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Lithuania

Country Reports on Human Rights Practices -2000
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Lithuania is a parliamentary democracy with a Constitution adopted by referendum in 1992. The Constitution established a 141-member unicameral legislature, the Seimas; a directly elected president; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Seimas. The Government exercises authority with the approval of the Seimas and the President. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

Since its independence in 1990, Lithuania has made steady progress in developing a market economy. Most housing and small businesses are privatized, and the contribution of the private sector to gross domestic product amounts to more than 70 percent. Trade is diversifying and expanding both to the West and the East. Agriculture employs the largest number of workers (20 percent). Major exports include textiles, mineral products, machinery, and electronic appliances. Inflation from January to August remained low at 0.3 percent. Per capita GDP in 1999 was \$2,878. During the first half of the year, real GDP reportedly increased by 2 percent. However, unemployment continued to remain high at over 11 percent. (It was above 15 percent according to a labor market survey.)

The Government generally respected the human rights of its citizens; however, problems remained in some areas. Police on occasion beat detainees and misused detention laws. The Government has made some progress in bringing police corruption under control. Prison conditions remained poor, and prolonged detention in a small number of cases remained a problem. State media continued to be subject to political interests. Violence and discrimination against women and child abuse were serious problems. Trafficking in women and girls for the purpose of forced prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

In 1998 the President formed the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission includes historians, human rights representatives, representatives of international Jewish organizations, and lawyers from Lithuania and a number of foreign countries. The Government allotted \$37,500 (150,000 litas) to establish a full-time working secretariat for the Commission. The secretariat was in operation by October 1999, and the first research group of the Commission began work in December 1999.

In August 1999 a court found six persons guilty of complicity in the January 1991 coup attempt. The defendants were former leaders and officials of the Lithuanian Communist Party who were sentenced to prison terms of from 3 to 12 years for crimes that included premeditated acts of murder and inflicting serious bodily harm. Defense lawyers appealed the verdict, but their appeal was still under consideration at year's end.

Formal charges were filed against alleged war criminals Aleksandras Lileikis and Kazys Gimzauskas. After being stripped of his U.S. citizenship in 1996 for concealing his World War II activities, Lileikis returned to Lithuania. He was accused of acts of genocide committed when he headed the security police of the Vilnius district under Nazi control. Lileikis's trial was postponed several times due to his poor health; he died at age 93 without trial on September 27.

Gimzauskas, who served as Lileikis's deputy during the war, returned to Lithuania in 1993. On October 13,

2000, the Vilnius regional court decided to try the case of Gimzauskas in absentia due to his poor health. The court hearing started in November. It is expected that the court will hear the case and make a decision regarding guilt, but that there would be no sentence imposed. After considering the case, the court also can adopt a resolution on whether Gimzauskas' actions in this particular case constituted a crime or not, thus formally closing the case.

In June 1999, the Prosecutor General's Office of Special Investigations filed genocide charges against Vincas Valkavickas, who returned to Lithuania in June 1999. In July 1999, a case was initiated against Petras Bernotavicius, a resident of the United States, and Antanas Gudelis, an Australian citizen. In July 1999, the prosecutor launched an investigation into the role of Kazys Ciurinskas in a separate war-related criminal case. No substantial progress was reported in the latter four cases by the end of the year.

b. Disappearance

There were no reports of politically motivated disappearances.

There is a growing problem of women being forced or sold into prostitution by organized crime figures. Their families often believe that they disappeared or were kidnapped (see Sections 5, 6.c., and 6.f.).

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

The Constitution specifically forbids torture, and there were no reports of its use; however, police sometimes beat or otherwise physically mistreat detainees. The press reported that incidents of police brutality are becoming more common. In many instances, the victims reportedly are reluctant to bring charges against police officers due to fear of reprisals. According to the Ministry of Interior, during the first 6 months of the year no police officers were charged with abuse of power or sentenced. In 1999 four officers were charged and one was sentenced for this crime.

The Interior Ministry states that district police inspectors are the most negligent in the force. To strengthen the integrity of the police, the Inspectorate General of the Interior Ministry was given administrative autonomy in 1997. In 1999 the Inspectorate General was reorganized into an office of the Inspector General, and some functions of the Inspectorate were delegated to the internal investigations division at the police department. The Inspector General cannot investigate abuses on his own authority but can act only on the order of the Minister.

