

Lithuania (89)

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Lithuania

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Lithuania is a constitutional parliamentary democracy. The Constitution establishes a 141-member unicameral Parliament; a directly elected President; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Parliament. The Government exercises authority with the approval of the Parliament and the President. The judiciary is independent.

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

Since its independence in 1990, the country has progressed steadily toward developing a market economy. The country has a population of 3.472 million. The Government continued to privatize the few remaining large-scale enterprises, such as energy, gas, airline, and railroad companies; most housing and small businesses have been privatized. The largest number of workers (18.3 percent) worked in the manufacturing sector.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat or otherwise physically mistreated detainees and misused detention laws. The Government made some progress in holding the police accountable for abuses. Prison conditions remained poor, and prolonged pretrial detention remained a problem. There were some restrictions on privacy rights. Violence and discrimination against women and child abuse were serious problems. There were some limits on workers' rights. Trafficking in women and girls for the purpose of prostitution was a problem. Reform of the country's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. Lithuania was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The Government continued to support the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission, which includes historians, human rights representatives, representatives of international Jewish organizations, and both Lithuanian and foreign lawyers, produced reports that named the killers of Soviet prisoners of war during the Nazi occupation, described the destruction of the independent Lithuanian Army by the

Soviets in 1940-41, and investigated the Soviet occupation after World War II. In June the Commission signed an agreement on cooperation with the Ministry of Education and Science to implement a program of holocaust and genocide education in the country's schools. In September the Commission organized an international conference in Vilnius on the Holocaust.

Since the restoration of independence, the Prosecutor General's Office has acted on approximately 120 war crimes and genocide cases, only 14 of them were for Holocaust-era crimes. Thirteen cases reached the court, including the genocide cases against Aleksandras Lileikis, who died without trial, and Kazys Gimzauskas, who was judged mentally ill. The remaining 11 cases remained pending.

In May prosecutors initiated two genocide cases for the mass killing of Jews from Seredzius in 1941 and for aiding in the killing of thousands of civilians in 1941.

In June a court dropped the case against two former Soviet security service agents due to mental illness and acquitted three other suspects.

Other ongoing cases included: An investigation into the killing of Jews in Seredzius in 1941, killing of 3,700 Jews in 1941, the "Lietukis" garage killings in Kaunas in 1941, the killings in Zadeikiai forest in 1941, the killing of 20 Jews in Seirijai in 1942, and 2 cases—involving 3 persons, all living abroad—of killings of Jews and prisoners of war in Nazi-occupied Belarus during World War II. Three cases were suspended pending responses to legal assistance requests to foreign states.

The law permits trial in absentia in war crimes and genocide cases when a defendant is in the country but unable to attend the proceedings due to physical disability or when a suspect flees or hides from justice in another country.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such practices; however, at times police beat or otherwise physically mistreated detainees. Press reports indicated that incidents of police brutality decreased, and that victims were more willing to bring charges against police officers.

From January to August, cases for abuse of power and abuse of office were initiated against 10 police officers, and 2 of the officers were convicted and sentenced. In November the Police Commissioner General stated that 10 to 15 percent of all complaints about police violence against suspects were justified and that police officers committing such offenses were reprimanded or fired.

In June the media, many members of Parliament, and the President criticized the police for overreacting against a pro-Tibetan group during the Chinese President's visit. The police used force in pushing demonstrators away from the sight of the Chinese delegation motorcade and detained some peaceful demonstrators for several hours.

The Office of Inspector General 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. By the end of August, the controllers investigated 110 complaints—most of them deemed justified—about the activities of Interior Ministry personnel and the police. In a number of cases, the controllers proposed to the relevant institutions that they take action or amend laws.

Military personnel committed human rights abuses by hazing recruits, despite efforts to end the practice, which was inherited from the former Soviet armed forces. However, as living conditions improved for military personnel, human rights violations committed by noncommissioned officers declined. The Ministry of National Defense does not publish statistics on hazing. From January to

August, 16 criminal cases were filed for statutory violations, compared with 7 cases in all of 2001. In April the military police initiated a case against a captain for abusing a recruit, and the captain was suspended immediately. From January to August, the Seimas Controller investigated four complaints against officials of the Ministry of National Defense compared with six complaints in all of 2001. According to the Seimas Controllers, the complaints were not related to hazing or abuse, and the increase in the number of the criminal cases was likely due to increased activity of the Inspectorate General of the Ministry. According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The 1999 disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

In June the Seimas approved a new Code on the Execution of Penalties, which is based on the Criminal Code passed in 2000 and on European and international human rights law. The new Criminal Code, the Code on Execution of Penalties, and the Criminal Procedure Code passed in March were scheduled to enter into force simultaneously in May 2003.

