

LITAUEN (89)

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## Lithuania Country Report on Human Rights Practices for 1996

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### LITHUANIA

Lithuania is a parliamentary democracy, having regained its independence in 1990 after more than 50 years of forced annexation by the Soviet Union. The Constitution, adopted by referendum in 1992, established a 141-member unicameral legislature, the Seimas; a directly elected president, who functions as Head of State; and a government formed by a prime minister and other ministers, appointed by the President and approved by the Seimas. The Government exercises authority with the approval of the Seimas and the President. In fair elections in 1992, the Lithuanian Democratic Labor Party (LDDP)--the successor to the Communist Party of Lithuania, which in 1989 broke away from the Soviet Communist Party--won a majority of parliamentary seats and formed the Government. In 1993 voters elected Algirdas Brazauskas, then Chairman of the LDDP, as President. The Conservatives prevailed in the October and November parliamentary elections, followed by the Christian Democrats. The two parties formed a coalition government (the first in Lithuania's history) in December.

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 independence Lithuania has made steady progress in developing a market economy. Over 40 percent of state property, including most housing and small businesses, has been privatized. Trade is diversifying, with a gradual shift to Western markets. The largest number of residents are employed in agriculture (24.8 percent), followed by industrial enterprises (19.8 percent, including electricity, gas, and water supply), followed by wholesale and retail trade (12.3 percent). About 35 percent of those employed work for state enterprises, while 65 percent are employed in private companies. The agricultural sector's high proportion of the work force reflects a lack of efficient consolidation of small private farms and represents a vocal protectionist current in economic policy debates. The banking system remains weak. The inflation rate for the first half of 1996 was 10.2 percent, compared with 16.7 percent for the same time period in 1995. Per capita gross domestic product in 1996 was estimated at \$2,000 (8,000 litas) and unemployment in October was 6.4 percent. The balance of trade remains negative due to imports of gas and other energy products from Russia. Major exports include textile and knitwear products, timber and furniture, electronic goods, food, and chemical and petroleum products.

The Government generally respects the human rights of its citizens, but problems remain in some areas. Police on occasion beat detainees and abuse detention laws. Police corruption is on the rise, and prison conditions remain poor.

Some journalists allege that government officials apply pressure on them not to criticize governmental policies or acts. Jewish cemeteries are sporadically subjected to some vandalism and pilferage. Violence and discrimination against women and child abuse are serious problems. The

Government took steps to assist people with disabilities.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

#### b. Disappearance

There were no reports of politically motivated disappearances. There is a problem, however, of women who have been forced--or willingly sold--into prostitution by mafia gangs (see Section 5). Their families, unaware of the situation, claim that they have disappeared or have been kidnaped.

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

The Constitution specifically forbids torture, and there were no reports of its use. However, police sometimes beat or otherwise physically mistreated detainees. The local press reported that incidents of police brutality are becoming more common. In many instances, the victims reportedly are reluctant to bring charges against police officers for fear of reprisals. In past years the Ministry of the Interior has been unwilling to publicize statistics on reported cases of police brutality. However, this year the Ministry has compiled a detailed list of abuses: 371 officers were recalled from duty for negative activities in the first 9 months of 1996--231 for disciplinary problems, 72 for various traffic violations, 9 for abusing their occupational privileges, and 10 for brutality. The Interior Ministry states that district police inspectors are the most negligent in the force. The Minister requested the establishment of an internal affairs group that would be responsible for monitoring police abuses. However, the group has yet to be formed. The Commissar General states that during the year 337 officers were dismissed for wrongdoing, and 38 officers for criminal activity with the highest number of abuses occurring in the border police department. President Brazauskas has initiated an amendment to the Police Force Law, whereby the President would have the power to dismiss the Commissar General, and the police force would be separate from the Ministry of the Interior.

Human rights violations continue in the military despite renewed efforts by military to quash criminal bullying--a practice inherited from the former Soviet armed forces. Rolandas Slukinas, a 21-year-old married conscript deserted after 1 month in the army because of constant taunting and beatings. Moreover, the chief resident of one of the major hospitals in Vilnius stated that soldiers in the army are constantly being treated for injuries resulting from abuse. In the first 6 months of the year, that same hospital alone treated four soldiers for broken jawbones. The Lithuanian Human Rights Protection Association recommended that the Parliament take action on the problem and require the Ministry of Defense to prevent violations of human rights in the armed forces.

