

LITHUANIA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Lithuania is a constitutional, multi-party, parliamentary democracy. Legislative authority resides in a unicameral parliament (Seimas). Observers evaluated the October 2012 parliamentary elections as generally free and fair. The elections led to the formation of a center-left government. Authorities maintained effective control over security forces. Security forces did not commit human rights abuses.

Some 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 prejudice 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 disabilities, especially 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.

As of September 1, three cases involving alleged war crimes or crimes against humanity committed during the Nazi and Soviet occupations were under way, according to the Ministry of Interior. Authorities were investigating 23 other cases involving similar allegations.

b. Disappearance

There were no reports of politically motivated disappearances or abductions.

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

While the constitution prohibits such practices, there were a limited number of reports that police physically mistreated detainees. In May in Siauliai, police arrested a person for drinking in a public area. The individual reportedly resisted arrest and claimed police abused him physically before taking him into custody.

In the first eight months of the year, the parliamentary ombudsman's office received two complaints that officials used force or psychological pressure to obtain evidence in investigations but found them 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. The government permitted visits by independent human rights observers.

Physical Conditions: As of September 1, according to the Ministry of Justice, the country's prisons held 9,509 inmates, including women and juveniles. The distribution of the prison population was such that three institutions were overcrowded. They included the Lukiskes center, which was designed to hold up to 954 inmates but held 1,012. According to police the 25 police detention centers with an overall capacity of 829 were not overcrowded during the year. Prisoners had access to potable water. In the first eight months of the year, 21 persons in prisons died of natural causes, eight committed suicide, one was killed by another prisoner, and two died in accidents. Another three persons died in detention facilities. Investigations into the detention facility deaths were ongoing. Prisoners complained of poor hygiene in rooms for visitors and other premises, bad medical care, poor food quality, overcrowding, and inadequate operation of shops located in prisons.

During the year courts in Ireland and Great Britain refused to extradite to Lithuania two persons suspected of supporting the paramilitary group, the Real Irish Republican Army, due to the country's poor prison conditions. The Irish High Court ruled that imprisonment in Lithuania would lead to a breach of Article 3 of

the European Convention on Human Rights, which prohibits torture or inhuman or degrading treatment.

Administration: There were no reports of problems with recordkeeping on 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, uncensored, to judicial authorities and request investigation of credible allegations of inhuman conditions. Authorities generally investigated such allegations and documented the results in a publicly accessible manner.

Independent 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. As of September 1, the parliamentary ombudsman received 112 complaints from inmates about prison conditions, compared with 123 in 2012. Most complaints involved unresponsiveness of administrators to grievances about prison conditions. The ombudsman's investigators found 21 of these complaints to be justified.

The government permitted monitoring by the Council of Europe's Committee for the Prevention of Torture and other independent nongovernmental observers. No international organizations visited the country's prisons in the first eight months of the year.

Improvements: Between January 1 and September 1, the government spent approximately 2 million litas (\$780,000) on the renovation of four 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. 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 of Detainees

Arbitrary Arrest: 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 their arrest or their 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. 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 in the case 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. Judges frequently granted such extensions, often based on the alleged danger the defendant would pose to society or the possibility that he or she would influence witnesses. As of September 1, the average length of pretrial detention was approximately eight months. 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.

Trial Procedures

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

Defendants enjoy the right to a presumption of innocence, prompt and detailed information about the charges against them, a fair and public trial without undue

delay, communication with an attorney of choice (or one provided at public expense), adequate time and facilities to prepare a defense, access to government-held evidence, and appeal. They are entitled to confront witnesses against them, to present witnesses and introduce evidence, and to be free of compulsion to testify or confess guilt. Authorities usually respected these rights and extended them to all citizens.

In the first eight months of the year, the human rights ombudsman's office received seven complaints that authorities failed to provide legal counsel to detainees, but it found all of them to be groundless. Local human rights experts asserted that the practice of trying persons in absentia denied defendants the opportunity to cross-examine witnesses or present evidence in their own defense. Juries are not used.

