

LITHUANIA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Lithuania is a constitutional, multiparty, parliamentary democracy. Legislative authority resides in the unicameral parliament (Seimas). Observers evaluated the parliamentary elections that took place on October 14 and 28 as generally free and fair. The elections led to the formation of a center-left government. Security forces reported to civilian authorities.

Prisons continued to be overcrowded and in poor condition, and lengthy pretrial detention remained a problem. There were open manifestations of intolerance, including xenophobia, anti-Semitism, and intolerance based on sexual orientation and identity. Roma continued to live in poor conditions in areas of high crime facing social exclusion and discrimination.

Additional problems included interference with the privacy of persons, libel and antidiscrimination laws that limited freedom of expression, and authorities' refusal to grant asylum interviews to persons deemed to have arrived from "safe" countries of origin or transit. Societal problems included domestic violence, child abuse, and trafficking in persons. Facilities for treating persons with mental health problems remained seriously inadequate.

The government took measures to prosecute or otherwise punish officials who committed abuses, whether in the security services or elsewhere.

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

a. Arbitrary or Unlawful Deprivation of Life

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

During the year two cases involving alleged war crimes or crimes against humanity committed during the Nazi and Soviet occupations reached the domestic courts, according to the National Courts Administration. Authorities initiated investigations in another 18 cases involving similar allegations.

b. Disappearance

There were no reports of disappearances or politically motivated abductions or kidnappings.

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

The constitution prohibits such practices. However, there were reports that police physically mistreated detainees. According to a 2010 report of the Council of Europe's Committee for the Prevention of Torture (CPT), regional prosecutors' offices received 47 complaints of torture or mistreatment from persons deprived of their liberty in the first five and one-half months of 2010, compared with 102 complaints in 2009. Most of the complaints involved actions of law enforcement officials carrying out investigative duties. The report noted that following an initial inquiry, 86 of the complaints led to investigations. Authorities closed 62 cases without bringing criminal charges and continued to investigate 24 cases at year's end. On September 26, the parliamentary ombudsman expressed concern that the number of reports of police abuse of power had increased. For example, on September 7, three police officers in the Jurbarkas region reportedly beat a drunken man whom they had detained at his home for noise violations. A criminal case against the officers ensued.

During the year the parliamentary ombudsman's office received three complaints that officials used force or psychological pressure to obtain evidence in investigations. After investigating these complaints, authorities determined that they were groundless.

Prison and Detention Center Conditions

Prison and detention center conditions did not meet international standards; some prisons remained overcrowded, and inmates submitted complaints about substandard medical care.

Physical Conditions: As of December 1, according to the Ministry of Justice, the country's prisons held 9,770 inmates, including women and juveniles. The distribution of the prison population was such that four institutions were overcrowded. They included the Pravieniskes correction house, designed to hold up to 2,763 inmates, which held 3,204. The capacity of detention facilities was 829. There were 25 police detention centers. According to police, detention facilities did not exceed their capacity during the year. Prisoners had access to potable water. In the first 11 months of the year, 24 prisoners died of diseases,

four committed suicide, and one was killed. Another seven persons died in detention facilities during the year. Prisoners complained of poor hygiene in rooms for visitors and other premises, bad medical care, poor food quality, overcrowding, and inadequate operation of prison shops.

In the report on its 2010 visit to three detention centers, the CPT found conditions that varied from good to very poor. In the police detention center in Klaipeda, the CPT reported unsatisfactory conditions in wing number one, with dilapidated, dirty, and damp cells and bedding; limited access to natural light, artificial lighting, and ventilation; and very cold cell temperatures in winter. In the Vilnius police detention center, cells were in a poor state of repair and hygiene, and there was inadequate access to natural light and ventilation.

Administration: There were no reports of problems with recordkeeping involving prisoners. The law provided alternatives to incarceration for nonviolent offenders, and authorities employed them during the year. Prison officials allowed prisoners and detainees reasonable access to visitors and the opportunity to engage in religious observance. There was no ombudsman specifically dedicated to prison matters, but prisoners could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions. Authorities generally investigated such allegations and documented the results in a publicly accessible manner.

Monitoring: The parliamentary ombudsman's office investigates prisoner complaints and attempts to resolve them, usually by making recommendations to detention institutions. The ombudsman's office reported that institutions were responsive to all of its interventions. During the year the parliamentary ombudsman received 123 complaints from inmates about prison conditions, compared with 94 in 2011. Most complaints involved the failure of administrators to give proper attention to prisoners' grievances about prison conditions. The ombudsman's investigators found 50 of these complaints to be justified.