Prison conditions were poor and life threatening. Most of the 14 correctional institutions were overcrowded; however, two reconstructed facilities are scheduled to open in 2003. In 2001 the number of drug addicts (mostly using intravenous drugs) in prisons increased by 70 percent to 1,130, or 10 percent of all prisoners. As a consequence of needle sharing, the number of HIV infected prisoners rose to over 300. In May a sudden outbreak of HIV in the "strict regime" facility in Alytus sparked a wave of hunger strikes, involving some 7,000 inmates in many detention facilities around the country. The protests ended after the Government took measures to prevent HIV infection from spreading, satisfied some demands (for example, to allow personal linen and food), and promised to improve living conditions, healthcare, and food by 2003. Hunger strikes on a smaller scale occurred in March and April.

In February Seimas controllers warned that prisoners awaiting transfer to their places of confinement in the Lukiskes investigation ward/prison suffered from overcrowding and poor sanitation. The media reported that conditions were even worse in the Siauliai interrogation and isolation ward, and in October Seimas controllers stated that conditions there did not meet elementary standards of hygiene and human dignity. From January to August, Seimas controllers received 27 complaints about prolonged transfers of suspects to interrogation facilities (taking up to 10 hours in old rail carriages). Arrested and detained persons generally suffered considerably worse living conditions than did convicted persons. However, the Seimas controllers noted that the problem of overcrowding in the poorly maintained police custody facilities was resolved as individuals not able to pay administrative fines were no longer placed in custody but, instead, were sentenced to perform community service. In May the Ministry of Health approved a new hygiene standard for 49 police custody facilities, and 9 of these facilities met the new standard. In July the Seimas amended the (old) Criminal Code, introducing parole for those convicted for small offenses; as a consequence, the number of prisoners declined and living conditions improved.

Few prisoners were involved in meaningful activities: Some 10 percent were involved in education, 18 percent performed paid labor in state production outlets set up at correctional institutions, and 8 percent worked as prison general service workers as a means of promoting future social integration. Prisoners were not forced to work.

A significant number of detainees reported mistreatment, abuse, and violence. Unlike in the previous year, there were no reports of torture. Public prosecutors and judges played a significant role in combating abuse.

From January to August, 17 prisoners died (9 of natural causes, 4 by suicide, and 4 killed by other prisoners), compared with 27 deaths (including only 1 homicide) in all of 2001. From January to August, there were 175 injuries, 157 of them self-inflicted, due to abuse by fellow inmates, depression, family problems, or as a form of protest against sanctions by authorities. Also from January to August, there were 22 criminal offenses committed in prison, compared with 34 during all of 2001. Prison personnel were not accused of committing any criminal offenses. From January to August, the Seimas controllers investigated 182 non-criminal complaints (67 of them deemed justified) about Prison Department personnel, mostly related to living conditions. In September there

were 11,345 prisoners, including 459 women, and 278 juveniles. The prisoner figure included 1,632 detainees, of whom 98 were women, and 115 juveniles. Women and men were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals.

The Government continued efforts to reform the prison system; however, progress has been slow. The Prison Department at the Justice Ministry manages the correctional system. Funding of approximately \$0.65 (2.3 litas) covered only minimal needs for 3 meals per prisoner per day. During the year, the budget allotted 2.5 percent more money for running 14 correctional institutions than in 2001. Amendments to the Criminal Code that are scheduled to enter into effect in 2003, the Code of Criminal Procedure, and the Code of Penal Enforcement aim to reduce the number of punishments that involve incarceration. The Government was reconstructing three correctional facilities and was also constructing a prison hospital at year's end.

The Government permits visits to prisons by independent human rights observers, and there were such visits during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, there were instances of prolonged pretrial detention.

Under the law, police temporarily may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Bail in theory is available, but it was not used widely. The parole and probation system begins when the new Criminal Code enters into force in 2003. The Constitution provides for the right to an attorney from the moment of detention (see Section 1.e.). Detainees have the right to inform a close relative of their situation, the right of access to a lawyer, and the right to health care.

Pretrial detention applies only in the case of felonies and when it is impossible to prevent flight, or to allow unhindered investigation. A local judge, acting on a prosecutor's request, may order longer pretrial detention, which can last up to 6 months and may be extended by a district judge using the same procedure for periods not to exceed 18 months in total (see Section 1.e.). In 2001 detainees on average awaited trial for 5 months. In September a court extended one person's summary pretrial detention period beyond 18 months. Unlike last year, the Prison Department reported that there were no persons whose summary preverdict detention exceeded 18 months. The Seimas controllers pointed out several occasions of detention of persons in police custody beyond the 15-day limit provided by law; the regular place of such detention is the poorly maintained isolation wards (see Section 1.e.).

In March the European Court of Human Rights (ECHR) ruled that the Government violated the right of the presumption of innocence for former Member of Parliament and Minister of Defense Audrius Butkevicius. In 1997 Butkevicius was charged with several counts of corruption on the basis of information from the State Security Department. Also in March, the ECHR ruled that the Government had violated the rights of businessman Arvydas Stasaitis by imprisoning him without a court order on several occasions from 1996 to 2000. Stasaitis had been charged with large-scale financial crimes.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The Law on Courts, as revised in May, further strengthened the courts' independence.

