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## Lithuania

### Country Reports on Human Rights Practices - [2005](#)

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Lithuania, with a population of approximately 3.4 million, is a constitutional, multiparty, parliamentary democracy. In June 2004 citizens elected President Valdas Adamkus and Prime Minister Algirdas Brazauskas in generally free and fair elections. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. The following human rights problems were reported:

- poor prison conditions
- police abuse or mistreatment of detainees and misapplication of detention laws
- restrictions on privacy rights
- increased anti-Semitic incidents
- societal violence against women
- child abuse
- trafficking in persons for sexual exploitation
- limits on workers' rights

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports 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 three pretrial investigations and continued investigations in 23 cases related to Nazi crimes. In September, following pretrial investigation, the government brought criminal charges against Algimantas Mykolas Dailide, alleging collaboration with Nazis and persecution of Jews.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits inhuman or degrading treatment or punishment; however, at times police beat or otherwise physically mistreated detainees, although such incidents continued to decline. The law does not specifically prohibit torture; however, it could be considered an aggravating factor in the commission of other crimes.

From January to June, the Ombudsman's Office received isolated complaints that officials used force to obtain evidence in pretrial investigations. The ombudsman investigated a complaint alleging the transfer of a diabetic suspect, in custody during pretrial investigation, to a facility unable to meet her medical needs. Considering the transfer a form of psychological pressure to coerce testimony, the ombudsman ordered the suspect's release and requested the police commissioner general to investigate the case and take measures to prevent such recurrences. Prosecutors initiated a pretrial investigation but closed it for lack of evidence.

In February local media reported a complaint that Alytus police bound and beat a suspect in custody. A police investigation failed to confirm that the officers involved had committed a crime, and the authorities did not indict them.

Incidents of noncommissioned military officers hazing recruits increased during the year. The military police opened 11 hazing-related criminal cases, compared with 7 such cases in 2004. The military police terminated one pretrial investigation due to lack of evidence of criminal acts. Most reports of hazing alleged that higher-ranking officers beat soldiers or subjected them to psychological pressure. An

unconfirmed press account alleged that in a hazing incident superiors placed plastic bags on soldiers' heads. In 2004 investigators passed four of the seven cases opened by the military police to the Prosecutor's Office. (Of the other three, investigators closed one case due a lack of evidence; the victim and the accused reached an agreement to close a second case; and one investigation remained pending at year's end.)

#### Prison and Detention Center Conditions

Prison conditions remained poor and life threatening. Inadequate sanitation, overcrowding, and limited access to medical services persisted. Completed reconstruction of several prisons reduced overcrowding.

Parliament controllers noted a marked increase in complaints from prisons and pretrial investigation detention facilities during the year. They also noted a marked decrease in complaints from investigation wards and that prolonged transfer of suspects to interrogation facilities continued. Prison authorities arbitrarily restricted rights of prisoners who had good conduct records, arbitrarily 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 living conditions than did convicted persons. By December the controllers received 283 complaints, 103 more than in all of 2004. Most complaints were related to prison conditions and actions of prisons department personnel. Investigators determined that 30 were justified, and 91 were outside the parliamentary controllers' purview.

From January to November, 23 prison inmates died (10 by suicide, 11 of natural causes, 1 as a result of an accident, and 1 killed by another inmate), compared with 11 inmate deaths in 2004. The prisons department reported that the lack of mental health treatment for inmates could have contributed to the increase in suicides.

From January to November, there were 59 injuries inflicted by other inmates, more than twice as many as in 2004, and 62 self-inflicted injuries, also an increase from 2004.

From January to November, 3 detainees in jails committed suicide, and 62 injured themselves in protests against authorities.

As of June two correctional institutions remained seriously overcrowded. For example, the Siauliai facility, designed for 350 persons, held 665 inmates. Additionally, controllers concluded that conditions in the jails in the towns of Ukmerge, Anyksciai, and Zarasai were unfit for use. Unlike in the preceding year, the ombudsman received no complaints that inmates were paid for fewer hours than they worked.

Unlike in the preceding year, there were no reported acts of violence in juvenile detention facilities.