The government permitted monitoring in accordance with their standard modalities by the CPT and other independent nongovernmental observers. On May 17, a delegation from the Middle Europe Corrections Roundtable visited the Vilnius House of Correction. On September 22-23, participants from the annual conference of European Society of Criminology visited Lukiskes Prison. A CPT delegation visited the country's prison facilities on November 27-December 4.

Improvements: In 2011 the government allocated approximately 3.8 million litas (\$1.4 million) to the renovation of three prison facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, but there were complaints of illegally prolonged pretrial detention.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the State Security Department, police, and military forces; and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces.

Arrest Procedures and Treatment While in Detention

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 as long as 48 hours before charging them.

Detainees have the right to be informed of the charges against them at the time of the arrest or the first interrogation, and there were no complaints of failure to comply with this requirement. Bail was available and widely used. Detainees had prompt access to family members. The law entitles a detained person to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice. The law permits authorities to hold suspects under house arrest for up to six months, a period that a judge may extend at his discretion.

Pretrial Detention: The pretrial judge may order detention for up to three months of a suspect facing felony charges, but only to prevent the accused from fleeing or committing new crimes, facilitate an unhindered investigation, or comply with extradition requests. In many cases the law permits detention to be extended to 18 months (12 months for juveniles), subject to appeal to a higher court. Such extensions were frequent and often were based on the alleged danger the defendant would pose to society or the possibility that he or she would influence witnesses. As of December 1, the average length of pretrial detention was seven months and 20 days. Approximately 10 percent of the incarcerated population consisted of pretrial detainees.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government respected this provision in practice.

Trial Procedures

Defendants enjoy the right to the presumption of innocence. They also had the right to: be informed promptly and in detail of the charges against them; a fair and public trial without undue delay; communicate with an attorney of choice (or to have one provided at public expense); adequate time and facilities to prepare a defense; access government-held evidence; confront witnesses against them and present witnesses and evidence; be free from compulsion to testify or confess guilt; and to appeal. Authorities usually respected these rights.

The human rights ombudsman received six complaints that authorities failed to provide legal counsel but found all of them to be groundless. Local human rights experts asserted that the practice of conducting trials in absentia denied defendants the opportunity to cross-examine witnesses or present evidence in their own defense. Juries are not used.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Plaintiffs may sue for legal or injunctive relief based on human rights violations. Apart from redress within the court system, victims of human rights abuses may appeal to the parliamentary ombudsman for a determination regarding the merits of their claims. Although the ombudsman may only make recommendations to an offending institution, such institutions generally honored the ombudsman's findings. After exhausting domestic remedies, individuals could apply to the European Court of Human Rights (ECHR) regarding alleged violations of the European Convention on Human Rights by the state.

Regional Human Rights Court Decisions

During the year the ECHR decided 10 cases involving the country and found violations of the European Convention on Human Rights in seven of them. On a number of occasions, the government did not pay awarded damages within the period stipulated in the court's final judgments, but it eventually made all payments.

Property Restitution

On April 4, the government formally authorized a compensation fund for Jewish-owned property previously nationalized by totalitarian regimes. Pursuant to the law adopted by the parliament in June 2011, 128 million litas (\$48.9 million) were scheduled to be disbursed to the fund over a decade. The government designated the money for Jewish educational, religious, scientific, cultural, health-care, and other projects. The 2012 budget scheduled Holocaust victims to receive three million litas (\$1.2 million).

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

The constitution prohibits arbitrary interference in an individual's personal correspondence or private and family life, but there were reports that the government did not respect these prohibitions in practice.

The law requires authorities to obtain a judge's authorization before searching an individual's premises and prohibits the indiscriminate monitoring by government or other parties of citizens' correspondence or communications. However, domestic human rights groups alleged that the government did not properly enforce the law. The State Data Protection Inspectorate investigated 332 allegations of arbitrary interference with privacy by government officials and companies during the year, compared with 256 allegations in 2011. Most complaints involved individuals' assertions that government agencies and companies did not properly abide by the country's regulations governing the protection of personal data by collecting or using their personal information, such as their personal identity numbers, without a legal basis or justification. The inspectorate conducted 45 preventive, as opposed to complaint-driven, investigations of enterprises and government agencies for possible violations, compared with 43 such audits in 2011.

During the year authorities made no changes in the Conceptual Framework for National Family Policy, which the Constitutional Court ruled to be unconstitutional in September 2011. The court found the framework's definition of "family" as applying only to arrangements involving the institution of marriage to be too narrow. Human rights groups noted that the framework would bring into question the legal status of unmarried couples with children, single-parent families, and homosexual families and could deny legal protection to children born out of wedlock.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to promote these freedoms.

