

2021 Country Report on Human Rights Practices: Lithuania

EXECUTIVE SUMMARY

The Republic of Lithuania is a constitutional, multiparty, parliamentary democracy. Legislative authority resides in the Seimas (a unicameral parliament), and executive authority resides in the prime minister and the cabinet of ministers. Observers evaluated the presidential elections and European parliamentary elections in 2019 and the national parliamentary elections in October 2020 as generally free and fair.

Police and the State Border Guard Service are subordinate to the Ministry of the Interior. The Special Investigative Service, the main anticorruption agency, reports to the president and parliament. Civilian authorities maintained effective control over police, the State Border Guards Service, the army, and the Special Investigative Service. Members of the security forces committed some abuses.

Starting in June a surge of irregular migrants began to flow across the border from Belarus. The government announced a nationwide emergency to deal with the influx of irregular migrants, who were detained in camps nationwide.

Significant human rights issues included credible reports of harsh and life-threatening prison conditions.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices. In its report published in 2019, the Council of Europe's Committee for the Prevention of Torture (CPT) stated it had heard allegations of excessive force exerted by prison staff at the Alytus, Marijampole, and Praveniskes Prisons in subduing interprisoner violence.

Prison and Detention Center Conditions

Some prison and detention center conditions remained poor due to inadequate sanitation, poor medical care, and high levels of interprisoner violence. Irregular migrants lived in detention camps, many under inadequate conditions, throughout the country after crossing the border from Belarus.

Physical Conditions: The 2019 CPT report noted substandard conditions at the Alytus, Marijampole, and Praveniskes prisons. Inmates in all three prisons, but particularly Marijampole and Praveniskes, complained about the quality and, especially, the quantity of food.

The CPT received numerous allegations of deliberate physical mistreatment and excessive use of force by prison staff at the Alytus, Marijampole, and Praveniskes prisons. The CPT assessed that medical evidence corroborated the reports of physical abuse. The CPT also noted that prison staff used excessive force including punches, kicks, and truncheon blows to de-escalate violence among prisoners. The CPT reported "truly extraordinary levels of interprisoner violence, intimidation, and exploitation" in these prisons. It also reported that inmates seeking protection from fellow prisoners had to spend months (usually six months) if not years in small and often dilapidated cells, and were subjected to severe limitations (no activities, no association, no long-term visits), that amounted to

de facto solitary confinement. Many prisoners told the CPT they had sought placement in the punishment blocks because they feared being forced to become drug addicts and contracting HIV and hepatitis C. At the time of the CPT's report, there were no indications the government had addressed these problems.

On June 11, the parliamentary ombudsperson reported the outcome of its review of an individual complaint, determining that officers of the Vilnius County Chief Police Commissariat had unreasonably used a taser, causing the complainant to suffer an epileptic seizure. The individual stated that officials had been informed in advance that the use of electric shock against him was prohibited on health grounds.

On June 26, the parliamentary ombudsperson reported the outcome of its review of a complaint from an individual alleging that officials of the prison hospital in Pravieniskes failed to ensure the availability of health-care services, including access to a doctor or treatment.

In its response to the 2019 CPT report, the government stated that, to avoid violence, inmates who came into verbal or physical conflict with other inmates were immediately isolated or transferred to another sector of the correctional establishment.

On April 6, the parliamentary ombudsperson reported that a detainee at Siauliai remand prison complained about poor sanitary conditions. The parliamentary ombudsperson proposed that the minister of justice improve the legal regulation providing the right of convicts to proper personal hygiene.

On July 16, the head of the Lithuanian Red Cross stated that their inspection of conditions for migrants held in camps found poor conditions, including a lack of medical care, inadequate living quarters, and insufficient showers and toilets. In September migrants were relocated from tents to buildings and shelters that were dedicated to vulnerable groups, and equipped for children's educational and recreational purposes, as well as for allowing migrants to prepare their own food.

Administration: The law requires the Office of the Parliamentary Ombudsperson to investigate detention centers and social care institutions. The ombudsperson's office generally investigated credible prisoner, migrant, and asylum seeker complaints and attempted to resolve them, usually by making recommendations to the institutions concerned and monitoring their implementation. The ombudsperson's office reported that prison institutions were responsive to most of its interventions.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. The CPT visited the country in 2018 and published its report in 2019.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Except for persons arrested while committing a crime, warrants are generally required for arrests, and judges may issue them only upon the presentation of reliable evidence of criminal activity. Police may detain suspects for up to 48 hours before formally charging them. Detainees have the right to be informed of the charges against them at the time of their arrest or their first interrogation. The government generally observed these requirements.

Bail is available and was widely used.