The Constitution and the Law on Courts provide for a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance

for all cases that are not assigned to some other court by law. The Constitution also provides for a Constitutional Court and specialized courts for administrative, labor, family, and other purposes.

The Constitutional Court, at the request of the President, members of the Parliament, the Government, or the judiciary, reviews the constitutionality of laws and other legal acts, as well as that of actions by the President and the Cabinet. The main function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in public administration and taxation. Administrative courts may perform judicial review of documents regulating the implementation of laws, except decisions by the Cabinet of Ministers. The Ministry of Justice continued to move towards a system of specialization of judges in district and local courts.

There are no special family courts, but judges in the district courts hear juvenile criminal cases and cases related to children's rights (for example, domestic adoption and paternity matters).

If the ECHR determines that courts have violated the European Convention on Human Rights, the Supreme Court Chairman may order a retrial of a case by the Supreme Court. In October 2001, the right to appeal for a retrial in criminal cases was expanded to include the persons whose rights were violated, their representatives, and the Prosecutor General.

The Civil Code that entered into force in 2001 complies with the requirements of the European Convention on Human Rights and takes into account the jurisprudence of the ECHR. In 2003 a new Criminal Procedure Code is scheduled to take effect that would grant judges broader rights such as an active role in court investigation and collection of evidence.

The Law on Commercial Arbitration provides for the establishment of arbitration institutions. The law provides for private dispute resolution by an arbitration tribunal, either organized by a permanent arbitration institution or by the parties themselves.

The Prosecutor General exercises oversight responsibility for the whole judiciary through a network of district and local prosecutors who work with investigators to prepare evidence for the courts.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Constitution provides for the right to legal counsel for defendants. In practice the right to counsel was abridged by the shortage of trained lawyers, who found it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. The law provides for legal assistance for indigent persons, but in practice such legal assistance was not always available. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honored routine, written requests for evidence. By law a judge may decide to hold a closed trial in a limited number of circumstances. Amendments to the Criminal Process Code—adopted in April—allow appeals of the actions of prosecutors, investigator, and interrogators throughout the preliminary investigation up to the district court level.

The parliamentary ombudsman reported that there were a limited number of cases of prolonged pretrial detention without a judge's decision in violation of the law (see Section 1.d.). According to the ombudsman, in a typical case, judges and prosecutors wrongly interpreted the law to mean that pretrial detention can be extended automatically when a case is submitted to a court of law. In March the ECHR ruled that in 1997 the Government violated the right to a just trial and the right to a defense in the case of three individuals involved in a prison riot. They were convicted on the basis of evidence given by anonymous witnesses who also participated in the riot. In June the Supreme Court reversed its decision and the Appeals Court verdicts related to the three individuals, and the sentences for participating in the riot were annulled.

The ECHR found no violation of rights in the 2000 case of former Kaunas police commissioner Satsys Sipavicius who had complained that he did not have sufficient time to prepare a defense against charges of abusing his powers in a smuggling case.

There were no further developments regarding the 2001 petition sent by 11,500 farmers to the

ECHR complaining about the government's failure to pay subsidies.

The prison department faulted a slow justice system that cannot bring cases to trial expeditiously for the pretrial detention problems. The Government continued to address concerns that periods of detention were excessive. The Prosecutor General and prosecutors continued to monitor the investigation of cases, and additional and better-qualified judges were hired.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some persons who allegedly were involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established in 1997 to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. From 1997 to September, claims to "de-rehabilitate" 166 individuals were submitted to the Supreme Court, and 117 of them were sustained, making those individuals ineligible for some social welfare benefits.

There were no reports of political prisoners.

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

The Constitution prohibits such actions; however, there were reports that the Government did not respect these prohibitions in practice. The authorities did not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens; however, with the written authorization of a prosecutor or judge, police and security service personnel may engage in surveillance and monitoring activities on the grounds of national security. Except in cases of hot pursuit or the danger of disappearance of evidence, police must obtain a search warrant signed by a prosecutor before they may enter private premises.

It was assumed widely that law enforcement agencies had increased the use of a range of surveillance methods to cope with the expansion of organized crime. In March the ECHR ruled that the Government violated prisoner Alvydas Puzinas' right to confidentiality in his personal correspondence by reading his correspondence without approval of the court. Pursuant to a 2001 change in the law, prisoners' complaints to courts, the Parliament controller, and human rights groups have not been censored, and censorship of their correspondence by prison authorities has been relaxed. A court permit is required for search and seizure of correspondence during investigations. After an intervention by Seimas controllers, the police custody regulations were amended to include provisions about correspondence rights. The Criminal Process Code that is scheduled to take effect in 2003 would prohibit interference with privacy, family, home, correspondence, and communication.

From January to August, the State Data Protection Inspectorate, which works to bring the data protection system up to European standards, conducted 46 investigations, examined 14 complaints, and provided numerous consultations. The 2001 Civil Code and the Criminal Code scheduled to take effect in 2003 provide for enhanced protection of the right to privacy. However, human rights groups were concerned about increasing violations of privacy laws by the media and business and by increased violations on monitoring of the Internet. In September the Constitutional Court ruled that some provisions of the Communication Law, the Criminal Process Code, and the Operational (covert) Activities Law requiring telecommunications operations to register calls without court sanction violate the right to privacy.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The independent print media continued to flourish and included a wide range of newspapers and

magazines. Radio and television included a mix of public and private stations.

