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LITHUANIA ASSESSMENT

April 2002

Country Information and Policy Unit

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1. SCOPE OF THE DOCUMENT

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the Care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

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2. GEOGRAPHY

2.1 The Republic of Lithuania (formerly the Lithuanian Soviet Socialist Republic) is situated on the eastern coast of the Baltic Sea in north-eastern Europe. It is bounded by Latvia to the north, by Belarus to the south-east, by Poland to the south-west and by the territory of the Russian Federation around Kaliningrad to the west. [1c]

2.2 The population of Lithuania, according to provisional results of the 2001 Census, is 3,490,000. The capital city is Vilnius, with a population of 543,000. Other principle cities include Kaunas (pop 381,300), Klaipeda, Siauliai and Panevezys. [66] The official language of the country is Lithuanian. Of the total population in 1996, 81.4% were Lithuanians, 8.3% Russians and 6.9% Poles. There are also significant Jewish, Tatar, Latvian and Roma minorities. Most ethnic Lithuanians are Roman Catholics by belief or tradition. [1c]

The Economy

2.3 Since independence, Lithuania has made steady progress in developing a functioning market economy. Over 40% of state property, and most housing and small businesses, have been privatised. The agricultural sector is the largest employer, followed by industrial enterprises and the wholesale and retail trade. About 31.6% of those employed work for state enterprises. [3a][24a]

2.4 During the early 1990s the government embarked upon a comprehensive programme of market-orientated reforms, including the transfer to private ownership of state-owned enterprises and the adoption of measures to encourage foreign investment. However, the increase in fuel prices and the disruption of trading relations with countries of the former USSR led to a severe decline in industrial productivity and a consequent deterioration in living standards. By the mid-1990s the government's stabilisation programme had achieved modest success: development of the private sector, initially through a voucher privatisation scheme, was well advanced, and by December 1995 approximately 83% of all state assets had been privatised; most prices were liberalised; reform of the legal system had been introduced; and some progress was achieved in the restructuring of the financial sector. [9m]

2.5 Lithuania's economic situation has improved since the end of 1999; whereas Real GDP had declined by 4.1% from 1998 to 1999, a growth rate of 3.3% was recorded for 2000, and this increased to 5.9% in 2001. The manufacturing sector, which exports a large proportion of its output, is growing at about 18% a year. However, unemployment has continued to rise, partly as a result of economic

restructuring. The overall rate of unemployment reached 13.1% in January 2002 compared with 6.5% at the end of 1998 - but was down slightly to 12.9% for February 2002 (representing 226,265 people). A survey conducted by the Labour and Social Research Institute in early 2002 showed a sharp increase in the number of long-term unemployed; in 2002 an estimated 74,500 people had been unemployed for more than 12 months, compared with 62,400 for 2001. Consumer price inflation averaged 2.0% in 2001. [14c][46c][46e][61b][66]

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3. HISTORY

Recent Political History

3.1 Lithuania's first Constitution, which declared Lithuania a parliamentary democracy, was adopted in August 1922. However, in December 1926 Antanas Smetona seized power in a military coup d'etat and established an authoritarian regime which lasted until 1940. The Nazi-Soviet Treaty on Friendship and Existing Borders agreed in September 1939 (following the outbreak of World War II) permitted the USSR to take control of Lithuania. In return, the USSR returned the city and region of Vilnius to Lithuania from Poland, who had held it since the twenties. In June 1940 the USSR dispatched yet further troops to Lithuania and forced the Lithuanian Government to resign. A Soviet-controlled People's Government was then formed. Following the invasion of USSR by German forces in July 1941 around 135,000 (90%) of Lithuania's Jewish population were murdered. The return of Soviet forces in 1944 was not welcomed by most Lithuanians. Nevertheless, traditional features of Soviet rule were swiftly introduced into the country. Lithuanian political parties were disbanded and political power became the exclusive preserve of the Communist Party of Lithuania (CPL), the local branch of the Communist Party of the Soviet Union (CPSU). Some 150,000 people perceived as political enemies were deported, and leaders and members of the Roman Catholic Church were persecuted and imprisoned. Partisan activity against Soviet rule continued until the late-1950s until finally stamped out by ruthless Soviet reprisals. [1a] [2]

3.2 A significant dissident movement was established during the 1960s and 1970s. There were demonstrations in Kaunas in May 1972 in support of demands for religious and political freedom. In June 1988, the Lithuanian Movement for Reconstruction (Sajudis) was established. It organised mass demonstrations to protest against environmental pollution, the suppression of national culture and "Russification", and appealed to the CPL to support a declaration of independence and the recognition of Lithuanian as a state language. The latter demand was adopted by the Lithuanian Supreme Soviet (legislature) in November 1988, and traditional state symbols were restored. The CPL then began to adopt a more radical position in an attempt to regain some measure of popular support. Nevertheless, Sajudis remained the dominant political force, and its supporters won an overall majority in the elections to the Lithuanian Supreme Soviet in February and March 1990. This new pro-independence parliament elected Vytautas Landsbergis, Chairman of Sajudis as its Chairman (de facto President of Lithuania) and on 11 March 1990 declared the restoration of Lithuanian independence. Lithuania was the first of the Soviet republics to make such a declaration. The Lithuanian declarations were condemned by a special session of the all-Union Congress of People's Deputies

as "unconstitutional" and Soviet (OMON) forces occupied the CPL buildings in Vilnius and took control of newspaper-printing presses. The Soviet Union imposed an economic embargo on Lithuania in April 1990 which remained in force until Lithuania agreed a six-month moratorium on the independence declaration, two months later. There was no further progress however until mid-January 1991 when 13 people were killed, and about 500 injured when Soviet troops seized the broadcasting centre in Vilnius. The military intervention strengthened popular support for independence. A referendum on the issue took place on 9 February 1991 in which 90.5% of the voters expressed support for the re-establishment of an independent Lithuania and the withdrawal of the USSR army. The Soviet coup against Gorbachev on 19 August 1991 collapsed on 21 August, allowing the Baltic States to press their bid for independence. Yeltsin recognised their independence, on behalf of Russia, on 24 August, and the UK did so, along with the rest of the European Community, on 27 August. On 6 September 1991, the USSR State Council recognised the independence of Lithuania (as well as Latvia and Estonia) and the country was admitted to the UN and the Conference on Security and Co-operation in Europe later that month. The organisers of the attempted coup were found guilty in August 1999 and six were sentenced to long periods of imprisonment. The remaining 51 defendants are said to be in hiding in Russia and Belarus. [17e] [40]

3.3 The Homeland Union (Lithuanian Conservatives) prevailed in the 1996 parliamentary elections, followed by the Christian Democratic Party. The two parties formed a coalition government (the first in Lithuania's history). [3]

3.4 In February 1998 Valdas Adamkus was elected President of Lithuania for a five-year term, defeating Arturas Paulauskas in the second round by a narrow majority. Lithuanian-born Mr Adamkus fought in the local resistance against the Red Army before fleeing to the US in 1944, where he acquired American citizenship and followed a career in public administration. Following retirement, he returned to Lithuania to take part in the 1997-98 presidential election campaign after overturning a court ruling on his ineligibility as a non-resident. He subsequently relinquished his US citizenship. [46b]

3.5 Gediminas Vagnorius resigned as Prime Minister in May 1999, following criticism by the President over corruption within the privatisation programme and the slow pace of progress towards EU accession. He was succeeded by former Vilnius mayor Rolandas Paksas who, at the time, was a member of the Homeland Union (Conservatives). The Christian Democrats ended their formal coalition agreement with the Homeland Union in June, but maintained their ministers in the cabinet and continued to support the government in parliament. Paksas resigned the premiership in October 1999 following a dispute over an oil refinery privatisation contract (and subsequently became leader of the Liberal Union); he was succeeded as Prime Minister by Andrius Kubilius on 29 October 1999 - making this the tenth government since 1991. [4][24d][46b][3a]

3.6 Municipal elections were held in March 2000. Compared with the results of the 1995 municipal elections, there was much less support for candidates representing the five main 'traditional' parties, particularly those on the right. Candidates of the New Union (Social Liberals) gained the highest percentage of seats on local councils (16%); those standing for the Homeland Union (Lithuanian Conservative party) secured only 11% of all seats. [41b][41c]

The October 2000 Parliamentary Elections

3.7 Following amendments to the Election Law in July 2000, twenty-seven parties or coalitions registered to participate in the Lithuanian general election on 8 October 2000. OSCE had already decided not to monitor the elections, stating that conditions for democratic, free and fair elections in Lithuania were well established. [6a] [12d]

3.8 No party won an outright majority. The left-of-centre Social Democratic Coalition, led by former President Algirdas Brazauskas and comprising the Lithuanian Democratic Labour Party (LDLP), the Lithuanian Social Democratic Party (SDP), New Democracy (formerly the Women's Party) and the Union of Russians, won 51 of the 141 seats in the Seimas. The centrist Liberal Union and New Union secured 34 and 29 seats respectively. The formerly ruling centre-right Homeland Union-Lithuanian Conservatives won only 9 seats. Eleven of the 27 parties which took part failed to gain any seats.

