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Lithuania

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The Republic of Lithuania is a constitutional, multiparty, parliamentary democracy with a population of approximately 3.4 million people; legislative authority is vested in the unicameral Seimas (parliament). In 2004 citizens elected President Valdas Adamkus in free and fair elections. In July Prime Minister Gediminas Kirkilas formed a new government from a minority coalition of center-left parliamentary parties. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. Nonetheless, the following human rights problems were reported: poor prison conditions; police mistreatment of detainees and misuse of detention laws; government corruption; incidents of anti-Semitism; widespread domestic violence and child abuse; and trafficking in women and girls for the purpose of sexual exploitation.

RESPECT FOR HUMAN RIGHTS

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

Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Both the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes and the prosecutor general's office continued investigations of genocide, war crimes, and crimes against humanity related to Nazi crimes committed against Jews during World War II. From January to October, the prosecutor general's office initiated nine pretrial investigations and continued investigations in 20 cases related to Nazi-era crimes. The prosecutor general dismissed two pretrial investigations for lack of evidence. In September 2005 the government brought criminal charges against Algimantas Mykolas Dailide, alleging collaboration with Nazis and persecution of Jews. In March the Vilnius District Court convicted him of crimes against Jews in Nazi-occupied Lithuania during World War II, but did not impose a sentence due to the 85-year-old convict's age and infirmity. The prosecutor appealed the verdict. During the year prosecutors initiated ten pretrial investigations for crimes against humanity or war crimes against Lithuanian people during the Nazi occupation and 17 pretrial investigations related to discrimination or incitement to racial or ethnic hatred during the Soviet occupation.

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. There were fewer reports that police physically mistreated detainees than in 2005.

During the year the ombudsman's office received complaints that officials used force and psychological pressure to obtain evidence in pretrial investigations. The ombudsman's office was unable to find evidence to support any of these allegations and dismissed them.

Reported incidents of noncommissioned military officers hazing recruits decreased during the year. The military police opened seven hazing-related criminal cases, compared with 11 cases in 2005. The military police terminated one pretrial investigation due to lack of evidence. Most reports of hazing alleged that draftees beat each other or subjected each other to psychological pressure. Investigators are preparing to pass six of the seven cases to the prosecutor's office.

Prison and Detention Center Conditions

Human rights advocates claimed that prison conditions remained poor and life threatening, although the government continued to upgrade prisons to meet international standards. Nevertheless, inadequate sanitation, overcrowding, and limited access to medical services persisted. Renovation of several prisons reduced overcrowding, but inmate populations remain above capacity.

The Seimas ombudsman's office received complaints that prison authorities arbitrarily restricted rights of prisoners who had good conduct

records, interfered with inmates' correspondence, separated prisoners with HIV, and did not ensure access to medical services in jails. Arrested and detained persons generally suffered worse conditions than did convicts imprisoned for longer periods. In 2006 the ombudsman received 270 complaints from prisoners compared to 283 in 2005. Most complaints were related to prison conditions and actions of prisons department personnel. Investigators determined that 30 complaints were valid and the others were outside the ombudsman's purview.

In November the European Court of Human Rights (ECHR) ruled that the monitoring of a Siauliai inmate's correspondence with his wife was inappropriate and that the country should amend its regulations on inmate correspondence monitoring.

During the year 18 prison inmates died (five by suicide, 12 of natural causes, and one killed by another inmate), compared with 23 inmate deaths in 2005. There were 41 injuries inflicted by other inmates during the year, compared with 59 in 2005, and 30 self-inflicted injuries, compared to 62 in 2005.

Two correctional institutions remained seriously overcrowded during the year. For example, the facility in Siauliai had a capacity of 425 inmates after recent remodeling but held 527. Additionally, the ombudsman concluded that conditions in the jails in the towns of Ukmerge, Anyksciai, and Zarasai made them unfit for use. The ombudsman received no complaints that working inmates were paid for fewer hours than they worked.

Pretrial detainees were generally held separately from convicted criminals, but there were reports that police held individuals in jail for minor offenses together with criminal suspects.

The government continued renovation and reconstruction of 11 correctional facilities and increased funding for prisoner rehabilitation and job training by 10 percent over spending in 2005.

The government permitted visits to prisons by independent human rights observers and researchers.

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 detentions.

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 Interior. The State Security Department is responsible for internal security, intelligence operations, and reports to the Seimas and the president.