Freedom of Speech: Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism. However, the constitutional definition of freedom of expression does not protect certain acts, such as incitement to national, racial, religious, or social hatred, violence and discrimination, or slander, and disinformation. It is a crime to deny or "grossly trivialize" Soviet or Nazi German crimes against Lithuania or its citizens, or to deny genocide, crimes against humanity, or war crimes.

According to the Ministry of Interior, in the first 11 months of the year authorities initiated investigations into 259 allegations of incitement of hatred and six of incitement of discrimination, most of them over the Internet. Authorities forwarded 69 of those allegations to the courts for trial, closed 68, and suspended 113 for lack of evidence; the others remained under investigation. Most allegations of incitement of hatred involved racist or anti-Semitic expression, or hostility based on sexual orientation, gender identity, or nationality.

On June 12, a Vilnius court overruled a lower court and found Algirdas Paleckis, leader of the Socialist People's Front political party, guilty of denying Soviet aggression. The court fined Paleckis 10,400 litas (\$4,200). This was the first verdict related to the laws criminalizing denial of the aggressive conduct of the Soviet Union. Authorities charged Paleckis after he stated to the press in 2010, in relation to the Soviet Union's attempts to overthrow the Lithuanian government in

early 1991, that “our own people were shooting at our own people.” Paleckis appealed to the Supreme Court.

Freedom of Press: While the independent media were active and expressed a wide variety of views, they were subject to the same laws that prohibit “hate speech” and criminalize speech that grossly trivializes international and war crimes. Radio and television broadcasters included a mix of independent and public stations. International media generally operated without restriction.

Censorship or Content Restrictions: It is illegal to publish material “detrimental to minors’ bodies” or thought processes, information promoting the sexual abuse and harassment of minors, promoting sexual relations among minors, or “sexual relations.” Human rights observers continued to criticize this law. It was not invoked during the year. There were no indications that it adversely affected freedom of the media.

Libel Laws/National Security: It is a crime to disseminate information that is both untrue and damaging to an individual’s honor and dignity. Libel is punishable by a fine or imprisonment of up to one year, or up to two years for libelous material disseminated through the mass media.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. Individuals and groups could generally engage in the expression of views via the Internet, including by e-mail, but authorities prosecuted a number of persons for posting open Internet material authorities considered to be inciting hatred. In the first quarter of 2011, according to the Statistics Department, 68 percent of the population used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law and constitution provide for the right to assemble peacefully, and the government generally respected this right in practice. On December 17, a Vilnius court overturned the October conviction of Vilnius University lecturer and former minister of culture Darius Kuolys of having organized an illegal march near the presidential palace on May 31, and another near the State Security Department on June 1, without a permit. Kuolys claimed he was protecting freedom of speech. Authorities generally require a special permit from the mayor's office for such events. In announcing the acquittal, the court stated that Kuolys had organized an unarmed, peaceful assembly, which should not require permission.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice. However, 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 www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and laws provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, returning refugees, stateless persons, and other persons of concern.

Protection of Refugees

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.

Safe Country of Origin/Transit: Authorities did not permit asylum seekers coming from "safe" countries of transit to enter the country; they returned them to the country of transit without reviewing the substantive merits of their applications. According to the Migration Department, authorities did not have a list of safe

countries but defined such countries as ones in which the person's life or liberty would not be threatened on account of membership in one of the categories specified in the 1951 refugee convention and associated instruments and from which the individual would not be sent to another country in contravention of his rights under these agreements.

Refugee Abuse: At least two asylum seekers at the Foreigners' Registration Center in Pabrade were killed during the year. In each case authorities charged other residents with the killings.

Temporary Protection: There were two forms of protection in addition to asylum. The government may grant "temporary protection" to groups of persons in the event of a mass influx of aliens, but individuals do not qualify. Authorities may grant "subsidiary protection" to individuals who do not qualify as refugees but who cannot return to their countries of origin because of fear of torture or because violence, military conflict, or systematic violations of human rights in that country would endanger their basic rights or fundamental freedoms. In the first 11 months of the year, the government granted subsidiary protection to 106 persons.

Stateless Persons

Citizenship can be acquired either by birth in the country's territory or from one's parents.

According to the Migration Department, there were 4,314 stateless persons--13.7 percent of all foreigners--in the country at the beginning of the year, a decline from 5,900 in 2008. The decline was mainly due to high emigration rates driven by the economic crisis--the number granted citizenship annually was low (240 in 2008, 214 in 2009, 162 in 2010, and 311 in 2011). According to authorities, virtually all the persons classified as stateless were residents of the country at the time of the dissolution of the Soviet Union who did not take advantage of their right to qualify for Lithuanian citizenship. Additionally individuals going through the process of naturalization must give up their prior citizenship(s) and are, therefore, "stateless" for a short period of time until their naturalization applications are completed. During that administrative interval, the government provides them with a Lithuanian-issued document.