The Constitution prohibits the censorship of either print or broadcast media and restrictions on disclosure, 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. The Parliament funded an Ombudsman's Office.

In October the Constitutional Court ruled that a court may order journalists to reveal their sources if refusing to do so would violate other values protected in the Constitution. The court also ruled that the media may publish information about the private life of a public figure without permission if it does not harm the person or if this information is important to society.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice; however, the Communist Party of Lithuania and other organizations associated with the former Soviet regime continued to be banned.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally respected this provision in practice. There is no state religion; however, some religious groups enjoy government benefits not available to others.

The Constitution divides religious communities into state recognized traditional groups and others. However, in practice a four-tier system exists: Traditional, state recognized, registered, and unregistered communities. The Law on Religious Communities and Associations stipulates that nontraditional 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 recognized communities may receive state subsidies, although only the traditional ones received the subsidies regularly. They did not have to pay social and health insurance for clergy and other employees, they may register marriages, and they were not subject to tax on such services as electricity, telephone, and heat. Only the clergy and theological students of traditional communities were exempt from military service; only their top leaders were eligible for diplomatic passports. They may also have military chaplains and had the right to establish subsidiary institutions. Only traditional communities had the right to teach religion in state schools and to buy land to build churches (other communities can rent land). Religious communities registered by the Ministry of Justice constituted the third status group; they do not receive regular subsidies, tax exemptions, social benefits, or military exemptions enjoyed by traditional and state recognized communities, but they may act as legal entities and thus rent land for religious buildings. There were also unregistered communities. They had no juridical status or state privileges, but there were no reports that any such groups were prevented from worshiping or seeking members.

The law provides that only religious instruction of traditional and other state-recognized religious communities may be taught in state educational institutions. At the request of parents from these communities, schools may offer classes in religious instruction. In practice parents can choose classes in religious instruction or classes in ethics for non-religious education.

A commission established in 2000 to investigate whether the activities of religious, esoteric, or spiritual groups comply with the law has taken no action and appeared unlikely to do so.

Activities of foreign missionary groups within the country were not restricted.

In 2001 amendments to the Law on Religious Communities and Associations took effect to provide funding from the national budget for the educational institutions of traditional religious organizations. The Government's Department of European Law criticized the amendments as discriminating against non-traditional religious communities and associations.

Under 1995 legislation on property restitution, the Catholic community has been more successful than most other religious communities in having its property returned. Some religious property, including 26 synagogues, was returned to the Jewish community, mostly from 1993 to 1996. Early this year, the Government established a commission on communal property restitution to identify property eligible for restitution and propose amendments to the religious communities' property restitution law so that the Jewish secular community (the majority of Lithuanian Jews) can benefit from the restitution process. The Government and Vilnius city also established a program for rebuilding parts of the Jewish quarter in Vilnius. The project will use private funds, and the Jewish community will be given parts of the reconstructed buildings.

In the past several years, the country's Jewish communities have expressed concern over an increase in anti-Semitic remarks made by extremist and a few, more mainstream, politicians. For example, in April during the commemoration of the Holocaust Day in the Parliament, the xenophobic anti-Semitic Lithuanian Freedom Union party issued a statement criticizing the Government for "kowtowing before the Jews" in its efforts to return communal property to the Jewish community, while the Lithuanian Christian Democratic Party leaders said that the Jewish community should not receive special treatment. The political leadership of the country and the national press generally criticized anti-Semitic statements when they occur.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

The law provides for these rights, and the Government generally respected them in practice.

In September the President signed new provisions of the Law on Citizenship allowing emigrants to retain Lithuanian citizenship. Jewish and Polish minorities criticized the provisions because they create special conditions enabling "ethnic Lithuanian" emigrants to retain dual citizenship but do not allow this for local minorities when they "repatriate" to their "homeland" (for instance, Jews to Israel, Poles to Poland, or Russians to Russia).

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Vilnius Administrative Court hears asylum appeals. The Court receives assistance from the U.N. High Commissioner for Refugees (UNHCR). The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. In January amendments to the Law on Asylum Status established that an asylum seeker coming from a secure third country could not enter the country. The right of an asylum seeker to appeal a decision denying entry into Lithuania is limited. From January to August, 31 persons (mostly from the Russian province of Chechnya) applied for asylum. From 1997 to 2001, more than 1,000 asylum requests were filed; 63 persons received refugee status, and 409 persons received a residence permit on humanitarian grounds.

On November 6 and 8, the Border Service expelled to Belarus 26 Chechens, mostly women and children, who had illegally entered the country. The UNHCR expressed concern over the expulsion of the Chechens—who planned to apply for asylum—stating that the action violated the 1951 U.N. Convention Relating to the Status of Refugees and international customary law. The UNHCR also expressed concern over the country's tightened admission policies for asylum seekers from areas of armed conflicts or instability.