Corruption in the police system remained a problem. Transparency International reported that the police force was among the country's most corrupt institutions, but that lower ranking officials were more corrupt than their superiors. Although police officers and other government officials occasionally exceeded their official authority, they were subject to prosecution or punishment for doing so. The inspector general's office and the police department's internal investigation division investigated alleged cases of police abuse. Prosecutors and the Seimas ombudsman's office carried out independent investigations.

During the year 17 police officers were found guilty of abuse of power. In 2004 the Seimas expanded the authorities of the ombudsman's office and authorized it to investigate complaints of actions of the prosecutors and pretrial investigation officers that violate human rights. The ombudsman has observed an increase in such complaints since that time. During the year the ombudsman investigated 510 complaints regarding police activities and determined 152 to be valid. In all cases authorities disciplined the police officers involved. In most cases police officers faced administrative disciplinary actions such as demotions or reprimands.

Arrest and Detention

Warrants are required for arrest and must be granted by judges upon the presentation of reliable evidence of criminal activity. Police are allowed to detain suspects for up to 48 hours. There were no complaints of failure to inform detainees of the charges against them. Bail was available and was used widely. The law provides for the right to an attorney from the moment of detention and, if indigent, to one provided by the state; however, this right was not always respected in practice. The law provides a person in detention the right to a prompt judicial determination of the legality of the detention, and authorities effectively respected this right in practice.

Judges may order pretrial detention only to prevent flight or the commission of new crimes, to allow unhindered investigation, or to comply with extradition requests; they may do so only in the case of felonies. The pretrial judge may order a suspect's detention for up to three months. In exceptional cases the detention may be extended to 18 months (12 months for juveniles), subject to appeal to a higher court. The law provides for civil liability for damage caused by the unlawful actions of pretrial investigation officials, prosecutors, judges, and courts. During the year the average length of pretrial detention was approximately six months, and 12 percent of the incarcerated population were pretrial detainees.

The Seimas ombudsman's office reported that the number of prolonged pretrial detention complaints has gradually decreased.

e. Denial of Fair Public Trial

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

The law provides for a four-tier court system: the Supreme Court, the Court of Appeals, district courts, and local courts. The law also provides for a constitutional court and specialized courts for consideration of cases involving administrative, labor, and family problems.

District courts hear juvenile criminal cases and cases related to children's rights (including domestic adoption and paternity matters). The local courts are tribunals of first instance for criminal, civil, and administrative offences, and all cases that are not assigned by law to other courts. The constitutional court reviews the constitutionality of laws and other legal acts, as well as actions by the president and the cabinet.

Trial Procedures

The law establishes the right to legal counsel for defendants and provides for legal assistance for indigent persons. The Seimas ombudsman reported only a few cases of authorities failing to provide counsel during the year. Defendants have access to government evidence and may present evidence and witnesses and confront or question witnesses against them. Defendants enjoy the presumption of innocence. The law permits trials in absentia when a defendant is outside the country and avoids trial. Local human rights experts criticized these provisions, because in such trials defendants do not cross-examine witnesses or present their own defense. Defendants have the right to appeal. The law provides for public trials. There is no trial by jury.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The judicial system provides for 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 claim. Although the ombudsman makes only a recommendation to the offending institution, his findings are commonly honored in practice.

Property Restitution

The 1995 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. Only 28 properties have been restituted under the 1995 law, which is limited to religious properties.

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

The constitution prohibits the arbitrary interference in an individual's personal correspondence or private and family life. There were reports of incidences where 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 allege that the government did not properly enforce these laws.

From January to September, the State Data Protection Inspectorate (SDPI) conducted 92 investigations of alleged arbitrary interference with privacy. This was a marked decrease from the 294 cases in 2005. Most of the violations involved violations of data processing rules and failure to inform individuals that their personal data was processed. The SDPI received one complaint of telephone tapping in 2005, but the SDPI determined in 2006 that there was no violation of law in that case.

In May 2005 the Vilnius police published on its Web site the name, age, place, time of the violation, alcohol level, and penalties imposed on persons convicted of driving while intoxicated. The subjects of the publication contended that such publication constituted a violation of their privacy rights. However, the SDPI investigated and found no privacy violation. Similarly, in September 2005 a television program broadcast photographs of drivers whom police traffic cameras recorded violating traffic rules, which generated complaints from the local NGO community regarding privacy rights. The SDPI concluded that the Vilnius city administration and the Vilnius police did not violate the law, but that the company responsible for the traffic cameras had committed an administrative violation. It turned the case over to the Vilnius city court. The court did not impose any penalty.