Naturalization requires residence in the country for at least 10 years, an unlimited residence permit, knowledge of the Lithuanian language and the basic provisions

of the constitution, an oath of allegiance, and the ability to defray one's living costs.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Recent Elections: Parliamentary elections occurred on October 14 and 28. An assessment mission of the Organization for Security and Cooperation in Europe (OSCE) that observed the elections found that the legal framework “provided a sound basis for the conduct of democratic elections” and that the election administration “enjoyed high levels of public trust and was widely perceived to be impartial and professional.” However, the results in a number of districts were contentious. The Central Electoral Commission cancelled first-round election results in the Zarasai-Visaginas voting district due to violations of election rules. On November 5, the Lithuanian National Union, the Lithuanian Peasant and Greens Union, and the Labor Party presented the president with complaints alleging massive voter bribery in seven districts.

The president postponed the appointment of a new government after the second round until the Constitutional Court could assess whether violations had a significant impact on the final results. On November 10, the court ruled that the violations were not extensive enough to invalidate the overall results. However, taking into account a law that bans bribing voters and regulates the ranking of candidates in party-list districts, the court denied seats to three Labor Party candidates, giving their seats to other candidates from the same party. The court also ruled that results should be annulled in one single-member district, Birzai-Kupiskis. Following the court decision, the president appointed a prime minister from the center-left coalition.

Political Parties: The government continued to ban the Communist Party; other political parties could operate without restriction or outside interference. Citizens could run for municipal councils without being on party lists.

Participation of Women and Minorities: Both the president and the speaker of the parliament were women. After the elections there were 34 women in the 141-seat parliament and two in the 15-member cabinet of ministers. Women accounted for 5 percent of mayors, 21 percent of municipal council members, and 5 percent of local administration directors. Voters elected 12 members of minorities to the new parliament.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. However, corruption remained a problem, as indicated in Transparency International's 2012 report. Although most observers regarded the country's legal measures against corruption as adequate, the government continued to lack the will to implement them.

Authorities often did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. In February the mayor of Radviliskis District, Antanas Cepononis, resigned after authorities charged him with corruption, including abuse of power, fraud, and document forgery. At year's end he was free on bail while awaiting trial. Charges also were brought in the same case against the municipality's administrative director and a council member.

On November 13, the Special Investigation Services detained and brought corruption charges against seven officials from the Migration Department. The officials were allegedly taking bribes to issue residency permits or extensions to non-EU citizens illegally.

The law provides for public access to government information, and government institutions generally provided access in practice. Applicants could appeal denials to the parliamentary ombudsman. During the year the parliamentary ombudsman received 76 complaints of delays by government offices in providing information and found 42 of them to be valid. The ombudsman recommended disciplinary action against the officials involved. Although the ombudsman's recommendations were not binding, the ombudsman's office reported that authorities took disciplinary action in all cases.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. However, nongovernmental organizations (NGOs) complained that a government body that developed a two-year action plan to further the integration of Roma during the year did not invite their participation or respond to their proposals for improving the plan (see section 6, National/Racial/Ethnic Minorities).

Government Human Rights Bodies: The Office of the Equal Opportunities Ombudsman is an independent public institution with responsibility for implementing and enforcing rights under the Law of Equal Treatment and for investigating individual complaints. A Children's Rights Ombudsman Institution oversees observance of children's rights and their legal interests and may initiate investigations of a possible violation of children's rights, either upon receipt of a complaint or on its own initiative. A parliamentary ombudsman investigates complaints about abuse of office or other violations of human rights and freedoms in the sphere of public administration. Some human rights observers questioned the effectiveness of the parliamentary ombudsman.

The Human Rights Committee of the parliament prepares and reviews draft laws and other legal acts related to civil rights and presents recommendations to state institutions and other organizations about problems related to the protection of civil rights. It also has oversight of the Office of the Parliamentary Ombudsman.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits and penalizes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government efforts at enforcement, discrimination against women and ethnic and sexual minorities persisted. At the beginning of the year, authorities began implementation of a two-year plan to coordinate governmental efforts against discrimination, overseen by the Ministry of Social Affairs. The government allocated 788,500 litas (\$301,000) to the plan in the first year, including funds to NGOs for implementation of antidiscrimination programs.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and domestic violence. Convicted rapists generally received three-to-five-year

prison sentences. In the first 11 months of the year, authorities received 169 reports of rape, compared with 191 in 2011. Societal violence against women remained a serious problem.