	SINGLE- MEMBER CONSTITUENCIES	PARTY LISTS	TOTAL SEATS
Social Democratic Coalition (including LDLP)	23	28	51
Lithuanian Liberal Union	18	16	34
New Union (Social Liberals)	11	18	29
Homeland Union - Lithuanian Conservatives	1	8	9
Lithuanian Peasants Party	4		4
Christian Democratic Party	2		2
Centre Union	2		2
Poles' Electoral Action	2		2
Modern Christian Democratic Union	1		1
Other parties	4		4
Independents	3		3
TOTAL SEATS	71	70	144

3.9 After the election, on 12 October, the Lithuanian Liberal Union, New Union, Centre Union (CU) and Modern Christian Democratic Union (MCDU) entered into a formal coalition known as the *New Policy Bloc*, with 66 seats in parliament - ahead of the 51 seats of Brazauskas's Social Democratic Coalition. The agreement provided for Liberal Union leader Rolandas Paksas to become Prime Minister, while NU leader Arturas Paulauskas would become Chairman (Speaker) of the Seimas. The President accordingly nominated Paksas to form a government; this achieved the support of 79 of the 141 members of the Seimas on 26 October 2000. [47][46a][17h][17i]

Change of Government, June-July 2001

3.10 Prime Minister Rolandas Paksas (and his Government) resigned on 20 June 2001 after seven months in office; this followed the resignation from the Cabinet of the six New Union-Social Liberal Ministers due to policy disagreements relating to the privatisation of Lietuvos Dujos (Lithuanian Gas), a proposed reduction in capital gains tax, and other issues. On 22 June, the New Policy Bloc coalition disintegrated after negotiations failed to produce agreement between the NU and the other three parties. Economy Minister Eugenijus Gentvilas was appointed acting Prime Minister pending the nomination of a new Prime Minister by President Adamkus. [12f, 60a]

3.11 On 26 June, the left-of-centre Lithuanian Social Democratic Party, under Algirdas Brazauskas, entered into a working agreement with the New Union-Social Liberal and New Democracy parties which would secure a majority in the Seimas; the Peasants' Party subsequently also joined this loose coalition. [9aa]

3.12 On 29 June, President Adamkus nominated Algirdas Brazauskas to be

Prime Minister and this appointment was ratified by the Seimas on 3 July. New Union leader Arturas Paulauskas retained his position as Chairman (Speaker) of the Seimas, and Brazauskas has included in his thirteen-member Cabinet the six NU-nominated Ministers who had previously served in Rolandas Paksas' government. [15c]

3.13 Former Prime Minister Rolandas Paksas left the Lithuanian Liberal Union (LU) in January 2002 and announced his intention to form a new party, to be known as the Lithuanian Liberal Democratic Party. Eugenijus Gentvilas had been elected leader of the LU in October 2001 following the resignation of Mr Paksas as Chairman. [46h]

3.14 In March 2002 the Seimas, in a first vote, approved an amendment to Article 47 of the Constitution, removing a restriction on the sale of agricultural land to foreigners. Constitutional amendments require the approval of at least three-quarters of the Seimas, as well as a second vote three months after the first. [46g]

Europe and NATO

3.15 Full membership of the institutions of Western Europe is Lithuania's overriding foreign policy goal. A formal application for EU membership was lodged on 8 December 1995 following the signature of an Association (Europe) Agreement on 12 June 1995 and a Free Trade Agreement on 18 July 1994. At the European Union summit in Helsinki in December 1999, Lithuania was invited to begin accession negotiations on 28 March 2000. By April 2002, negotiations had been concluded on 24 of 29 chapters of the *acquis communautaire*. [46e] Lithuania joined the Council of Europe in 1993 and became an Associate partner of the WEU in May 1994. [6b][11e][39]

3.16 The Europe Agreement between the European Union and Lithuania entered into force on 1 February 1998 following the completion of the ratification procedures. Lithuania has implemented the Europe Agreement correctly and contributed to the smooth functioning of the various joint institutions. [21]

3.17 The European Commission's Progress Report of November 2001 confirmed that Lithuania continues to fulfil the Copenhagen political criteria and, since 1997, has made considerable progress in consolidating and deepening the stability of its institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. With regard to political criteria, it also noted that progress had been achieved over the past year in reforming the public administration and the judiciary, that the legal system had been improved with the new Civil Code, that the capacity to fight corruption had been strengthened, and that the Ombudsmen's offices had played active roles in the fields of equal opportunities and children's rights. The Commission urged the speedy adoption of laws on the courts, criminal procedure and the anti-corruption strategy, and additional funding to improve the judicial system. [14d]

3.18 Public support for Lithuania joining the European Union is currently at a high level. In an opinion pole conducted in July 2001, 56% of respondents were in favour of EU membership (up from 34% in September 2000), 21% would vote against joining, and the balance were undecided. [7g]

3.19 In June 2001 the European Union agreed on a common position with regard to the free movement of persons. There will be a period of transition of up to seven years after enlargement during which freedom of movement may be restricted by current EU members: During the first two years, nationals of the new member states would not have a right to work in the fifteen current member states; for the next three years, existing member states can individually apply national measures to restrict employment rights; they can then extend these restrictions for a further two years, up to a total of seven years, if there remains a

serious threat to their domestic labour markets. [65]

3.20 The European Commission proposed in January 2002 that aid to farmers in the new member states under the Common Agricultural Policy (CAP) should be gradually phased in over a period of ten years, following accession. Farmers in the new member states would initially receive 25% *pro-rata* of the subsidies paid to farmers in existing member states. [46f]

3.21 Lithuania applied to join NATO in January 1994, and is already modifying its armed forces to conform with NATO standards. [39] NATO members are due to consider the applications for membership of the three Baltic States and other applicant states at the NATO summit in Prague in 2002. President Adamkus stated in March 2001 that, in the event of Lithuania's entry into NATO, there would be no NATO bases or divisions stationed within the country. Russia is, in principle, opposed to Lithuania joining NATO. [7d][51a]

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4. STATE STRUCTURES

The Constitution

4.1 The Lithuanian Constitution was approved in a national referendum on 25 October 1992 and was adopted by the Seimas on 6 November 1992. It provides that the Republic of Lithuania is an independent and democratic republic; its sovereignty is vested in the people, who exercise their supreme power either directly or through their democratically elected representatives. The most significant issues concerning the State and the people are decided by referendum. [1c] [23]

4.2 In accordance with the 1992 Constitution, the rights and freedoms of individuals are inviolable. Freedom of thought, conscience and religion are guaranteed. All persons are equal before the law. No one may be discriminated against on the basis of sex, race, nationality, language, origin, social status, religion or opinion. Education is free and compulsory. Censorship of the mass media is prohibited. People who belong to ethnic minorities have the right to foster their language, culture and customs. [1c]

4.3 Constitutional amendments require the approval of at least three-quarters of members of the Seimas, as well as a second vote three months after the first. [46g]

Political System

The powers of State are exercised by the Seimas, the President of the Republic, the Government and the Judiciary. [1c]

The Seimas

4.4 Under the terms of the Constitution, supreme legislative authority resides with the unicameral parliament, the Seimas. It comprises 141 members elected for a four-year term; 71 are directly elected and 70 are elected on a proportional basis; parties need 5% of the vote (or 7% for coalitions) to be represented, with the exception of parties representing national minorities. The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through free and fair elections held on the basis of universal adult suffrage. The election law provides for a secret ballot in parliamentary elections. [1c][46i]

4.5 The Seimas considers and enacts amendments to the Constitution; calls referendums, approves or rejects candidates for Prime Minister, supervises the activities of the government, appoints judges to the Constitutional and Supreme Courts, approves the state budget, ratifies international treaties, declares states of emergency and announces mobilisation, and may express a vote of 'no confidence in the Prime Minister. [1c]

4.6 Political parties and political organisations have to be registered by the Ministry of Justice. [24c] The Ministry of Justice has the right to suspend the activities of a political party or a political organisation if it violates the Constitution. The law provides that all political parties and political organisations in Lithuania function freely and independently. State bodies, enterprises, institutions and organisations, as well as public organisations and officials, are prohibited from interfering in the internal affairs of a political party or a political organisation. [10a]

The President of the Republic

4.7 The President (who is Head of State) is elected by direct popular vote for a five-year period, for a maximum of two consecutive terms. The President signs and promulgates laws enacted by the Seimas, or refers them back to the Seimas; Seimas; appoints or removes the Prime Minister with the approval of the Seimas; implements foreign policy in conjunction with the government; signs international treaties and submits them to parliament for ratification and, with the approval of the Seimas, appoints or dismisses the Commander-in Chief of the armed forces and the Head of the Security Service. [1c][10d]

The Government

4.8 Executive power is vested in the Council of Ministers. The Prime Minister is appointed by the President, with the approval of the Seimas. Ministers are appointed by the President, on the nomination of the Prime Minister. [1c]

4.9 The Seimas passed a law on 8 July 1999, determining the principles of public service, the status of a public servant and the legal foundation for the country's public service system. People who have a criminal record or persons who had previously been employed by the Soviet KGB cannot seek posts in the Lithuanian public service system. The law is to be implemented in full in two - five years. [9a] In October 1999 the Seimas adopted a universal vetting law on the registration and protection of persons who had confessed to their participation in the activities of Soviet secret services in the period from 1940-90. [24b]

4.10 The Seimas Ombudsmen's Office investigates citizens' complaints concerning any state or local government officials who have allegedly abused their official position. The jurisdiction of this office does not encompass the activities of the President, members of parliament, or judges. [10a] See Section V.A "Offices of the Ombudsmen".