The law provides for access to attorneys, and the government provides attorneys to indigent persons. A detained person has the right to meet with lawyers of his or her choice in private before his or her first interrogation. Some detainees who had government-appointed attorneys complained that they met their attorneys for the first time at the court hearing, even in instances when they had requested attorneys shortly after their arrest.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants have the right to a presumption of innocence, to prompt and detailed information concerning the charges against them, and to a fair and public trial without undue delay. Defendants have the right to be present at their trial, to communicate with an attorney of their choice (or to have one provided at public expense), to have adequate time and facilities to prepare a defense, and to have the free assistance of an interpreter from the moment they are charged through all appeals. They are entitled to confront witnesses against them, to present witnesses and evidence in their defense, and to be free of compulsion to testify or confess guilt. They enjoy the right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Plaintiffs may sue for legal relief or temporary protection measures from human rights abuses. Persons alleging human rights abuses may also appeal to the parliamentary ombudsperson for a determination of the merits of their claims. Although the ombudsperson may only make recommendations to an offending institution, authorities generally implemented the ombudsperson's recommendations. Individuals alleging violations of the European Convention on Human Rights by the government may, after exhausting domestic legal remedies, appeal to the European Court of Human Rights (ECHR).

Property Seizure and Restitution

The government has laws and mechanisms in place to address the issue of communal property restitution, and nongovernmental organizations (NGOs) and advocacy groups reported that the government made some progress on the resolution of Holocaust-era claims, including for foreign citizens. A philanthropic foundation created in 2011 to receive government compensation for Communist and Nazi seizures of Jewish community-owned property distributed funds to individuals and to Jewish educational, cultural, scientific, and religious projects. According to an agreement between the government and the Jewish community, the foundation was to disburse 36 million euros (\$41 million) by 2023. In 2013 and 2014, the foundation distributed a one-time payment to individual survivors, totaling 870,000 euros (\$1.2 million). The foundation's board allocated the remaining funds to support Jewish educational, cultural, scientific, and religious projects. During the year the foundation received 3.6 million euros (\$4.1 million) for this purpose, which brought the total received to 28.9 million euros (\$33.2 million). Jewish and ethnic Polish communities continued to advocate for private property restitution because there had been no opportunity to submit individual claims since 2001, when the country's existing restitution law stopped allowing citizens who resided in the country to apply for private property restitution. Despite changes to the law in 2011 that made it easier to reacquire citizenship, the government did not reopen the application period for individuals from these communities and others who had been excluded from filing claims based on citizenship. There is also no provision for restitution of or compensation for property rendered heirless by the Holocaust.

For additional information regarding Holocaust-era property restitution and related issues, please see the Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in 2020, can be found on the Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The constitution prohibits such actions. There were reports, however, that the government failed to respect these prohibitions.

The law requires authorities to obtain a judge's authorization before searching an individual's premises. It prohibits indiscriminate monitoring, including of email, text messages, or other digital communications intended to remain private. Domestic human rights groups alleged that the government did not always properly enforce the law. As of September 1, the State Data Protection Inspectorate investigated 814 complaints of privacy abuses, compared with 710 complaints by mid-September 2020. Most complaints were individuals' claims that the government had collected and disclosed their personal information, such as identity numbers, without a legal justification. Other complaints related to the right of access to data, video surveillance, and the security of data processing.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press, and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of

expression, including for members of the media.

Freedom of Expression: The constitutional definition of freedom of expression does not permit slander; disinformation; or incitement to violence, discrimination, or national, racial, religious, or social hatred. Inciting hatred against a group of persons is punishable by imprisonment for up to two years. Inciting violence against a group of persons is punishable by imprisonment for up to three years. On September 5, media outlets reported that Pranciskis Valickas, a former candidate of the Lithuanian People's Party for parliament, was fined 5,000 euros (\$5,750) for inciting hatred against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons.

It is a crime to deny or "grossly to trivialize" Soviet or Nazi German crimes against the country or its citizens, or to deny genocide, crimes against humanity, or war crimes.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: It is illegal to publish material that is "detrimental to minors' bodies or thought processes" or that promotes the sexual abuse and harassment of minors, sexual relations among minors, or "sexual relations." Human rights observers continued to criticize this law. LGBTQI+ groups claimed it served as a rationale for limiting LGBTQI+ awareness-raising efforts and that agencies overseeing publishing and broadcast media took prejudicial action against the coverage of stories with LGBTQI+ themes.

Censorship or Content Restrictions: The Radio and Television Commission of Lithuania (LRTK) may impose a 72-hour suspension on television programs that posed a threat to public and national security. The LRTK may impose this suspension without a court order on television programs from countries both inside and outside the EU, the European Economic Area, and from European states that ratified the Council of Europe's Convention on Transfrontier Television.

Libel/Slander Laws: The law makes insulting or defaming the president of the country in mass media a crime punishable by a fine. Authorities did not invoke it during the year.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or specifically targeting cultural events. Starting in March 2020 and continuing throughout the year, the government restricted public gatherings in response to the COVID-19 pandemic. This restriction affected some cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights, except for some organizations associated with the Soviet period.

