



## 2008 Human Rights Report: Lithuania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 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). Free and fair parliamentary elections on October 12 and October 26 led to the formation of a center right coalition government in December. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in a number of areas, including poor prison conditions, police and government corruption, domestic violence and child abuse, and trafficking in women and girls. The number of reports of racial or ethnic violence and intolerance continued to grow.

### 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.

The prosecutor's office continued approximately 80 investigations involving allegations of crimes against humanity and war crimes, including 20 related to the Holocaust. Courts found three persons former Soviet officers guilty of crimes against humanity committed during the Soviet occupation. They sentenced two of the defendants to five and eight years in prison and pardoned the third, who was considered infirm. Prosecutors also forwarded to the courts two cases involving former Soviet military officers charged in connection with the deportation of individuals to Siberia during the Soviet occupation. One case involved the deportation of 15 individuals, the other of 37. From January through September, the prosecutor's office initiated seven additional investigations of possible crimes against humanity.

On July 4, the Court of Appeals upheld a lower court ruling that kept Nazi collaborator Algimantas Mykolas Dailide out of prison and declared him not dangerous to society. The government brought criminal charges against Dailide in 2005, alleging collaboration with the Nazis and persecution of Jews. In 2006 the Vilnius District Court convicted him of crimes against Jews during the World War II Nazi occupation but did not impose a sentence due to the 85 year old convict's age and infirmity.

On September 19, the prosecutor's office terminated its investigation of Yitzhak Arad for what it characterized as possible crimes against humanity while an anti Nazi partisan in Lithuania and Belarus during World War II. Arad is a former director of the Israeli Holocaust Remembrance Authority, Yad Vashem. Prosecutors had sought to question Arad about the killing of Lithuanian partisans and civilians.

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.

During the year the human rights ombudsman's office received five complaints that officials used force and psychological pressure to obtain evidence in an investigation. Two complaints were found groundless, two were terminated because pretrial investigations were initiated, and one remained under investigation in January 2009. The ombudsman's office received four complaints in 2007.

Military police opened 10 cases related to military hazing during the year, compared with 17 in 2007. They forwarded six of the 10 to the courts, terminated two due to lack of evidence, and continued to investigate the other two. Most reports of hazing alleged that draftees physically abused each other or subjected each other to psychological pressure.

Prison and Detention Center Conditions

Domestic human rights advocates reported that prison conditions remained poor, although government measures to upgrade prisons brought them closer to meeting international standards.

During the year the parliamentary ombudsman received 309 prisoner complaints, compared to 317 in 2007. Most related to the failure of prison administrators to give proper attention to prisoners' grievances, which included poor prison conditions; mistreatment by prison department personnel; restrictions on prisoners' rights, e.g. by censoring their correspondence or failing to allow family visitors; inadequate medical services; and poor working conditions. The ombudsman's investigators found 46 complaints to be justified, while the others were outside the ombudsman's purview. The ombudsman received seven complaints during the year alleging that working inmates were paid less than they were supposed to be paid. The ombudsman found two of these complaints to be justified. One complaint was under investigation at year's end.

In 2006 the European Court of Human Rights (ECHR) ruled that officials' monitoring of a Siauliai prison inmate's correspondence with his wife was inappropriate and that the country should amend its regulations on monitoring inmate correspondence.

Through September, 22 prison and detention center inmates died, compared with 30 in 2007. According to authorities five deaths were suicides, 16 were due to natural causes, and one was accidental. In the same period, 40 inmates were injured by other inmates, compared to 34 in 2007. Reported self-inflicted injuries numbered 149 compared to 94 in 2007.

The government renovated the Vilnius prison hospital and six other facilities. However, three correctional institutions remained overcrowded. For example, the facility in Siauliai had a capacity of 408 inmates after a recent remodeling, but held 525.

The government permitted independent human rights observers and researchers to visit prisons. The parliament's office of the ombudsman made eight visits to prisons. Media representatives also visited prisons. The International Committee of the Red Cross did not visit any prisons in the country.

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 investigation of 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, nongovernmental organizations (NGOs), and public opinion polls indicated that corruption was a lingering problem.