4.11 A law on Compatibility of Public and Private Interests in the Public Service was enacted in July 1997. Its purpose was to secure the impartiality of decisions and to prevent the emergence and spread of corruption in the public service. In the implementation of this law, the High Commissioner of Ethics in Office adopted, in March and April 2000, rules on the public declaration of private interests of civil servants and local government officials; those concerned were required to submit detailed declarations by 15 May 2000. Incidents of alleged corruption in the public service have been investigated and prosecuted by the Special Investigation Service, an independent body accountable to the Seimas and the President. From July 1999 to April 2000, 132 lawsuits were filed; 83 civil servants and public officials were charged with offences. It is reported that corruption occurs mainly in the context of public procurement bills and the award of government contracts. [8c][14c]

4.12 The system of local government in Lithuania comprises two levels. The lower level consists of 61 districts, of which 12 are cities and 49 are rural regions. The higher level consists of 12 counties, each with a governor appointed by the Prime Minister. Local elections were held on 19 March 2000. [1c]

Judiciary

4.13 The judicial system is independent of the authority of the legislative and executive branches of government. [1c] The Constitution and the 1994 Law on Courts provide for a four-tier court system: The Supreme Court, the Court of Appeals; district courts; and local courts. The Constitution also provides for a Constitutional Court and specialised courts for administrative, labour and other purposes. [3d] Judges of the Supreme Court are appointed by the Seimas following representations by the President. Appeal Court judges are appointed by the President with the approval of the Seimas. Judges of district and local courts are appointed by the President, based on recommendations from the Council of Judges. [1c][10d]

4.14 The Constitutional Court rules on whether the laws and other legal acts adopted by the Seimas are in conformity with the Constitution, as well as on the constitutionality of acts of the President and the Government. [10d] It consists of nine judges, who are appointed by the Seimas for a single term of nine years; one-third of the Court's members are replaced every three years. 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. [1][3a]

4.15 The main function of administrative courts is to investigate the legality of administrative acts and conflicts in public administration and taxation. [3d] The Law on Administrative Court Proceedings, which came into force in January 2001, determines the structure of the administrative courts system; County Administrative Courts are the courts of first instance, while the General Administrative Court has an appeals and judicial review function. [14d]

4.16 A defendant is presumed innocent until proven guilty according to the procedure established by law and until declared guilty by an effective court sentence. [10a] The Constitution provides for the right to legal counsel for defendants, but in practice the right to counsel is abridged by the shortage of trained lawyers, who find it difficult to cope with the heavy load of criminal cases before the Courts. [3d]

4.17 The law also provides that all court proceedings are open to the public. Closed court sittings may be held in order to protect the citizen's or the citizen's family's private life, or to prevent the disclosure of state, professional or commercial secrets. Closed court sittings may be held in cases where the criminal act was committed by a person under the age of 16 or in order to ensure the secrecy of adoption. Verdicts and final court decisions are openly announced in all cases. [10a]

4.18 The Office of the Prosecutor-General is an autonomous institution of the judiciary. It incorporates the Department for Crime Investigation. [1] The Prosecutor General exercises an oversight responsibility for the whole judiciary through the network of district prosecutors who work with investigators, employed by the Ministry of the Interior, in preparing evidence for the Courts. [1c][3d]

4.19 A law was passed on 1 November 1997 to provide for Remedies for Damages inflicted by the Unlawful Acts of investigative judicial bodies. [14b]

4.20 The European Commission, in its report of November 2001, expressed concern about the excessive length of court proceedings and consequent backlog of cases due to the lack of qualified judges, as well as organisational

problems. In order to cope with these problems, the Lithuanian authorities have taken various measures, outlined below:

- In the 12 month period to November 2000, 77 new judges were appointed. [14c] From July 2000 to September 2001, 19 new judges were appointed. Out of a total of 712 judicial posts, 68 posts were still vacant in September 2001. There is an action plan to fill all vacancies by the end of 2003. [14d]
- A special training department has been set up within the Ministry of Justice and an independent Judicial Training Centre has been established in order to remedy the problem of inadequate specialist training. There remains a requirement for further specialist training in the highly technical areas covered by the administrative courts, including asylum appeals and bankruptcy cases.
- The new Law on Courts will allow for re-organisation of the work of the court bailiffs and to make them more efficient. This reform also grants bailiffs the status of professional court assistants and allows the Justice Ministry to oversee their activities.
- The four-tier judicial system has been set up in order to reduce the workload of the Supreme Court, but organisational changes may have actually lengthened court proceedings. Following amendments to the Law on Courts, a special Court Department in the Ministry of Justice will perform administrative tasks regarding the management of the Courts.
- The length of court proceedings has created problems, particularly in commercial cases. This has resulted in an inadequate application of the bankruptcy law. In order to speed up the settlement of commercial disputes, arbitration tribunals have been set up and the Commercial Court was abolished as of 1 September 1998. [14c]

The new Law on Courts has yet to be adopted. [14d]

4.21 The number of cases dealt with has increased slightly: In 2000, 17,048 criminal cases and 124,011 civil cases were completed, compared with 16,755 criminal and 119,843 civil cases in 1999. At the same time, the backlog in cases pending has been contained. [14d]

The new Civil and Criminal Codes

4.22 Parliament approved a new six-volume Civil Code in July 2000; it went into effect in July 2001. [1c]. The new Code is in accordance with European Union and international law. [9o]

4.23 A new Criminal Code has been adopted by the Seimas and is scheduled to enter into force simultaneously with a new Code of Criminal Procedure, which is still under preparation. The main drafting principle has been compliance with the requirements of the European Convention on Human Rights. [14c][3d]

Citizenship

4.24 The Law on Citizenship, adopted in 1991 and amended in October 1995 and July 1997, is inclusive with regard to the country's ethnic minorities. Persons are citizens if they were born within the borders of the Republic of Lithuania; or were born outside the country and one of their parents were citizens or permanent residents of Lithuania; or were citizens or permanent residents of Lithuania prior to June 1940 (their children or grandchildren also qualify under certain circumstances); or became citizens under previous legal authority. [3][62]

4.25 Citizenship by naturalisation requires a 10-year residency, a permanent job or source of income, knowledge of the basic provisions of the Constitution, some proficiency in Lithuanian (94% of applicants passed the language portion of the citizenship test in the first half of 2000), renunciation of any other citizenship, and

an oath of allegiance. [3][62] Naturalisation can be denied to people who have committed

4.26 Under Lithuania's citizenship laws, all residents, regardless of ethnic origin, were eligible to apply for naturalisation; by early 1993 more than 90% of the country's non-ethnic-Lithuanian residents had been granted citizenship. [1]

4.54 With certain exceptions established by law no person may be a citizen of Lithuania and of another state at the same time. [1]

4.27 In the first half of 2001, 252 persons took the language portion of the citizenship test, and 221 (88%) passed. From January to August 2001, 307 people were naturalised. [3d]

Military Service

4.28 Military service is compulsory in Lithuania and normally lasts for 12 months. [1] There is however a long list of exemptions/postponements for those such as students, doctors, sick people, sick parents, etc. [11k]

4.29 Alternative service is available to conscientious objectors under the Law on Alternative Labour Service of October 1990, in terms of which citizens who are unable, on the basis of their beliefs, to serve in the military may instead be employed to work in municipalities, health care, or other public institutions. The period of alternative service is 24 months, but 12 months in the case of those who have graduated from schools or higher education. [48] A separate commission was formed in February 2000 to decide applications for alternative service. [9k]

4.30 Deliberate evasion of military service (or alternative service) would involve a lengthy process of up to two years culminating in a fine being imposed. If this fine were not paid, the offender could face up to two years in prison. [11k]

4.31 Incidents of human rights violations in the armed forces have declined. This has mainly taken the form of the hazing, or humiliating, of recruits by non-commissioned officers and older conscripts - a practice inherited from the former Soviet armed forces. During the first six months of 2001, 5 criminal cases were filed for breach of discipline involving violence, compared to 4 cases in the first half of 2000 and 34 cases in 1998. The Ministry of Defence believes that a lack of professionalism among non-commissioned officers, rather than ethnic, regional or social factors, is the primary factor in cases of hazing and it is working actively to improve the skills and judgements of such officers. A new disciplinary statute, approved in May 1999, provides procedures for investigation of disciplinary offences, assures the right to appeal and list the types of punishment. [3][3a][3d]

4.32 SKAT is a legitimate organisation which forms part of the Lithuanian national defence forces under the jurisdiction of the Ministry of National Defence and equivalent to the National Guard. It was officially recognised in 1991 by law of the Supreme Court and re-organised in 1993 into more or less its present day form. [11i]

4.33 DOSAAF is the Russian acronym for SDAALR which means the Voluntary Society in support of the Army, Airforce and Navy. Membership of this organisation, or legally buying guns from it, would not merit arrest in Lithuania. [11m]

Internal Security

4.34 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. [3] A particular effort has been made to reform the police, although they continue to face problems in recruiting suitable staff, training them and in keeping well qualified officers in the service. [8] Economic pressures resulted in more than 1,200 policemen being made redundant in 1999. [9]

4.35 The Constitution specifically forbids torture; however, according to the US State Department Report for 2001: 'at times police beat or otherwise physically mistreated detainees'. [3d] Press reports in 2001 indicated that incidents of police brutality had decreased, and that victims were more willing to bring charges against police officers. [3d] The Office of Inspector General (established in 1999) and the Internal Investigation Division at the Police Department investigate, on the orders of the Minister of Interior, abuses committed by the police. Prosecutors and the Parliament controller carry out independent investigations. During the first half of the year, the controllers investigated 86 complaints (37 of them deemed justified) about the activities of Interior Ministry personnel and the police (63 such complaints were found to have merit during the first half of 2000). In five cases of alleged police brutality, criminal charges were filed against police officers (compared with four such cases in 2000), and in a number of other cases, the controllers proposed to relevant institutions that they take action or amend laws. However, according to the Ministry of Interior, from January 2000 to July 2001, no police officers were convicted for abuse of power. [3d] A total of 79 officers were dismissed for illegal or fraudulent activities in the first 6 months of 1998 for a variety of offences, compared with 182 for all 1997. During the first six months of 1999 four police officers were charged with abuse of power and one officer was sentenced. [3a]