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

In the first eight months of the year, the ECHR decided four cases involving the country and found violations of the European Convention on Human Rights in three of them, including one case of domestic violence in which the court found that the government failed to provide the victim with adequate protection. The government generally complied with ECHR judgments within the time ordered by the court.

Property Restitution

In December 2012 the government transferred the initial 3 million litas (\$1.2 million) to a philanthropic fund established to provide compensation for Communist and Nazi seizures of Jewish-owned property. According to an agreement between authorities and the Jewish community, the fund would disburse 128 million litas (\$50 million) over 10 years to Jewish educational, religious, scientific, and other projects.

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.

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. Domestic human rights groups alleged that the government did not properly enforce the law. During the first half of the year, the State Data Protection Inspectorate investigated 163 allegations of arbitrary interference with privacy by government officials and companies, compared with 332 such allegations in 2012. Most complaints involved individuals' assertions that by collecting or using personal information such as their personal identity numbers without a legal basis or justification, government agencies and companies violated the country's regulations governing the protection of personal data. The inspectorate conducted 26 preventive, as opposed to complaint-driven, investigations of enterprises and government agencies for possible violations, compared with 45 such audits in 2012.

Authorities made no changes in the Conceptual Framework for National Family Policy, which the Constitutional Court ruled to be unconstitutional in 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 same-sex couples with children and could deny legal protection to children born out of wedlock. There were no reports during the first 11 months of the year that authorities invoked the definitions in the framework to the detriment of such persons.

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. An independent press, an effective judiciary, and a functioning democratic political system combined to promote these freedoms.

Freedom of Speech: Individuals could criticize government policies publicly or privately without reprisal, and the government did not attempt to impede criticism. The constitutional definition of freedom of expression does not protect such acts as incitement to national, racial, religious, or social hatred; violence and discrimination; slander; and disinformation.

It is a crime to deny or “grossly trivialize” Soviet or Nazi German crimes against the country or its citizens, or deny genocide, crimes against humanity, or war crimes. On January 22, the Supreme Court rejected an appeal by Algirdas Paleckis, leader of the Socialist People’s Front political party, of his 2012 conviction for denying Soviet aggression. The trial court fined Paleckis 10,400 litas (\$4,100) for saying to the press in 2010, in connection with the Soviet Union’s attempts to overthrow the Lithuanian government in 1991, “our own people were shooting at our own people.”

According to the law, insulting a civil servant while he or she is performing official duties is a crime punishable by a fine or imprisonment of up to two years. In the first 11 months of the year, authorities prosecuted 342 individuals on charges of insulting civil servants and found 326 of them guilty.

The law makes insulting or defaming the president of the country in the mass media a crime punishable by a fine ranging from 500 litas (\$190) to 1,000 litas (\$380) for first-time offenders and from 1,000 litas (\$380) to 3,000 litas (\$1,140) for repeat offenders.

The Ministry of Interior reported that in the first eight months of the year, authorities initiated investigations into 108 allegations of incitement of hatred and three of incitement of discrimination, most of them involving the internet. In the same period, investigators forwarded 33 incitement cases to the courts for trial, closed 83, and suspended 100 for lack of evidence. They continued to investigate a number of others. Most allegations of incitement of hatred involved racist or anti-Semitic expression or hostility based on sexual orientation, gender identity, or nationality.

Press Freedoms: 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: On October 15, a Vilnius court affirmed the decision of the Radio and Television Commission to suspend for three months the rebroadcasting of some content of the Russian-produced First Baltic Channel. The court ruled that the channel could not run programs produced in Russia and other non-EU countries. The decision followed the broadcast of a film on October 4 that denied “Soviet aggression against Lithuania” during the January 1991 crackdown. On October 10, the Organization for Security and Cooperation in Europe (OSCE) described the commission’s decision as potentially harmful to media freedom.