In the first nine months of the year, 11 police officers were accused of abuse of power, compared with 18 in all of 2007. The ombudsman investigated 146 complaints about police activities, compared to 226 in 2007, and determined 51 to be valid, compared to 75 in 2007. In all cases where complaints were found to be valid, authorities disciplined the police officers involved. In most cases police officers faced administrative disciplinary actions, such as demotion or reprimand.

On July 15, the ECHR agreed to hear the appeal of Danuta Iljina and her daughter, Evelina Saruliene, who contended that in 2004 police violated their dignity with unnecessary physical force, requiring Iljina to undress in front of neighbors and strangers. Police had suspected them of theft. They sought compensation of over one million litas (approximately \$415,000) for family members' health treatment, travel expenses, lawyer fees, and pain and suffering.

#### Arrest and Detention

Warrants are 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. There were no complaints of failure to inform detainees of the charges against them. Bail was available and was used widely. 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, this right was 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.

Judges may only order pretrial detention to prevent flight or the commission of new crimes, to allow unhindered investigation, or to comply with extradition requests. They may do so, however, only in the case of an individual suspected of a felony. 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. During the year the average length of pretrial detention was approximately seven months, and 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 and avoids trial. The law establishes the right to legal counsel for defendants upon arrest. It provides for legal assistance for indigent persons; however, as of September 30, the human rights ombudsman had received 47 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 February the ECHR ruled that the country's courts had not violated the European Convention on Human Rights by convicting three Communist Party officials in 1998 of attempting a coup d'etat in 1991.

#### 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 claims. Although the ombudsman may only make recommendations to the offending institution, his findings are commonly honored in practice.

#### 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 restituted to the Jewish community under the law, which applies only to the restitution of religious properties.

#### 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 these laws. In the first nine months of the year, the State Data Protection Inspectorate investigated 97 allegations of arbitrary interference by officials with privacy, compared to 129 investigated complaints in 2007. The inspectorate also conducted 102 audits of government agencies, unrelated to complaints, compared with 97 such audits in 2007. 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.

#### 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.

On June 17, parliament amended the Administrative Law to ban the distribution or display in public gatherings of Soviet or Nazi related symbols. On September 4, a court fined a woman in Vilnius 500 litas (approximately \$207) for selling souvenirs containing Soviet symbols.

Instigating hate through the mass media is a crime punishable by up to two years' imprisonment. The number of hate speech investigations opened by prosecutors continued to increase. During the year the prosecutor's office opened investigations involving 99 allegations of instigation of hate (including over the Internet), and one for discrimination, compared to 37 in 2007. It forwarded 25 cases to the courts for trial. Courts completed 15 of these and convicted 12 persons, imposing fines of 400 to 3,000 litas (approximately \$166 to \$1,244). Sixteen of the 99 investigations were terminated for lack of evidence; the remaining 83 investigations and eight court cases (including some from previous years) were ongoing. Most of the hate allegations related to racist, anti-Semitic, or homophobic expression. The deputy prosecutor general, Gintaras Jasaitis, ascribed the increase in incidents to the spread of the Internet, which facilitated widespread, anonymous publishing.

On July 23, Vilnius Mayor Juozas Imbrasas stated that as long as he was mayor, "there will be no (public) advertising for sexual minorities." On August 20, the Vilnius municipality refused to issue a permit that would have allowed the European Commission's mobile display, "For Diversity. Against Discrimination," advocating tolerance for all, including gays, to hold an event at the Old City Hall Square. The event was held instead in the less centrally located private parking lot of a shopping center. After a permit was withheld for a similar event in 2007, the equal opportunities ombudsman opened an investigation to determine if the municipality acted legally by cancelling the prodiversity event; however, the ombudsman later terminated the investigation due to a lack of information. NGOs, European Commission officials, and some government officials criticized the withholding of the permit.

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.

On September 22, the Vilnius Regional Administrative Court upheld a 2007 decision of the Lithuanian Radio and Television Commission that fined the director of the music television channel MTV Lithuania 3,000 litas (approximately \$1,244) for broadcasting the cartoon series Popetown, which satirizes the Roman Catholic Church and the Pope and was broadcast in the early evening when children could view it. The commission's decision followed a report by the Inspector of Journalistic Ethics, which concluded that the series also instigated religious hate; however, the commission based its fine on the narrower grounds of inappropriateness for children.