While there are no specific penalties for domestic violence (penalties for any type of violence depend on the level of injury in each case), the law provides a legal basis for rapid governmental reaction to instances of domestic violence as well as for preventive measures and assistance to victims. For example, police and other law enforcement officials, with court approval, may require perpetrators to live apart from their victims, avoid all contact with them, and surrender any weapons they may possess. During the first half of the year, police registered 4,229 domestic violence calls and opened 1,417 investigations. According to police, approximately 80 percent of reported domestic violence cases involved alcohol. In the first 11 months of the year, domestic violence led to the death of 11 women.

Municipal governments and NGOs funded and operated 39 shelters that provided assistance to victims of domestic violence. The government fully funded two shelters. One of them, the Shelter for Children and Mothers in Vilnius, provided assistance to more than 100 victims of domestic violence, forced prostitution, and human trafficking during the year. On September 7, a new Crisis Center for Women, funded with support from the EU and the Danish Espersen Foundation, opened in Klaipeda to assist victims of domestic violence.

Sexual Harassment: The law prohibits sexual harassment, but women remained reluctant to approach police or other institutions when it occurred because of the reluctance of police to act and because of the fear, guilt, and shame associated with making such matters public. The equal opportunities ombudsman received no complaints of sexual harassment during the year. According to the Equal Opportunities Ombudsman's Office, approximately 20 percent of women had experienced sexual harassment during their lifetimes.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Public Health. There were no restrictions on access to contraceptives. The government provided free childbirth services. Women had access to regular prenatal care, essential obstetric care, and postpartum care.

Discrimination: Men and women have the same legal status and rights under the law, including provisions concerning property, inheritance, the judicial system, and the workplace. Women nevertheless continued to face discrimination.

Government policy requires equal pay for equal work, but women often earned less than their male counterparts. Women were significantly under-represented at the managerial level. The Office of the Equal Opportunities Ombudsman promotes the legal rights of women and men. This office and the Ministries of Social Affairs and Foreign Affairs, often in cooperation with NGOs, implement programs to promote equal rights for men and women.

Children

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

Child Abuse: Child abuse, particularly in connection with parental alcohol abuse, continued to be a problem. According to the Department of Statistics, in 2011 approximately 24,000 children lived in 10,308 families at social risk. Media sources reported that incidents of cruelty to children, including sexual abuse, intentional starvation, and beatings, were common. The Ministry of Interior received reports of three deaths from child abuse as of December 1. The children's rights ombudsman reported approximately 319 complaints during the year, compared with 281 in 2011, 315 in 2010, and 407 in 2009. The ombudsman's office initiated 65 investigations of alleged abuse during the year, compared with 43 in 2011, 79 in 2010, and 297 in 2009.

The penalty for violence or cruelty toward minors is one to two years in prison. Authorities may also remove abused children from their families and place them in foster care. Despite efforts to combat child abuse and aid abused children, the ombudsman reported that authorities provided ineffective assistance. During the year Child Line (a hotline for children and youth) received 153,367 calls and 657 letters from children concerning problems ranging from relations with their parents and friends to violence in their families and sexual abuse.

The law provides for up to 13 years in prison for sexual abuse of a child, but this type of abuse remained a problem. In the first 11 months of the year, the Interior Ministry registered 58 cases of child sexual molestation (excluding child rape), 122 cases of child sexual abuse, and 83 cases of child rape. The government operated a children's rehabilitation center to provide special care for children who suffered from violence, including sexual violence.

Despite a multiyear effort to combat violence against children, NGOs noted many continuing problems. In August an informal group of NGOs submitted an “alternative report” to the UN Committee on the Rights of the Child regarding the children’s rights situation in the country. The main problems they alleged included a rigid institutional childcare system, an ineffective state support system for families, lack of a coordinated governmental structure for childcare, and lack of child-friendly legal proceedings. They also cited the absence of necessary assistance to young drug users and victims of violence and lack of appropriate assistance for children with disabilities.

According to the Center of Information Technologies in Education, 17,272 children did not attend school in 2011-12, and authorities could not locate 3,318 of these children. The NGO Missing Persons’ Families Support Center remained concerned about the high number of missing children.

Child Marriage: The minimum age for marriages for girls and boys is 18. According to the Department of Statistics, there were 77 marriages during the year involving boys and girls under 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 of up to five years. According to the Ministry of Interior, officials opened nine criminal cases involving child pornography during the first 11 months of the year. The children’s rights ombudsman reported that no complaints of sexual exploitation of children were received during that period. No information was available about the number of persons convicted for sexual exploitation of children during the year.

Displaced Children: Street children were widely scattered among the country’s cities. Most were runaways or from dysfunctional families. There were a number of free, government-sponsored, programs to assist them. Sixty children’s rights protection agencies administered by regional governments, other institutions, and numerous NGOs routinely assisted vulnerable children.