In March the Seimas ombudsman's office found that the Lustration Commission charged with investigating Soviet-era practices violated the privacy rights of a government official by publicizing details and comments about his relationship with the Soviet Committee on State Security (KGB) without awaiting the decision of the Administrative Court. The Administrative Court ultimately overturned the Lustration Commission's finding that he had collaborated with the KGB.

There were no reports that doctors divulged confidential data about patients to employers and others.

In 2005 the ECHR issued a judgment that the government discriminated against and violated the privacy of two former Soviet KGB employees. The two complained that the government prohibited them from seeking employment in various private-sector fields until 2009, that they were deprived of their jobs in the private sector, and that they were subjected to daily embarrassment on account of their past.

Following the 2004 ECHR judgment in favor of plaintiffs in a similar case, the government introduced amendments to the law to lift its bars on employment. For the second consecutive year, the Seimas did not pass the amendments, although the government has reintroduced them several times. One similar case remains pending at the ECHR. During the year the ECHR issued three judgments that the government violated the procedural right of the plaintiffs guaranteeing a speedy trial but did not address the merits of the privacy case.

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.

Individuals could criticize the government publicly or privately without reprisal and the government did not attempt to impede criticism.

The independent media were active and expressed a wide variety of views. Radio and television included a mix of independent and public stations. International media generally operated without restriction. In March the Radio and Television Commission prohibited the rebroadcast on local channels of Belarusian state television on the grounds that it disseminated disinformation. The Vilnius Administrative District Court overturned the decision in September, holding that the Commission violated its decision-making procedures and exceeded its authority by considering abstract opinions about the political situation in Belarus.

The law prohibits the dissemination of information that is untrue and that is 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 mass media.

Editor-in-chief of the daily Respublika, Raimundas Celencevicius, was sued in September 2005 by Audrius Cininas for libel for a series of articles that the latter claimed portrayed him as biased in favor of the country's Jewish minority. The case was still pending at year's end. Cininas, a judge, had presided over a trial in 2005 against the owner of Respublika, Vitas Tomkus, who was convicted at that time for inciting ethnic and racial hatred for a series of editorials with anti-Semitic overtones. The conviction was later overturned by the Supreme Administrative Court, which in August refused to reconsider its reversal.

In September the State Security Department briefly detained a publisher and seized one day's issue of Laisvas Laikrastis newspaper on the grounds that the paper was publishing information classified as a state secret. President Adamkus issued a statement criticizing the Security Department's action and called the detention of the publisher and seizure of the issue an attack against free press. Neither the publisher nor the newspaper sought legal redress.

In November a Siauliai City Court found Mindaugas Murza, a Siauliai city council member, guilty of incitement of ethnic and racial hatred because he had started a nationalist political party with an anti-Semitic agenda and presented speeches and written materials inciting disrespect for Jews. Politicians and high-ranking government officials had publicly criticized the founder's statements, and the State Security Department had recommended that the Siauliai prosecutor's office bring charges against Murza. He was fined \$1,760 (5,000 litas). Several of his supporters received lesser fines. Prosecutors also charged him for organizing a demonstration at a menorah lighting ceremony in 2003, but the court dismissed the case because the statute of limitations had expired.

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 engage in the peaceful expression of views via the Internet, including by electronic mail. According to the Department of Statistics, 42 percent of the country's residents between the ages of 16 and 74 used the Internet in the first quarter of the year.

Academic Freedom and Cultural Events

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

Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law and constitution provide for the right to peacefully assemble; the government respected this in practice. There were no reported abuses by police in dealing with demonstrators.

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 (see section 3).

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 special government benefits.

The law divides religious communities into state-recognized traditional religious communities, other state-recognized religious groups, and registered communities and associations. The nine traditional religious communities received special exemptions and rights not available to other religious groups. Both traditional and nontraditional religious communities that are state-recognized may receive state subsidies; however, in practice only the traditional groups regularly received the subsidies. Registered but unrecognized religious communities did not receive the benefits and exemptions enjoyed by traditional and state-recognized communities, but they may act as legal entities. Unregistered religious communities have no juridical status or state privileges, but there were no reports that any such groups were prevented from worshiping or seeking members.

Four applications for status as a "state-recognized religious association" have been pending since 1999, from the Seventh-day Adventist Church, the United Methodist Church of Lithuania, the New Apostolic Church, and the Union of Evangelical Christians (Pentecostals) of the Republic of Lithuania.

The government did not restrict activities of foreign missionary groups within the country.