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, persons were subject to criminal prosecution for posting to Web sites material that authorities deemed as instigating hate.

According to the Department of Statistics, 47 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, up from 40 percent in the same period in 2007.

#### 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 parade permits to gay rights groups on several occasions during the year.

##### 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 special government benefits. There were no reports that less favored groups were prevented from worshiping or seeking members.

On July 15, parliament granted the Seventh day Adventists the status of a state recognized religious association, which gives them, among other benefits, the right to offer religious instruction in the public schools to students who wish to receive it. Applications for the same status from the United Methodist Church of Lithuania (applied in 2001), the New Apostolic Church (applied in 2003), and the Pentecostals (Evangelical Belief Christian Union, applied in 2002) were pending.

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

On June 17, parliament approved amendments to the Law on Equal Rights, which added 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 apply to schools established by religious groups, which may, for example, hire teachers only of that religion.

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During the year construction was completed of a residential and commercial complex located on or near the site of a historic Jewish cemetery in Vilnius. Negotiations between the government and Jewish groups continued over the correct historical perimeter of the cemetery, how to treat the portion that has not been built upon, and how to memorialize the location.

#### Societal Abuses and Discrimination

Anti-Semitism was manifested in a number of acts of vandalism against Jewish graves and monuments, displays of neo-Nazi sentiment, and public anti-Semitic comments.

In the first 10 months of the year, at least 12 anti-Semitic incidents were reported. Senior officials condemned, although not always promptly, such incidents, and police were active in investigating them. On June 17, a Vilnius court fined two persons 1,300 litas (approximately \$539) each and one person 2,990 litas (approximately \$1,249) for taking part in an unsanctioned skinhead march on March 11, during which participants shouted anti-Semitic and anti-Russian slogans. Investigations of other participants were continuing.

On August 10, the Jewish community center in Vilnius and the Jewish community center in Panevezys were vandalized with anti-Semitic symbols and language. Police immediately began an investigation, which continued at year's end.

On October 16, 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.

Police investigations did not identify any suspects in the March 2007 vandalism of 12 headstones in the Suderve Jewish cemetery in Vilnius, the vandalism of the Jewish cemetery in Rokiskis region, or the 2006 incident in which persons in Nazi-style uniforms yelled pro-Hitler and anti-Semitic slogans while riding past a synagogue.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### 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 internally displaced persons, 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 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Asylum seekers coming from a safe country of transit were prohibited from entering the country and were returned to the transit country without a review of 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 UN refugee 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. An additional form of protection, "subsidiary protection," may be granted to an individual alien who does not qualify as a refugee but who cannot return to his country 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 his basic rights or fundamental freedoms. Between 1997 and 2007 more than 500 persons were granted subsidiary protection.

#### Stateless Persons

Citizenship law incorporates both territorial (*jus soli*) and kinship (*jus sanguinis*) elements, with the emphasis on the former. According to UNHCR statistics, in 2005 there were approximately 8,700 stateless persons, of whom 7,500 had permanent residence permits. In 2007 the number of stateless persons was approximately 5,900, of whom 4,100 held permanent residence permits.

Virtually all of the stateless persons were individuals who resided in the country at the dissolution of the Soviet Union but did not qualify for automatic citizenship; however, according to the director of the Lithuanian Migration Department, they were entitled to apply for citizenship but 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

Parliamentary elections, held in October, were free and fair. Several complaints about irregularities, mostly alleging minor infractions, were filed after the elections, and some of those cases remained under investigation at year's end, while others had been dismissed.

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

In February 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 February 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 26 women in the 141 seat parliament and one woman in the 14 member Council 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 Council of Ministers.

#### Government Corruption and 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 some officials were convicted and punished 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. For example, in February the Special Investigation Service began an investigation of the mayor, deputy mayor, and the head of administration of the Trakai municipality. They were suspected of receiving bribes of 200,000 litas (approximately \$82,900) in connection with the development of a shopping and entertainment center. The officials were dismissed from their posts pending the outcome of investigation.

On March 20, Vilnius city council member and former mayor Arturas Zuokas was convicted of attempting to bribe a city council member prior to a no confidence vote in 2003. The court's decision forced him to resign from the city council. Zuokas has appealed.