The majority of orphans and other children in need of care resided in the country’s 102 orphanages and 47 foster homes. The children’s rights ombudsman received 25 complaints of possible violations of children’s rights in these institutions in the first 11 months of the year. During the same period, authorities initiated 13 investigations of mistreatment of children in these institutions.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish community consists of approximately 4,000 persons. There were reports of anti-Semitic acts and vandalism throughout the year, and anti-Semitic expression was evident, especially on the Internet.

Before the October parliamentary elections, Julius Panka, a candidate from the small right-wing party Nationalist Union, published a leaflet against Jews on his Web site. The leaflet included a caricature of a Jew and negative allusions to the government's decision to compensate the Jewish community for expropriated property. Another Nationalist Union candidate, Marius Galinis, ran an ad showing himself wearing a tie with left-facing swastikas. The Central Election Commission asked the General Prosecutor's Office to open investigations into possible instigation of national hatred in the candidates' campaign materials. No further information was available at year's end.

Examples of anti-Semitism included the vandalism of a Jewish cemetery in Vilnius on April 29. The crime was not solved by year's end. On September 23, police detained a 14-year-old boy from the vicinity who admitted that he vandalized a cemetery for Holocaust victims in Vilkauskis on August 19. According to police, they could not prosecute the boy due to his age and therefore released him.

Police have instructions, issued by the country's head of police in 2011, to identify locations carrying a high risk of illegal acts involving the use of Nazi or communist symbols and regularly to collect and analyze public and nonpublic information on informal groups and persons promoting illegal acts. Police officers also had instructions to take preemptive measures against illegal activities, giving special attention to maintaining order on specific historical dates and certain religious or cultural holidays.

During the year the government reconstituted the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes, which includes 20 prominent domestic and foreign scholars. The commission's work was put on hold in 2007. The government worked with international partners to address all pending issues and ensure its full reconstitution. In October, President Grybauskaitė signed a decree to resume the work of the commission, further

codifying the two subcommittees which research separately the crimes committed by the Nazi and Soviet occupation regimes.

During the year the Genocide and Resistance Research Center developed a list of 1,070 Lithuanians who might have contributed to the Holocaust in the country between 1941 and 1944. On September 21, President Grybauskaite awarded Life Saving Crosses to 47 persons who saved Jews from the Holocaust.

A number of events took place on September 23, the officially recognized Day of the Genocide of Lithuania's Jews. A reading of names of Holocaust victims took place in Vilnius and Kaunas. On September 24, the country commemorated the memory of former Israeli prime minister and Nobel Peace Prize laureate Menachem Begin with a plaque on a wall of the Lukiskes Remand Prison in Vilnius, where he was once incarcerated. The number of articles and editorials on Holocaust legacy and education in major newspapers increased.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, although it does not specify what kind of disabilities. It explicitly names housing, transport, telecommunications, and cultural and leisure activities as areas in which discrimination is forbidden. There was no proactive enforcement of these requirements. During the year the equal opportunities ombudsman investigated 18 cases of alleged discrimination based on disability.

The law mandates accessibility of buildings for persons with disabilities. According to 2011 data from the Department of Statistics, nearly 45 percent of housing was accessible to persons with disabilities.

According to the Department of Statistics, 42,754 children with disabilities (10.9 percent of all children in schools) attended public schools in 2011-12. However, they did not always receive the assistance they required; this was especially true for children with moving disabilities. Sixty-two special schools or drop-in centers accommodated 3,864 children.

Individuals involuntarily declared incapacitated by a court have no right to appeal. On February 14, the European Court of Human Rights, after investigating a complaint from Lithuania, found that the country's system of protecting persons with mental disabilities suffered from serious legal and practical shortcomings by not providing persons who were legally incompetent with any avenue of appeal and, in the case at hand, by not giving the plaintiff an opportunity to participate in the hearing in which the incompetent status was determined. Authorities did not implement changes in this system by year's end.

The mental health system was widely regarded as inadequate; it remained among the least reformed areas in the health sector.

The Ministry of Social Security and Labor and the Council for the Affairs of the Disabled are the two primary governmental organizations responsible for developing equal opportunities in the labor market and improving government effectiveness in meeting the needs of and augmenting the social security net for persons with disabilities. The Ministry of Health is responsible for making health services equally accessible to all inhabitants of the country. During the year the government also organized a seminar for media specialists on nondiscrimination against persons with disabilities as part of its overall campaign against discrimination.

National/Racial/Ethnic Minorities

The law prohibits discrimination against ethnic or national minorities, but intolerance and societal discrimination persisted. Minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaite Jews, constituted approximately 16.5 percent of the population.