Prison conditions are poor. Due to limited resources, most are overcrowded and poorly maintained. Prisoners on death row or serving life sentences are required to wear special striped uniforms. Human rights monitors are permitted to visit prisons.

#### d. Arbitrary Arrest, Detention, or Exile

Except in cases that come under provisions of the Preventive Detention Law (described below), police may detain a person for up to 72 hours based upon reliable evidence of criminal activity.

Under a law passed in June, a judge must also approve the detention. At the end of that period, police must decide whether or not to make a formal arrest, and a magistrate must approve an arrest warrant. The authorities have a total of 10 days to present supporting evidence. Once a suspect is formally charged, prosecutors may keep the suspect under investigative arrest for up to 2 months before taking the suspect to court. In exceptional cases, investigative arrest may be extended by a further 6 to 9 months with the written approval of the Prosecutor General. The Constitution provides for the right to an attorney from the moment of detention.

In an effort to cope with the rise in violent organized crime, in 1993 Parliament passed the Preventive Detention Law pertaining to persons suspected of being violent criminals. The law, which was passed as a temporary measure, allowed police, but not the internal security and armed forces, to detain suspected violent criminals for up to 2 months rather than only for the standard 72-hour period. The effect of the law is to give prosecutors and investigators additional time to conduct an investigation and file formal criminal charges against the detainee. Those apprehended must be released after 2 months if an investigation does not lead to formal charges. Local police commissioners must obtain the Prosecutor General's approval of each arrest carried out under the provisions of this law. In the first 9 months of the year, 230 people were detained pursuant to this law compared with over 500 for all of 1995. Of these 230 detainees, only 66 were released after the specified 2 month time period.

The Parliament voted in December 1995 to extend this law for an additional year, maintaining provisions carried over from 1995 modifications, including checks on prosecutorial abuse. The law requires that a detainee: (1) must be informed within 3 hours following arrest about the length of the preventive detention being considered (not to exceed 2 months); and (2) must be brought before a court within 48 hours of arrest for a ruling on the legality of the detention. Furthermore, a detainee has the legal right to consult with an attorney during the period of detention. The law gives law enforcement officials wide latitude in making arrest decisions and may be open to abuse. Parliamentarians who voted against the extension stated that preventive detention was not in keeping with the Constitution and the European Convention on Basic Human Rights and Freedoms. The Prosecutor General, however, reported that although a drastic measure, it is effective. In several well-publicized cases, the law helped to convict and sentence dangerous criminals to lengthy prison terms. In many other instances, however, the suspects were freed without charge after expiration of the maximum detention period, leading some observers to believe that the police are abusing the length of the detention period provided by this law.

There is no provision for exile, nor is it practiced.

#### e. Denial of Fair Public Trial

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

Efforts continued in 1996 to reform legal codes imposed during the Soviet era. Parliament passed new civil and criminal procedure codes as well as a Court Reform Law in 1995. The judicial system presently consists of a two-tier structure of district courts and a Supreme Court, which is an appellate court. There is also a Constitutional Court. Court decisions are arrived at independently. The Prosecutor General exercises an oversight responsibility through a network of district prosecutors who work with police investigators--employed by the Ministry of the Interior--in preparing the prosecution's evidence for the courts. The institution of lay assessors was abolished at the end of 1994.

Under the provisions of the Court Reform Law, two new kinds of courts are being created. Local district courts are being set up below the present district courts to handle cases at the municipal

level, while a new appellate court level is hearing appeals arising from district court decisions, thereby reducing the case load of the overburdened Supreme Court. Moreover, a commercial court is in operation through the district courts.

An arbitration system is pending. In addition, as a result of accession to the Council of Europe, the Ministry of Justice has begun a thorough review of Lithuania's laws with a view towards bringing them into accord with the provisions of the European Convention on Human Rights.

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

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some people alleged to have been involved in crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. In 1994 the Supreme Court overturned the rehabilitation of three persons whose cases were pending from 1993; there have been no such rulings by the Supreme Court since. Presently there is no legal procedure in Lithuania regulating the annulment of rehabilitation.

Formal charges have not been brought against Lithuanian- American Aleksandras Lileikis, an alleged war crime suspect. After being stripped of his U.S. citizenship in May for concealing his World War II activities, which allegedly included persecuting Jews when he headed the security police of the Vilnius district under Nazi control, the 89-year-old Lileikis returned to Vilnius. The Prosecutor General's office is passively investigating the case of Lileikis' activities in Nazi-occupied Lithuania but has not pressed charges against him. They have yet to complete their interrogation of Lileikis, ostensibly due to his poor health. Lileikis denies the charges.