On March 31, parliamentary speaker Viktoras Muntianas resigned amid allegations that he bribed a deputy governor of Kaunas County to obtain assistance with a relative's business. An investigation was underway at year's end. The deputy governor also resigned, on March 26, and was subsequently sentenced to six months' house arrest.

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 was ongoing at year's end.

Political developments initially halted a court case against Viktor Uspaskich, leader of the Labor Party, who faced charges of fraudulent accounting for party funds and providing false information to election commission officials. In 2006, when the allegations were initially made, Uspaskich sought asylum in Russia, but in September 2007 he returned and was under house arrest until April 2008. In October Uspaskich was elected to parliament, giving him immunity from prosecution. On November 27, the prosecutor general asked parliament to waive immunity for Uspaskich, another parliamentarian implicated in the same case, and a third man who faced charges in an unrelated matter, and on December 9, parliament waived the immunity of all three men.

The law provides for public access to government information, and government institutions generally provided access in practice. From January through September, the parliamentary ombudsman received 70 complaints of delays by government offices in providing information and found 47 of them to be valid. The ombudsman asked heads of institutions and other unit supervisors to consider disciplinary action against the officials involved. Although the ombudsman's recommendations are not binding, in the first nine months of the year officials took disciplinary action in over 90 percent of complaints forwarded to them by the ombudsman.

#### 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 and provides penalties for discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government programs and prohibitions, discrimination against women and minorities persisted.

### Women

The law criminalizes rape, including spousal rape. Convicted rapists generally received sentences of three to five years' imprisonment. In the first nine months of the year, 102 rapes were reported compared to a twelve-month total of 189 in 2007. Societal violence against women, particularly alcohol related domestic violence, remained a serious problem.

The law does not criminalize domestic violence specifically, but instead prosecutes it under general assault laws. To initiate an investigation into cases of domestic abuse, the victim must file a complaint. The maximum penalty the courts imposed was two years' imprisonment. According to the Ministry of Social Affairs, police reported receiving 33 calls regarding household conflicts in 2007. Slightly more than half the reports had come from women. The Interior Ministry estimated that 514 women suffered from domestic violence in 2007, including 418 inflicted by a partner and 96 from violence by children.

In August 2007 a video recording of a man beating a woman appeared on a popular Web site. Police opened an investigation and located the victim, but she declined to testify. The man was sentenced to one year in prison; however, the sentence was suspended.

Municipal governments and NGOs funded and operated 39 shelters that provided assistance to domestic violence victims. As of the end of September, the Vilnius based Shelter for Children and Mothers provided assistance to more than 160 victims of domestic violence, forced prostitution, and human trafficking.

On June 3, parliament approved amendments to the Civil Code that require the offender, as opposed to the victim, to leave the family domicile in cases of domestic violence.

Prostitution is illegal but remained a problem. The penalty is a fine of 300 to 500 litas (approximately \$124 to \$207) for a single offense and up to 1,000 litas (\$415) for repeat offenses. In the first eight months of the year, police charged 72 women with administrative violations for prostitution.

The law prohibits sexual harassment. According to the Equal Opportunities Ombudsman's Office, approximately 20 percent of women experienced sexual harassment. In the first eleven months of the year the equal opportunity ombudsman received one complaint of sexual harassment, as had been the case in 2007. According to the ombudsman's office, women remained reluctant to approach police or other institutions in cases of sexual harassment.

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 2007 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.

During the year, as part of the National Strategy for Reduction of Domestic Violence Against Women for 2007-09, the government continued funding prevention, education, and victim assistance programs. Most programs were

implemented by NGOs financed by the government and European Union (EU) structural funds. The government operated a mobile information center to educate persons about domestic violence.

#### Children

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

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, beatings, and killings, were common. Authorities reported that child abuse caused the death of five children between January and September. The children's rights ombudsman reported 245 complaints during the same period, compared to 387 in all of 2007, and 316 in 2006; authorities initiated 199 investigations, compared to 147 in 2007.

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 efforts to combat child abuse and to aid abused children, the ombudsman reported that insufficient assistance was provided.

There are 113 orphanages and 35 foster homes. Orphanages still house 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 12 investigations of possible violations of children's rights in orphanages. No complaints were received about 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. By September 1, the Interior Ministry had registered 41 cases of child sexual abuse (excluding child rape), compared to 49 cases in all of 2007. The government operated a children's rehabilitation center to provide special care for sexually abused children.