In the past, noncommissioned military personnel committed human rights abuses by hazing recruits, despite efforts to quash the practice, which was inherited from the former Soviet armed forces. As living conditions improve for military personnel, human rights violations committed by noncommissioned officers have declined significantly. During the year, seven criminal cases were filed for "systemic degrading treatment" or breach of discipline involving violence (the relevant legal codes). According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The Ministry believes that a lack of professionalism among noncommissioned officers—rather than ethnic, regional, or social factors—is a primary factor in cases of hazing, and it is working actively to improve their skills and judgment. In 1999 the Seimas approved a new disciplinary statute for the armed forces, and the military police formed by a 1998 law are charged with maintaining discipline. The disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

Prison conditions are poor. Due to limited resources, most prisons are overcrowded and poorly maintained. One local human rights group claims that the administration of penal institutions does not do enough to prevent violence among prisoners. During the first 9 months of the year, 35 deaths were recorded among prisoners (16 of them killings) as well as 524 injuries, mostly self-inflicted (in order to escape abuse from fellow inmates or guards).

The Government is attempting to reform the prison system with international assistance; however, progress has been very slow. In September the Seimas adopted a new Criminal Code. The prison department was transferred from the Ministry of Interior to the Justice Ministry, heralding the beginning of practical reforms in the correctional system. New hygiene norms came into effect in 1999 that require a certain amount of space for each convict to assure healthy and safe conditions. However, in 2000 the budget allotted \$5 million (20 million litas) less for running 14 correctional institutions than in 1999. Funding only covers minimal needs and on average amounts to 75 cents for three meals per prisoner per day. Thus prison overcrowding persists, particularly in pretrial detention.

As a result of the funding shortfall and overcrowding, a Law on Amnesty was passed in April that reduced the number of prisoners and detainees from 15,000 (as of January 1, 2000) to 9,000 (as of July 1, 2000). As of August 30, there were 7,045 prisoners, including 251 women and 125 juveniles (2 women). There were 1,612 detainees, including 68 women and 99 juveniles (2 women). The latter are held separately from adults.

Human rights monitors are permitted to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person may be arbitrarily arrested or detained; however, there were instances of prolonged detention. Under the law, police temporarily may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Pretrial detention applies only in the case of felonies and when it is impossible to prevent flight by other means or to allow unhindered

investigation. A district judge, acting on a prosecutor's application, may order longer pretrial detention, which can last up to 6 months and may be extended using the same procedure for periods not to exceed 18 months in total. However, in practice the prison department admits that pretrial detention has in some instances exceeded 18 months. The prison department faults a slow justice system that cannot bring cases to trial expeditiously. Bail in theory is available, but it is not used widely. The Constitution provides for the right to an attorney from the moment of detention (see Section 1.e.).

In an effort to cope with the rise in violent organized crime, the 1997 Law on the Prevention of Organized Crime allows for the imposition of restrictions on the freedom of a person who by his actions might "restrict the rights and freedoms of other persons, create conditions for the emergence and development of social and economic preconditions of organized crime, or pose a threat to public security."

The Government is addressing concerns that periods of detention were excessive. The Prosecutor General is stepping up his monitoring of the investigation of cases, and additional and better qualified judges are being added.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the judiciary is independent in practice.

The Constitution and the 1994 Law on Courts established a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Supreme Court's Senate of Judges, consisting of the Supreme Court chairman, the division chairmen, and other members of the Supreme Court, rules on the decisions by lower domestic courts that may violate the European Convention on Human Rights. The Constitution also established a Constitutional Court and allowed for specialized courts for administrative, labor, family, and other purposes.

The administrative courts began functioning on May 1, 1999. The main function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in the sphere of public administration and taxation. The creation of administrative courts completed national court reform, a process that started in 1995. The Ministry of Justice is moving towards a system of specialization of judges in district and local courts according to the types of cases.

A new Civil Code was adopted in July. It will enter into force in July 2001. The Civil Code complies with the requirements of the European Convention on Human Rights and takes into account the jurisprudence of the European Court of Human Rights. The Seimas adopted a Criminal Code in September 2000. It will enter into force simultaneously with the Code of Criminal Procedure, which was still under preparation at year's end.