The law stipulates that state educational institutions may offer religious instruction only of traditional and other state-recognized religions; however, participation in religious classes is not mandatory, and parents can choose either religious instruction or secular ethics classes for their children.

In July the Office of the Equal Opportunities Ombudsperson found that the English language graduation exams discriminated against non-Catholic or nonreligious students by requiring examinees to write essays about what All Saints' Day and Christmas Eve meant to them personally.

Societal Abuses and Discrimination

There are approximately 4,000 Jews in the country, and various Jewish communities are active. Anti-Semitism was manifest in acts of vandalism against Jewish graves and monuments, displays of neo-Nazi sentiment, and public anti-Semitic comments. The political leadership and most media outlets generally criticized anti-Semitic acts of vandalism. A poll reported by the Baltic News Service in February indicated that 31 percent of individuals asked do not want Jewish neighbors. The same poll indicated that 51 percent of respondents do not want Muslim neighbors. The poll did not allow respondents the option to refrain from specifying any group they would not want as neighbors.

In May several young people wearing Nazi-style uniforms and riding Nazi-era motorcycles drove past the Jewish community center in Vilnius, and community members heard the riders yell slogans glorifying Hitler and belittling Jews. The Vilnius city mayor immediately asked the police to investigate the incident. The Vilnius prosecutor's office initiated a pretrial investigation but by year's end had not charged anyone with a crime.

In June vandals tore down 22 monuments at a Jewish cemetery in Vilnius. The president, prime minister, and Vilnius mayor criticized the desecration and urged local law enforcement to find and punish the perpetrators. In a separate incident in September, 18 tombstones in a Vilnius Jewish cemetery were vandalized. In both cases, the Vilnius municipality restored the monuments with city funds. The police had not identified any suspects in either case by year's end.

In August the Supreme Administrative Court refused to reconsider its reversal of the lower court conviction of the owner of the daily *Respublika*, Vitas Tomkus, for inciting ethnic and racial hatred in connection with a series of editorials with obvious anti-Semitic overtones that were carried by the newspaper in 2004. In July 2005 the lower court found Tomkus guilty and fined him \$1,035 (3,000 litas). The Supreme Administrative Court reversed the lower court's ruling in September 2005, ostensibly because of prosecutorial error, and cancelled the fine. The judge in the case later sued an editor of *Respublika*, Raimundas Celencevicius, for libel for a series of articles that the judge claimed portrayed him as biased in favor of Lithuania's Jewish minority. The case was still pending at year's end.

In September a customer dressed up as Hitler greeted other customers at the door of the Fortas bar in Kaunas. Jewish leaders asked the government to state clearly that Nazi symbols and figures should have no place in the country. Several politicians, including members of parliament and a deputy mayor of Kaunas, made public statements condemning the incident and the bar for its role in it. The same bar drew condemnation from politicians and television commentators in April when it marked Hitler's birthday by decorating the bar with Nazi paraphernalia and its staff dressed as Hitler and SS officials. The bar's director called the event a "masquerade, a carnival, and a funny show." Shortly after the September incident, the owner of the bar sent a letter of apology to the local Jewish community, stating that the management and the staff do not tolerate anti-Semitism.

In November a Siauliai City Court found Mindaugas Murza, a Siauliai city council member, guilty of incitement of ethnic and racial hatred because he had started a nationalist political party with an anti-Semitic agenda and presented speeches and written materials inciting disrespect for Jews. Politicians and high-ranking government officials had publicly criticized the founder's statements, and the State Security Department had recommended that the Siauliai prosecutor's office bring charges against the member. He was fined \$1,760 (5,000 litas). Several of his supporters received lesser fines. Prosecutors also charged him for organizing a demonstration at a menorah lighting ceremony in 2003, but the court dismissed the case because the statute of limitations had expired.

In August 2005 a small political party with no seats in the Seimas, the Lithuanian Liberty Union, issued a public statement that Jews were assuming power in the country. The union urged people not to trust Jewish-owned banks or insurance companies. The State Security Department determined that there was insufficient evidence to support charges of ethnic hatred against Jews.

The government continued its investigations in to Nazi-era war crimes (see section 1.a.).

An estimated 10 percent of the pre-World War II population was Jewish. More than 200,000 Jews (approximately 95 percent of the immediately prewar Jewish population) died as victims of the Holocaust. The country continued to work to better understand its past and to make just recompense for its Holocaust legacy. In 1998 President Valdas Adamkus established a historical commission to investigate crimes of both the Holocaust and the subsequent Soviet occupation. The commission has held annual conferences and several seminars, published several reports, and co-sponsored a Holocaust education program. During the year the commission continued to organize conferences and publish reports on the subject. In July the president presented state awards to members of the International Commission for Evaluation of the Crimes of the Soviet and Nazi Occupation Regimes in the country.