Parliamentary controllers also instructed the prisons department to improve accounting practices for prisoners' labor on holidays and days off. The need for the instruction arose after investigators discovered that an inmate in the Marijampole correctional institution was assigned to work in the facility's canteen for 6 hours a day, up to 17 days consecutively, with neither the mandatory 2-day weekly break and holidays, nor appropriate compensation. After controllers intervened, the inmate received compensation.

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 reconstructing correctional facilities and increased funding for prisoner rehabilitation and job training.

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; however, there were instances of prolonged pretrial detention.

#### Role of the Police and Security Apparatus

A unified national police force is responsible for law enforcement, and it consists of the public and criminal police. The police department, which oversees both units, operates under the authority of the Ministry of Interior. The State Security Department is responsible for internal security, intelligence operations, and reports to parliament and the president. The security forces are generally effective.

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 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 police abuse. Prosecutors and parliamentary controllers carried out independent investigations.

From January to November, 22 police officers were found guilty of abuse of power. By December controllers had investigated 212 complaints regarding police activities and determined 50 to be justified. Authorities disciplined the police officers involved. In most cases police officers faced administrative disciplinary actions such as demotions or reprimands.

In July the anticorruption Special Investigation Service initiated charges against the head of the Vilnius police for abuse of power. Following a series of scandals, the former police chief resigned from office.

#### Arrest and Detention

Warrants are required for arrest and are 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 is 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. 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.

In August police arrested and detained a suspect but did not allow him to meet with his lawyer during the first day of his detention. Parliamentary controllers verified the complaint, and the officers involved received written warnings.

In July the parliamentary controllers received a complaint that authorities had transferred a detainee from one jail to another over the course of 15 days in violation of standard procedures. In another complaint, a woman alleged that state border guard officers arrested her at her office, took her to a Vilnius police detention facility, and interrogated her without affording her due process protections.

There were no reports of political detainees.

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, and they may do so only in the case of felonies. The pretrial judge may detain a suspect for up to three months. In exceptional cases the detention may be extended to 18 months (12 months for juveniles). The detainee or his or her counsel may appeal to a higher court the imposition of the detention and the extension. The law provides for liability for damage caused by the unlawful actions of pretrial investigation officials, prosecutors, judges, and courts. For the period from January through June, the average length of pretrial detention was approximately 4 months, and 13 percent of the incarcerated population were pretrial detainees.

Parliamentary controllers reported that the number of prolonged pretrial detention complaints has gradually decreased.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally 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, 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. The primary function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in public administration and taxation.

#### Trial Procedures

The law establishes the right to legal counsel for defendants and provides legal assistance for indigent persons. Parliament's ombudsman reported only isolated cases of authorities' impeding the right to counsel during the year. The continuing shortage of lawyers also contributed to the right to counsel being impeded. Despite government efforts, legal assistance was not always available. Defendants have access to government evidence and may present evidence and witnesses. Defendants enjoy a presumption of innocence and can confront or question witnesses against them. 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. Trials are public but juries are not used.

#### Political Prisoners

There were no reports of political prisoners.

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

The law prohibits these actions; 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 allege that the government did not properly enforce these laws.

From January to August, the State Data Protection Inspectorate (SDPI) conducted 294 investigations of interference with privacy. Most of the violations involved the failure to report processing personal data, violations of processing rules, and failure to inform individuals that their personal data was processed. The SDPI received one complaint of phone tapping during the year, and its investigation remained pending at year's end.

In May Vilnius police published on its Web site the name, age, place, and time of the violation, alcohol level, and penalties imposed on persons convicted of driving while intoxicated. Lawyers contended that such publication constituted government violation of privacy. In September a television program broadcast photographs of drivers whom police traffic cameras recorded violating traffic rules. The Human Rights Monitoring Institute urged the prime minister, the SDPI, parliament's Human Rights Committee, the Inspector of Journalists' Ethics, and other related institutions to assess the legality of publication and use of personal data from government sources. In October the SDPI began investigating operations of the Vilnius city administration, the Vilnius police, and a company that installs traffic cameras. The investigators concluded that the actions of the Vilnius city administration and the Vilnius police did not violate regulations. The SDPI, however, determined that the company responsible for the traffic cameras had committed an administrative violation and turned the case over to the Vilnius city court, where it was pending at the year's end.