4.36 On the initiative of the Ombudsman, a law on restitution for losses caused by unlawful interrogation, investigation or actions by the Prosecutor's Office and courts of law has been adopted. In addition to restoring the victims' professional and labour rights, the new law also provided for the related loss of property, grants and pensions to be compensated. [11a]

4.37 In April 2000 the Lithuanian Constitutional Court met to examine some of the articles of the law on the operational activities of law-enforcing agencies, in particular entrapment. On 8 May, the Constitutional Court ruled that governmental institutions cannot approve regulations that would allow the Special Security or other services to instigate or provoke a person to commit a crime in order to collect evidence, and to later initiate legal proceedings against that person; alternatively, a court may not take into account evidence collected in breach of the law. 9p,13c]

4.38 Article 8 of the Law on the Police of the Republic of Lithuania provides police officers with the possibility of establishing professional unions and other associations in order to meet their professional, cultural and social needs. Police officers, however, cannot become members of political parties. The same Article prohibits them from going on strike. [10a]

4.39 **ARAS:** ARAS was established in 1991 to deal with anti-terrorist, hostage release operations and arresting especially dangerous and armed criminals, including those involved in organised crime and hijacking. ARAS also organises the protection of witnesses and victims as well as buildings (in special cases). They assist the criminal police and special investigative service in secret operations and with bomb disposal. [11c]

4.40 The Lithuanian State Security Department is responsible for internal security and reports to Parliament and the President. [3] According to Article 5 of the Law on State Security Department of the Republic of Lithuania (1991), the State Security Department is obliged to follow the principle of inviolability of human rights and freedoms. Human rights and freedoms may be restricted only in cases

established by law. Upon the request of a person, officers of the State Security Department have to ascertain the legal grounds for the restriction of his/her freedoms and rights. [10a] The State Security Department guarantees its informants confidentiality. Persons who have helped the Department and suffered loss as a result are subject to compensation by the State. [10a]

4.41 The State Security Department will, in future, focus on counterintelligence work, Mecys Laurinkus - the Department's Director General - announced in March 2000. [17j]

Legal Rights/Detention

4.42 The Constitution provides that no persons may be arbitrarily detained or arrested, and the Government generally observes these prohibitions. However, there were instances of prolonged pre-trial detention. [3d]

4.43 On 1 July 1997 the Government abolished the practice of preventive detention which it viewed as an abuse of human rights. [3a] 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. [3d] Pre-trial detention applies only in the case of felonies and where there are reasonable grounds for suspecting that the person in question might flee to avoid investigation and trial or that he might obstruct the course of justice or commit new offences. [10a][3d]. A local judge, acting on a prosecutor's request, may order longer pre-trial detention, which can last up to 6 months. This may be extended by a district judge using the same procedure for periods not to exceed 18 months in total. [3d]

4.44 In 2001, the average length of pre-trial detention was 5 months. In August 2001 there were no persons whose summary pre-trial detention exceeded 18 months; however, there were 28 persons whose summary pre-verdict detention exceeded 18 months. Their detention had been extended by the court every month. [3d] Recent rulings by the European Court of Human Rights have underlined the need for Lithuania to review its remand practices. In October 2000, the Court of Human Rights delivered two judgements relating to events that occurred in the 1990s, establishing in both cases a violation of ECHR Article 5 due to prolonged pre-trial detention of the individuals concerned. The new Criminal Code, which has not yet entered into force, provides for a reduction of pre-trial detention time. In the meantime, measures to prevent violations from occurring have already been taken. [14d]

4.45 Bail is available in theory, but it is not used widely. It is expected that the parole and probation system will start to work when the new Criminal Code enters into force. [3d]

4.46 The Constitution provides for the right to legal counsel from the moment of detention. In practice the right to legal 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. [3d] By law, defence advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honour routine, written requests for evidence. [3a] Paragraph 6 of Article 267 of the Code of Penal Procedure provides for the right of the accused to question witnesses, experts, specialist, other persons on trial as well as the plaintiffs and their representatives. [10a]

4.47 It is assumed widely that law enforcement agencies have increased the use of a range of surveillance methods to cope with the expansion of organised crime. In July 2001, in the case of Juozas Valasinas v. Lithuania, the ECHR found that officials in his correctional institution were reading his correspondence without the approval of the court. During the first half of the year, the Parliament controller confirmed a violation of prisoner's correspondence rights. Pursuant to

a change in the law, since April 2001 prisoners' complaints to courts, the Parliament controller, and human rights groups have not been censored, and censorship of their private correspondence has been subject to stricter control by prison authorities. [3d]

Witness Protection

4.48 On 17 March 2000, the Interior ministers of Lithuania, Latvia and Estonia signed an agreement on the protection of witnesses and victims of crime. The agreement allows for cross-border protection of witnesses and victims, either for a limited period of time or permanently. The individual's property and legal interests are protected and all housing, medical and other re-settlement costs are covered by the country of origin. This arrangement is unique in Europe. [49][9y]

The Death Penalty

4.49 Following a Constitutional court ruling that capital punishment was at odds with the Constitution, the Seimas abolished the death penalty on 22 December 1998, replacing capital punishment with life imprisonment for very serious crimes. The Seimas also passed a law giving those already sentenced to death, of which there were nine, the chance of life imprisonment. [17a] [15]

4.50 On 18th January 1999 Lithuania signed Protocol No. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which provides for the abolition of the death penalty. [17b][44a]

Prisons

4.51 Prison conditions are generally poor. The main problems include overcrowding and poor maintenance due to limited resources, as well as inactivity and abuse by fellow prisoners. [3a][14c]

4.52 Following the restoration of independence, the provisions applicable to places of detention were amended, together with almost 70% of the Articles of the Penitentiary Code, to ensure that prison sentences were served under more humane conditions. In 1996 an act on place of pre-trial detention was adopted. Although in practice, convicted prisoners had already been held separately from prisoners awaiting trial, the new provision made it mandatory to do so. The requirement to separate minors from adults was laid down by Article 18 of the Penitentiary Code and by Article 12 of the Act on pre-trial detention. [10b] Article 18 of the Penitentiary Code also established the provisions regarding separate confinement of convicts with regard to age, sex and the gravity of the crime committed. [10a] On the initiative of the Ombudsman, the government adopted a decree in 1997 to make sentencing and prison policy more humane. 1997 also saw radical changes to the internal rules of all correctional labour establishments. [13a] New hygiene laws came into effect in 1999. [3a]

4.53 Following a visit to confinement facilities in early 2000, the Council of Europe's Committee for the Prevention of Torture stated that a significant number of detainees reported mistreatment, abuse, violence, and even some cases of torture. [3d] During the first half of 2001, the Parliament controller investigated 53 complaints about abuses by Prisons Department personnel and found that 15 complaints were valid. [3d]

4.54 The Government is attempting to reform the prison system with international assistance; however, progress has been slow, mainly due to limited funding. [3d][14c] In January 2001 the Department of Prisons was transferred from the Ministry of the Interior to the Ministry of Justice. As a result, the Prisons Department has become a civil institution and prison staff are now demilitarised public servants. [14c][14d] In 2001 the Seimas passed a law amending the Code

of Correctional Labour, expanding the rights of sentenced persons. [14d]

4.55 In April 2000, a Law on Amnesty was passed to help overcome problems of overcrowding. This Law reduced the number of prisoners and detainees from 15,000 to 12,730, while the sentences of 4,861 prisoners were reduced. Nevertheless, 9 out of 14 correctional institutions, including pre-trial detention facilities, were reported as being overcrowded in 2001. As of December 2001 there were a total of 11,566 prisoners, including 489 women and 299 juveniles. This figure included 1,811 pre-trial detainees. The new Criminal Code, which is expected to enter into force in 2003; together with the Code of Criminal Procedure and Code of Penal Enforcement, aims to reduce the number of punishments that involve incarceration. The Government is reconstructing two additional correctional facilities which are scheduled to house approximately 550 prisoners from 2004 [3d]

4.56 The Government permits visits to prisons by independent human rights monitors, and there were such visits during 2001. [3d]

Medical Services

4.57 The Republic of Lithuania inherited a model of health care provision typical of the former USSR; it was over-centralised, and had little provision for patient choice or respect for patients' rights. However, several reforms were introduced during the 1990s to modernise health-care delivery and address issues of equity, consumer choice and quality of care. The number of physicians and hospital beds per-thousand-population in Lithuania is higher than the average for EU states. [57]

4.58 The Health Insurance Law of 1996, phased in between January and July 1997, established a statutory health insurance system based on contributions deducted from the monthly income of all residents of Lithuania. The State covers the contributions of non-tax-paying residents in 14 categories, including the unemployed, pensioners, pregnant women, children under 18, the disabled, etc. People who fail to pay contributions are entitled to free medical treatment only in emergencies. [57,59a]

4.59 The 1996 Law on Mental Health Care sets out the rights of psychiatric patients. Mentally ill persons have full political, economic, social and cultural rights; discrimination on the grounds of mental illness, or a history of mental illness, is unlawful. A mentally ill person may only be declared incompetent by a court of law. The State has an obligation to care for the mentally ill, and patients have a legal right to receive appropriate, accessible and suitable care - including the right, except in specified circumstances, to choose a psychiatrist, care facility, and the scope of the treatment, or to refuse treatment. [56]

Education System

4.60 Under the terms of the 1992 Constitution education, which is free, is compulsory between the ages of 7 and 16. There are three principle levels of education: comprehensive, vocational and schools of further education. Lithuanian is the language of instruction in most schools, but there are over 200 schools where Russian, Polish or Byelorussian - or more than one language - are the medium of instruction. [1][10a][50]