For a more detailed discussion, see the [2006 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 law prohibits forced exile, and the government did not employ it.

The law generally allows emigrants to retain citizenship as long as they hold no other citizenship. In April the Seimas amended the law to allow persons to recover Lithuanian citizenship if they lost it under previous laws. In November the Constitutional Court ruled unconstitutional provisions in the same law that allowed for dual citizenship.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and 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 UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. Asylum seekers coming from a safe country of transit are prohibited from entering the country and are returned to the transit country.

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

The presidential and parliamentary elections in 2004 were generally free and fair. However, there were complaints that campaign financing lacked transparency and reports of vote buying during the parliamentary elections. Some vote-buying charges centered on one party's populist campaign tactics of holding political rallies-cum-concerts and distributing candy or campaign paraphernalia. The court found guilty and fined three persons for vote-buying in the parliamentary elections.

In January 2005 an amendment increased the number of enrolled party members necessary to register a political party from 400 to 1,000. The government continued to ban the Communist Party.

There were 35 women in the 141-seat Seimas and three women in the 14-member Council of Ministers. In July 2005 the interior ministry reported that more than 60 percent of civil servants were women and that women occupied 30 percent of the high-level positions within the government.

At year's end, there were six members of ethnic minorities in the 141-seat Seimas and no members of ethnic minorities in the Council of Ministers.

Government Corruption and Transparency

Numerous reports of government corruption received widespread public attention during the year. The new government took steps to highlight corruption as a problem and strengthen oversight.

Polls revealed the public perception that corruption was most prevalent among midlevel civil servants, traffic police, university officials, and those working in the health sector. Public corruption scandals arose among leading politicians as well.

In March two top presidential advisors resigned when it was revealed that they purchased homes in a prestigious district of Vilnius that had formerly been owned by the government and recently sold to developers. The Chief Official Ethics Commission concluded that the officials

did not violate ethics rules by purchasing the houses.

In June Prime Minister Brazauskas resigned after the Labor Party withdrew from the ruling coalition amid allegations of the misuse of state and party funds by leading Labor Party politicians. The health minister in the government admitted to using party funds to repair his car. State investigators also found that the culture minister broke ethics rules by paying family travel expenses from state funds. The Labor Party leader left the country and sought political asylum in Russia following allegations of fraudulent accounting of Labor Party funds and providing false information to election commission officials. A request for his extradition was pending at year's end.

In October 2005 a court sentenced a former parliamentarian to 18 months in a correctional institution for soliciting a bribe (in the form of a contribution to his campaign) while he was a member of parliament. The ex-parliamentarian appealed this ruling in November 2005. In February the appellate court postponed the sentence for one year.

In December 2005 the Seimas approved the conclusions of an ad hoc parliamentary commission that the mayor of Vilnius had received payments in exchange for ensuring that municipal decisions favored certain business interests. A local human rights organization claimed that the Seimas decision interfered in the judicial process. There was no further legal action on these allegations during the year.

The law provides for public access to government information, and government institutions generally provided access in practice. During the year, however, the ombudsman received some complaints regarding delays in providing information, the quality of the information provided, and failure of municipal institutions to provide material requested. The ombudsman requested heads of institutions and other unit supervisors to consider disciplinary actions against the officials involved. Although the ombudsman's recommendations are not binding, state institutions have implemented recommended disciplinary actions in 86 percent of the cases.

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.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, social status, or ethnic background as well as discrimination based on age, sexual orientation, disability, religion, or belief. The law provides penalties for discrimination on the basis of age, disability, race, ethnic origin, religion or belief, and sexual discrimination. Despite these programs and prohibitions, discrimination against women and minorities persisted.

Women

Societal violence against women, particularly alcohol-related domestic violence, remained a serious problem. The law does not specifically criminalize domestic violence, but authorities prosecuted domestic violence under general assault laws. There was no authoritative information on the extent of the problem.

When such violence occurs in the home, the victim must file a complaint to initiate an investigation. Certain NGOs maintained that few victims of domestic violence reported abuses to police because they preferred to avoid publicity and were not confident that the courts would punish their assailants. Only a few of the reported complaints reached the criminal court. The maximum penalty the courts imposed was two years' imprisonment. Observers criticized the government's ability to enforce the law prohibiting domestic violence. Since domestic violence is prosecuted under general assault laws, the data was not segregated, and no reliable information existed on either the number of complaints of domestic violence or the number of convictions resulting from these complaints.