The Constitutional Court, at the request of the President, members of the Seimas, the Government, or the judiciary, reviews the constitutionality of laws and other legal acts, as well as that of actions by the President and the Cabinet. The Constitutional Court's authority to issue the final word on subjects within its jurisdiction is unquestioned; it is the country's ultimate legal authority with no further appeal of its rulings.

The 1996 Law on Commercial Arbitration provides for the establishment of arbitration institutions and the abolition of the economic court (abolished in 1998). The law provides for private dispute resolution by an arbitration tribunal, either organized by a permanent arbitration institution or by the parties themselves.

The Prosecutor General exercises oversight responsibility through a network of district and local prosecutors who work with police investigators—employed by the Ministry of the Interior—in preparing the prosecution's evidence for the courts.

The Constitution provides for the right to legal counsel for defendants. In practice the right to counsel is abridged by the shortage of trained advocates, who find it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. Outside observers have recommended the establishment of a public defender system to regularize procedures for the provision of legal assistance to indigent persons charged in criminal cases. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honor routine, written requests for evidence. By law a judge may decide to hold a closed trial in a limited number of circumstances.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some persons who allegedly were involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established in 1997 to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. During the first 8 months of 2000, the Supreme Court overturned the rehabilitation of 15 persons.

Parliamentarian Audrius Butkevicius, a former Minister of National Defense, was charged in 1997 with several counts of corruption. According to the Lithuanian Human Rights Association, the case was based on false information from the State Security Department. Butkevicius's pretrial detention was prolonged without the decision of a judge. The parliamentary ombudsman said that there were many similar cases and confirmed that the authorities had violated the law. Typically, he wrote, judges and prosecutors wrongly interpret the law to

mean that pretrial detention can be extended automatically when a case is submitted to a court of law. In 1998 Butkevicius was sentenced to 5 1/2 years in prison, fined \$12,500 (50,000 litas), and half of his property was confiscated. On May 12, 1999, the Supreme Court rejected Butkevicius's appeal. Butkevicius's lawyers appealed to the European Court of Human Rights, and in September the Court agreed to review the case; but it had not been resolved by year's end 2000. Butkevicius was released on March 20 after serving two-thirds of his 5 1/2-year jail term. He resumed his seat in the Parliament. However, the court decided that he had not completed the sentence at least 65 days before election day, and thus he was not allowed to be a candidate for the parliamentary elections in October.

In November the European Court of Human Rights (ECHR) announced that it would try three new cases against Lithuania. The cases were brought by former Prime Minister Adolfas Slezevicius, former Kaunas Police Commissioner Stasys Sipavicius, and businessman Arvydas Stasaitis. The ECHR found that Stasaitis' entire period of detention (1996-2000) may have been unjustified. He was charged with large-scale financial crime. Slezevicius was accused of abusing his position as Prime Minister when he withdrew his personal funds from a Lithuanian bank just days before it failed. The case was accepted because charges against him were investigated for too long (4 years) and never came under scrutiny in a court of law. Sipavicius spent 10 months in custody before his trial on charges of abusing his powers in a major smuggling case. He was sentenced to the 10 months served for neglecting his duties and released in court. Sipavicius complained that the charges against him suddenly were changed and that he had not had time to prepare to defend himself against the new charges.

Through December 2000, the ECHR ruled against the Government in 5 cases involving various breaches of conventions, laws, and regulations concerning arbitrary detention and the right to a fair trial.

There were no reports of political prisoners.

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

The Constitution provides for the right to privacy, and the Government generally respects this right in practice. The authorities do not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens. However, with the written authorization of a prosecutor or judge, police and security service personnel may engage in surveillance and monitoring activities on the grounds of national security. Except in cases of hot pursuit or the danger of disappearance of evidence, police must obtain a search warrant signed by a prosecutor before they may enter private premises.

However, it is assumed widely that law enforcement agencies have increased the use of a range of surveillance methods to cope with the expansion of organized crime. There is some question as to the legal basis for this police surveillance, but there are no known legal challenges to such surveillance.

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 respects these rights in practice.

Prior restraint over either print or broadcast media and restrictions on disclosure are prohibited, unless the Government determines that national security is involved. Under a 1996 media law, the media created a special ethics commission and an ombudsman to address complaints and seek conciliation in potential libel cases. This ombudsman position later was established and funded by the Seimas.