Freedom of Peaceful Assembly

In July and August the Kaunas municipal government sought to deny a permit to the organizers of a planned pride march to take place in Kaunas in support of LGBTQI+ rights. The municipality's decision to refuse permission for the march prompted the organizers to file a case with the regional administrative court (RAC) in defense of their right to assemble peacefully. The RAC ruled in the organizers' favor and required the municipality to reach agreement with the organizers on plans for the march. On August 27, the municipality appealed to the Supreme Administrative Court, which upheld the RAC's initial ruling. The municipality complied with the ruling and provided police protection to the march, which took place on September 4.

Freedom of Association

Although the law provides for this freedom and the government generally respected it, the government continued to ban the Communist Party and other organizations associated with the Soviet period.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Starting in June, large numbers of irregular migrants were encouraged by the Lukashenka regime in Belarus to cross the border into Lithuania. On July 2, the government announced a nationwide emergency because of the mass migratory influx. The Ministry of Foreign Affairs reported that, as of December 31, 4,326 irregular migrants had arrived, compared with annual totals of 74 in 2020 and 37 in 2019. Most of the irregular migrants were nationals of Iraq but also included, in order of descending frequency, nationals of the Republic of the Congo, Syria, Cameroon, Belarus, Russia, Turkey, Sri Lanka, Tajikistan, the Gambia, Guinea, Afghanistan, Morocco, India, Yemen, Somalia, Egypt, Iran, and the Democratic Republic of the Congo. Most were young men, but there were also women, children, and elderly individuals. Authorities initially detained the irregular migrants in facilities throughout the country, including buildings, tent camps, winterized containers, and a vacant prison. As of October 5, all migrants were accommodated in heated, winterized housing. Many of these irregular migrants applied for asylum in the country. The Migration Department began its process of examining applications on a case-by-case basis and deciding whether there were grounds for granting asylum. By December 31, the Migration Department had processed all cases. The government granted asylum to a total of 84 migrants.

On August 3, the Ministry of Interior established a “pushback policy,” allowing border guards to prevent irregular migrants from entering the country from Belarus in green border areas (defined by the United Nations as territory between official land border control checkpoints), with individuals granted entry to the country only through official border checkpoints. The only migrants granted entry after the establishment of the policy appeared to be humanitarian cases; all others were prevented from entering the country. The State Border Guard Service acknowledged its use of the pushback policy to remove irregular migrants and return them to Belarus.

On September 5, five Afghan nationals entered the country from Belarus and went into hiding. While in hiding, the applicants appealed to the ECHR to be allowed to remain in the country and not be forced to return to Belarus. On September 8, the ECHR ruled that the five Afghan nationals should not be removed to Belarus. The border guards detained the migrants on September 9.

On September 21, the Vilnius Regional Court sentenced two irregular migrants from Iraq to 45 days in detention for illegally crossing the border from Belarus. The two migrants had arrived on July 29 and did not ask for asylum. They were the first migrants to be sentenced for crossing the border after the beginning of the surge in irregular migration in June.

Safe Country of Origin/Transit: In compliance with the EU’s Dublin III Regulation, authorities barred asylum seekers arriving from safe countries of origin or transit and returned them to such countries without reviewing the substantive merits of their applications.

Abuse of Migrants and Refugees: On September 15, the deputy commissioner general of police informed the members of the National Security and Defense Committee of parliament that police were conducting pretrial investigations into thefts, robberies, and bodily injuries in migrant camps. Media reported in August and September that irregular migrants detained at Rudininkai were being abused and sexually exploited at the hands of other irregular migrants.

Freedom of Movement: On July 13, parliament adopted amendments to the Law on the Legal Status of Aliens and accompanying legal acts to speed up the processing of asylum applications and restrict the rights of asylum seekers in cases where the state cannot protect those rights due to a state of war or mass influx of aliens. Under the amendments migrants may be detained without a court decision and not permitted to move freely. The Lithuanian Red Cross and other human rights organizations criticized the law, stating that it violated the country’s international obligations and migrants’ rights.

On August 2, irregular migrants in a camp at Rudininkai staged a protest demanding freedom of movement and better living conditions.

On November 9, the parliament declared a state of emergency under section 144 of the constitution, applicable to regions on the border with Belarus and in areas where irregular migrants were being housed. The declaration was the first of its kind since the restoration of the country’s independence

and gave the military additional powers, including the use of force, to enforce expanded restrictions on movement and assembly in response to the surge in irregular migration. Under section 145 of the constitution, the declaration allows the suspension of certain constitutional rights, which the government stated it used to limit the ability of irregular migrants in camps to access the internet and communicate by phone and in writing. The declaration went into effect on November 10. On December 7, it was extended to January 15, 2022.

Access to Basic Services: NGOs reported that refugees reported encountering language barriers that prevented them from accessing health and psychological consulting services.