On October 31, the Baltic News Service (BNS) published an article allegedly containing classified information. The Prosecutor General’s office requested that the Special Investigation Service (SIS) carry out a pretrial investigation to determine the source of the leak. The SIS subsequently searched the home of the BNS editor, interrogated six BNS employees, and seized computers. The BNS refused to disclose its source. Many journalists and some politicians called the investigation a crackdown on press and speech freedoms. In early December a court overturned the order authorizing the search and a related request that the BNS identify its source for the leaked information. The investigation into the leak continued. In a December international conference in Vilnius, the OSCE representative on freedom of the media criticized criminal defamation laws and the absence of “shield laws” to protect journalists.

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. There were no prosecutions under the law during the year, and 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 that authorities considered to incite hatred. According to the Information Society Development Committee under the Ministry of Transportation, 73.3 percent of the population used the internet during the year.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The law and constitution provide for the freedom of assembly and association, and the government generally respected these rights. There were some limitations on freedom of association.

Freedom of Association

Although the law provides for, and the government generally respected, this freedom, 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. Instead, authorities returned asylum seekers 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. Rather, they 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 or her rights under these agreements.

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 may not seek this form of protection. Authorities may also 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. During the first half of the year, the government granted subsidiary protection to 68 persons.

Stateless Persons

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

On May 9, the parliament adopted amendments to the Law on Citizenship that permit persons who were born on the territory of the country or legally resided there for the previous 10 years, and were not citizens of any other country, to seek to become citizens. Naturalization also required 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.

According to the Migration Department, during the year 4,314 persons – or 13.7 percent of all foreigners – were stateless, a decline from 5,900 in 2008. UNHCR statistics recorded 4,130 stateless persons in the country as of January. The decline was due more to high emigration rates driven by the economic crisis than by naturalization – only a few hundred persons obtained citizenship each year. Authorities indicated most of the persons classified as stateless were residents of Lithuania at the time of the dissolution of the Soviet Union who did not take advantage of their right to qualify for citizenship. The total also included persons who, as part of the naturalization process, were temporarily “stateless” after relinquishing their former nationality and before acquiring that of Lithuania.

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 through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Recent Elections: Parliamentary elections took place in October 2012. An OSCE assessment mission 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.” In its final report released in June, however, the OSCE Office for Democratic Institutions and Human Rights criticized the criminal libel statutes as “stifling vibrant pre-election debate.” In March the country successfully held elections in two districts where the Central Electoral Commission had annulled the October 2012 results due to allegations of voter bribery.

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. There were 34 women in the 141-seat parliament and one in the 15-member cabinet of ministers. Women accounted for 10 percent of mayors, 21 percent of municipal council members, and 5 percent of local administration directors. Voters elected 14 members of minorities to the parliament in 2012.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were isolated reports of government corruption during the year.

Corruption: On January 24, a court convicted Panavezys district judge Rimantas Savickas of bribery and sentenced him to two years on probation. On May 9, a court found Egidijus Vilkickas, the director of the law department of the administration of Vilnius City, guilty of bribery. The Vilnius City Court fined him 32,500 litas (\$13,000). On October 3, the Special Investigation Service alleged that Rimantas Adomavicius, the vice mayor of the Vilnius City Municipality, engaged in bribery in 2012. Officials removed the suspect from office while the criminal investigation continued.

The SIS is the main anticorruption agency. Its mission is to reduce corruption by detecting corruption-related offenses and by carrying out campaigns targeted at preventing corruption, providing education about corruption, and raising awareness.

Whistleblower Protection: The law does not provide protection to public and private employees who make internal disclosures or lawful public disclosures of evidence of illegality, such as the solicitation of bribes or other corrupt acts, gross waste or fraud, gross mismanagement, abuse of power, or substantial and specific dangers to public health and safety. According to Transparency International, whistleblowing has no recognized definition, and there are no provisions for it in the country's labor, civil service, criminal, corruption prevention, environmental, or consumer protection laws. Although some government agencies have mechanisms for employees to report wrongdoing, their practical effectiveness was questionable. During the year the government approved guidelines for reporting potential infringements. Although the guidelines do not mention whistleblowing specifically, they clarify reporting procedures for whistleblowers in public institutions. Although the government had authority to reward persons who provided useful information about financial crimes, authorities did not employ it during the year.

