rights proponents on the grounds that they discriminated against homosexual persons. The law was amended again in December in response to those objections, but some human-rights activists remained skeptical of its possible use (see section 2.a.).

Other Societal Violence or Discrimination

There were no reports of discrimination against persons with HIV/AIDS.

Through December 1, the equal opportunity ombudsman investigated 21 cases of age discrimination, compared with 12 in 2008. Most complaints concerned discrimination in obtaining employment, insurance, loans, or leases.

Section 7 Worker Rights

a. The Right of Association

The law allows workers, including members of the police and armed forces, to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice.

Unions represented approximately 10 percent of the workforce. To register, company level unions must have at least 30 founding members in large enterprises or a membership of one-fifth of all employees in small enterprises.

The law provides for the right to strike, except for government employees involved in law enforcement or other security-related activities; however, labor code procedures made it difficult for some to exercise this right. The law provides that only a union or a union's strike committee may call a strike, leaving nonunion employees unable to legally call a strike. However, in June the labor code was amended to relax strike ballot rules. A strike may be called if approved by half of the employees of a unit or enterprise in a secret ballot.

According to the Department of Statistics, there were 112 strikes and warning strikes in 2008.

b. The Right to Organize and Bargain Collectively

The law protects collective bargaining for all workers except government employees involved in law enforcement and other security-related work. A Tripartite Council, consisting of representatives of labor, business, and government, estimated that between 5 and 25 percent of workers were covered under collective bargaining agreements.

The law prohibits employer discrimination against union organizers and members; however, this prohibition was often ineffective in practice, and there were instances when employees were punished for attempting to organize. According to the International Trade Union Confederation (ITUC), the judicial system was slow in responding to cases of unfair dismissal, and no employer has ever faced the penal sanctions foreseen by law for antiunion discrimination. There are no labor courts or judges who specialize in labor disputes. Some large retail stores hired short-term contract labor and sometimes did not renew contracts of union members.

Managers often determined wages without regard to union preferences, except in large factories with well-organized unions. The government periodically issued guidelines for state enterprise management in setting wage scales. The ITUC reported during the year that Svyturys Brewery, owned by Baltic Beverages Holding, intimidated and harassed female trade union leaders after workers complained of exhausting work schedules. The ITUC reported that management requested employees to make written statements of no confidence in the union. The union approached the Prosecutor's Office regarding the alleged interference into union affairs; prosecutors started an investigation but terminated it later because of a lack of evidence. At year's end the case was under review by the General Prosecutor's Office.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that women and children were trafficked for commercial sexual exploitation. Trafficked women and girls in forced prostitution worked on streets, in illegal brothels, or as call girls (see section 6).

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits exploitation of children in the workplace, and the government generally enforced these prohibitions effectively; however, statistics from 2007 indicated that 8 percent of children working did so illegally, mostly in the agricultural sector, where children sometimes received unlawfully low compensation. There were reports that children 15 to 17 years old were trafficked for commercial sexual exploitation.

The law sets the minimum employment age at 16, but allows employment of persons as young as 14 years old for light labor with the written consent of the child's parents and school. The law mandates reduced work hours for children, allowing up to two hours per day or 12 hours per week during the school year and up to seven hours per day or 32 hours per week when school is not in session. Authorities generally enforced these laws.

The State Labor Inspection is responsible for receiving complaints related to employment of persons under 18. By December, the inspectorate found seven cases of illegal child labor. However, unlike in 2008, there were no reports that school-age children performed farm fieldwork without contracts for little or no payment.

The Ministries of Social Security and Labor, Education and Science, Health, and the Interior administered programs to protect children's rights.

e. Acceptable Conditions of Work

The legal minimum wage of 800 litas (\$334) per month did not provide a decent standard of living for a worker and family. The minimum wage is set by the government with the involvement of the Tripartite Council and is based on social and economic indicators. The poverty income level was 1,095 litas (\$457).

The law provides that the maximum time worked in any seven-day period, including overtime, may not exceed 40 hours for white-collar work and 48 hours for blue-collar work. Overtime is allowed only in cases stipulated by law, and both overtime and night work must be compensated by at least 1.5 times the hourly wage. The labor laws apply to both local and foreign workers.

The State Labor Inspection is responsible for implementing labor laws. In the first 11 months of the year, it reported conducting nearly 15,000 company inspections. The most numerous abuses related to wage arrears, illegal employment, violation of labor contracts, faulty accounting for time off and hours worked, inadequate worker safety, and unsatisfactory investigation of accidents. Training provided by the State Labor Inspection helped reduce the scope of some of these abuses during the year. Workers dissatisfied with the result of an investigation could appeal to the court system.

The law gives workers the right to safe and healthy working conditions, and this was generally enforced. As of the beginning of December the state labor inspection service recorded 44 fatal accidents at work, compared with 82 during 2008. These occurred mostly in construction work. To address the problem the state labor inspection service provided training, various prevention materials, and best practice examples to construction companies. Workers have the legal right to remove themselves from dangerous work environments without jeopardizing their continued employment and did so in practice.