See also paragraph 5.68

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5. HUMAN RIGHTS

5A HUMAN RIGHTS ISSUES

Overview

5.1 The Constitution guarantees the rights and freedoms of all individuals in Lithuania, irrespective of their status. [64]

5.2 The European Commission, in its report of November 2001 on Lithuania's Progress towards Accession, confirmed that Lithuania continues to fulfil the Copenhagen political criteria. The criteria, as laid down by the Copenhagen European Council in June 1993, require that the country must have achieved "stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities. [14d]

5.3 Lithuania has ratified the European Convention on Human Rights (including Protocols 1, 4, 6 and 7), the Framework Convention for National Minorities, the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and a number of other major human rights conventions. [14d] The Law on International Treaties provides that any international treaties that have been ratified by the Seimas shall have the force of law in Lithuania. [69]

5.4 The UN Committee on the Elimination of Racial Discrimination noted in March 2002 that Lithuania had, since independence, achieved considerable progress in the field of human rights. [10e]

Human Rights Monitoring and NGOs

5.5 The Law on Non-Governmental Organisations regulated the operation, registration rights and obligation of NGOs. Article 11 of the Law stipulates that no State institutions or officials, political parties or political organisations, other organisations and persons may interfere with the activity of NGOS. [10a]

5.6 A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are co-operative and responsive to their views. [3d]

The Offices of the Ombudsmen

5.7 There are three ombudsmen's offices in Lithuania: the 'Seimas' Ombudsman; the Equal Opportunities Ombudsman; and the Children's Rights Ombudsman. [63]

5.8 The Office of the Ombudsmen was established in 1995. Its mandate, according to the Law on the Seimas Ombudsmen, is to "investigate citizens' complaints concerning the abuse of office and bureaucracy of officers of state government and administration institutions, local government institutions, military institutions and institution[s] ranking as such." The office does not deal with "complaints arising from the labour legal relations, complaints that are subject to court investigation, or complaints about the legality and validity of court decisions, judgements and rulings". All citizens have the right to file complaints with the Ombudsman, and the Ombudsman may investigate complaints referred by foreign nationals and stateless persons. The independence of the three ombudsmen is guaranteed, and they have unrestricted rights to access and investigate those bodies falling within their jurisdiction, with assistance from the police is required. On discovering a violation or abuse of office, the ombudsmen may bring court actions against offenders or recommend legislative amendments and innovations. [63]

5.9 The Office of the Ombudsman for Equal Opportunities was established by the Seimas in April 1999. This Office is an independent public organisation, accountable to the Seimas, and 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. The Ombudsman has taken the important initiative to specify the sex of victims of violent crimes in the statistical databases of the Ministry of the Interior. [14c][3a]

5.10 The Office of the Ombudsman for Children, which was approved by parliament in January 2000 and established in November, has taken over many of the functions of the Children's Rights Protection Council. [3a]

Freedom of Speech and the Media

5.11 The Constitution provides for freedom of speech and of the press. The government respects these rights in practice. [3d]

5.12 The censorship of either print or broadcast media and restrictions on disclosure are prohibited by the Constitution, unless the Government determines that national security is involved. Under the Media law, the media created a special ethics commission and an ombudsman to address complaints and seek conciliation in potential libel cases. [3d]

5.13 The independent print media continued to flourish in 2001 and included a wide range of newspapers and magazines. Radio and television included a mix of state and private stations. National television and radio were in the process of being transformed into an entirely public entity in 2001; however, attempts to make it independent financially from the Government lagged. [3d]

5.14 In June 1996 a Public Information Law was promulgated, regulating all aspects of information gathering and dissemination as well as the rights and responsibilities of journalists and the owners of the media. Public servants who attempted to impede the dissemination of information or who refused to provide information to the media could be held liable for their action. Any action or decision by State organs that hindered or restricted freedom of information could be appealed. [10b]

5.15 There are no restrictions on academic freedom. [3d]

Freedom of Religion

5.16 Article 26 of the Constitution provides that freedom of thought, conscience and religion shall not be restricted, and that "every person shall have the right to freely choose any religion or faith and, either individually or with others, in public or in private, to manifest his or her religion or faith in worship, observance, practice or teaching". [64] The Government generally respects these provisions in practice. [3b] The Constitution further states that that a person's freedom to profess and propagate his or her religion or faith "may be subject only to those limitations prescribed by law and only when such restrictions are necessary to protect the safety of society, public order, a person's health or morals, or the fundamental rights and freedoms of others." The religious teachings of churches and other religious organisations, their religious activities, and their houses of prayer may not be used for purposes that contradict the Constitution and the law. The freedom of expression of religious conviction also may be restricted temporarily during a period of martial law or a state of emergency. None of the limitations specified in the Constitution has been invoked. [3b]

5.17 There is no state religion. No official data on the number of adherents of various faiths exists. Unofficial estimates indicate that approximately 70 percent of the inhabitants consider themselves to be Roman Catholic (some 673 communities in 2000). The second largest religious group is the Orthodox Church (180,000 members and 43 communities), concentrated in the east, along the border with Belarus. The "Old Believers" number 50,000 and have 27 communities. Some 30,000 Lutherans (54 communities) are concentrated to the south-west. The Evangelical Reformed community has some 11,000 members in 12 communities. The Jewish community numbers about 7,500 in total, the 5 Sunni Muslim communities have about 5,000 members, while the Greek Catholic community has around 900 adherents. Around 18 percent of the inhabitants do not identify with any religious denomination. [3b]

5.18 According to data provided by religious groups, some 0.5 percent of the population belong to what the Government refers to as "non-traditional" religious communities. The most numerous are the Full Gospel Movement, Pentecostals/Charismatics, New Apostolic Church, Jehovah's Witnesses, Baptists, and Seventh-Day Adventists. [3b] In June 2001, Parliament approved an application from the Baptist Union of Lithuania for 'recognised' status. [12e]

5.19 There are generally amicable relations among the various religious communities, although members of religious minorities occasionally are subject to acts of intolerance. A certain level of anti-Semitic sentiment persists in the country. [3b] See section V.B.

5.20 The Constitution divides religious communities into state recognised traditional groups and others. However, in practice a four-tier system exists: Traditional, state recognised, registered, and unregistered communities. The law mentions nine religious communities that have been declared 'traditional' 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. The Law on Religious Communities and Associations stipulates that non-traditional religious communities may be granted state recognition if they are "backed by society" and have been registered in the country for at least 25 years. Both traditional and state recognised communities can receive state subsidies; they do not have to pay social and health insurance for clergy and other employees; their clergy and theological students are exempt from military service; and they are not subject to tax on such services as electricity, telephone, and heat. However, only traditional communities have the right to teach religion in state schools and buy land to build churches (other communities can rent it). Religious communities

registered by the Ministry of Justice constitute the third status group; they do not receive subsidies, tax exemptions, social benefits, or military exemptions enjoyed by traditional and state recognised communities but can act as legal entities and thus rent land for religious buildings. There are also unregistered communities. They have no juridical status or state privileges, but there were no reports that any such groups have been prevented from worshipping or seeking members. [3d]

5.21 In 1999 the Parliament amended the Law on Religious Communities and Associations to provide funding from the national budget for educational institutions of 'traditional' religious organisations. This amendment therefore discriminates in favour of traditional religious communities versus non-traditional. [3d]

5.22 According to the Constitution, state and local teaching and educational establishments are secular. The Law on Religious Communities and Associations provides that only religious instruction of traditional and other state-recognised religious communities may be taught in state educational institutions. At the request of parents from these communities, schools can offer classes in religious instruction. In practice, parents can choose classes in religious instruction or classes in ethics for nonreligious education. However, non-traditional religious communities have the right to establish schools of their own [3b]

5.23 In 2000 the Government established a commission to co-ordinate the activities of governmental institutions in order to investigate whether the activities of religious, esoteric, or spiritual groups comply with the law. The commission was established following some parliamentarians' calls for increased control of "sects," following negative coverage of some religious groups in the media. It included representatives of the Ministries of Justice, Interior, Education, Health, Foreign Affairs, the General Prosecutor's office, and the State Security Department. By the end of 2001, the commission had taken no action and made no statements affecting specific religious groups. [3d]

5.24 *Tikejimo Zodis* is a religious community which is officially registered in Lithuania. They have a school and the Vilnius Municipality has allocated some money for their needs. It has a mission to attract people but those who dislike participating in their gatherings may leave without persecution. Anyone under the age of 18 wishing to join needs parental consent. [11h]

5.25 *Church of Jesus Christ (of Visaginas)*: This community is not politically persecuted. It was officially registered in Lithuania in 1994. A large number of its members, mainly Russian speakers from the town of Visaginas, were refused asylum in Sweden in March 2000. Their apparent reason for leaving Lithuania was to accompany their leader, Teimuraz Ejibia, a Georgian citizen, whose Lithuanian residence permit had not been extended. [5b]

5.26 *Collegiate Association for the Research of the Principle*: This organisation appears to operate in Lithuania as part of the world movement, "the Unification Church of Sun Myung Moon." The Lithuanian Ministry of Justice has refused to register it because its bylaws do not express any religious aims. [9r]

Freedom of Peaceful Assembly and Association

5.27 The Constitution provides for these rights and the Government generally respects them in practice. [3d] However, the Communist party of Lithuania and other organisations associated with the former Soviet regime continue to be banned, though the law does not provide for any penalties for those who become members and the Ministry of Justice has no data of any persons being sentenced or fined for simply being a member. [11b][11n][3d]