Thirty-nine women's shelters, operating with the funding and under the direction of NGOs or municipal governments, provided assistance to domestic violence victims. Shelters reported that the increase in women applying for assistance was attributable to the growing availability of services rather than an increase in violence against women. During the year the Vilnius-based Shelter for Children and Mothers provided assistance to 287 victims of domestic violence, forced prostitution, and human trafficking.

The law specifically criminalizes rape, including spousal rape. Persons convicted of rape generally received sentences of three to five years' imprisonment. During the year there were 253 rapes reported. Police were sometimes reluctant to act in cases of domestic abuse.

Prostitution is illegal but remained a problem. The penalty for prostitution is a fine of \$107 to \$178 (300 to 500 litas) for a single offense and up to \$345 (1,000 litas) for repeat offenses. According to the police, 2,100 women engaged in prostitution in 2006, compared to an estimated 3,000 to 5,000 in 2004.

Trafficking in women for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

The law prohibits sexual harassment. A 2004 survey reported that 14 percent of university students surveyed, most of them female, experienced sexual harassment from professors and university staff. The equal opportunities ombudsman reported that the lack of authority to compel witnesses to testify, or to caution witnesses against presenting false evidence, hampered investigations of sexual harassment.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. Women nevertheless

continued to face discrimination. A May 2005 report of the Open Society Institute and the Equality Center stated that gender equality institutions existed exclusively in the large cities and that they provided inadequate outreach at the regional or local level.

National policy requires equal pay for equal work; however, employers often paid women less than their male counterparts. During the year a woman's average wage was 84 percent that of a man; in the public sector, women's wages were 82 percent those of men. Women were underrepresented significantly in some professions and in business and the managerial sector as a whole.

The public opinion and market research company TNS Gallup released results of a labor market survey which showed that women felt discrimination in the labor market and that men also noticed unequal conditions for women. Only 37 percent of the country's residents thought that men and women had equal opportunities.

Children

The government was committed to children's rights and welfare.

Public education was compulsory, free, and nearly universal for children through the age of 15. According to the children's rights ombudsman's data for 2005, approximately one percent of children under 15 did not attend school.

Boys and girls had equal access to government-provided medical care.

Child abuse, particularly in connection with parental alcohol abuse, continued to be a problem. According to the Department of Statistics, approximately 36,500 children lived in 16,400 abusive or dysfunctional families. Several media sources reported that incidents of cruelty to children, including sexual abuse, intentional starvation, beatings, and killings, were common. Authorities reported that child abuse caused the death of 14 children during the year.

The children's rights ombudsman reported 316 complaints during the year, compared to 430 in 2005. During the year, the ombudsman initiated 107 investigations, compared to 74 in 2005. The ombudsman attributed the increase to greater awareness of children's rights and reporting, rather than an increase in violence against children. The Seimas' board allocated additional staff and funding for the ombudsman during the year.

The penalty for violence or cruelty against minors is a one to two year prison sentence. In addition, authorities may remove abused children from their families and place them in foster care. Despite government efforts to combat child abuse and aid abused children, the ombudsman reported that the government provided insufficient assistance for abused children.

There was one report of child abuse at a state correctional institution. In September 2005 a study by the Lithuanian Law Institute reported that children in orphanages continued to suffer physical abuse. The government relocated children from Soviet-style orphanages to residential foster families, thus permitting children to attend regular schools rather than orphanage schools. Foster families, however, did not always ensure adequate care for children. During the year, the children's rights ombudsman received 30 complaints about violations of children's rights in orphanages and no complaints about such violations in foster homes.

The law provides for up to 13 years' imprisonment for sexual abuse of a child; however, sexual abuse of children remained a problem. During the year the interior ministry registered 69 cases of child sexual abuse (excluding child rape). In 2004 a Vilnius hospital and private firm conducted a survey of 18- to 20-year-olds indicating that 31 percent of those surveyed experienced sexual abuse during their childhood and adolescence; the children's rights ombudsman stated that the survey exaggerated the number of victims.

The government operated a children's rehabilitation center to provide special care for sexually abused children.

As in 2005 the Child Line (a children's hotline) received more than 40,000 calls from children, who complained about problematic relations with their parents and friends, violence in their families, and sexual abuse.

Trafficking of girls was a problem (see section 5, Trafficking).