There were no reports of political prisoners.

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

The Constitution provides for the right to privacy. The authorities do not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens. With the written authorization of a prosecutor or judge, however, police and the security service may engage in surveillance and monitoring activities on 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 is widely assumed, however, that law enforcement agencies have increased the use of a range of surveillance methods to cope with the expansion of organized crime. There is some question as to the legal basis of this police surveillance, but there are no known legal challenges to such surveillance.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

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

Prior restraint over either print or broadcast media and restrictions on disclosure are prohibited, unless the Government determines that national security is involved. Nevertheless, journalists working for the state-owned electronic media complained about pressure by superiors to avoid criticism of government policies in their television and radio reporting. The Parliament adopted its long-awaited media law in July, after a draft public information law failed to pass in November 1995 because most independent news publications and many prominent journalists protested that it was too restrictive. The new media law introduced an element of self-regulation but postponed a difficult decision on television advertising. Under the new law, the media are to create a special ethics commission and ombudsman to check libel cases and other complaints. The final version of the law allows reporting on the private lives of officials as long as the information affects the welfare of the people.

The independent print media has flourished since independence, including a wide range of economic newspapers and specialty magazines. Officially there are over 2,000 newspapers and magazines registered, but only a fraction are still published.

Many investigative journalists covering organized crime were harassed by and received death threats from organized "crime families."

Five private radio stations, including one broadcasting in Polish, are on the air. Two private television stations also broadcast regular programming to wide audiences. Representatives of the private electronic media have complained for some time about unfair broadcasting rates that the Government sets, which allegedly favor the state radio and television stations.

There are no restrictions on academic freedom.

#### b. Freedom of Peaceful Assembly and Association

There are no laws that prohibit public gatherings. Citizens must inform local government authorities of planned demonstrations. During the first 6 months of 1996, pensioners protested 12 times, demanding higher pensions and better health care.

The Constitution provides for, and the authorities respect, the right of citizens to associate freely. The Communist Party of Lithuania and other organizations associated with the Soviet regime continue to be banned. There are no special requirements to form an association or political party.

#### c. Freedom of Religion

The Constitution provides for religious freedom, and the Government usually respects this provision in practice. The Law on Religious Communities and Associations was passed in October 1995. It grants religious communities, associations, and centers property rights to prayer houses, homes, and other buildings and permits construction necessary for their activities. Article 5 of this law mentions nine religious communities that have been declared "traditional" by the law and therefore are eligible for governmental assistance: Latin Rite Catholics, Greek Rite Catholics, Evangelical Lutherans, Evangelical Reformers, Orthodox, Old Believers, Jews, Sunni Muslims, and Karaites. There are no restrictions on the activities of other religious communities.

Relations between the Government and the officially registered Jewish community are good. However, the Hasidic Chabad Lubavich community is having difficulties registering as a traditional Jewish religion. The Ministry of Justice argues that the Chabad Lubavich is not a part of

Lithuania's historical, spiritual, or social heritage and therefore cannot be registered as traditional (Article 5 of the Law on Religious Communities and Associations). The Ministry states that the Chabad Lubavich does not have a continuity of traditions and is a separate branch of Judaism than that followed by the traditional Lithuanian Jewish religious community. Furthermore, they state that the Hasidic movement only began in Lithuania in the 18th century and has been suspended twice. The Chabad Lubavich counter that the suspension of their activity during the war years and after was imposed by Nazi and Soviet occupiers. They also have protested the disassociation of the Hasidic movement from Judaism. The Chabad Lubavich continue to press for recognition as a traditional religion. They have been allowed to operate a kindergarten.

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

Under the law, citizens and permanent residents are permitted free movement within the country and the right to return to the country. There are no restrictions on foreign travel. A growing number of refugees prompted the Government to begin plans for building a refugee detention center and other refugee facilities. Scandinavian countries are willing to assist this endeavor financially. The vast majority of refugees are fleeing economic, rather than political, conditions in their countries. However, in April a group of 40 Asian refugees briefly threatened to starve themselves if they were not granted political asylum. Officials placated them, ending the hunger strike, but stated that the refugees' request cannot be granted. There were about 500 refugees waiting to be deported at year's end. Lithuania is prepared to begin readmission agreement discussions with Russia and has concluded an agreement with Ukraine.