In 2007 the Child Line (a children's hot line) received more than 70,000 telephone calls and 2,000 letters from children who complained about problems ranging from relations with their parents and friends to violence in their families and sexual abuse.

Between January and September 1, the controller for the protection of children's rights received eight complaints regarding sexual exploitation of a child. In six cases the victims were transferred to law enforcement institutions. Two investigations were cancelled because the crime was committed by a minor (up to 14 years old) and four were ongoing as of December 1. In 2007 the controller investigated seven cases of reported sexual exploitation of a child; he determined that four of them were groundless. Three cases resulted in further investigation.

In September parliament adopted a law on the monitoring and care of children that created monitoring groups in schools to prevent violence and the exploitation of children. In 2007 authorities established 556 new social worker positions throughout the country to strengthen social protection for children most vulnerable to trafficking or sexual abuse.

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, who are mostly runaways or from dysfunctional families, had full access to free government sponsored services.

#### Trafficking in Persons

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

Women were trafficked within the country and to the United Kingdom, Germany, Spain, Italy, Denmark, Norway, and the Netherlands. The country was a transit point for women trafficked from Belarus, Russia, and Ukraine.

Traffickers targeted the most vulnerable social groups, particularly young women from poor or unstable families. Traffickers commonly targeted young women from boarding schools that also served as orphanages. 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 through threats and the withholding of their personal documents. Families often were unaware of the victims' predicament and believed that they had been kidnapped.

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

The law provides penalties for trafficking in persons of two to 12 years' imprisonment and for trafficking in children (minors or juveniles) of two to 15 years' imprisonment. During the year the government opened 11 criminal trafficking cases and referred six of these to the criminal court system. Three prosecutions ended in convictions, with eight persons sentenced to prison terms ranging from 21 months to eight years.

Authorities cooperated with other European governments on several trafficking cases. In the first eleven months of the year, police identified 18 persons, including two minors, as victims of trafficking; investigations in other cases continued. In 2006 the International Organization for Migration established a database with information from some key NGOs on assisted trafficking victims in the country. As of December 1, 35 women, including two juveniles, had been added to this database, compared to 54 women in 2007. NGOs maintained that many additional victims remained unidentified.

The ministries of Interior, Justice, Social Security and Labor, and 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. On March 30, the government appointed an undersecretary level official at the Interior Ministry to coordinate government wide antitrafficking activities.

Police cooperate regularly with their British, German, and Scandinavian counterparts on trafficking in persons. No persons were extradited from the country on trafficking offenses during the year.

During the year prosecutors investigated nine suspects in an organized crime gang charged with transporting nearly 100 young women to the United Kingdom. Charges were brought against seven suspects. On December 10, the Siauliai Regional Court sentenced the head of one modeling agency, Jolanta Razmiene, to five years in prison for selling 11 young women. Four other defendants received shorter prison terms, but all of them were sentenced to at least 21 months in jail. The sentences also required the traffickers to pay 50,000 litas (approximately \$20,000) to 10 of the victims (the remaining victim would not take any money). Charges against one suspect were dropped because he testified against the others. One suspect was acquitted, but the prosecutor appealed the decision. Those convicted also appealed.

In 2005 police arrested five employees of modeling agencies on allegations that the agencies were fronts for human trafficking to Western Europe and the United Arab Emirates. On November 10, the Vilnius District Court sentenced one woman to 36 months in prison. Two other women were fined 37,500 litas (approximately \$15,547) and 31,250 litas (approximately \$12,955).

The government partially funded 15 day-centers that assisted various groups at risk, including trafficking victims. It also provided grants to 13 NGOs that offered trafficking victims assistance or temporary shelter. During the year authorities implemented formal screening and referral procedures for trafficking victims.

The government continued implementing a prevention campaign that included seminars, posters, television and radio public service announcements, videos for schools, and antitrafficking brochures. Authorities also assisted NGOs and international organizations with prevention programs.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://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. During the year the equal opportunities ombudsman investigated eight cases of alleged 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 incapacitated have no right to appeal the decision in court.

The Ministry of Social Affairs and Labor and the Lithuanian Council for the Affairs of the Disabled are the two primary governmental organizations with responsibility 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.