During the year the Equal Opportunities Ombudsman initiated two pre-trial investigations regarding sexual exploitation of a child.

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 government sponsored free services. There were no reports of police abuse of street children.

Trafficking in Persons

The law prohibits all forms of trafficking in persons. The country remained a source, transit, and destination point for trafficking in women and girls. Women were primarily trafficked to Western Europe. Most women trafficked into or transiting the country were from Eastern Europe.

Europol estimated that over 1,200 women and girls were victims of human trafficking every year. The government estimated that approximately 1,000 to 1,500 women, many of them trafficking victims, left the country each year to engage in prostitution. In addition,

women from Belarus, Russia, and Ukraine comprised approximately 12 percent of the country's prostitutes.

Traffickers targeted the most vulnerable social groups: young females from poor or unstable families. Traffickers also commonly targeted young women from ethnic minorities. Many were lured by deceptive offers of employment 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 targets of traffickers.

Police reported that nearly half of traffickers were linked to organized crime, including international groups.

The International Organization for Migration (IOM) stated that trafficking activity increased after the country joined the European Union in 2004. The IOM and NGOs also noted, however, that trafficking may have decreased or stabilized at least during the year, compared to 2005. During the year the government opened ten criminal cases of trafficking in persons and referred seven of these to the criminal court system. Four prosecutions ended in convictions, with sentences ranging from three years to four years of imprisonment. The government cooperated with other European governments on several cases of trafficking in persons. During the year police determined that 27 women, including three minors, were victims of trafficking; investigations in other cases continued at year's end.

The ministries of interior, justice, social security and labor, education and science, 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.

Early in 2005 a joint government task force uncovered an organized crime gang that had transported nearly 100 young females from the country to the United Kingdom. In December law enforcement officers completed their investigation of 12 suspects and transferred the case to prosecutors.

In 2005 the police detained five employees of model agencies amid allegations that the agencies were fronts for human trafficking to Western Europe and the United Arab Emirates. The investigation was continuing at year's end.

The government partially funded 15 day centers that assisted various groups at risk, including victims of trafficking. The government also provided grants to 12 NGOs that offered trafficking victims assistance or temporary shelter. No formal screening and referral procedures existed, but police worked closely with these assistance providers.

Prevention programs focused on disseminating information, promoting awareness of trafficking, especially among at-risk populations, and engaging policymakers and community actors in finding solutions to the problem. The government improved training for law enforcement officials. During the year the police organized two specialized antitrafficking training courses (trafficking awareness and investigation of cases) for 60 law enforcement officials, prosecutors, and judges.

In coordination with the government and its national antitrafficking plan, the IOM carried out comprehensive research of the problems of legal prosecution of human trafficking in the country during the year. The IOM continued consultations on safe migration (on-line and by phone) and provided assistance to 16 victims of trafficking during the year. In 2005 the IOM and the Ministry of Social Affairs trained 34 social workers on trafficking prevention and providing assistance to victims. The IOM also published a handbook about preventing human trafficking for teachers to use in schools.

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. The Equal Opportunities Ombudsman received complaints concerning discrimination against persons with disabilities. The law mandates access to buildings for persons with disabilities; however, the government generally did not enforce this provision in practice. Individuals involuntarily declared as incapacitated have no right to appeal the decision in court.

In 2005 the NGOs Human Rights Monitoring Institute, Global Initiatives in Psychiatry, the Fellowship for Care of Mentally Challenged People Viltis, and the Vilnius Center of Psycho-social Rehabilitation surveyed nine sanitariums and five mental institutions and found that the institutions and sanitariums were operating in gross violation of patients' rights to information, privacy, and freedom from torture. The survey reported discriminatory staff treatment that extended greater privileges to favored patients. The NGOs also reported violations of patients' rights to education and property. The study recommended making available 24-hour special community services in the workplaces and homes of persons with disabilities and guaranteeing care to people suffering from serious mental disabilities.

The Ministry of Social Affairs and Labor and the Lithuanian Council for the Affairs of the Disabled focused on 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.

National/Racial/Ethnic Minorities

Discrimination and intolerance against ethnic minorities persisted despite laws that prohibit discrimination of ethnic or national minorities. Minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites constitute approximately 16.5 percent of the population.

The small Romani community (approximately 3,000) experienced discrimination in education, employment, health care, housing, services,

citizenship, and in contacts with the police. The Human Rights Monitoring Institute reported that Roma alleged mistreatment by the police. The Human Rights Monitoring Institute also reported that on two occasions restaurants in Vilnius refused to serve Romani patrons. There were also reports of ambulances refusing to respond to calls in a predominantly Romani community.