The independent print media are flourishing and comprise a wide range of newspapers and magazines. Radio and television include a mix of state and private stations. National television and radio are in the process of being transformed into an entirely public entity; however, attempts to make it independent financially from the Government have lagged.

There are no restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of peaceful assembly and association, and the Government respects them in practice.

The Communist Party of Lithuania and other organizations associated with the former Soviet regime continued to be banned.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally respects this provision in practice. A 1995 law grants religious communities, associations, and centers property rights to prayer houses, homes, and other buildings. Article 5 of this law mentions nine religious communities that have been declared "traditional" by the law and therefore are eligible for governmental assistance: Latin Rite Catholics; Greek Rite

Catholics; Evangelical Lutherans; Evangelical Reformers; Orthodox; Old Believers; Jews; Sunni Muslims; and Karaites. In 1999 the Hasidic Chabad Lubavich community was recognized by the Ministry of Justice as a part of the Jewish religious community, thereby gaining the status of an official religious community that the rest of the Jewish community had enjoyed since 1995. Other religious communities are not eligible for financial assistance from the Government, but there are no restrictions on their activities or property rights. Nontraditional foreign religious workers must obtain work permits, and they face difficult bureaucratic requirements in obtaining residence permits from officials who regard them as representatives of cults and sects. These religious workers complain of unofficial harassment. There are no restrictions on the activities of other religious communities. In 1999 the Seimas amended the Law on Religious Communities and Associations. The amendment provides funding from the national budget for educational institutions of traditional religious organizations. The Government Department of European Law has warned publicly that this amendment discriminates in favor of traditional religious communities versus nontraditional; the law is expected to come into effect in 2001.

Under 1995 legislation, the Catholic community has been more successful in having its property returned than the Jewish community; an agreement between Jewish community leaders and the World Jewish Restitution Organization signed in 1995 never has been implemented. However, some religious property, including 26 synagogues, was returned to the Jewish community, mostly from 1993 to 1996.

The law provides for the restitution of private property to citizens, but the deadline for filing claims has passed. A number of successful claims were made, and others still are pending. A lack of funds for compensation and protracted bureaucratic obstacles are the primary problems preventing the return of private property. The Government has taken no action on the problem of heirless (community) property and has no plans to do so.

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

Under the law, citizens and permanent residents are permitted free movement within the country and the right to return to the country, and the Government respects these rights in practice. There are no restrictions on foreign travel.

Under 1997 and 1998 legislation, the Government grants refugee status to qualified applicants in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

There is a registration center for migrants and asylum seekers in the town of Pabrade, where 30 illegal immigrants were registered in August, and a refugee reception center for asylum seekers in the town of Rukla, where 56 persons were registered. Living conditions at the center for refugees in Rukla are modern, safe, and healthy. The center has benefited from financing from other European countries. The center in Pabrade is overcrowded and rundown, but construction was underway on a new complex there. As of September, of a total of 2,765 foreigners initially settled at the Pabrade center (since 1997), 1,884 eventually were deported. Irregular migration reached its peak in 1997. By mid-2000 it had decreased by more than 400 percent due to improved border control, the adoption of new and strict laws against human smuggling, and the more effective detention and return of migrants to their countries of origin. However, counter to this trend, illegal immigration from CIS countries and Afghanistan was on the rise. The Government continued its efforts to stop illegal migrants by negotiating readmission agreements with Russia and Belarus, the two countries used by most migrants to reach Lithuania, but no progress had been made by year's end. A border demarcation agreement with Belarus was ratified. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Seimas, 71 are elected directly, and 70 are elected through proportional representation. Only those parties that receive more than 5 percent of the total ballots (or 7 percent for coalitions) are allowed representation in the Parliament.

In 1998 independent candidate Valdas Adamkus was elected President by a narrow margin. Following the resignation of Prime Minister Gediminas Vagnorius, the Seimas endorsed the 14-member Cabinet of Prime Minister Rolandas Paksas, a member of the ruling Conservative Party, to carry out the amended program of the Government. Paksas resigned in October 1998 in opposition to a government oil privatization contract. The next Prime Minister, Andrius Kubilius, stepped down after the October 2000 general elections, and Rolandas Paksas, who switched parties and became leader of the Liberal Union, was sworn in as Prime Minister.

Women are underrepresented in politics and government, although there are no legal restrictions on their participation. The number of female parliamentarians in the new 141-seat Seimas, elected in October, is 14 compared with 24 in the previous Seimas; as in the previous government, there is 1 female minister in the new 14-member Cabinet.