Unlike in past years, there were no reports that doctors divulged confidential data about patients to employers and others.

During the year the European Court of Human Rights (ECHR) issued a judgment that the state discriminated against and violated the privacy of R. Rainys and A. Gasparavicius, former KGB employees. The two had complained that the government had barred them from seeking employment in various private-sector fields until 2009, that they were deprived of their jobs in private sector, and that they were subjected to daily embarrassment on account of their past. Following the 2004 ECHR judgment in favor of plaintiffs Kestutis Dziautas and Juozas Sidabras in a similar case, the government introduced amendments to the law to lift its bars on employment; approval of the amendments remained pending at year's end. Several similar cases remained pending at the ECHR.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice.

The independent media were active and expressed a wide variety of views. Radio and television included a mix of independent and state controlled stations. International media generally operated without restriction. Unlike in past years, the government neither blocked transmission of cable broadcasts nor imposed fines on channels.

In September 2004 Prime Minister Brazauskas filed a lawsuit for slander against television journalist Ruta Grineviciute, who had aired material allegedly from a pretrial investigation material that appeared to implicate the prime minister in corruption. The Prosecutor General's Office launched a pretrial investigation, which it terminated in January due to the lack of proof of a criminal act.

The law prohibits 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.

In September a judge filed a lawsuit for slander against the deputy editor-in-chief of the daily *Respublika*, accusing the editor of running 27 defamatory articles. The case remained pending at year's end.

The government did not generally restrict access to the Internet; however, the government occasionally attempted to control its content. In September the Constitutional Court ruled that the government had not violated the constitutional guarantee of freedom of the press in shutting down the Kavkaz Chechen Independence Web site for disseminating objectionable or prohibited content on public media. In fact the court reasoned that the government had shut down the Web site to protect freedom of the press.

There were no government restrictions on academic freedom.

### b. Freedom of Peaceful Assembly and Association

#### Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice.

#### 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 of Lithuania and other organizations associated with the former Soviet regime (see section 3).

### c. Freedom of Religion

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

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

Applications for the status of a "state recognized religious association" filed by four religious associations since 1999 remained pending at year's end.

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

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

The government conducted research on the Jewish community's property claims and continued negotiations for an agreement on the timetable and procedures for restitution.

## Societal Abuses and Discrimination

There were approximately four thousand Jews in the country, and the various Jewish communities were active. Anti-Semitism, which increased during the year, was manifest in the distribution, including through the Internet, of anti-Semitic proclamations and other materials; acts of vandalism against Jewish graves and monuments; and anti-Semitic statements made during public gatherings. There was an increase in anti-Semitic remarks by extremist and some more mainstream politicians, and the government acted against such statements made by politicians. The political leadership and most media outlets generally criticized anti-Semitic statements.

In April a Siauliai city council member started a nationalist political party with an anti-Semitic agenda. Politicians and high-ranking government officials publicly denounced the founder's statements, and at the recommendation of the state security department, the Siauliai prosecutor's office brought charges against the member; court proceedings were scheduled for January 2006.

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. Police identified several suspects, and the Vilnius Prosecutor's Office initiated a pretrial investigation, which was ongoing at year's end.

In August a small, non-parliamentary political party, 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.

In 2004 the daily *Respublika* carried a series of editorials with obvious anti-Semitic overtones and the Prosecutor General's Office and the State Security Department launched pretrial investigations of *Respublika's* editor-in-chief Vitas Tomkus for inciting ethnic and racial hatred. In July the court found Tomkus guilty and fined him \$1,035 (3 thousand litas). In September the Supreme Administrative Court reversed the lower court's ruling, ostensibly because of prosecutorial error, and cancelled the fine. The Prosecutor General's Office November petition for the Supreme Administrative Court to reconsider the lawsuit against Tomkus remained pending at year's end.