Durable Solutions: In cases where asylum was not granted, the government began seeking to facilitate migrants' return to their countries of origin. More than 90 percent of irregular migrants arrived in the country without identity documents, complicating the government's efforts to facilitate their return to their countries of origin. The government offered irregular migrants the opportunity to request return to their countries of origin rather than pursuing their asylum claims. The government also offered to provide air tickets and 300 euros (\$345) in cash assistance to those who volunteered to do so. As of September 15, 140 irregular migrants had voluntarily left the country or were removed by the government.

On September 29, the Migration Department reported that 167 Afghan interpreters who had assisted the country's troops in Afghanistan as well as their family members had been granted asylum. The Afghans were flown from Kabul to the country in August and directed by the government to submit applications for asylum, which they did.

Temporary Protection: The government may grant "temporary protection" to groups of persons, and by September 1, authorities extended temporary protection to one person. Authorities may also grant "subsidiary protection" to individuals who may not qualify as refugees. According to Eurostat, the statistical office of the EU, in 2020 the government granted subsidiary protection to 89 persons.

g. Stateless Persons

The law permits persons born on the territory or legally residing there for 10 years and who are not citizens of any other country to apply for citizenship. Applicants must possess an unlimited residence permit, knowledge of the Lithuanian language and constitution, and the ability to support themselves. In 2020 the Migration Department carried out a census of stateless persons to help persons who may have the right to acquire an identity document. According to the Migration Department, 139 persons used the consultation service of the Migration Department during the census, 57 submitted applications for citizenship, and 15 became citizens through the census process. According to the Migration Department, a total of 221 stateless persons became citizens in 2020, bringing the total number of stateless persons down to 2,683.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Presidential elections, including a runoff between the two candidates receiving the most votes, as well as European Parliamentary elections, took place in 2019. National parliamentary elections took place in October 2020. Observers evaluated all these elections as generally free and fair.

Political Parties and Political Participation: The government continued to prohibit the Communist Party.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. In the October 2020 parliamentary elections, women won 38 of the 141 seats (27 percent). Women were appointed speaker of parliament, and prime minister. Six of the 14 cabinet ministers were women. On June 17, Danute Jociene was appointed the first female president of the Constitutional Court.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

Corruption: The European Research Center for Anticorruption and State-building and Transparency International reported that corruption remained a problem, in part due to inadequate enforcement of the country's anticorruption law, including in the medical services sector. A Transparency

International report stated that 17 percent of respondents reported paying bribes for medical treatment, while the Stockholm School of Economics' *Shadow Economy Index*, published in June, estimated that 8.4 percent of business revenue was used to pay bribes.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the Parliamentary Ombudsperson has three mandates: to investigate complaints regarding abuse of office or other abuses of human rights involving public administration; to implement the national prevention of torture mechanism under the UN's Optional Protocol to the Convention against Torture; and to serve as an accredited national human rights institution. In the last capacity, the parliamentary ombudsperson is responsible for reporting on and monitoring human rights problems, cooperating with international and domestic human rights organizations, and promoting human rights awareness and education.

The Equal Opportunities Ombudsperson (EOO) operates as an independent public institution accountable to parliament and is responsible for the enforcement of the Law on Equal Opportunities for Women and Men and the Law on Equal Treatment, with responsibility for implementing and enforcing rights under the law.

A Children's Rights Ombudsperson is responsible for overseeing observance of children's rights and their legal interests. It may initiate investigations of possible abuses of such rights, either upon receipt of a complaint or on its own initiative.

The parliament's Human Rights Committee prepares and reviews draft laws and other legal acts related to civil rights and presents recommendations to government institutions and other organizations concerning problems related to the protection of civil rights. It also receives reports from the Office of the Parliamentary Ombudsperson.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of women and men as well as domestic violence are criminal offenses. Penalties for domestic violence depend on the level of injury to the victim, ranging from required public service to life imprisonment. In the first eight months of the year, authorities received 61 reports of rape, compared with 63 during the same period in 2020. Convicted rapists generally received prison sentences of three to five years. No law specifically criminalizes spousal rape, and no data on spousal rape was available.

Although the law criminalizes domestic abuse, it remained a pervasive problem. In the first eight months of the year, police registered 4,206 criminal offenses related to domestic violence, compared with 7,126 in 2020. According to the Department of Statistics, 17 domestic violence-related femicides were registered in the first eight months of the year, compared with 28 in 2020 and 21 in 2019. The law permits rapid government action in domestic violence cases. For example, police and other law enforcement officials may, with court approval, require perpetrators to live separately from their survivors, to avoid all contact with them, and to surrender any weapons they may possess. According to the Department of Statistics, 80 percent of survivors of domestic violence were women. The government allocated 1.35 million euros (\$1.55 million) to NGOs working in the field of domestic violence prevention.

According to a July 2020 survey by the Women's Information Center, only 15 percent of those surveyed who had experienced domestic violence had contacted police. From April to September the Department of Statistics carried out a survey, which collected statistics on abuses of personal security at work, the prevalence and nature of domestic violence, and the provision of assistance to survivors.