As of December 1, the Ministry of the Interior reported 265 cases of alleged discrimination and incitement of racial or ethnic hatred (most of the instances investigated involved the Internet), compared with 332 in 2011 and 159 in 2010. According to a former Vilnius County prosecutor, prosecutions for these crimes were infrequent because judges and other law enforcement officials gave priority to "real-life" crimes with identifiable victims.

The country's national day, February 16, and the date of the country's declaration of independence from the Soviet Union, March 11, continued to be occasions for nationalist manifestations. Foreign Minister Audronius Azubalis urged participants to avoid extreme expression. On February 16, youths wearing

skinhead-like jackets and paraphernalia marched in downtown Kaunas shouting “Lithuania for Lithuanians.” Authorities revoked a permit originally issued for the same day, but a different time, to the Tolerant Youth Association, but the organization held a small rally without incident.

On March 11, approximately 900 people participated in a nationalist rally on Gedimino Avenue in central Vilnius. Human rights observers noted that, although the 2012 rally was more civilized than some held in the past, the organizers again demonstrated their support for an ethnically homogeneous society. In the evening, following the nationalists’ march, human rights advocates organized their own, smaller, festivities under the rubric, “Let’s Celebrate Freedom,” which emphasized openness and “Europeanness.”

The small Romani community (approximately 3,000 persons) continued to experience problems, including discrimination in access to education, housing, and health care; in employment; and in relations with police. There were no official charges of police abuse. Extreme poverty, illiteracy, perceived high criminality, and the negative attitudes of mainstream society resulted in the social exclusion of Roma; 40 percent of Roma did not know the Lithuanian language. Many Roma did not have identification papers, and a number of them, although born in the country, were effectively stateless. The Romani unemployment rate continued to be more than 95 percent. Minority advocates continued to criticize the Vilnius city government for focusing on law enforcement in the Romani community but doing little to integrate Roma into the broader community.

On February 13, following a court ruling that they were illegal, authorities tore down three houses in the Vilnius Roma settlement that, according to the European Roma Rights Center, normally housed three families, including a number of children. Roma had successfully sued authorities in a similar case contending that they were forced to live in these houses due to illegal acts by authorities that deprived them of the possibility of obtaining housing legally.

On March 20, authorities approved an action plan for 2012-14 under which the Ministry of Culture allocated 396,000 litas (\$151,000) and the EU 251,000 litas (\$96,000) during the year for the integration of Roma in the areas of education, culture, job empowerment, antidiscrimination, and social issues. Human rights and Roma NGOs were not included in the group that formulated the plan. On March 15, seven NGOs submitted their joint comments to the ministry on the proposed action plan. They contended that the plan did not correspond to EU policy on the integration of Roma and offered recommendations for improvements in the areas

of housing, education, employment, and health care. Authorities were not responsive, and on March 21, the NGOs sent a joint resolution to the European Commission (EC) calling its attention to the action plan's alleged shortcomings relative to EC policies.

Tensions between the Polish minority and the majority population persisted. Both sides accepted mediation efforts by OSCE high commissioner for national minorities Knut Vollebaek, who addressed such issues as minority education and the proper orthography of Polish names.

The Polish minority continued to object to requirements, enacted in 2011, that certain courses be taught in the Lithuanian language in schools throughout the country. They protested that the requirement to teach the Lithuanian language, history, and geography in Lithuanian would undermine local Polish culture and identity. They also complained about a requirement in the law that the country's students complete a single, uniform Lithuanian language examination at the end of their studies. The government continued to implement the new regulations during the year. High Commissioner Vollebaek noted that the requirements did not violate EU norms or standards, but, following his recommendation, the government established an eight-year transition period for the language examination, during which minority students will receive preferential grading.

Restrictions on the use of Polish in street signs and other areas of life continued to be contentious. In December the EC upheld the government's policy on use of Lithuanian in Polish minority schools. It also ruled that laws concerning minority linguistic rights did not entitle members of an ethnic minority to use the minority language's version of their names.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The antidiscrimination laws apply to lesbian, gay, bisexual, and transgender (LGBT) persons. While they were not subject to official discrimination, society's attitude toward LGBT persons remained largely negative. NGOs focusing on LGBT problems faced no legal impediments, but the few organizations that functioned kept a low profile because of public hostility to their aims. The Lithuanian Gay League (LGL) continued to promote an inclusive social environment for LGBT persons.

In May the LGL submitted a complaint to the equal opportunities ombudsman alleging that a Vilnius transport firm had refused to lease them a bus because of their sexual orientation. The ombudsman's investigation revealed that the firm offered the LGL less favorable lease terms and conditions due to their sexual orientation, which constituted a violation of the law. On June 25, the ombudsman's office issued a formal warning to the firm concerning discrimination against customers on the basis of sexual orientation.