Employment Rights

5.28 The Constitution and the 1991 Law on Trade Unions recognised the right of workers and employees to form and join trade unions. The Law also provides for the right to strike although public officials providing essential services may not do so. [3] In May 2001 the Seimas ratified most but not all articles of the European Social Charter, including the right to organise. [3d]

5.29 Lithuania first became a member of the International Labour Organisation in 1921. After re-establishment of independence in 1990, it renewed its membership in 1991. [10c]

5.30 The Constitution prohibits forced labour by all, including children, and this prohibition is observed in practice. Labour performed by convicts is regulated by the provisions of Chapter 8 of the Penitentiary Code which defines working conditions, compensation for work, salary deductions as well as the right to disability pensions for persons disabled during the execution of criminal penalties. [10a]

5.31 The legal minimum wage has been 430 litas (\$107.50) per month since June 1998. This apparently does not provide a decent standard of living for a worker and family. The average wage in the first quarter of 2001 was 1,041 litas (\$260) per month. [3d] Every three months the Council of Ministers and Ministry of Social Security submit their minimum wage proposals to the Seimas. Enforcement of the minimum wage is apparently almost non-existent, in part because the government does not want to increase unemployment. The 40 hour work week is standard with provision for at least one 24 hour rest period. For a majority of the population, living standards remain low. [3a]

5.32 In October 2000 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 Labour 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 fear of losing their jobs. [3a]

5.33 According to the International Helsinki Federation for Human Rights Annual Report 1998, violations of trade union rights were associated with several problems: the inadequate legislation concerning trade unions which was in violation of both the Lithuanian Constitution and ILO Conventions as well as other international labour standards; decisions of the government, lower authorities and employers' organisations; and reluctance of employers to abide by the law or their failure to undertake required measures. [13b]

People Trafficking

5.34 Lithuania is primarily a country of origin, and to a lesser extent a transit country, and destination for trafficking in women and girls. Women from Lithuania are trafficked mostly to Western Europe and the Middle East. Women and girls from Belarus, Russia (Kalingrad District), Latvia, and the Lithuanian countryside are trafficked to the major cities in Lithuania. From 1997 to 2000, approximately 80 percent of the 110 young females returned to Lithuania (who passed through the NGO Missing Persons Families' Support Centre) were victims of trafficking, and approximately one-quarter of them were under 18. [3d]

5.35 A 1998 law criminalises trafficking in persons for purposes of sexual abuse: The penalty is 4 to 8 years' imprisonment. The penalty is increased from 6 to 12 years if the crime was repeated, premeditated, and committed by a dangerous criminal or against juveniles. Additional punishment, such as confiscation of property, may also be applied. During 2001, the police investigated 14 cases of trafficking in persons (4 cases in 2000). [3d]

5.36 NGOs consider government efforts to prevent trafficking in persons and

search for missing persons to be inadequate. A limited number of police officers are involved in investigating trafficking cases. An interministerial commission is scheduled to co-ordinate the implementation of an anti-trafficking programme for 2002-04, and a higher level committee will deal with a broader range of trafficking-related issues. [3d]

5.37 The Lithuanian State Border Protection Service announced in May 2001 that it had uncovered an organised group involved in smuggling illegal migrants across the country, and had arrested the group's main organisers. In 1996, a total of 1,551 illegal immigrants were detained at the Lithuanian border. In 1997 the number was 1,382, in 1998 just 495, in 1999 the figure was 261; and in 2000, only 100 illegal migrants were detained. [9ab]

Freedom of Movement

5.38 Article 32 of the Constitution provides for the right of persons to move freely, to choose their place of residence and to leave Lithuania at their own will. The right may not be restricted except as provided by law and if it is necessary for the protection of State security or the health of the people for to administer justice. [10a][3a] Nevertheless, in contradiction, the law on emigration required persons leaving Lithuania to obtain the permission of the Ministry of Justice. This law was abrogated in March 2000. [9f]

5.39 A citizen may not be prevented from returning to Lithuania and every Lithuanian may settle in Lithuania. [10a]

5.40 In July 1991 the 1951 Refugee Convention and its Protocol, as well as the National Refugee Law, entered into force and asylum procedure became operational. [13a] A new Refugee Law was adopted by Parliament on 29 June 2000 and entered into force on 1 September. It eliminated many of the deficiencies of the previous law; for example, it no longer provides for a pre-screening procedure and the automatic detention of asylum seekers. Individuals can only be detained on the basis of a court decision and for certain reasons, such as to prevent escape pending deportation and to allow for the examination of documents suspected to be forged. The Law also provides the right of family reunification for those granted refugee status and the right of children to education. It also allows for an accelerated procedure in respect of asylum claims determined to be 'manifestly unfounded'. [13c]

5.41 Representatives of the UN and the Interior Ministry signed an agreement in June 2001 to fund and provide full interpreter and translator services for asylum applicants. [61a]

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5B HUMAN RIGHTS - SPECIFIC GROUPS

Women

5.42 Article 29 of the Constitution prohibits discrimination based on race, sex, religion, disability or ethnic background. [23] The present labour legislation has no explicit provisions on equal pay for equal work, though the Law on Remuneration for Work prohibits the reduction of remuneration on the grounds of gender. The principle of equal pay for equal work is envisaged in the International Labour Organisation's Conventions, which have been ratified by Lithuania and thus have the force of law. [52][69] Women are under-represented significantly in some professions, in business, and in the managerial sector as a whole. Significant inequalities within society based on gender continue, and conservative views about the role of women persist. [3d]

5.43 In 2000 the Government established a commission to co-ordinate policy on equal opportunities. During 2001 the number of registered violations of the equal opportunities law by state institutions decreased substantially. However, enforcement of the law in private businesses remained a problem. [3d]

5.44 There are several articles in the law which are protective to women with children, and to women during pregnancy. For example, anyone refusing to employ a woman because of her pregnancy is liable to prosecution. Women with children under 14 are entitled to a shortened workday or work week upon request, and to choose their periods of annual leave. It is prohibited to assign overtime or night work to women who are pregnant or who have a child under the age of three. [10b][52]

5.45 Domestic violence is reportedly common, especially in connection with alcohol abuse by husbands. Institutional mechanisms for coping with this problem are now slowly developing. Seven women's shelters provide assistance to victims of violence. [3d]

5.46 During the first six months of 2001, 70 rapes were registered, compared with 183 during the full year 2000. Persons convicted of rape generally receive sentences of from 3 to 5 years in prison. [3d]

5.47 Although the law prohibits trafficking in persons, trafficking in women and girls for the purpose of forced prostitution continued to be a problem in 2001. [3d] See 'People Trafficking'.

5.48 The Office of the Ombudsman for Equal Opportunities was established in May 1999. This Office is an independent public organisation, accountable to the Seimas, and oversees the implementation of the law and investigates complaints concerning 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. The Ombudsman has taken the important initiative to specify the sex of victims of violent crimes in the statistical databases of the Ministry of the Interior. [14c][3a] During the first 6 months of 2001, the Ombudsman received 33 complaints and initiated 8 investigations. Most of the complaints concerned discrimination against women in the workplace, and discrimination against men due to problems in legislation. The Ombudsman submitted amendments to the Labour Code and, together with women's organisations, launched a public awareness campaign. [3d]

5.49 Lithuania has signed the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Woman. [14c]

See also "People Trafficking"

Children

5.50 Lithuania ratified the Convention on the Rights of the Child in January 1992.

5.51 The Government is committed to children's rights and welfare: it amply funds a system of public education and medical care. The Government provides compulsory, free, and nearly universal education for children through to the age of 15 (or 9th grade), and provides low-cost health care for all children. [3d] The new Civil Code, which entered into force in July 2001, addresses relations between parents and children. [3d]

5.52 The Office of the Ombudsman for Children was approved by Parliament in January 2000 and established in November 2000. [3a] The Ombudsman controls the implementation of relevant laws, oversees local children's rights protection services, and investigates complaints. From January to July 2001, the Children's Ombudsman received 68 complaints, mostly about the violation of foster family rules, improper activities of children's rights protection services, family matters, and violence against children. During 2001, the Ombudsman called for streamlining the children's rights protection system and mobilising central government and local authorities to cope with growing juvenile delinquency and spreading drug addiction. [3d]

5.53 The Ministries of Social Security and Labour 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. [3a]

5.54 Child abuse is reported to be a problem, particularly in connection with alcohol abuse by parents. As of January 2000, the Children's Rights Protection Council identified 36,856 children in abusive and dysfunctional families. The penalties for violence and cruel behaviour against underage persons were made stricter in 1999, providing for imprisonment of one to two years. In addition, the Penal Code provides for terms of up to 3 year's imprisonment for sexual abuse and from 1 to 4 years' for exploiting children in the production of pornography. [3a] However, a working group for the protection of children's rights formed at the initiative of President Adamkus reported in July 2001 that violence against children in the home remained a serious problem; there were still many infants and small children being hospitalised for injuries received at the hands of their parents. The President expressed concern that neither prosecutors nor the police were doing enough to deal with this problem, and criticised parliamentarians for a

delay in addressing new legislation intended for the protection of children. [9z]

Homosexuals

5.55 In June 1993 the Seimas abolished Article 122.1 of the Penal Code. This article, a remnant of the Soviet era, had penalised male-to-male sex. Article 122.2 of the Penal Code, which criminalises male-to-male sex involving violence, state of helplessness or dependence of one of the persons involved, or sex with minors, remains in force and carries a penalty of three to eight years imprisonment. The present age of consent for male-to-male sex is 18 years, and 14 or 16 years for heterosexual and lesbian sex, depending on the circumstances. [68]

5.56 The new Criminal Code, which was approved by Parliament in September 2000, makes it a criminal offence to discriminate on the grounds of, *inter alia*, sexual orientation:

Article 169 (Discrimination on the grounds of nationality, race, sex, origin, religion or other group membership) states:

A person who undertook acts which were aimed to prevent a population group or one of its members from participating equally in political, economic, social, cultural, work or other activities or to restrict such rights or freedoms of a population group or its member because of their sex, *sexual orientation*, race, nationality, language, origin, social status, religion, beliefs or opinions, shall be punishable by public works or fine, or freedom restriction, or arrest, or imprisonment up to three years.