Minority advocates continued to criticize the Vilnius city government for focusing law enforcement attention on the Roma but doing little to integrate them into the broader community. After demolishing five allegedly illegal houses in a predominantly Romani area in 2004, the municipality did not immediately relocate the displaced occupants. A woman with three children lived in a tent until the municipality offered housing at the end of the year. Four families found shelter with relatives or friends. Some Romani families agreed to move to public housing in other parts of the city. The ombudsman, who had attempted to intervene in the demolition of the Romani houses, referred this matter to court, where it was pending at year's end. In August a Romani resident requested that the Vilnius city prosecutor's office acknowledge her as a victim of the demolition to give her standing to sue for damages.

Although public sector employees are formally required to have a functional knowledge of the Lithuanian language, there was no documented evidence of job dismissals based on the language law. Authorities indicated that, while the law's intent is to encourage competence in Lithuanian as the official language of the state, the government would not dismiss persons solely because of an inability to meet the language requirements.

Other Societal Abuses and Discrimination

During the year the ombudsman received 130 complaints of discrimination and initiated 135 investigations (including five not based on complaints). Most complaints concerned either age discrimination in obtaining insurance, loans, and leases, or sexual discrimination in the workplace and labor market.

Local human rights organizations and members of the homosexual community reported that physical abuse on the street, discrimination, and persistent social exclusion of homosexuals were problems.

In October the ECHR opened a hearing into a case against the government by a young transsexual woman who appealed to the ECHR to order the Ministry of Health to provide a sex change operation as recommended by her doctors. The ministry deferred acting on the doctors' recommendation on the grounds that the Seimas had not approved a law on sex change. The ECHR had not reached a decision in the case by year's end.

Section 6 Workers Rights

a. The Right of Association

The law allows workers, including members of the police and armed forces, to form and join unions of their choice, and workers exercised this right in practice. However, unions represented only approximately 10 percent of the workforce.

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. There were no reports of direct discrimination against members of unions. The law provides that trade unions shall be freely established and function independently. Although the law prohibits employer discrimination against union organizers and members, this prohibition was often ineffective in practice, and there were cases of employees punished for attempting to organize. According to the International Trade Union Confederation, no employer has yet "faced the penal sanctions foreseen by law for antiunion discrimination." Some large retail stores hired short-term contract labor and sometimes did not renew contracts of union members.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law protects collective bargaining for all workers except government employees involved in law enforcement and security-related work. The Lithuanian Tripartite Council, comprising representatives from labor, business, and government, estimated that between 5 and 25 percent of workers were covered under collective bargaining agreements. 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 without union representation are unable to strike legally.

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.

There are no special laws or exemptions from regular labor laws in the four free economic zones.

c. Prohibition of Forced or Compulsory Labor

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

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 laws effectively. In 2004 statistics

indicated that 10 percent of children working did so illegally, mostly in the agricultural sector where children sometimes received unlawfully low compensation.

The law sets the minimum employment age at 16, but allows employment of 14-year-olds to perform light labor with the written consent of the child's parents and school. The law provides for reduced working 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.

In May 2005 the media reported that a number of school-age children performed farm fieldwork without contracts and received \$5.20 (15 litas) per day.

During the year, the Equal Opportunities Ombudsman initiated two pre-trial investigations regarding sexual exploitation of a child.

The State Labor Inspectorate (SLI) is responsible for receiving complaints related to employment of persons under 18. During the year, the SLI received six complaints of illegal child labor and courts initiated pretrial investigations of these cases. The court fined an employer \$1,100 (3,000 litas) in one case and dismissed another which is now under appeal. The other cases remain pending.

The ministries of social security and labor, education, health, and interior administered programs to protect children's rights.

e. Acceptable Conditions of Work

In July the government increased the legal minimum wage to approximately \$214 (600 litas) per month. The national minimum wage did not provide a decent standard of living for a worker and family.

The law provides that maximum working hours within a seven-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 SLI is responsible for implementing the labor laws; in 2006 it conducted 19,729 inspections of companies. The most numerous abuses included wage arrears, illegal employment, violation of labor contracts, accounting for time off and hours worked, and unsatisfactory investigation of accidents.

The law provides that workers have the right to safe and healthy working conditions, and this was generally enforced. During the year the state labor inspection service recorded 79 fatal accidents at work. Workers have the right, both in law and practice, to remove themselves from dangerous work environments without jeopardizing their continued employment.