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

Most government authorities cooperate with local nongovernmental organizations and actively encourage visits by international and nongovernmental human rights groups. A key exception in the past was the Ministry of Interior, which continually refused to release information on police brutality and statistics on corruption-related

incidents. The Ministry is more willing to share such information; however, it has released few statistics or reports. The Association for the Defense of Human Rights in Lithuania is an umbrella organization for several small human rights groups, all of which operate without government restriction.

The division of human rights of the department of international law and European integration in the Ministry of Justice monitors law and legal practice to determine whether they are in accord with the country's international obligations.

Section 5 Discrimination based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, or ethnic background; however, discrimination against women in employment and other areas persists.

Women

The abuse of women at home is reportedly common, especially in connection with alcohol abuse by husbands, but institutional mechanisms for coping with this problem are developing slowly. A women's shelter funded in part with Norwegian assistance is now in operation. According to one sociological survey published in 1997, 20 percent of women reported experiencing an attempted rape, while another 33 percent reported having been beaten at least once in their lives. During the first 6 months of the year, 154 rapes were reported, but only 78 were registered and prosecuted. Official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Persons convicted of rape generally receive sentences of from 3 to 5 years in prison.

Trafficking in women for the purpose of forced prostitution is a problem (see Sections 1.b., 6.c., and 6.f.).

The Constitution provides for equal rights for men and women; however, women continue to face discrimination. Official policy specifies equal pay for equal work. The Law of Realization on Equal Rights and Opportunities for Women and Men came into effect on March 1, 1999. The Office of the Ombudsman for Equal Opportunities of Women and Men was established in May, and the Seimas appointed lawyer Ausra Burneikiene as ombudsman. The Ombudsman's Office is an independent public organization, accountable to the Seimas, which oversees the implementation of the law and investigates complaints concerning violations of gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code envisions criminal sanctions for discrimination or harassment. Generally, men and women receive the same pay for comparable work, but women are underrepresented significantly in some professions and in the managerial sector as a whole. Women are underrepresented in businesses. Significant inequalities in society based on gender continue, and conservative views about the role of women persist. In 1999 the Ministry of Education and Science abolished preferential university entrance criteria. Since then the equal opportunities ombudsman also closely followed admission examinations to high schools. During the period from March to August, the ombudsman received 20 complaints based on gender discrimination. During the period from July 1999, when the ombudsman's office began operating, to March 2000, 35 complaints were registered.

Children

The Government demonstrates its commitment to children's rights and welfare through a system of public education and medical care. The Government provides compulsory, free, and universal primary school education for children through the age of 15 or 9th grade. The Government provides low-cost health care for all children. A special office in the Ministry of Social Security and Labor oversees implementation of the Government's program for children, and an ombudsperson for children was established during the year.

The Ministries of Social Security and Labor and of the Interior share official responsibility for the protection of children's rights and welfare. By the end of April 1999, the Minister of Justice had appointed 85 judges in the district courts for hearings in juvenile criminal cases and cases related to children's rights (adoption and paternity matters). Starting in 1994, the Children's Rights Office of the Ministry of Social Security and Labor (also known as the Children's Rights Protection Council) began to take on many of the functions formerly handled by the Interior Ministry and its police officers throughout the country, thereby focusing more attention on the social welfare needs of children. As of January 2000, the service identified 36,856 children in abusive and dysfunctional families, a 44 percent increase compared with 1995. The number of such families grew by 65 percent over the same period.

The ombudsperson's office for children, established in November, is taking over most of the functions of the Children's Rights Protection Council. In August an adoption service at the Ministry of Social Security and Labor was established to oversee implementation of the 1993 Hague Adoption Convention. The Office of Family and Children at the Ministry of Social Security and Labor formulates and implements the Government's program for family and children.

Child abuse is a problem. Child abuse in connection with alcohol abuse by parents is a serious problem. The prevalence of authoritarian values in family upbringing has discouraged more active measures against child abuse; however, the press has reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and murder. Authorities reported that two children were killed by their parents in 1998; however, the media widely reported on five cases during the year. The penalties for violence and cruel behavior against underage persons were made stricter in 1999, providing for imprisonment terms of from 1 to 2 years. No department or organization collects information on child abuse.