For a more detailed discussion, see the [2005 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. Nonetheless, Jewish and Polish minorities criticized the provisions for creating special conditions that enable "ethnic Lithuanian" emigrants to retain dual citizenship but deny citizenship to local minorities who "repatriate" to their "homeland" (for instance, Jews who returned to Israel or Poles to Poland).

### 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 law 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 an amendment increased the number of enrolled party members necessary to register a political party from 400 to 1 thousand. The government continued to ban the Communist Party.

There were 32 women in the 141-seat parliament, and there were 2 women in the 14-member cabinet. In July 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.

There were 9 minorities in the 141-seat parliament and 1 minority (Belarusian) in the 14-member cabinet.

## Government Corruption and Transparency

There were reports of government corruption during the year; however, the legislature took steps to identify corruption and strengthen oversight.

In June Viktor Uspaskich, the economy minister and the leader of the largest parliamentary party, resigned from the cabinet and parliament after a parliamentary commission found him guilty of conflict of interest. The Prosecutor General's Office initiated a pretrial investigation into accusations that Uspaskich presented fraudulent documents regarding his academic experience, and the pretrial investigation was ongoing at year's end.

In October 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 Prosecutor General's Office continued investigations into allegations of corruption in the Vilnius municipal administration and on the part of Vilnius Mayor Arturas Zuokas. In December parliament approved conclusions of an ad hoc parliamentary commission that the mayor had received payments in exchange for ensuring that municipal decisions favored certain business interests. A local human rights organization regarded parliament's decision as interference in judicial process.

Polls indicated that corruption was most prevalent among mid-level civil servants, traffic police, university officials, and those working in the health sector.

The auditing committee, established by parliament in 2004, initiated investigations into such matters as property restitution, state procurement, public management of funds, and the collection agents' service. The government criticized some of the investigations as beyond the committee's purview.

The law provides for public access to government information, and government institutions generally provided access in practice. During the year, however, parliamentary controllers received some complaints regarding delays in providing information, the quality of the information provided, and, in the case of municipal institutions, failure to provide material requested. The ombudsman requested heads of institutions and other unit supervisors to consider disciplinary actions against the officials involved.

## 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. In January the Equal Opportunities Law came into force, barring discrimination based on age, sexual orientation, disability, religion, or belief. In September parliament amended the law to provide penalties for discrimination on the basis of age, disability, race, ethnic origin, religion, and belief, where previously there were only penalties for sexual discrimination. Despite these programs and prohibitions, discrimination against women and minorities persisted.

### Women

Societal violence against women, particularly alcohol-related domestic violence, was a serious problem. The law does not specifically criminalize domestic violence; however, authorities prosecuted domestic violence under general assault laws. There was no authoritative information on the extent of the problem. Local human rights organizations and shelters noticed an increase in complaints about domestic violence, which they attributed to the effectiveness of outreach, prevention programs, and crisis centers in encouraging victims of domestic violence to register complaints.

When such violence occurs in the home, the victim must file a complaint to initiate an investigation. Certain nongovernmental organizations (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-six 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 1,177 victims of domestic violence.

The law specifically criminalizes rape, including spousal rape. Persons convicted of rape generally received sentences of 3 to 5 years' imprisonment. During the year there were 265 rapes reported, almost 50 percent more than in 2004. Police were sometimes reluctant to act in cases of domestic abuse.

Prostitution is illegal but was 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 thousand litas) for repeat offenses. According to law enforcement officials, three thousand to five thousand women engaged in prostitution in 2004.

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

The law prohibited sexual harassment, but it was a problem. A 2004 survey reported that 14 percent of university students surveyed, most of them female, experienced sexual abuse 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; however, women continued to face discrimination. The Equal Opportunities Ombudsman is an independent agency, accountable to parliament, which oversees the implementation of the law and investigates complaints concerning age and gender discrimination, as well as age and gender complaints and sexual harassment. A May 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 82 percent that of a man; in the public sector, women's wages were 71 percent those of men. Women were underrepresented significantly in some professions, business, and the managerial sector as a whole.