The government operated a 24/7 national hotline and 29 crisis centers for survivors of domestic violence. In September 2020 the government adopted its *Action Plan for Domestic Violence Prevention and Assistance to Victims for 2021* and allocated 1.17 million euros (\$1.35 million) for the year.

Sexual Harassment: The law prohibits sexual harassment. The law defines sexual harassment as offensive verbal or physical conduct of a sexual nature, towards a person with whom they work, conduct business, or have other relations. Harassment is defined in the same law as unwanted conduct related to the sex of a person that occurs with the purpose or effect of violating the dignity

of a person, and creating an intimidating, hostile, humiliating or offensive environment. Pretrial investigations of sexual harassment were relatively rare, and survivors were often blamed as the cause of the harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The country lacked consistent sex education programs, and there was a lack of publicly available information of contraception as a method of family planning. Contraception and medical advice were hard to access for many teenagers. According to the Human Rights Coalition, some young women and girls in rural areas, mostly Roma, had limited access to reproductive health services and contraceptives due to poverty, social stigma, and lack of parental consent.

According to the Department of Statistics, in 2020 girls younger than 18 gave birth to 109 children. According to the Lithuanian Society of Obstetricians, teenage pregnancy was closely linked to social marginalization, with many girls coming from vulnerable families. On September 7, the EOO determined that the procedure for reimbursing assisted reproduction was discriminatory because it was available only to women up to age 42, contrary to the Law on Equal Opportunities.

The government provided access to sexual and reproductive health services for survivors of sexual violence. The Center for Combating Human Trafficking and Exploitation, which provides social, psychological, and legal services to survivors of trafficking, prostitution, and sexual abuse, noted that medical personnel conducting gynecological examinations often treated survivors in an accusatory or insensitive manner. The country had no rape crisis center, but a network of specialized NGOs provided social, psychological, health, and legal assistance to survivors of domestic and sexual violence. A national women's helpline also assisted survivors.

Discrimination: The law provides for the same legal status and rights for women as for men, including family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. The government enforced the law effectively. Women continued to experience unequal access to pension benefits and the gender wage gap remained significant, leaving women more exposed to poverty risk (see section 7.d.).

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination against ethnic or national minorities, but intolerance and societal discrimination persisted. According to the 2011 census, approximately 14 percent of the population were members of minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, Karaites, and Jews.

Representatives of the Polish minority, approximately 200,000 persons according to the 2011 census, continued to raise their concerns concerning restrictions on the use of Polish letters in official documents, particularly passports, and the lack of a law on protecting national minorities' rights.

Roma, whose population the 2011 census reported as 2,115 persons (0.07 percent of the country's total population), continued to experience discrimination.

In August 2020, Vilnius Municipality approved a new Romani integration program for 2020-23. The plan offers new solutions to strengthen the areas of education, health care, social care, and culture, with a particular focus on integration programs. Romani families were offered individual and group consultations with psychologists, teachers, and social workers. According to the NGO Diversity Development Group, lockdowns related to COVID-19 severely affected the involvement of Romani children in education, because most of them lacked technical means to access online learning, especially at the beginning of the lockdown, and the government did not effectively organize assistance to them.

Children

Birth Registration: Citizenship may be acquired either by birth in the country or through one's parents. The government registered all births promptly.

Child Abuse: The law bans all violence against children. Sexual abuse of children remained a problem despite prison sentences of up to 13 years for the crime. In the first eight months of the year, the Ministry of the Interior recorded 33 cases of child rape and 175 cases involving other forms of child sexual abuse. The government operated a children's support center to provide medical and psychological care for children, including those who suffered from various types of violence. It also operated a national center in Vilnius to provide legal, psychological, and medical assistance to sexually abused children and their families.

The Child Rights Protection Service reported that in the first half of the year 1,370 cases of possible

violence against children were recorded. There were 2,841 total such cases in 2020.

In the first eight months of the year, the children's rights ombudsperson reported receiving 216 complaints.

During the first eight months of the year, Child Line (a hotline for children and youth) received 99,888 telephone calls from children and responded to 71,788 of those calls. Child Line also received and answered 292 letters from children, whose concerns ranged from relations with their parents and friends to family violence and sexual abuse.

Child, Early, and Forced Marriage: The minimum age for marriage is 18.

Sexual Exploitation of Children: Individuals involving a child in pornographic events or using a child in the production of pornographic material are subject to imprisonment for up to five years (see also section 2.a., Freedom of Expression, Including for Members of the Press and Other Media). Persons who offer to purchase, acquire, sell, transport, or hold a child in captivity are subject to imprisonment for three to 12 years. The Office of the Ombudsperson for Children's Rights reported receiving two complaints of alleged sexual exploitation of children during the first eight months of the year. According to the Ministry of the Interior, during the first eight months of the year, officials registered 124 criminal cases involving child pornography. The age of consent is 16.