The refugee issue in Lithuania is closely linked to developments in Russia and other neighboring countries of the former Soviet Union, as it is mainly a transit country. Although a delimitation agreement has been signed between Lithuania and Belarus, the border has not yet been formally demarcated. Moreover, Lithuania has not signed readmission agreements with Belarus and Russia. During the year the Government established a refugee registration center in the town of Pabrade. The reception center includes status determination procedures for those officially seeking asylum. There are approximately 400 economic refugees at the center.

Lithuania has not signed the 1951 Geneva Convention on the Status of Refugees or its 1967 Protocol. However, the Government adopted the Law on Refugee Status on July 4, which is expected to be ratified in 1997. It describes a refugee as foreigner who has reasonable grounds to fear persecution in his own country because of race, religion, national origin, social status, or political beliefs, cannot be efficiently defended in his own country, or has good reason to be afraid to request such defense. Moreover, Lithuania observes the principle that no person may be returned to a territory where he may be exposed to persecution. The Government cooperates with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of forced expulsion of those having a valid claim to refugee status.

The issue of first asylum did not arise in 1996.

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

Lithuania is a parliamentary democracy. The election law provides for a secret ballot in parliamentary elections. Of 141 parliamentary seats, 71 are elected directly and 70 through proportional representation. According to a new election law adopted by the Seimas in June, only those parties that receive more than 5 percent of the total ballots (or 7 percent for coalitions) are allowed representation in the Parliament. National minority slates have been exempt from this rule in the past, but despite the new guidelines ethnic Lithuanians, Poles, Russians, and Jews were all elected to the new Parliament in the fall elections.

The Citizenship Law, adopted in 1991 and amended in October 1995, is inclusive with regard to the country's ethnic minorities. The law provides citizenship to persons who were born within the borders of the Republic; who were citizens of Lithuania prior to 1940 and their descendants; or who became citizens under previous legal authority. More than 90 percent of Lithuania's ethnic Russian, Polish, Belarusian, and Ukrainian inhabitants received citizenship.

Qualification for naturalization of persons not covered by the above-mentioned categories requires a 10-year residency, a permanent job or source of income, knowledge of the Constitution, renunciation of any other citizenship, and proficiency in Lithuanian.

While there are no legal restrictions on women's participation in politics or government, they are underrepresented in political leadership positions. There are now 24 female deputies in the 141-member Seimas up from 9 before the fall elections, and 2 female ministers (up from 1) will serve in the new Cabinet.

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

Most government authorities cooperate with local nongovernmental organizations and actively encourage visits by international and nongovernmental human rights groups. A key exception is the Ministry of Interior, which has continually refused to release information on police brutality and statistics on corruption-related incidents. The Association for the Defense of Human Rights in Lithuania is an umbrella organization for several small human rights groups, all of which operate without government restriction. In 1994 the Government established the Department of International and Human Rights within the Ministry of Justice, which monitors law and legal practice to determine whether these are in accord with Lithuania's international obligations.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, or ethnic background. However, discrimination against women persists.

##### **Women**

Abuse of women at home is reportedly common, especially in connection with alcohol abuse by husbands, but institutional mechanisms for coping with this problem are only now being formed. The Norwegian Ministry of Foreign Affairs and the women's organization Fokus have allotted 280,000 Norwegian krona (\$111,947) for the establishment of a women's crisis center in Vilnius. At the shelter women will be able to receive professional counseling and support as well as medical aid. The religious organization Caritas opened a six-room shelter in Vilnius in September as well. According to one sociological survey, 20 percent of women reported experiencing an attempted rape, while another 33 percent reported having been beaten at least once in their lives. There was a 10 percent drop in rape occurrences in the first half of 1996. Official statistics on the incidence of abuse of women in the home are not filed separately from other categories of assault. The Ministry of Interior stated that 30 women were killed in the first half of 1996 due to arguments resulting from jealousy or domestic problems. This represents 34.5 percent of all murders during that time period. In addition, 43 women reportedly were severely beaten during the first half of 1996. Women's groups report some resistance among law enforcement officials to collecting and releasing such statistics. Persons convicted of rape generally receive sentences of from 3 to 5 years in prison.