#### 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. Reports of racial or ethnic violence and intolerance continued to increase during the year. Between January and September, the prosecutor's office initiated 84 investigations related to discrimination or incitement to racial or ethnic hatred, compared to 37 in 2007 and 17 in 2006.

For example, on April 9, in Vilnius, a group of young persons attacked a popular singer, Berneen, a South African of Indian descent. On April 28, a drunken stranger verbally assaulted two black athletes in Kaunas. On May 2, posters with the slogan "no to the culture of black people" were displayed in a park in Klaipeda city. Investigation of all three incidents continued at year's end.

Investigations continued into a number of incidents that occurred in 2007, including: assaults on several foreign students, among them two Africans, of the Lithuanian Christian College in Klaipeda; a fight between Lithuanian and Nigerian youths in May and an attack on a man from Ghana two days later, both 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 education, housing, healthcare and other services; in employment (an unemployment rate of 50 percent); and in contacts 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. On September 26, following appeals, the

Supreme Administrative Court returned a case involving Romani housing in Vilnius to the Vilnius regional court for further investigation. The regional court had awarded 100,000 litas (approximately \$41,457) to Romani neighborhood inhabitants for residential and nonresidential housing torn down in 2004 but rejected their 5.6 million litas (approximately \$2.3 million) claim for compensation for the value of the buildings themselves. Both the city and the Roma community appealed the parts of the decision that went against them. The case was pending at year's end.

A study by the EU Agency for Fundamental Rights concluded in August 2007 that responses to cases of ethnic discrimination registered in the country were ineffective and that insufficient attention was given to the problem. According to the research, the law provides possibilities to complain about ethnic discrimination; however, the sanctions usually applied in such cases were insufficient, and victims received insufficient or no compensation. The government was revising its National Anti Discrimination Program to address increased levels of discrimination.

#### Other Societal Abuses and Discrimination

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

In July the government paid 40,000 euros (approximately \$56,000) to a transsexual woman after the ECHR ruled in September 2007 that authorities had violated her privacy rights. The ruling also ordered the state to pass a sex change law within three months of its ruling; however, no such law was passed.

In the first eight months of the year, the equal opportunity ombudsman investigated 12 cases of age discrimination, compared to 17 in all of 2007. Most complaints concerned discrimination in obtaining insurance, loans, or leases.

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

#### Section 6 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, and workers exercised this right in practice. Unions represented approximately 10 percent of the workforce.

To register, 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 that trade unions shall be freely established and function independently. While the law authorizes unions to conduct their activities without interference, the government only partly protected this right in practice. Employers sometimes discriminated against union members.

##### 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. The Lithuanian Tripartite Council, consisting of 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 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 strike legally. According to the Department of Statistics, there were 111 legal strikes during the year. For example, on March 3, teachers at approximately 200 schools and kindergartens went on strike as the teachers union demanded a 50 percent pay raise. The strike ended when the government and teachers agreed to a 35 percent raise in two increments. On October 7, employees of higher educational institutions went on strike, demanding a pay raise. The average length of a strike was 6.65 workdays.

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, no employer has ever 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.

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 export processing zones.

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

The law prohibits forced or compulsory labor, including by children; 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.

#### 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. 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 14 year olds 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.

According to a few media reports, a number of school age children performed farm fieldwork without contracts and received very little or no payment for their work; however, no official complaints were filed concerning such practices.

The State Labor Inspectorate is responsible for receiving complaints related to employment of persons under 18. In the first eight months of the year, the inspectorate received five complaints of illegal child labor and determined one of them to be valid. Courts initiated an investigation of this case.

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 (approximately \$332) 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 law provides that the maximum time worked in any seven day period, including overtime, may not exceed 48 hours. 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 Inspectorate is responsible for implementing labor laws. In the first seven months of the year it conducted approximately 9,000 inspections of companies. The most numerous abuses involved wage arrears, illegal

employment, violation of labor contracts, faulty accounting for time off and hours worked, worker safety, and unsatisfactory investigation of accidents. Workers dissatisfied with the result of an investigation could appeal to the court system.

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 82 fatal accidents at work, compared to 99 in 2007. These occurred mostly in construction work. To address this, 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.