Article 170 (Instigation against any national, racial, ethnic, religious or other population group) also imposes a possible three years imprisonment on persons or companies "which jeer, disdain, instigate to hatred or initiate discrimination towards a population group or its member because of their sex, sexual orientation, race, nationality, language, origin, social status, religion, beliefs or opinions". [32]

The new Criminal Code is scheduled to enter into force simultaneously with a new Code of Criminal Procedure, which is still under preparation. It is expected to become enforceable in late-2002 or 2003. [14d]

5.57 In common with other central and Eastern European countries, there is a degree of societal prejudice against sexual minorities in Lithuania, particularly amongst older, nationalist, Catholic citizens. [32][67] The Lithuanian press does not present a uniform conception of the issue of sexual minorities. (During the period January 2000 - June 2001, Lithuanian daily newspapers carried a total of 119 news stories and reports about homosexuality and homosexuals). [67]

5.58 There appear to be no recent reports of incidents of violence directed against homosexuals, in any of the source documents consulted. [32][67][68][3d]

5.59 Advocacy organisations include the Lithuanian Gay League (LGL), Sappho (Lithuanian Lesbian League) and KASLO (Organisation for Sexual Equality of Kaunas). Gay clubs and bars appear to operate openly and without hindrance. [32]

Ethnic Minority Groups - General

5.60 Ethnic minority groups including Russians, Poles, Byelorussians, Ukrainians, Tatars and Karaites make up roughly 20% of the country's citizens.

5.61 On 23 March 2000 Lithuania ratified the Framework Convention for the Protection of National Minorities. It entered into force on 1 June 2000. [44b] The

Law on International Treaties provides that any international treaties that have been ratified by the Seimas shall have the force of law in Lithuania. [69]

5.62 The rights of ethnic minorities are ensured by the Law on Ethnic Minorities, which states: "The Republic of Lithuania shall guarantee to all its citizens, regardless of their nationality, equal political, economic and social rights and freedoms, shall recognise its citizens' ethnic identity, the continuity of their culture, and shall promote ethnic consciousness and the expression thereof". [10d] Any discrimination with regard to race, ethnicity or nationality, language or other factors related to ethnicity is prohibited and punishable by law. [10a]

5.63 The Law on Ethnic Minorities provides for the following: to obtain aid from the State to develop minority culture and education; the right to schooling in one's native language; to have the press and other information services in one's own language; to form ethnic cultural organisations; to establish contacts with persons of the same ethnic background abroad. The Law provides that historical and cultural monuments of ethnic minorities have to be considered part of the cultural heritage of Lithuania and are under the protection to the State. [10a]

5.64 Under Lithuanian law any force directed towards the refusal of one's ethnicity is prohibited. On the other hand, no one can be forced to prove his ethnicity. Every citizen, upon obtaining a passport is free to identify his national origin on the basis of his parents or one of his parents or to ask the authorities not to insert a "nationality" seal into his/her passport. [10a]

5.65 An analysis of the legal acts functioning in Lithuania has shown that there are more than 100 laws and legal acts protecting the rights of national, linguistic and religious minorities. [10a]

5.66 Nineteen different nationalities residing in the territory of Lithuania have their own non-governmental organisations, the total number of which exceeds 200. In 1999 there were 56 Russian and 46 Polish NGOs. [10a][50]

5.67 The Department of Regional Problems and National Minorities is responsible for upholding the interests of minorities and safeguarding their identities. [10a]

5.68 In the academic year 1999-2000, there were 222 schools of general education in which the language of instruction was other than Lithuanian. These schools were attended by 66,073 pupils. [50]

<u>Language of instruction</u>	<u>Schools</u>
Total	2260
Lithuanian	2038
Russian	69
Polish	73 (now 124 schools, according to [70a])
Byelorussian	1
Lithuanian and Russian	29
Lithuanian and Polish	11
Russian and Polish	28
Lithuanian, Russian, Polish	10
Russian and	1

Byelorussian

5.69 Many non-ethnic Lithuanian public sector employees were required to attain a functional knowledge of Lithuanian within several years, although the authorities have been granting liberal extensions of time frame in which this competence may be achieved. The authorities have said that no one would be dismissed solely because of an inability to meet the language requirements. [3a]

Russians

5.70 The Russian minority constitutes about 8.3% of the population (290,000 people) and can be divided into three groups: those whose ancestors settled in Lithuania between the 16th and early 20th centuries; those who settled there between the two world wars as immigrants from the Soviet Union and those who moved to Lithuania after the Second World War as civilians or members of the Soviet military /police apparatus. [1c][29][50]

5.71 Initially tense relations between the Lithuanian authorities and the Russian minority have improved considerably since 1991. [29]

5.72 The overwhelming majority of ethnic Russians have chosen Lithuanian citizenship but a few have opted for Russian citizenship or decided to remain in Lithuania as stateless persons. [10b]

5.73 The Russian minority have access to primary, secondary and tertiary education in their own language. State radio and television broadcast a fair selection of programmes in Russian and Lithuanian television regularly rebroadcasts programmes from Russia. More than a dozen periodicals are published in Russian. [29] [10b]

5.74 Russia has cited Lithuania's treatment of its Russian minority as an example which other Baltic states should follow. [11] Oleg Mironov, the Russian Human Rights Commissioner (Ombudsman), was reported to have praised Lithuanian human rights efforts during a visit to Vilnius in September 2001, stating that the activity of Lithuanian human rights institutions corresponded to international standards. [17n]

5.75 Lithuanian Russian participate in politics through political parties and organisations such as the Union of Russian Lithuanians, a political party founded in 1995, and the Citizens Alliance, a political organisation dating from 1996. Since independence, ethnic Russians have sat in the Lithuanian parliament and on municipal councils. [10b]

5.76 Various Russian religious communities also play an important role in Lithuania's cultural and spiritual life. In 1995 there were 58 congregations of Old Believers and 41 Orthodox groups. Since the war there has been a Russian Old Believers monastery and convent at Vilnius. [10b]

Poles

5.77 The Polish minority numbers about 240,000 (7%) of the population. Initially tense relations between the Poles and the authorities improved considerably after the election in February 1993 of two district councils that had been suspended immediately after the August 1991 coup attempt. Members of the councils, which represented predominantly Polish constituencies, had been charged with supporting Soviet rule during Lithuania's independence struggle and supporting the Moscow putsch. [29]

5.78 Poles have ready access to primary secondary and education in the Polish

language. There is TV and radio programming in Polish, as well as seven Polish language periodicals. [29][50]

5.79 A joint Polish-Lithuanian Commission met in Warsaw in June 1999 to discuss the problems of the Polish community in Lithuania and of the Lithuanian minority in Poland. [27] Although there are periodic complaints about discrimination from elements in the Polish community, the Polish Government has not sought to become involved. [11]

5.80 A court decision in August 1999 to double the sentences of five pro-Soviet activists who attempted to establish so-called Polish autonomy in Lithuania's Salcininkai district in 1990 was said to have put a temporary strain on Polish/Lithuanian relations. [12c]

5.81 There are now 124 Polish schools of various levels in Lithuania with about 23,000 students; over the past 10 years, the number of students in Polish schools has doubled. In March 2002, a senior group of politicians from Poland, including the Senate Speaker and Foreign Affairs Minister, visited Lithuania to discuss education in Polish language schools. Representatives of the Polish community in Lithuania had expressed concern about an Education Ministry recommendation that minority schools should use Lithuanian-language textbooks in the last two years before the high school graduation exam, and feel that insufficient funds are allocated to minority schools and to the publication of minority-language textbooks. [70a]

Jews

5.82 The first Jewish community appeared in Lithuania in the 15th century. Before World War II approximately 150,000 Jews lived in Lithuania; 90% of them perished in the Holocaust. [1][29] At the beginning of 2001 the Jewish population of Lithuania numbered about 7,500. [38b] There are 17 Jewish organisations in Lithuania whose principal concerns are Jewish education. [38a]

5.83 A certain level of anti-Semitic sentiment persists in the country, sometimes reflected in public incidents and sensationalist exploitation of anti-Semitism for commercial gain. [3a] Nazi flags were waved and anti-Semitic slogans appeared in Vilnius and Kaunas on 20 April 2000, the anniversary of Hitler's birthday. Jewish cemeteries were desecrated in Pasaulis on 20 June 2000, and in Vilnius, Kaunas and Kelme in August 2000. The perpetrators in the Kaunas and Kelme cases were apprehended and faced criminal charges. [38b] In November 2000 the Prosecutor General launched an official criminal investigation into anti-Semitic articles published on 18 October in the national daily newspaper Lietuvos Aidas. The President, Prime Minister and journalists' union publicly condemned the articles. [3a]

5.84 In April 2000 President Adamkus stated that Lithuania will not tolerate anti-Semitism or hatred of other cultures and differently thinking people. [7b]