Institutionalized Children: According to experts from the Human Rights Monitoring Institute and other NGOs, deinstitutionalization of childcare was slow, and 1,533 children were still in state care institutions. As of September 1, the children's rights ombudsperson had opened two investigations regarding abuses of children's rights in orphanages and large-family foster homes.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community consisted of approximately 4,000 persons. There were reports of anti-Semitism on the internet and in public.

On January 27 (International Holocaust Remembrance Day), member of parliament and then chair of the Parliamentary Commission for the Cause of Freedom and National Historical Memory Valdas Rakutis authored an article published by media outlets which stated, "After all, there was no shortage of Holocaust perpetrators among the Jews themselves, especially in the ghetto self-government structures." Rakutis's article drew criticism from the prime minister, the foreign minister, and the Jewish community. On January 29, Rakutis stepped down as chair of the parliamentary commission but did not apologize or withdraw his remarks. On February 22, Vilnius prosecutors announced that they had declined to open a pretrial investigation into Rakutis's comments on the Holocaust, stating his article did not violate the laws on genocide denial.

On April 15, parliament appointed Arunas Bubnys as director of the Genocide and Resistance Research Center of Lithuania (GRRCL), despite the June 2020 publication by the website *defendinghistory.com* of an article with Bubnys photographed delivering a speech at a rally in front of photographs of Nazi collaborators Jonas Noreika and Kazys Skirpa. At the time of the appointment, Bubnys was head of the GRRCL's Department of Historical Research. In October 2020, during his tenure as head of the department, Bubnys ran for parliament as a candidate of the National Union Party (NUP), a far-right nationalist political party. He was not elected, and in April he announced that he had left the NUP. In an interview with the *15min.lt* news portal on May 4, Bubnys spoke regarding Jonas Noreika, admitting that "there were both positive and, let's say, negative things in his activities."

The municipal government of Ukmerge district continued to resist calls for the removal of a monument to former partisan Juozas Krikstaponis, who, based on the conclusion of the GRRCL, took part in the killing of Jews in Belarus in 1941. In a letter to the mayor of Ukmerge in May, Minister of Foreign Affairs Gabrielius Landsbergis suggested that the monument be relocated to the outskirts of the city.

On September 8, employees of a nearby German law firm found and erased a swastika drawn on a sign marking the old Jewish cemetery of Snipiskes. Representatives of the Jewish Community of Lithuania reported that unknown persons redrew it a few days later. On September 9, workers caring for the Jewish cemetery on Radivilenu Road in Kaunas reported vandalism at the cemetery, including at least three grave sites that had been dug up, likely by thieves searching for valuables.

On September 10, a sign listing information regarding a site in Kretinga where Jews were killed during the Holocaust was vandalized. Police started a pretrial investigation. Police had instructions to take measures to deter illegal activities, including vandalism, with special attention to maintaining

order on specific historical dates and certain religious or cultural holidays.

On November 1, it was reported that vandals dismantled a Jewish monument and destroyed its foundation at Kedainiai, where 1,125 Jews were massacred during the Holocaust.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities. There was no proactive enforcement of these requirements. The equal opportunities ombudsperson received 32 complaints of alleged discrimination based on disability and found violations in seven cases. In its most recent report from 2019, the National Audit Office reported that nearly one-third of persons with disabilities were at risk of poverty, a higher percentage than the overall at-risk-of-poverty rate (20.6 percent). The audit found that only 13 percent of the persons identified as needing assistance received special services in municipalities. In 32 municipalities, local governments did not arrange, as required by law, that at least 30 percent of public buildings providing social, educational, health, and cultural services were adapted to persons with disabilities. In 34 municipalities, no means of public transport were available for persons with disabilities. In 2019 only 3.4 percent of municipal websites were adapted for persons with disabilities.

The law requires all schools that provide compulsory and universally accessible education accommodate students with disabilities. The country has a tradition of separate schools for children with various disabilities. In June 2020 parliament amended the Law on Education to eliminate discriminatory provisions regarding children with disabilities who need accommodation or educational support. According to these provisions, which were scheduled to be implemented gradually and fully enter into force on September 1, 2024, children with disabilities who need accommodation or educational support would be able to attend a general education school in their place of residence, and schools would no longer be able to refuse to admit them and refer them to separate so-called special schools.

The law prohibits persons with disabilities who have been deprived of their legal capacity from voting or standing for election. According to the Central Electoral Commission, 67 percent of polling stations were accessible to persons with disabilities in the October 2020 parliamentary elections.

Considering the recommendations of the parliamentary ombudsperson, on March 3, the minister of health determined that the Ministry of Health would allow involuntarily hospitalized persons with mental or behavioral disorders to receive an independent mental health assessment.

According to the NGO the Lithuanian Forum for Persons with Disabilities (LFPD), deinstitutionalization has been slow in the country, with too little attention paid and inadequate funding devoted to the creation of independent living arrangements for individuals with disabilities.