Financial Disclosure: A system for disclosure of assets by officials covers issues ranging from general transparency to combating corruption, monitoring wealth and

illicit enrichment, as well as overall prevention of conflicts of interest. To ensure the integrity and transparency of public administration, the law requires appointed and elected officials to declare their assets and incomes. The State Tax Inspectorate monitored and verified disclosures. The declarations were available to the public. There are administrative sanctions for noncompliance.

Public Access to Information: The law provides for public access to government information, and government institutions generally provided access. Applicants could appeal denials to the parliamentary ombudsman. In the first eight months of the year, the parliamentary ombudsman received 22 complaints of delay by government offices in providing information and found 16 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. While government officials were generally cooperative and responsive to their views, nongovernmental organizations (NGOs) complained that the government body that developed a two-year action plan to further the integration of Roma during the year did not invite Roma to participate 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 oversaw observance of children's rights and their legal interests and could initiate investigations of a possible violation of children's rights, either upon receipt of a complaint or on its own initiative. A parliamentary ombudsman investigated complaints about abuse of office or other violations of human rights and freedoms involving public administration. Some human rights observers questioned the effectiveness of all ombudsman institutions.

The parliament's human rights committee 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 belief. Discrimination against women and ethnic and sexual minorities persisted despite government efforts at enforcement. In 2012 authorities began implementation of a two-year plan to coordinate, with Social Security and Labor Ministry oversight, governmental efforts against discrimination. The government allocated 298,500 litas (\$110 million) to the plan in the second year, including funding for NGOs.

Women

Rape and Domestic Violence: The law criminalizes rape and domestic violence. In the first eight months of the year, authorities received 101 reports of rape, compared with 169 in 2012. Convicted rapists generally received three- to five-year prison sentences. The law does not designate marital rape as a crime, and no statistics were available on its prevalence.

The penalties for domestic violence depend on the level of injury inflicted on the victim. The domestic violence law provides a legal basis for rapid government action. 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 eight months of the year, police registered 13,811 domestic violence calls and opened 6,712 investigations. In the first eight months of the year, domestic violence led to the deaths of 11 women. According to observers police did not always accord high priority to these problems. For example, at least two women died in February when police failed to respond to their calls for help in a timely manner. In one of the cases, a woman in Gardziai called police for help, but they responded only after five hours, by which time she was dead.

There were no up-to-date statistics on violence against women. Authorities did not break down statistics on sexual violence according to the type of violence.

Municipal governments and NGOs funded and operated 39 shelters that assisted victims of domestic violence. The government fully funded two. One of those funded, the Shelter for Children and Mothers in Vilnius, assisted more than 100

victims of domestic violence and human trafficking during the year. In September 2012 a new Crisis Center for Women, funded with support from the EU and the Danish Espersen Foundation, opened in Klaipeda.

Sexual Harassment: The law prohibits sexual harassment, but women who experienced it remained reluctant to approach police or other institutions because of lack of confidence that authorities would respond and because of the perceived stigma associated with making such matters public. In the first eight months of the year, the equal opportunities ombudsman received one complaint of sexual harassment.

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 property rights, inheritance, the judicial system, and the workplace. Women nevertheless continued to face discrimination. The law requires equal pay for equal work, but women often earned less than their male counterparts. Women were significantly underrepresented at the managerial level – only 17.8 percent of corporate board members and 4 percent of company CEOs were women. The Office of the Ombudsman for Equal Opportunity promoted the legal rights of women and men. This office and the Ministries of Social Affairs and Foreign Affairs, often in cooperation with NGOs, implemented 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: According to the Department of Statistics, in 2012 approximately 21,303 children lived in 10,389 “at-risk” families, including families with substance abuse, unemployment, and other socio-economic problems. Media sources reported instances of cruelty to children, including sexual abuse, intentional starvation, and beating. In the first eight months of the year, the

Interior Ministry received reports of three deaths from child abuse. The children's rights ombudsman reported receiving 161 complaints for the first six months of the year. In the same period, the ombudsman's office initiated 28 investigations of alleged abuse.