In 2001 the Government adopted new regulations on the living conditions of foreigners temporarily housed at the registration center for foreigners in Pabrade (44 individuals, including 6 children, lived there in August) and a refugee reception center for asylum seekers in the town of Rukla (which housed 59 persons, including 24 children, in August). Living conditions in both centers were good.

In recent years, irregular immigration decreased dramatically due to improved border control, stricter laws against human smuggling, and more effective detention and return of migrants to their countries of origin.

The Government continued its efforts to stop illegal migrants by negotiating readmission agreements with Russia and Belarus. In November Russia stated that it was prepared to readmit illegal migrants prior to the mid-2003 scheduled signing of a readmission treaty.

There were no reports of the forced return of persons to a country where they feared persecution.

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

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

In 1998 independent candidate Valdas Adamkus was elected President. Presidential elections are held at least every 5 years. In December municipal elections and the first round of presidential elections took place. The Social Democratic Party (SDP) came in first in the municipal election, followed by the Conservative Party and the Union of New Democracy and Peasant Parties, although the Liberal Union party was strongest in the three largest cities. There were 17 candidates in the first round of the presidential elections, and incumbent President Adamkus and Member of Parliament Rolandas Paksas qualified for a runoff to be held in January 2003. After the October 2000 general elections, Liberal Union Party leader Rolandas Paksas was sworn in as Prime Minister as part of a coalition Government; however, in 2001 the coalition broke up. The new Union Party, the Liberals' major coalition partner, forged an alliance with the SDP, and in July 2001 the SDP and former President Algirdas Brazauskas was sworn in as Prime Minister.

There were 14 female parliamentarians in the 141-seat Parliament elected in October 2000, compared with 24 in the previous Parliament. There were 3 female ministers in the 14-member Cabinet, compared with 1 in the previous Cabinet.

There were 12 members of Parliament of Russian, Polish, and Belarusian ethnic origin.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Association for the Defense of Human Rights in Lithuania, the Human Rights Association in Lithuania, and the Lithuanian Center for Human Rights are the major human rights groups.

The Division of Human Rights of the Department of International Law and European Integration in the Ministry of Justice monitored law and legal practice to determine whether they are in accord with the country's international obligations. The European Law Department of the Government also reviews draft legislation.

There are three ombudsman institutions. The Parliament's controllers investigated complaints of the abuse of power by public servants. The controllers had the right to forward their cases for prosecution, to initiate a reprimand or removal from office of public servants, to initiate a compensation claim, to propose changes in laws and rules, and to inform the Parliament and the President about their findings. The Office of the Equal Opportunities Ombudsman exercised similar functions for complaints of discrimination and sexual harassment. The Office of the Ombudsman for Children's Rights controlled the implementation of relevant laws, oversaw local children's rights protection services, and investigated complaints of abuse.

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

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

Women

Violence against women, particularly domestic violence, reportedly was common, especially in connection with alcohol abuse by husbands. Official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Institutional mechanisms for coping with this problem developed slowly, and the law does not criminalize specifically domestic violence. If such violence takes place in the home, the victim must file a complaint. Few such complaints were filed, because women preferred to avoid publicity and were not confident that the courts will punish their assailants. Thirteen women's shelters provided assistance to victims of violence. In March a study by the Women's Information Center indicated that 80 percent of women experienced psychological abuse in the workplace or at home, 35 percent experienced physical violence, and 17 percent were sexually abused. The law specifically prohibits rape. From January to August, 116 rapes were reported, compared with 176 rapes during all of 2001. Persons convicted of rape generally received sentences of from 3 to 5 years in prison.

Prostitution is illegal but not prohibited under the Criminal Code. The penalty for prostitution is limited to a fine of \$85 to \$140 (300-500 litas) for a first offense. Trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

The Constitution provides for equal rights for men and women; however, women continued to face discrimination. The Office of the Ombudsman for Equal Opportunities of Women and Men is an independent agency, accountable to the Parliament, which oversees the implementation of the law and investigates complaints concerning violations of gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code contains criminal sanctions for discrimination or harassment. Since June the Law on Equal Opportunities provides for positive discrimination (affirmative action) towards women and forbids indirect discrimination and discrimination in the service sector. This law resulted from a project that began in April with U.N. assistance to reduce racial and other discrimination.

Official policy requires equal pay for equal work. Women make up about one-half of the employed population, and in the first quarter of the year, they received on average pay that was 81.4 percent that of male employees. Women were underrepresented significantly in some professions, business, and the managerial sector as a whole. Significant inequalities in society based on gender continued, but recent surveys and studies indicated that conservative views about the role of women were declining—a trend also reported by the media.