According to the LFPD, a small number of persons with disabilities sought help in cases of domestic violence. The LFPD suspected that persons with disabilities did not have information concerning state-provided aid available for survivors of domestic abuse.

Those living in closed social care institutions and admitted to or involuntarily hospitalized in psychiatric hospitals were among the most seriously affected during the pandemic. After assessing the risks of human rights abuses during the quarantine as well as considering calls from residents and their relatives, the staff of the parliamentary ombudsperson office provided consultations to residents of social care institutions on the topics of ensuring human rights and freedoms and a sense of security during the quarantine.

HIV and AIDS Social Stigma

The I Can Live NGO coalition worked with drug addicts and other vulnerable groups and noted that individuals with HIV and AIDS continued to be subject to discrimination, including in employment, and were treated with fear and aversion. According to the *People Living with HIV Stigma Index* conducted by the NGO coalition in 2018, 90 percent of persons with HIV feared revealing their status to others, and 83 percent were not aware of laws protecting them from discrimination. Of those who believed discrimination occurred, 67 percent reported being intimidated from taking action.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation, and sexual orientation may be an aggravating factor in crimes against LGBTQI+ persons. However, it states that any information that "encourages a concept of marriage and family other than the one stipulated in the Constitution of the Republic of Lithuania or in the Civil Code of the Republic of Lithuania" is detrimental to minors

and should be restricted. According to Amnesty International, this law violates the freedom of self-expression of LGBTQI+ persons. Gender identity remains unrecognized in the law. Societal attitudes toward LGBTQI+ persons remained largely negative, and LGBTQI+ persons experienced stigma, discrimination, and violence. A 2019 poll by the Baltijos Tyrimai market and public opinion research company noted that one-third of citizens viewed LGBTQI+ individuals as undesirable neighbors. Transgender persons were vulnerable and regularly experienced extreme violence and death threats, and legal barriers and discriminatory practices often inhibited them from receiving health care. Most LGBTQI+ persons who experienced violent acts did not report them due to a lack of trust in the legal system. During the first-ever pride march in the city of Kaunas on September 4, eggs and potatoes were thrown at participants by protesters, who also shouted obscenities during the event.

On December 31, Minister of Justice Evelina Dobrovolska signed an order allowing transgender persons to change their names and ending the requirement to provide medical proof of gender reassignment. The order was scheduled to take effect on February 2, 2022.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers, except the armed forces, to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits employer discrimination against union organizers and members and requires reinstatement of workers fired for union activity. These provisions also apply to migrant workers.

There were some specific legal limits to these rights. The law bans sympathy strikes. It also prohibits law enforcement officials, first-aid medical workers, and other security-related personnel from collective bargaining and striking, although they may join unions. The law does not afford workers in essential services, whose right to strike is restricted or prohibited, alternative procedures for impartial and rapid settlement of their claims or a voice in developing such procedures.

Labor-management disputes are settled by a labor arbitration board formed under the jurisdiction of the district court where the registered office of the enterprise or entity involved in the collective dispute is located. Although the law establishes the binding character of the decision upon the parties, the decisions cannot lay down rights or obligations of individuals and are not enforceable by the courts. Labor-code procedures make it difficult for some workers to exercise the right to strike. The law allows an employer to hire replacement workers in certain sectors to provide for minimum services during strikes.

The government generally respected freedom of association but did not effectively enforce applicable laws, and penalties are not commensurate with those for other laws involving denials of civil rights, such as discrimination. According to the International Trade Union Confederation, the judicial system was slow to respond to cases of unfair dismissal, and no employer faced penal sanctions for antiunion discrimination as envisaged in the law. No courts or judges specialized in labor disputes.

Employers did not always respect collective bargaining rights, and managers often determined wages without regard to union preferences, except in large factories with well-organized unions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, and the government generally enforced the law effectively. Penalties are commensurate with those for other analogous serious crimes, such as kidnapping.

There were instances of forced labor, most of which involved local men subjected to forced labor abroad. Foreign workers from Belarus, Russia, and Ukraine were at risk of labor trafficking as long-haul truck drivers, builders, ship hull assemblers, and welders.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits and criminalizes all of the worst forms of child labor and provides for the protection of children from exploitation in the workplace, including limitations on working hours, occupational safety, and health restrictions. The law sets the minimum age for most employment at 16 but allows the employment of children as young as 14 for light work with the written consent of the child's parents or guardians and school. The government has not created a list of jobs considered "light work." The law mandates reduced work hours for children, allowing up to two hours per day or 12 hours per week during the school year and up to seven hours per day or 32 hours per week when school is not in session. According to the law, hazardous work is any environment that may cause disease or pose a danger to the employee's life, such as heavy construction or working with

industrial chemicals. Under the law children younger than 18 may not perform hazardous work. Penalties for violations of child labor laws were commensurate with those for other analogous serious crimes, such as kidnapping.