5.85 A new Holocaust and Jewish Culture Centre was opened in Vilnius in March 2000 with "the aim of helping Lithuanians to get rid of stereotypes of national minorities and offer information about the large and distinct pre-war Jewish community, its contribution to the declaration of Lithuania's independence in 1918 and to the country's culture and economy as well as the tragedy which befell the Jewish people". [9s]

5.86 The Penal Code provides for a sentence of imprisonment from 2 to 10 years for incitement of racial or national hatred. [3a]

5.87 The ultra-nationalist organisations, Populist Movement (Tautininkai) and Young Lithuania (Jauna Lietuva) remained on the fringe of society in 1998. Their

newspapers Lithuanian Morning and the Republic, once very anti-Semitic, appeared to have moderated their position. The United National Socialist League (SNEL) and the Lithuanian Freedom League are anti-Semitic and are banned. [38a]

5.88 Prime Minister Brazauskas assured the head of the World Jewish Restitution Organisation in August 2001 that the government would seek to amend legislation in order to facilitate the return of Jewish property confiscated during the Nazi and Soviet occupations. [6g]

Roma

5.89 The Roma minority in Lithuania is estimated to number around 3,000.

Few Roma complete primary education and, although no official statistics are available, the level of unemployment among Roma is believed to be far higher than the national average. [63]

5.90 The popular image of Roma among the majority in Lithuania is said to be largely negative, and some articles about Roma ('gypsies') that have appeared in the press have tended to reinforce negative stereotypes. A lack of official data and monitoring makes allegations of discrimination against Roma difficult to substantiate. However, Roma representatives have claimed that there is discrimination in employment and in other areas. [63]

5.91 Roma residents in the Kirtimai encampments of Vilnius alleged that police raids carried out in 2000 involved arbitrary and intrusive searches of their houses and belongings, and that they were not shown warrants. The Vilnius Police Commissariat have responded by stating that the incidence of crime in the encampments is very high, and an official has noted that warrants can not be issued in cases where a house has not been legally registered. [63]

5.92 The Lithuanian Government has undertaken efforts to address the problems faced by the Roma community in the areas of education, housing and health, and has acknowledged that addressing negative public attitudes towards Roma is essential to the success of these efforts. In 2000 the Government launched the 'Programme for the Integration of Roma into Lithuanian Society 2000 - 2004. The first phase concentrates largely on improving conditions in the Roma settlements of Kirtimai in Vilnius, and it is intended to subsequently expand the Programme to include Roma living in other areas of Lithuania. [63]

Political Activists

5.93 Opposition groups, including political parties, function openly and participate without hindrance in the political process. Citizens may join political organisations or vote for the political party of their choice without government interference. [3]

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5C HUMAN RIGHTS: OTHER ISSUES

Unregistered Political Organisations

5.94 Political parties and movements in Lithuania are required to register with the Ministry of Justice. Before registering they have to present a statute describing their activities. These activities must not contradict the Lithuanian Constitution or legal system.

5.95 The main political parties are listed at Annex A. The following are notes on some unregistered political organisations about which CIPU has, in the past, received requests for information:

The Communist Party:

5.96 Under Soviet (communist) rule some 150,000 Lithuanians were deported and the leaders and members of the Roman Catholic Church were persecuted and imprisoned. Lithuanian political parties were disbanded, and political power became the exclusive preserve of the Communist Party of Lithuania (CPL), the local branch of the Communist Party of the Soviet Union (CPSU). [1]

5.97 In the late 1980's the independence movement gathered momentum and by 1989 the CPL had begun to adopt a more radical position in an attempt to retain a measure of popular support. [1]

5.98 In December 1989, the CPL declared itself an independent party, no longer subordinate to the CPSU. Shortly afterwards, a group of CPL members who were opposed to independence formed a separate movement, the pro-Soviet LCP (Lithuanian Communist Party), which was later involved in the 1991 attempted coup when Soviet tanks killed 14 unarmed civilians [1] [11a]

(see also "Recent Political History" and "Chronology of Key Events").

5.99 On 13 January 1991 the LCP, as a branch of the CPSU, organised and initiated a coup designed to overturn the Lithuanian Government, and by force destroy the independence, sovereignty and territorial integrity of the Republic of Lithuania. On 19 August the LCP attempted to carry out the instructions of the Moscow coup plotters. [11a] By doing this the LCP (CPSU) acted against the Constitution and laws of Lithuania and against international norms. In August 1991, as the Soviet coup collapsed, the Supreme Council of the Republic of Lithuania banned the LCP after deciding: "to admit that the illegal activity of the

LCP (CPSU) continues and therefore to ban activity of the LCP (CPSU) in the territory of the Republic of Lithuania". [11a]]

5.100 The successor party to the CPL, the LDLP (Lithuanian Democratic Labour Party), which was founded in 1990 and many of whose members used to belong to the Communist Party, was not banned and went on to form the government after the first post-independence general election. Some of the LDLP's current political opponents (such as the ruling Conservative Party) still tend privately to label them as Communist. [1] [11a]]

5.101 Although the Communist Party is banned, the law of the Republic of Lithuania does not provide for any penalties for those who become members and the Ministry of Justice has no data of any persons being sentenced or fined for simply being a member. [11b][11n]

5.102 In August 1999 a court found six persons guilty of complicity in the January 1991 coup attempt. They were sentenced to terms of imprisonment from 3 - 12 years for crimes including pre-meditated murder and serious bodily harm. Their appeals are still to be heard. [3]

5.103 **Armija Krajova**: The Ministry of Justice has denied the registration of Armija Krajova, an anti-Nazi veterans association, on the grounds that it had also taken part in exterminating Lithuanian civilians during World War II [13]

5.104 **Unity Party**: This social movement was organised and registered in Vilnius in 1989. It was legal until 11 March 1990. The leader, Mr Ivanov, a Russian citizen, was jailed for criminal offences. However, he is now free and not persecuted. No one would be arrested for just being a member of this movement. [11c]

5.105 **Yedinstvo**: This is a pro-Soviet (not pro-Russian) organisation that functioned in pre-independence years. It took active part in the massacre of 13 January 1991 when eleven people were killed in Vilnius while defending the TV tower from Soviet tanks. Yedinstvo is considered to be a criminal organisation. [11d]

5.106 **National Socialist Party of Lithuania**: Otherwise known as the National Socialist Unity Alliance of Lithuania or the Lithuanian National Socialist Solidarity Union, this illegal extreme right-wing party was refused registration for the tenth time by the Ministry of Justice in July 2000. The Ministry found that the Party's views contained in its manifesto and statute on the supremacy of the Lithuanian nation and the ethnic inequality and discord expressed in them, violated specific provisions of the Lithuanian law on political parties. The Lithuanian National Labour Union, an NGO registered with the Siauliai municipality, is allied to the National Socialist Party. [9n][9w][17m]

Rehabilitation and Genocide Trials

5.107 Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some people alleged to have been involved in crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established to examine each case in which an individual or organisation had raised an objection that a rehabilitated persons might have committed a crime against humanity. During the first eight months of 2001, the Supreme Court overturned the rehabilitation of 28 persons (18 were overturned in 2000. [3d]

5.108 In September 1998 the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania was established and began work three months later. [3a] The Simon Wiesenthal Centre has urged Lithuania

to ensure that Lithuania Nazi war criminals who return to Lithuania are prosecuted for their crimes committed during World War II. [9g] Despite this, prosecutions are likely to prove difficult because of the age and infirmity of some of the accused as well as the lapse of time since the alleged acts were committed. [36]

5.109 In February 2000 the Seimas passed a law allowing, under certain specified conditions, for the trial *in absentia* of persons charged with genocide or war crimes. [14c] On 5 April 2001 the Siauliai Regional Court sentenced former NKVD (predecessor to the KGB) officer Petras Raslanas *in absentia* to life imprisonment for genocide, specifically the murder of 76 Lithuanian civilians in the village of Rainiai. Raslanas is currently living in Russia. [17f]

5.110 In February 2001 an appeals court reduced the sentences of two of six persons guilty of complicity in the January 1991 coup attempt, and they were released shortly thereafter. In December the Supreme Court rejected the appeals of all six. The defendants were former leaders and officials of the Lithuanian Communist Party who were convicted of crimes that included premeditated acts of murder and inflicting serious bodily harm. [3d]

5.111 The Lithuanian government sought the extradition of an 85 year old suspected war criminal, Anton Gecas (Antanas Gecevicus), who had been living in Scotland since 1947. In February 2001 a Lithuanian court issued a warrant for the arrest of Gecas, who was alleged to have participated in the murder of civilians, mostly Jews, while serving in an auxiliary police battalion during the Nazi occupation. On 4 September the Scottish Executive announced a decision not to extradite Gecas, on the grounds of his ill health. Gecas died on 12 September 2001. [54,58a]

5.112 On September 27, 2000, alleged war criminal Aleksandras Lileikis, the former head of the security police in the Vilnius district under Nazi control, died at age 93 without trial; his trial had been postponed several times due to his poor health. On February 14 a court found Kazys Gimzauskas, Lileikis' deputy, guilty of genocide during the Nazi occupation. The court closed the case but did not sentence Gimzauskas, who was judged to be mentally ill. [3d]

Lustration Law

5.113 In November 1999 the Lithuanian Parliament passes a law under which Lithuanian residents who had secretly co-operated with the KGB were invited to register with the State Security Department. In return, citizens who registered would be free from the pressures of their past and all information given, including the names of collaborators, would remain confidential. Those who failed to register by the closing date of 5 August 2000 would not be protected and their cooperation with the KGB could be made public. People whose co-operation is made public could be banned from holding public office and from a number of other positions. It was announced on 10 August that 1500 Lithuanian citizens had had registered under the Lustration Law. [15b][46]

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