There is one rehabilitation center in the country for children who have been abused sexually. The Penal Code provides for terms of up to 3 year's imprisonment for sexual abuse and from 1 to 4 years' imprisonment for exploiting children in the production of pornography. There is no official data on the exploitation of children in pornography cases.

Trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

People with Disabilities

The 1991 Law on Integrating Disabled People provides for a broad category of rights and public benefits to which disabled people are entitled legally. Legal provisions for access to buildings for the disabled are in place but are not enforced widely; the vast majority of public buildings remain inaccessible to the disabled.

In 1999 there were 544,674 adults and 13,276 children with disabilities. The latest data available shows that in 1998 spending for disabled persons was \$166 million (666.58 million litas) or 1.55 percent of GDP, with various assistance programs being implemented. A project in Kaunas to build an apartment building for persons with disabilities has not been finished due to a lack of funds and the pending privatization of the state institution that was to have supervised the project. A center for deaf children and a program for children with special orthopedic problems have been in effect since 1997.

Religious Minorities

A certain level of anti-Semitic sentiment persists in the country, reflected in sporadic public incidents of anti-Semitism and sensationalist exploitation of anti-Semitism for commercial gain. In November the Prosecutor General launched an official criminal investigation into anti-Semitic articles published on October 18 in the national daily newspaper *Lietuvos Aidas* (circulation 10,000). The President, Prime Minister, and the journalists' union publicly condemned the articles. The Penal Code provides for a sentence of from 2 to 10 years' imprisonment for incitement of racial or national hatred or incitement of violence against foreigners. The investigation continued at year's end.

National/Racial/Ethnic Minorities

Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—make up roughly 20 percent of the population. Members of the Polish Parliament criticized the Government in February over alleged discrimination against the Polish minority.

Many nonethnic Lithuanian public sector employees by law were required to attain a functional knowledge of the Lithuanian language within several years, although the authorities have been granting liberal extensions of the time frame in which this competence is to be achieved. In the first half of the year, 223 persons took the language portion of the citizenship test, and 209 persons passed. From January to August, 352 persons were naturalized (compared with 567 in 1999 and 550 in 1998). There is no documented evidence of job dismissals based on the language law. The authorities have indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they have asserted that no one would be dismissed solely because of an inability to meet the language requirements.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the 1991 Law on Trade Unions recognize the right of workers and employees to form and join trade unions. The Law on Trade Unions formally extends this right to employees of the police and the armed forces, although the Collective Agreements Law of 1991 does not allow collective bargaining by government employees involved in law enforcement and security-related work.

In 1990 the Lithuanian branch of the Soviet Union's

All-Union Central Council of Trade Unions, which includes 23 of 25 trade unions, renamed itself the Confederation of Free Trade Unions (CFTU) and began asserting increased independence from its Soviet parent organization. In 1993 the CFTU joined eight other unions that also had been part of the All-Union Central Council to form the Lithuanian Trade Union Center (LTUC).

Four major trade union associations work within the trilateral commission, which is composed of representatives of the Government, trade unions, and employers' organizations: The LTUC (110,000 members as of June 2000), the Lithuanian Workers' Union or LWU (52,000 members), the Association of Lithuanian Trade Unions (41,650 members), and the Lithuanian Work Federation (over 15,000 members).

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not do so. No major strikes took place during the year; 56 other labor actions occurred during the first 8 months of the year.

There are no restrictions on unions affiliating with international trade unions.

b. The Right to Organize and Bargain Collectively

The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees, although several provisions reportedly hinder the establishment of new unions. Probably as a result of the discrediting of labor unions during the Soviet period, only 10 percent of enterprises have trade unions. Some 10 to 15 percent of the workforce is unionized. Collective negotiations regarding labor relations, including wages, are not very widespread. Workers often present their own case against their employer. Negotiations are more common in enterprises that have trade unions.

According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Difficulties commonly arise in state enterprises in which employees are represented by more than one union. LWU officials charge that managers in some state enterprises discriminated against LWU organizers and have on occasion dismissed employees in retribution for their trade union activities. The LWU also charged that the judicial system was slow to respond to LWU grievances regarding dismissals from work. LWU representatives claimed that state managers sometimes preferred the CFTU/LTUC over LWU unions as collective bargaining partners.