From January to October, the ombudsman received 113 complaints of discrimination, initiated 118 investigations (including 5 not based on complaints), and imposed 4 fines. Most complaints concerned either age discrimination in obtaining insurance, loans, and leases, or sexual discrimination in the workplace and labor market.

#### 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. Approximately 1 percent of children under 15 did not attend school. According to a 2003 Education Ministry study, 94 percent of children completed primary education, 82 percent continued secondary education, and 69 percent entered universities.

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. As of October, according to the children's rights ombudsman, approximately 36,900 children lived in 16,700 abusive or dysfunctional families. Several media sources reported that cruelty to children, including sexual abuse, intentional starvation, beatings, and killings, was common. Authorities reported that child abuse caused the death of 11 children during the first 11 months of the year. In August police found the body of a 7-month-old child, apparently a murder victim, in an apartment in Vilnius; the police investigation continued at year's end.

The children's rights ombudsman reported that the number of complaints of child abuse almost quadrupled from 122 complaints in 2004 to 430 complaints during the year. The ombudsman initiated 74 investigations, up from 15 in 2004. The ombudsman attributed the increase to greater awareness of children's rights and reporting, rather than an increase in violence against children. The parliament's board allocated additional staff and funding for the ombudsman during the year.

The penalty for violence or cruelty against minors is a prison term of one to two years. 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 assistance for these children was insufficient.

There were rare reports of child abuse at state correctional institutions or in detention facilities. In September a study conducted 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. By year's end the children's rights ombudsman had received 23 complaints about violations of child's rights in orphanages and 10 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 was widespread. From January to November, the Interior Ministry registered 60 cases of child sexual abuse (excluding child rape), nearly twice the number of the preceding year. In 2004 a Vilnius hospital and the polling agency Market Analysis and Research Group conducted a survey of 18- to 20-year-olds, which indicated that 31 percent of those surveyed experienced sexual abuse during their childhood and adolescence, but 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.

From January to October, the Child Line (a children's hotline) received more than 40 thousand calls from children, who complained about problematic relations with their parents and friends, violence in their families, and sexual abuse. The Child Line reported a marked increase in complaints about abuse and violence among children.

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

Unlike in the previous year, there were no reports of exploitation of children in the production of pornography.

The children's rights ombudsman reported one case of child prostitution, a girl discovered working as a prostitute who was then placed in an orphanage under special care.

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

In June new amendments strengthened penalties for trafficking in persons. The amendments increased prison sentences from 8 years to 12 years for trafficking in persons and from 7 years to 15 years for trade in children. The new legislation also fines people purchasing sex services approximately \$138 (400 litas) and exempts victims of human trafficking from prosecution.

Trafficking activity increased after the country joined the European Union in 2004. The government opened 24 criminal cases of trafficking in persons and referred 18 of these to the criminal court system. During the year 11 prosecutions ended in convictions, with sentences ranging from fines of \$345 (1 thousand litas) to 6 years' imprisonment. The government cooperated with other European governments on several cases of trafficking in persons. During the year police determined that nine women, including one minor, were victims of trafficking, and 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 the year a joint government task force uncovered an organized crime gang that had transported nearly 100 young females from the country to England. The gang included nine citizens, six of whom remained in detention awaiting trial at year's end. At least 11 victims escaped and reported the crime to the police. All victims were under 25 years of age, and some were juveniles.

In 2003 police detained five Lithuanian, Italian, and Spanish nationals believed to be members of an organized trafficking group. Their cases remained pending at year's end.

In April the government arrested and extradited a citizen of Costa Rica to his home country. The individual was the subject of an Interpol arrest warrant. In June a Lithuanian man was extradited to Germany on trafficking charges.

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

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 socially most vulnerable groups: young females from poor or unstable families. Traffickers also commonly targeted young women from ethnic minorities. Many were lured by deceptive offers of jobs such as household helpers, bar dancers, nannies, nurses, models, or waitresses, or through false marriage advertisements. In many cases close relatives or friends made the offers. Victims' compliance was ensured via threats and the withholding of their documents. Families often were unaware of their predicament and believed that they had been kidnapped. Boarding schools that also serve as orphanages were new targets of traffickers.