On July 11, the UN Human Rights Committee, after examining the country's third periodic report to that body, found that hate speech crimes against persons in the LGBT community increased over the previous several years. During the year up to 80 percent of alleged hate speech crimes perpetrated online targeted the LGBT community.

Other Societal Violence or Discrimination

The NGO community reported that people with HIV/AIDS were often discriminated against and treated with fear and loathing.

During the year the equal opportunities ombudsman investigated 26 cases of age discrimination, including in employment, insurance, loans, and leases.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutes, is designed to protect the right of workers, including members of the police and armed forces, to form and join independent unions of their choice without previous authorization or excessive requirements. The law provides for the right to strike, except for law enforcement or other security-related personnel. It protects collective bargaining for all workers with the same exceptions. It prohibits employer discrimination against union organizers and members, and requires reinstatement of workers fired for union activity.

According to professional unions, the government did not enforce the labor laws effectively. Labor code procedures made it difficult for some workers to exercise the right to strike. According to the International Trade Union Confederation, the judicial system was slow to respond to cases of unfair dismissal, and no employer

has ever faced the penal sanctions for antiunion discrimination envisaged in the law. No labor courts or judges specialized in labor disputes.

Workers exercised the right to form unions. Unions, union strike committees, or one-half of the employees of a unit or enterprise voting by secret ballot, could call a legal strike. Collective bargaining existed; however, managers often determined wages without regard to union preferences, except in large factories with well-organized unions.

The prohibition against antiunion discrimination was often ineffective in practice, and there were reports that employers punished employees for attempting to organize unions. Some large retail stores discouraged union formation by hiring short-term contract labor and at times declining to renew the contracts of union members.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government generally effectively enforced the law.

However, forced labor occurred during the year. Observers noted indications of trafficking young children for forced labor, mostly shoplifting. Authorities have started one pretrial investigation of a forced labor case.

See also the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for most employment at 16 but allows the employment of persons as young as 14 for light labor with the written consent of the child's parents and school. 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. Persons under the age of 18 are subject to additional restrictions, including a prohibition on night work.

The government generally enforced these prohibitions effectively. The State Labor Inspectorate is responsible for receiving complaints related to employment of persons under 18. As of September 1, the inspectorate identified 11 cases of illegal

child labor, mainly in the agriculture and catering sectors. Schools administered specific programs tied to labor safety.

Statistics from 2009, the latest data available, indicated that 8 percent of children working did so illegally, mostly in the agricultural sector, where children sometimes received unlawfully low compensation.

d. Acceptable Conditions of Work

According to the National Department of Statistics, in 2012 the minimum wage was 850 litas (\$325). The official “poverty risk level” in 2011 was 691 litas (\$264) per month, compared with 701 litas (\$268) in 2010. The law provides for equal pay for equal work. The law provides that the maximum time worked in any seven-day period, including overtime, may not exceed 40 hours for white-collar work and 48 hours for blue-collar work. The law allows overtime only in specifically stipulated circumstances, and both overtime and night work must be compensated by at least 1 and one-half times the hourly wage. The law gives workers the right to safe and healthy working conditions. The labor laws apply to both national and foreign workers.

The State Labor Inspectorate, which is responsible for implementing labor laws, had a staff of 160 labor inspectors. During the year the inspectorate reported conducting 9,926 inspections at companies and other institutions. The most numerous abuses it found related to wage arrears, illegal employment, violation of labor contracts, faulty accounting for time off and hours worked, inadequate worker safety, and unsatisfactory investigation of accidents. According to the law, a fine for first-time offenders ranges from 3,000 litas (\$1,146) to 10,000 litas (\$3,820) and for second-time offenders up to 20,000 litas (\$7,639). During the year the smallest fine applied by courts was 500 litas (\$191) and the maximum fine was 3,000 litas (\$1,146). The State Labor Inspectorate provided training programs that helped reduce the scope of some of these abuses during the year. Workers dissatisfied with the result of an investigation could appeal to the court system.

According to the State Labor Inspectorate, violations of wage, overtime, or occupational safety and health standards occurred primarily in construction, retail trade, and the processing sectors. The inspectorate also received complaints about hazardous conditions from workers in the construction and manufacturing sectors. During the year the State Labor Inspectorate recorded 52 fatal accidents at work and 136 severe work-related injuries, compared with 53 and 126, respectively, in 2011. Accidents occurred mostly in the construction, transport, processing, and

agricultural sectors. To address the problem, the inspectorate increased the qualification requirements for labor inspectors, engaged in more rigorous screening and training for inspectors, and organized a series of seminars on technical labor inspection.