From March 2001 to August, the ombudsman received 90 complaints and initiated more than 10 investigations. Most of the complaints concerned discrimination against men due to problems in "old" legislation that has not been brought into line with more current anti-discrimination law and discrimination against women in the workplace. The ombudsman again submitted amendments to the Labor Code and, together with women's organizations, continued a public awareness campaign. The number of registered violations of the equal opportunities law by state institutions again decreased substantially. However, enforcement of the law in private businesses remained a problem.

Children

The Government was committed to children's rights and welfare; it amply funded a system of public education and medical care. The Government provided compulsory, free, and nearly universal education for children through the age of 15. In 2001 only 1.1 percent of children in this age group did not attend school. The Government provides school transportation for children in the countryside and low-cost health care for all children. The Civil Code that entered into force in 2001 addresses relations between parents and children; however, the Government did not always

implement its obligations in practice.

In 2001 approximately 7,000 children lived in institutions, and approximately 8,000 were in foster homes. A 2001 law on defending children against parental violence gives authorities the right to remove children from the family and place them in the care of a temporary guardian. The Government continued to replace the Soviet-style orphanage (boarding) schools with residential homes, which permitted children to attend regular schools.

Child abuse was a problem. The ombudsman reported that assistance for children who experienced abuse was insufficient. Abuse among children in four state correctional institutions for children who commit crimes and in one isolated prison for persons 16 to 18 years old declined, due to reorganization and improving prison conditions. Seimas Controllers reported that abuse of children in police arrest facilities was rare, but violence among juveniles remained a problem.

Child abuse in connection with alcohol abuse by parents also was a problem. The prevalence of authoritarian values in family upbringing discouraged more active measures against child abuse. The press reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and killings. The penalties for violence and cruelty against underage persons are prison terms of 1 to 2 years. Authorities reported that 4 children were killed by their parents during the first 8 months of the year, and 16 were killed during 2001.

The Penal Code provides for up to 3 years' imprisonment for sexual abuse and from 1 to 4 years' imprisonment for exploiting children in the production of pornography. There were no registered cases of exploitation of children for purposes of pornography. From January to August, 34 cases of sexual abuse of children were registered (excluding rapes, for which separate data for children is not available), compared with 35 cases in all of 2001. A government operated children's rehabilitation center provided special care for sexually abused children.

Several thousand children reportedly lived "on the street." Sixty children's rights protection agencies, other institutions, and NGOs routinely identified these children and, if they did not have parents or if their parents abused their parental obligations, placed them in foster homes or care institutions. In May the Government allocated \$170,000 (600,000 litas) to a children's day care program; in 2001 there were 77 such centers caring for approximately 2,000 children.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

The Children's Rights Ombudsman Institution controls the implementation of relevant laws and conventions, oversees children's rights protection institutions, investigates complaints, and advises the Government on improving the protection and legal interests of the child. From January to August, the ombudsman received approximately 300 complaints and initiated 4 investigations, primarily involving the action (or inaction) of state and local organizations, violence against children, family matters, execution of court decisions (such as bailiff activities and guardianship), the right to communication with the child, and failure to pay alimony. The ombudsman called for streamlining the children's rights protection system and mobilizing central government and local authorities to cope with growing juvenile delinquency and spreading drug addiction. In 2001 the Ministry of Social Security and Labor identified approximately 40,000 children in abusive and dysfunctional families.

Persons with Disabilities

The Law on Integrating Disabled People provides for a broad category of rights and public benefits for persons with disabilities. The Law on Support for the Unemployed provides additional job security for such persons, while the Law on Special Upbringing gives children with disabilities access to regular schools and universities.

Persons with disabilities accounted for approximately 6 percent of the population, and 6 percent of the persons with disabilities were children. Many persons with disabilities lived in poverty because the state pension for a person with disabilities was lower than the minimum wage. Every local government runs home help services for persons with disabilities, and the Government finances a

network of facilities for them, including daycare centers, state children care houses, and residential care homes for mentally ill adults. At the recommendation of the Disabled Persons' Affairs Council—with members from the Government and from organizations representing persons with disabilities—the Government granted \$5 million (17.5 million litas) to NGOs for various employment, education, rehabilitation, and other programs.

Legal provisions for access to buildings for persons with disabilities are in place but were not enforced widely; new buildings ensured such access, but the adaptation of old buildings has been slow.

National/Racial/Ethnic Minorities

Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—constituted approximately 16.5 percent of the population. As part of its Program for the Integration of Roma into Lithuanian Society, the Government established a social center and community school for the Roma. In December an Open Society Institute study reported that many government measures do not address the problems that the Roma consider most important.

The Penal Code provides for a sentence of from 2 to 10 years' imprisonment for the incitement of racial or national hatred or incitement of violence against foreigners. This law has been used to discourage racial and national hatred. The State Security Department initiated several investigations into reports of acts of tending to incite racial or national hatred but closed them either because the suspects apologized or because the cases would have been difficult to prove in court. However, in its report on minority rights in 10 EU candidate states, the Open Society Institute stated that the country did not have a comprehensive antidiscrimination law that expressly prohibits discrimination in specific areas of public activity.