The penalty for violence or cruelty toward minors is a year to two years in prison. Authorities may also remove abused children from their families and place them in foster care. The ombudsman reported that government efforts to combat child abuse and aid abused children were ineffective. During the first half of the year, Child Line (a hotline for children and youth) received 96,858 calls and 657 letters from children concerning problems ranging from relations with their parents and friends to family violence and sexual abuse.

Sexual abuse of children remained a problem despite prison sentences of up to 13 years for the crime. In the first eight months of the year, the Interior Ministry registered 41 cases of child rape, 35 cases of child sexual molestation, and 139 cases involving other forms of child sexual abuse. The government operated a children's rehabilitation center to provide special care for children who suffered from violence, including sexual violence.

Despite a multi-year effort to combat violence against children, NGOs noted many continuing problems. In August 2012 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 assistance to young drug users and victims of violence and a 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.

Forced and Early Marriage: The minimum age for marriages for girls and boys is 18. According to the Department of Statistics, there were 99 marriages in 2012 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 three criminal cases involving child pornography during the first eight months of the year. The children's rights ombudsman reported they received no complaints of sexual exploitation of children during the first half of the year. No information was available about the number of persons convicted of sexually exploiting 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. Regional governments, other governments, other institutions, and numerous NGOs administered 60 children's rights protection agencies that 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 three complaints of possible violations of children's rights in these institutions in the first six months of the year. During the same period, authorities initiated six investigations of alleged 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. For country-specific information, see http://travel.state.gov/abduction/country/country_6044.html.

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.

Examples of anti-Semitism included swastikas and the inscriptions, "Heil Hitler" and "Juden Raus" ("Jews get out") that appeared in Subaciaus Street on April 22. The location was near the former Jewish ghetto and a World War II-era German forced-labor camp. On April 23, Foreign Minister Linas Linkevicius responded to the incident stating, "I strongly condemn any attacks aimed at turning members of the Lithuanian society against one another on ethnic or other grounds." On May 17, police reported that unknown persons painted a swastika on the doors of the

Jewish community building in Panevezys city. Authorities were investigating, but announced no findings.

Police had standing instructions to identify locations carrying a high risk of illegal acts involving the use of Nazi or communist symbols and to collect and analyze regularly public and nonpublic information on informal groups and persons promoting illegal acts. Police 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.

In October a reconstituted Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes resumed its activities. Authorities put the commission's work on hold in 2007. A presidential decree signed in October 2012 permitted the commission to resume its work and further mandated the formation of two subcommittees tasked respectively with researching the crimes committed by the Nazi and Soviet occupation regimes. The commission included 20 prominent domestic and foreign scholars.

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 24, President Grybauskaite awarded Life Saving Crosses to 47 persons who saved Jews from the Holocaust. To date more than 800 Lithuanians have received awards as "Righteous among Nations" for rescuing Jews from the Holocaust.

In September the country marked the 70th anniversary of the liquidation of the Vilnius Ghetto. The anniversary included a series of events at the president's office, the parliament, and the Paneriai memorial. President Grybauskaite, Prime Minister Butkevicius, Speaker of Parliament Gedvilas, and Culture Minister Birutis participated. President Grybauskaite stated that "the history of Lithuanian Jews and the Holocaust must take its proper place in our memory and in our school textbooks."

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 first half of the year, the equal opportunities ombudsman investigated 18 cases of alleged discrimination based on disability.

The law mandates that buildings be accessible to persons with disabilities. According to 2012 data from the Department of Statistics, nearly 52 percent of housing complied with this requirement.

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. Children enrolled in public schools, especially children with limited mobility, did not always receive the assistance they required. Sixty-two special schools or drop-in centers accommodated 3,864 children.