The State Labor Inspectorate is responsible for receiving complaints related to employment of persons younger than 18. The government effectively enforced the law. In the first eight months of the year, the inspectorate identified 19 cases in which children were working illegally in the agriculture, retail, manufacturing, construction, and service sectors.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination but does not specifically address HIV-positive or other communicable disease status, or gender identity. The law obliges the employer to implement the principles of gender equality and nondiscrimination, which prohibit direct and indirect discrimination, and psychological and sexual harassment. The employer must apply the same selection criteria and conditions when hiring new employees; provide equal working conditions, opportunities for professional development, and benefits; apply equal and uniform criteria for dismissal; pay equal wages for the same work and for work of equal value; and take measures to prevent psychological and sexual harassment in the workplace.

The government effectively enforced the law, and penalties were commensurate with laws related to civil rights, such as election interference.

The law stipulates that discrimination based on sex should also cover discrimination related to pregnancy and maternity (childbirth and breastfeeding). A pay gap between men and women continued to exist. In addition, government social payments were not equal for men and women, contributing to a higher poverty rate among elderly women.

The EOO monitored the implementation of discrimination laws. As of September 1, the EOO received 32 complaints related to employment. To address the gender equality problem, the EOO worked with the governmental Family Policy Commission, which ensures cooperation between state and municipal institutions that formulate family policy and related legislation. The EOO prepared a gender equality self-assessment tool for employers and conducted a series of targeted training sessions on gender equality. Under the law the age requirements for women and men to retire with full or partial pension benefits are not equal.

NGOs reported that workers in the Romani, LGBTQI+, and HIV-positive communities faced social and employment discrimination (see section 6). Non-Lithuanian speakers and persons with disabilities faced discrimination in employment and workplace access.

e. Acceptable Conditions of Work

Wage and Hour Laws: The labor law limits annual maximum overtime to 180 hours and establishes different categories of work contracts, such as for permanent, fixed-term, temporary agency, apprenticeship, project, job-sharing, employee-sharing, and seasonal work. Employers and employees may mutually agree to a higher amount of maximum overtime through the collective bargaining process.

According to the National Department of Statistics, as of January 1, the minimum monthly wage increased by 6 percent and was above the poverty line. The Statistics Department reported that 585,000 persons in the country lived below the poverty risk line in 2020. The poverty risk level stood at 20.9 percent in the country, up by 0.3 percent from 2019.

Occupational Safety and Health: Occupational safety and health (OSH) standards were appropriate for the main industries in the country, such as petroleum refining, food processing, energy supplies, chemicals, furniture, wood products, textiles, and clothing. The law applies to both national and foreign workers. The government effectively enforced OSH laws, and penalties were commensurate with those for crimes such as negligence.

The State Labor Inspectorate (SLI), which is responsible for implementing labor laws, had a staff sufficient to enforce compliance. During the first eight months of the year, the inspectorate conducted 2,449 inspections at companies and other institutions. Of these cases, 80 percent were related to underpayment of wages, late payment of wages, or worker safety. Workers dissatisfied with the results of an investigation may appeal to the court system. According to the SLI, violations of wage, overtime, and OSH laws occurred primarily in the construction, retail, and manufacturing sectors. The inspectorate received complaints concerning hazardous conditions from workers in the construction and manufacturing sectors.

As of September 13, the SLI recorded 2,930 accidents at work, including 22 fatal accidents, compared with 2,533 and 22, respectively, in 2020. Most accidents occurred in the transport, construction, processing, and agricultural sectors. To address the problem, the inspectorate continued conducting

a series of training seminars for inspectors on technical labor inspection.

The SLI also issued reports on downtime arrangements, recommendations and regulations on labor relations during emergency situations and quarantines, and support to workers and employers available during a pandemic. Inspectors have the authority to make unannounced inspections. Responsibility for identifying unsafe situations remains with OSH experts and not the worker. The law provides workers the right to remove themselves from a hazardous workplace without jeopardizing their employment. Workers have the legal right to request compensation for health concerns arising from dangerous working conditions. Health-care workers were overloaded and at the greatest risk during the COVID-19 pandemic. The SLI organized 218 consultations and educational events on occupational safety and health, which were attended by more than 4,800 persons. It also organized a virtual quiz entitled "Future without Shadow" for high school students.

Informal Sector: The informal economy accounted for an estimated 25 percent of the economy. Refugee employment opportunities were primarily concentrated in construction, hospitality (restaurants), manufacturing, and housekeeping. The lack of language skills, job search assistance, education, and qualifications were major barriers to the employment of refugees.

ecoi.net summary:



Annual report on human rights in 2021

Country:

Lithuania

Source:

[USDOS – US Department of State](#)

Original link:

<https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/Lithuania/>

Document type:

Periodical Report

Language:

English

Published:

12 April 2022

Document ID:

2071334

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