Many nonethnic Lithuanian public sector employees by law are required to attain a functional knowledge of the Lithuanian language within several years, although the authorities have been granting liberal extensions to this requirement. Each year several hundred persons pass the language portion of the citizenship test and are naturalized. There was no documented evidence of job dismissals based on the language law. The authorities indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they asserted that no one would be dismissed solely because of an inability to meet the language requirements.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Law on Trade Unions recognize the right of workers and employees to form and join trade unions, and workers exercise this right in practice. The Law on Trade Unions extends this right to members of the police and the armed forces. The Lithuanian Workers' Union organized a rally at the Parliament in support of ratification of paragraphs of the Social Charter on the rights to salary, housing, and protection from poverty and social exclusion.

According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Individuals employed in places where there is no trade union are free to join an established regional trade union, but this practice was not widespread.

From 10 to 20 percent of all enterprises had trade unions, and approximately 10 to 15 percent of the workforce were unionized. Union membership was low due to an often negative attitude by employers, lingering distrust in a post-Soviet society, and a high unemployment rate. There are three major trade union associations: The Confederation of Lithuanian Trade Unions (formed in May through the merger of the Lithuanian Trade Union Center and the Association of Lithuanian Trade Unions) with 120,000 members and 25 independent trade unions, the Lithuanian Trade Union "Solidarity" (the former Workers' Union) with 50,000 members, and the Lithuanian Work Federation with 20,000 members. They all worked within the Trilateral Commission, which brought

together labor groups with representatives of employers' organizations and the Government.

The 2000 Law on Settlement of Labor Disputes establishes minimum conditions and procedures for investigating individual labor disputes. Trade union leaders claimed that this law prevented unions from investigating labor disputes in the workplace. Difficulties commonly arose in state enterprises in which employees were represented by more than one union. Solidarity officials charged that managers in some companies discriminated against their organizers and dismissed employees in retribution for their trade union activities.

There are no restrictions on unions affiliating with international trade unions, and some unions have affiliated with European unions.

b. The Right to Organize and Bargain Collectively

In May the Government, trade unions, and the employers' associations signed an agreement on tripartite cooperation, which provides for regular meetings to discuss issues related to implementation of labor laws and the prevention of illegal labor.

The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees; however, it does not allow collective bargaining by government employees involved in law enforcement and security-related work. As amended in 2001, the law provides trade unions the right to negotiate nationwide, branch, and territorial collective agreements; however, collective negotiations regarding labor relations, including wages, are not very widespread. Workers often took their complaints directly to their employers. Wage negotiations were more common in enterprises that had trade unions.

On June 4, the Parliament enacted the new Labor Code to take effect from 2003. The Code sets forth collective bargaining as the main tool to regulate labor relations, restricts short-term contracts--which are now subject to collective bargaining, and gives the employees the right to be represented in collective bargaining not only by trade unions but also by other employees' representatives--a work council elected by a secret ballot.

Managers often determined wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government periodically issued guidelines for state enterprise management in setting wage scales. The trade unions engaged in direct collective bargaining over wages at the workplace level. Wage decisions were made mostly at the enterprise level. Trade unions supplemented their bargaining activities with active lobbying of Parliament and the Government.

The trade unions criticized amendments to the Employment Contracts Law, passed in 2001, which enable employers to fire employees without the consent of the union. They also complained that trade union lawyers could not defend union members in labor cases and that there were no special labor courts.

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not do so. From January to August, there were no official strikes, compared with 34 strikes in 2001.

In September a special economic zone was established in the port city of Klaipeda. Worker rights were not restricted in the zone.

c. Prohibition of Forced or Bonded Labor

The Constitution specifically prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

In December the media reported that several dozen servicemen-recruits from the Interior Ministry's

anti-riot, guarding, and conveying unit were enticed to work for commercial companies related to the unit's commanders. The practice was discontinued, and the Ministry of Interior initiated a probe into the case.

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

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

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The legal minimum wage was \$123 (430 litas) per month, which did not provide a decent standard of living for a worker and family. Enforcement of the minimum wage was almost nonexistent, in part because the Government did not want to exacerbate unemployment. Every 3 months, the Council of Ministers and the Ministry of Social Security must submit their minimum wage proposals to the Parliament, which has the right to approve or revise the minimum wage level. According to the Ministry of Economy, the average gross wage in the first quarter of the year was \$310 (1,041 litas) per month, a 4.4 percent increase over the corresponding period of 2001. For a majority of the population, living standards remained low. The poorest 10 percent of households spent approximately 41.5 percent of their income on food and non-alcoholic beverages. The 40-hour workweek is standard by law, with at least one 24-hour rest period, and there are laws on overtime and vacation.

The Constitution provides that workers have the right to safe and healthy working conditions, and the State Labor Inspection Service is responsible for implementing the Labor Safety Law. During the first half of the year, the Labor Inspection Service received 1,999 complaints and declarations, of which 46 percent were found to have merit; 703 complaints concerned abuses of labor laws and 610 dealt with working conditions. The most numerous abuses included wage arrears, illegal employment (working without a written contract), the violation of labor contracts, time off and work time accounting, harmful working conditions, and the unsatisfactory investigation of accidents. Workers have the right both in law and practice to remove themselves from dangerous work environments without jeopardy to their continued employment. From January to August, the State Labor Inspection Service recorded 111 fatal accidents at work and 127 other work accidents.