As of September 1, authorities had not made changes in the commitment process for persons with mental disabilities (in February 2012 the ECHR had found the process inadequate). In announcing its decision, the ECHR noted serious practical and legal shortcomings in the country's system of protecting persons with mental disabilities. Not only was there no avenue of appeal by persons the courts declared legally incompetent, but, in the case under their review, the plaintiff had no opportunity to participate in the competency hearing.

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

In November 2012 the government approved its *National Strategy for Social Integration of People with Disabilities for 2013-2019*. On February 5, the Ministry of Social Security and Labor released an action plan for the implementation of the strategy. For the year the government allocated approximately 3.8 million litas (\$1.5 million) to 26 organizations for projects to empower persons with disabilities.

The Ministry of Social Security and Labor and the Council for the Affairs of the Disabled were 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 was responsible for making health services equally accessible to all inhabitants of the country.

National/Racial/Ethnic Minorities

The law prohibits discrimination against ethnic or national minorities, but intolerance and societal discrimination persisted. According to the Department of Statistics, in 2011 minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, Karaites, and Jews, constituted approximately 14.3 percent of the population.

In the first eight months of the year, the Ministry of Interior reported 108 cases of alleged discrimination and incitement of racial or ethnic hatred, compared with 265 in 2012 and 332 in 2011. Most of the instances investigated involved the internet. According to a former Vilnius County prosecutor, judges and other law enforcement officials prosecuted these crimes infrequently, giving 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.

On March 11, an estimated 3,000 ultra right-wing nationalists, some carrying signs that said “Lithuania for Lithuanians,” took part in an unsanctioned march through central Vilnius to mark the country’s Day of Restoration of Independence. The city government denied the organizers’ request for a permit in December 2012, indicating that the city’s main avenue had been reserved for government-organized events but offering another venue for the march. The organizers lost an appeal to the courts. Although they had no permit, the organizers called for supporters to gather at the cathedral and march down the city’s main avenue. The event took place without incident.

The small Romani community (approximately 3,000 persons) continued to experience discrimination in access to education, housing, healthcare, employment, and relations with police, although there were no official charges of police abuse during the year. Extreme poverty, illiteracy, perceived high criminality, and the negative attitudes of mainstream society resulted in the social exclusion of Roma, 40 percent of whom 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. Advocates for minority rights 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 society.

On May 14, over a hundred police officers conducted searches for narcotics in the Romani settlement in Kirtimai, where 378 persons, including 183 children, lived. During the searches armed officers broke into Romani houses wearing masks and separated children from their parents to search for evidence. On May 16, three NGOs – the Union of Lithuania’s Eyas, Lithuanian Center for Human Rights, and the Romas’ Integration Home – issued a report to the media asserting that the police actions caused fear and panic among children and irreversibly damaged minors’ mental and psychological health. The searches occurred at 5:00 a.m., when most of the infants and children were sleeping. On May 28, the NGO Union of Lithuania’s Eyas filed a complaint about the raid with the children’s rights ombudsman. On September 24, the ombudsman stated that, even though police complied with the requirements of the law in carrying out the searches, they should have conducted their operations with the interests of children in mind and in accordance with various international conventions and national legal acts. The ombudsman recommended that the general prosecutor and the police general commissioner, in cooperation with other institutions, look for ways to improve the implementation of such searches.

There were no reports of developments in connection with the 2012-14 action plan for integration of Roma into various areas of national life. In early 2012 the government allocated 400,000 litas (\$160,000) for the project. Human rights and Romani NGOs were not included in the group that formulated the plan. Nonetheless, seven NGOs submitted their joint comments to the ministry on the proposed action, contending that it did not correspond to EU policy on the integration of Roma. As a result the Ministry of Culture formed a working group of government representatives and NGOs to monitor the plan. The working group met twice in 2012, but there were no meetings in the first 11 months of 2013.