Police reported that nearly half of traffickers were linked to organized crime, including international groups. The parliament's ombudsman was accused of violating the national laws governing public and private interests when he intervened in the proceedings of a Norwegian court case against a Lithuanian citizen accused of human trafficking. Although parliament defeated a resolution calling for his dismissal, the ombudsman nonetheless stepped down.

During the year parliament adopted legislation to impose fines on clients of prostitutes of approximately \$135 (390 litas) and exempt victims of human trafficking from administrative responsibility.

The government partially funded 15 day centers, which assisted various groups at risk, including victims of trafficking. The government also provided grants to 13 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. Despite such government efforts, in June public opposition led the Sirvintos municipal government to block a plan to establish a halfway house and center for victims of trafficking. During the year the International Organization for Migration (IOM) and the Ministry of Social Affairs trained 34 social workers on trafficking prevention and on 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 May the Human Rights Monitoring Institute, the Global Initiatives in Psychiatry organization, 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. In response to the report, the Health Ministry presented to parliament a draft reform strategy for mental health care institutions, which was pending adoption at year's end.

The Ministry of Social Affairs and Labor and the Lithuanian Council for the Affairs of Disabled focused on developing equal opportunities in the labor market, improving government's effectiveness in meeting the needs of and augmenting the social security net for persons with disabilities.

#### National/Racial/Ethnic Minorities

Although the law prohibits discrimination of ethnic or national minorities, intolerance persisted.

Minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites constituted approximately 16.5 percent of the population. The small Romani community (approximately three thousand) 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 instances of ambulances reportedly 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 Roma area in December 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.

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 this language law. The authorities indicated that while the law's intent is to encourage competence in Lithuanian as the official language of the state, no one would be dismissed solely because of an inability to meet the language requirements.

#### Other Societal Abuses and Discrimination

Local human rights organizations reported that homosexuals suffered permanent social exclusion. Members of the homosexual community reported discrimination because of their sexual orientation. Homosexuals suffered physical abuse on the street.

In September an informal organization, the Union of Honor and Nation, together with some radical public figures, held a demonstration against homosexuals, gay pride and gay rights parades, and the spread of homosexuality in the country. Local human rights organizations called the demonstration an instigation of enmity, which the law prohibits. The municipality that granted the demonstration permit stated that the organizers had not provided information about the hostile nature of the event.

### 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 employee 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 Confederation of Free Trade Unions, no employer has yet "faced the penal sanctions foreseen by law for anti-union 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. There

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

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.

#### 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

Laws prohibit exploitation of children in the workplace, and the government generally enforced these laws effectively. There was at least one report of child labor concerning children working illegally in the agricultural sector for meager wages. 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 2 hours per day or 12 hours per week during the school year and up to 7 hours per day or 32 hours per week when school is not in session. Authorities generally enforced these laws.

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

There was evidence of child prostitution and one confirmed report of trafficking of a teenager (see section 5).

The State Labor Inspectorate (SLI) is responsible for receiving complaints related to employment of persons under 18. Although the SLI conducted 4,134 investigations into reports of illegal employment between January and October, none of these investigations involved illegal child labor. There were a few instances of minor violations of the special employment provisions for workers under 18.

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 \$172 (550 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 7-day period, including overtime, may not exceed 48 hours. Overtime can be allowed only in cases stipulated by law and, along with night work, must be compensated at a minimum of 1.5 times the hourly rate.

The SLI is responsible for implementing the labor laws; from January to September, it conducted 24,762 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. In September, following receipt of a complaint from the pretrial investigation institutions' trade union, the prisons department investigated working conditions of prison officers and guards in the Vilnius Lukiskes prison. The department found the conditions to be exceedingly poor, but prison authorities made no efforts to ameliorate the conditions. The prisons department presented the findings to the Justice Ministry, and in October the director of the prison resigned.

The law provides that workers have the right to safe and healthy working conditions, and this was generally enforced. Workers have the right, both in law and practice, to remove themselves from dangerous work environments without jeopardizing their continued employment. From January to August, the state labor inspection service recorded 41 fatal accidents at work.

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