There have been some women, mostly underage, who have been forced--or willingly sold--into prostitution by mafia gangs. Some agree to go out of naivete, others consciously, intending to become rich. Although some women go to the West of their own free will, many others are lured by deception: e.g., by advertisements in newspapers where seemingly innocent jobs are offered--work as "au pairs", bar dancers, or waitresses. Women are also tricked into prostitution through false marriage advertisements. According to 1995 statistics from the Ministry of the Interior, 80 Lithuanian women engaged in prostitution were deported from Israel (the number for 1996 was 30), 9 from Germany, 5 from the Netherlands, and 4 from Poland. Their families are often unaware of the situation and believe that they have disappeared or been kidnaped. An official from the Ministry of Foreign Affairs stated that about 99 percent of women who have been reported missing are actually willingly working as prostitutes in the West.

The Constitution provides for equal rights for men and women, and official policy specifies equal pay for equal work. Generally, men and women receive the same pay for comparable work, but women are significantly underrepresented in some professions and in the managerial sector as a whole. Significant inequalities in society based on gender continue, and there are still very conservative views about the role of women. The fact that women's enrollment now exceeds that of men in some university departments has prompted university administrators to introduce preferential entrance criteria for men to redress what is perceived as an abnormal state of affairs. Parliamentary deputies speaking about female deputies in public sometimes make unflattering comments based on gender stereotypes without eliciting any public reaction.

### Children

The Ministries of Social Protection and of the Interior share official responsibility for the protection of children's rights and welfare. Starting in 1994, the Children's Rights Service of the Ministry of Social Protection took on many of the functions formerly handled by the Interior Ministry and its subordinate police officers throughout the country, thereby focusing more attention on the social welfare needs of children. There are 56 branches of the Children's Rights Protection Council throughout Lithuania. This Council registers and cares for children in dysfunctional and abusive families, registering some 26,000 this year. Furthermore, a "village" for orphaned children has been built near Vilnius by the German organization SOS Kinderdorf for \$10 million.

Child abuse is a problem. The press has been thorough in reporting increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and murder. Authorities reported that seven children were killed as a result of severe beatings by parents in the first half of 1996. No department or organization collects information on child abuse, however. Moreover, there are no specific criminal codes for child pornography, sexual abuse, or sex tourism. There is only one rehabilitation center for children who have been sexually abused in the country.

Social welfare workers believe that child abuse in connection with alcohol abuse by parents is a serious problem. Moreover, the prevalence of authoritarian values in family upbringing has discouraged more active measures against child abuse.

### People with Disabilities

The Government designated 1996 the Year for Disabled Persons. More than 350,000 people with disabilities live in Lithuania--10,000 of them children. The Law on Integrating Disabled People, passed in 1991, provides for a broad category of rights and government benefits to which disabled people are legally entitled. The Parliament allotted \$7.5 million (31 million litas--more than double the \$3.25 million disbursed in 1994) for the betterment of facilities for the disabled, prosthetics, specially equipped vans, and other technology. An apartment building specially designed for people

with various disabilities being built in Lithuania's second-largest city, Kaunas, should be completed in 1997. A center for deaf children is being created, as is a program for children with special orthopedic problems.

### Religious Minorities

A small Jewish community exists, largely in main cities. Jewish leaders called on officials to provide better police protection for Jewish cemeteries in Kaunas, Vilnius, and Klaipeda, which have been subject to some sporadic vandalism and pilferage.

### National/Racial/Ethnic Minorities

Minority ethnic groups--including Russians, Poles, Belarusians, and Ukrainians--comprise roughly 20 percent of the population. A few hundred representatives of the Polish minority protested in June against a law depriving ethnic minorities of preference in elections (see Section 3). Poles also protested the redrawing of the boundaries of Vilnius to include a region heavily populated with ethnic Poles. They are angered by the rise in taxes that accompanies inclusion in the city of Vilnius.

Lithuania amended article 47 of its Constitution to allow foreigners to purchase land. The new law, which allows only citizens from European Union and NATO nations to own land, discriminates against citizens of other nations, notably those from the former Soviet Union.