In June the Parliament passed amendments to the Employee Safety and Health Law that allow the introduction of longer than 8-hour night shifts provided that the average working day during a 4-month period should not exceed 8 hours. In 2001 the Government issued regulations that gave labor inspectors greater authority in investigating accidents and approved regulations on workers' safety when handling chemical substances and substances causing cancer and mutations.

The labor laws protect foreign workers.

f. Trafficking in Persons

The Criminal Code prohibits trafficking in persons; however, trafficking in women and girls for the purpose of prostitution was a problem. International and local NGOs claimed that the problem increased despite significant efforts by the Government to fight it. Authorities do not facilitate or condone trafficking, but some individual members of police forces may do so.

The law criminalizes 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. From January to August, the police initiated 18 investigations, and in 4 cases several individuals were convicted of trafficking in persons (compared

to 16 investigations and 2 convictions in 2001). In one case in February, the police in Alytus (southern Lithuania) arrested 6 persons on charges of trafficking two juvenile women "bought" for approximately \$200 (750 litas).

NGO experts considered government efforts to prevent trafficking in persons and search for missing persons to be inadequate. A limited number of police agents were involved in investigating trafficking cases.

The Criminal Code of Procedures and the Criminal Code, as amended in 2001, allows more effective prosecution of trafficking cases. A shortage of funding for prevention and assistance to victims and, to a lesser extent, for investigation, prosecution, and witness protection, limited the Government's ability to address the problem of trafficking in practice. Some NGOs believed that Government aid for victims of trafficking was also limited because of a reluctance on the part of local governments to make use of the existing social security network to provide shelter and counseling for victims of trafficking. There were a number of anti-trafficking publicity campaigns, carried out by Government, NGOs, the media, and by the local bureau of the International Organization for Migration.

In April the Government signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the U.N. Convention Against Transnational Organized Crime. In January the Government approved a Program on the Control and Prevention of Trafficking in Humans and Prostitution for 2002-2005, prepared by the ministries of Education, Justice, Interior, and Health Care, as well as the Prosecutor General's Office, the Center for Crime Prevention, and NGOs. The program focussed on the causes of prostitution and human trafficking, on preventive measures, fighting organized crime groups, and on social, psychological and legal support to victims of prostitution and human trafficking. It envisions an educational program and a national database containing the records of people arrested for carrying forged documents or suspected of running prostitution rings, missing persons and people deported from or to the country.

The country was a source, transit point, and destination for trafficking in women and girls. Women were primarily trafficked to Germany, Spain, Netherlands, Denmark, Sweden, Norway, and Greece; trafficking to the Middle East (Israel and the United Arab Emirates) as well as to France and Austria reportedly declined. Women from Ukraine, Russia (Kaliningrad district), Belarus, Latvia, and the domestic countryside were trafficked to the country's major cities and to Western Europe.

A number of women, some underage, were enticed or forced into prostitution and sold abroad by organized crime figures. Traffickers particularly targeted the socially most vulnerable groups: Young females from poor, asocial, or unstable families. Many were lured by deceptive offers of jobs such as household helpers, bar dancers, or waitresses. Women also were tricked into prostitution through false marriage advertisements. Victims' compliance was ensured via threats and the withholding of their documents. Their families often were unaware of their predicament and believed that they had been kidnaped. However, it was difficult to determine what percentage were enticed or coerced and how many departed voluntarily.

In the spring, a court in Klaipeda sentenced two former police officers to 3 to 7 years in prison in a trafficking case. In June four former police officers were sentenced for abusing their positions to extort services from prostitutes and provide cover for pimps.

There are no specific government assistance programs for victims of trafficking; however, the police offered protection for witnesses. Government agencies and NGOs encouraged victims to file civil suits or to seek legal action against traffickers. There was no prosecution of trafficking victims for violations of other laws, such as those governing immigration or prostitution, but the law does not guarantee safety for victims in this regard.

The Government provided financial assistance to the Missing Persons Family Support Center, an NGO, amounting to one-third of the NGO's annual budget. The Center operated a shelter funded by various Lithuanian and foreign donors, looked for additional shelters, and tried to secure victims' access to legal and counseling services. It cooperated with the Mother and Child Care House in

Vilnius operated by the Catholic charity Caritas. The Mother and Child Hostel operated by the municipality of Vilnius provided shelter for victims. The NGO Lithuanian Catholic Women's Union ran a network of shelters in Lithuania and participates in the European anti-prostitution and anti-trafficking project Magdalena. The NGO Demetra, funded primarily by foreign sources, provided medical assistance for women engaged in prostitution in Vilnius. The NGO Praeities Pedos (Footprints of the Past) researched the problem of trafficking of women and forced prostitution and produced several publications on the subject.