In general trade union spokesmen said that managers often determine wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government issues periodic decrees that serve as guidelines for state enterprise management in setting wage scales. The LWU and the LTUC engage in direct collective bargaining over wages at the workplace level. Wage decisions increasingly are being made at the enterprise level, although government ministries still retain some control over this sphere in state-owned enterprises. The LWU reports that it supplements its bargaining efforts with active lobbying in government ministries that own enterprises.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced labor by all, including children, and this prohibition generally is observed in practice; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 1.b., 5, and 6.f.). Families of women who are trafficked often believe they have disappeared or been kidnapped.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment of children without parental consent is 16 years; with the written consent of parents, it is 14 years. Complaints about the infringement of child labor regulations generally are referred to local prosecutors who investigate the charges and take legal action to stop violations. Child labor problems appear to be rare.

The Constitution specifically prohibits forced and bonded labor by children, and this prohibition generally is observed in practice; however, girls are trafficked for the purpose of forced prostitution (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work

The Constitution provides for every person's right to receive just payment for work.

The legal minimum wage has been stable at \$107.50 (430 litas) per month since December 1999. The minimum wage does not provide a decent standard of living for a worker and family. The average wage in July 2000 was \$275 (1,100 litas) per month, which is a 0.5 percent increase since July 1999. The Council of Ministers and the Ministry of Social Security and Labor periodically adjust the minimum wage. Every 3 months these government bodies must submit their minimum wage proposals to the Seimas, which has the right to approve or revise the minimum wage level. Enforcement of the minimum wage is almost nonexistent, in part because the Government does not want to increase unemployment.

The 40-hour workweek is standard, with a provision for at least one 24-hour rest period. For a majority of the population, living standards remain low. Some 65 percent of the expenditures of the poorest 16 percent of households goes for food, compared with 30 percent for food in the top 10 percent.

The Constitution provides that workers have the right to safe and healthy working conditions. The State Labor Inspection Service implements the Labor Safety Law. From January to July, the Labor Inspection Service received 2,169 complaints and declarations, of which more than 1,458 were found to have merit. Of the complaints, 90.5 percent involved abuses of labor laws while only 9.5 percent dealt with working conditions. The most numerous abuses include illegal employment (working without a written contract), wage arrears, and time off.

In October the Seimas passed amendments to the Law on Safety at Work. The law now complies with

European Union directives and outlines clear responsibility of the employer for the safety and health of employees at work. The 1993 Labor Safety Law sets out the rights of workers facing hazardous conditions and provides legal protection for workers who file complaints about such conditions. Workers may remove themselves from hazardous job conditions without losing their jobs.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women and girls for the purpose of forced prostitution was a problem. A 1998 law criminalizes trafficking in persons for purposes of sexual abuse: the penalty is 4 to 8 years' imprisonment. There were no prosecutions under this statute during the year.

The country is a source, transit point, and destination for trafficking in women. Women from Belarus, Russia (Kalingrad District), Latvia, and the Lithuanian countryside are trafficked to major cities. Some are trafficked further to Western Europe and elsewhere. Germany, Israel, the Netherlands, Denmark, and Austria are major destinations, based on the figures of women subsequently deported from these countries to Lithuania.

A number of women, some underage, have been enticed or forced into prostitution and sold abroad by organized crime figures. Many are lured by deceptive offers of seemingly innocent jobs such as household helpers, bar dancers, or waitresses. Women also are tricked into prostitution through false marriage advertisements. Their families often are unaware of their predicament and believe that they have disappeared or been kidnaped. However, it is difficult to determine what percentage were enticed or coerced and how many departed voluntarily. Of those returned to Lithuania as deportees, 70 percent reportedly said that they knew what type of work they were going to undertake.

Experts from nongovernmental organizations consider government efforts to prevent trafficking in persons and search for missing persons unsatisfactory. In July the border police were instructed to pay more attention to young persons, particularly females, traveling abroad. Since January statistics on deported persons are being collected. During the first half of the year, 1,618 persons were deported back to Lithuania. Most of them worked or attempted to work illegally, stayed illegally in other countries, or were turned back at the border. The absolute majority of them are citizens of Lithuania. There are no specific government assistance programs for victims of trafficking; however, the police offer protection for witnesses.

The media report extensively on trafficking in persons. A local nongovernmental organization, the Missing Persons' Families Support Center, received a foreign grant during the year to conduct an awareness campaign on trafficking in persons.

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