Many public sector employees were required to attain a functional knowledge of Lithuanian within several years, although the authorities have been granting liberal extensions of the date by which this is to be achieved. During the first 8 months of 1996, language testing committees tested 4,025 people for whom Lithuanian is not a native language. Of those examined, 3,349 were certified as language qualified. To gain citizenship, 120 people were tested, 97 of whom passed. There is no documented evidence of job dismissals based on the language law. The authorities have indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they have asserted that no one would be dismissed solely because of an inability to meet the language requirement.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution and the 1991 Law on Trade Unions recognize the right of workers and employees to form and join trade unions. The Law on Trade Unions formally extends this right to employees of the police and the armed forces, although the Collective Agreements Law of 1991 does not allow collective bargaining by government employees involved in law enforcement and security related work. In 1990 the Lithuanian branch of the Soviet Union's All-Union Central Council of Trade Unions, including 23 of 25 trade unions, renamed itself the Confederation of Free Trade Unions (CFTU) and began asserting increased independence from its Soviet parent. In 1993 the CFTU joined eight other unions that also had been part of the All-Union Central Council to form the Lithuanian Trade Union Center (LTUC).

The Lithuanian Workers' Union (LWU) was formed in 1990 as an alternative to the CFTU. Unlike the CFTU/LTUC, the LWU was an early supporter of Lithuanian independence from the Soviet Union and actively sought Western free trade union contacts. The LWU claims a dues-paying membership of 50,000 workers organized in 35 regional groupings.

The Law on Trade Unions and the Constitution provide for the right to strike, although public officials providing essential services may not do so. Many workers threatened to strike because of

low wages, but there were no major strikes in 1996.

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

#### b. The Right to Organize and Bargain Collectively

The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees, although several provisions reportedly hinder the establishment of new union organizations. According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Difficulties commonly arise in state enterprises in which employees are represented by more than one union. LWU officials charge that managers in some state enterprises discriminate against LWU organizers and have on occasion dismissed employees in retribution for their trade union activities. The LWU also charges that the judicial system is slow to respond to LWU grievances regarding dismissals from work. LWU representatives claim that state managers sometimes prefer the CFTU/LTUC over LWU unions as collective bargaining partners.

In general trade union spokesmen say that managers often determine wages without regard to trade union wishes, except in larger factories with well-organized trade unions. The Government issues periodic decrees that serve as guidelines for state enterprise management in setting wage scales. The LWU and the LTUC engage in direct collective bargaining over wages at the workplace level. Wage decisions are increasingly being made at the enterprise level, although government ministries still retain some control over this sphere in state-owned enterprises. The LWU reports that it supplements its bargaining efforts with active lobbying in government ministries that own enterprises. During the first 6 months of 1996 prices increased faster than the growth of wage increases, thereby reversing a process of real wage growth that had begun in 1993.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor, and this prohibition is observed in practice.

#### d. Minimum Age for Employment of Children

The legal minimum age for employment of children without parental consent is 16 years. The legal minimum age with the written consent of parents is 14 years. Free trade union representatives assert that the mechanisms for monitoring minimum age legislation are rudimentary. Complaints about infringement of child labor regulations generally are referred to local prosecutors who investigate the charges and take legal action to stop violations. Available evidence suggests that child labor is rare.

#### e. Acceptable Conditions of Work

The legal minimum wage was raised on September 1 from \$30 (120 litas) to \$75 (300 litas) per month. The minimum wage does not provide a decent standard of living for a worker and family. The average wage in the public sector is \$166 (663 litas) per month. The Council of Ministers and the Ministry of Social Protection periodically set the minimum wage. Every 3 months these government bodies must submit their minimum wage proposals to the Parliament, which has the right to approve or revise the minimum wage level. Enforcement of the minimum wage is almost nonexistent, in part because the Government does not want to exacerbate the unemployment problem. (The unemployment rate during the second quarter of 1996 was 14.2 percent.) The

40-hour workweek is standard, with a provision for at least one 24-hour rest period. For a majority of the population, living standards remain low. The poorest households spend 68 percent of their income on food, compared to 45 percent in wealthier households.

The Constitution provides that workers have the right to safe and healthy working conditions. In 1993 a Labor Safety Law went into effect, setting the rights of workers confronted with hazardous conditions and providing legal protection for workers who file complaints about such conditions. The State Labor Inspection Service, which the law established, is charged with implementing the Labor Safety Law. Regional labor inspection offices, each of which employs only two or three officials, are severely understaffed. They closed 77 enterprises or departments of enterprises found to be in violation of safety regulations during the first 6 months of 1996. Unsafe conditions caused by worn, outdated industrial technologies are reportedly widespread, and 36 work-related deaths were recorded in the first 6 months of 1996.

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