The Polish minority continued to object to requirements, enacted in 2011, that all schools teach the Lithuanian language, history, and geography in Lithuanian. They asserted that this would undermine Polish culture and identity in areas with a substantial ethnic Polish presence. They also complained about a requirement in the law that all students complete a single, uniform Lithuanian language examination at the end of their studies. In 2012 the OSCE high commissioner on national minorities, Knut Vollebaek, stated that the requirements did not violate EU norms or standards. Following Vollebaek’s recommendation, however, the government established an eight-year transition period for the language

examination, during which minority students would receive preferential grading. Following the entry of the Electoral Action of Poles in Lithuania party into the ruling coalition after the November 2012 parliamentary elections, the government made additional efforts to alleviate some of the Polish minority's concerns by changing the content and reducing the length of the essay portion of the single, uniform Lithuanian language examination. In June, however, the Chief Administrative Court issued a final and binding ruling that these changes ran counter to the constitutional principle of equality. The government continued to consider other solutions for language issues during the course of the year.

In December 2012 the European Commission upheld the government's policy on use of Lithuanian in Polish minority schools and referred to a May 2011 EU Court of Justice ruling that laws concerning minority linguistic rights do not entitle members of an ethnic minority to use the minority language version of their names in official documents. Restrictions on the use of Polish in street signs and on official documents continued to be contentious.

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 continued to promote an inclusive social environment for LGBT persons.

On July 27, approximately 500 persons participated in the LGBT pride march in Vilnius, while an estimated 700 conducted a counterprotest. Three members of parliament and a number of foreign dignitaries were among the participants of the pride march. This was the first parade permitted on Vilnius's main avenue after the Supreme Court overturned the refusal of the Vilnius municipality to permit use of the avenue for the pride march. Police detained 28 individuals for hooliganism and disobedience, including a member of parliament, Petras Grazulis, and the former mayor of Kaunas, Vytautas Sustauskas, who took part in the counter demonstration. Police opened investigations. On September 9, a court fined Sustauskas 300 litas (\$120) for insulting police officers during the march. On September 17, the general prosecutor officially requested that the parliament lift

Grazulis' parliamentary immunity. The parliament refused. Grazulis called for the country to follow Russia's lead by adopting laws against homosexuality.

In July 2012 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. Up to 80 percent of alleged hate speech online targeted the LGBT community.

Other Societal Violence or Discrimination

The NGO community reported that individuals with HIV/AIDS often were subject to discrimination and treated with fear and loathing.

During the first half of the year, the equal opportunities ombudsman investigated 18 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, provides for 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 and other security-related personnel. It protects workers' collective bargaining rights, 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. Although collective bargaining existed, 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, and there were reports that employers fired union representatives.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor.

Although the government generally enforced the law effectively, forced labor occurred during the year. Observers noted indications that young children were trafficked for forced labor, mostly shoplifting. During the first 10 months of the year, authorities opened 19 investigations into alleged cases of trafficking, including five instances of child trafficking

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. Additional restrictions apply to persons under the age of 18, 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 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, starting in January the minimum monthly wage was 1,000 litas (\$390). The official “poverty risk level” in 2012 was 749 litas (\$290) per month, compared with 691 litas (\$270) in 2011. The law provides for equal pay for equal work. It 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. It allows overtime only in specifically stipulated circumstances, and both overtime and night work must be compensated by at least one-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 first half of the year, the inspectorate reported conducting 4,451 inspections at companies and other institutions. The most numerous abuses it found related to violation of labor contracts, wage arrears, and unpaid vacation. According to law a fine for first-time offenders ranges from 3,000 litas (\$1,200) to 10,000 litas (\$3,900) and for second-time offenders up to 20,000 litas (\$7,800). In the first seven months of the year, the smallest fine applied by courts was 500 litas (\$200) and the largest was 3,000 litas. Workers dissatisfied with the results of an investigation could appeal to the court system. During the year the State Labor Inspectorate conducted a series of seminars for managers of companies, local communities, and persons looking for work. The seminars dealt with preventing and combating illegal employment, the administration of labor contracts, and worker’s rights.

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 sector. The inspectorate also received complaints about hazardous conditions from workers in the construction and manufacturing sectors. As of September 1, the State Labor Inspectorate recorded 30 fatal accidents at work and 95 severe work-related injuries, compared with 52 and 136, respectively, in 2012. Accidents occurred mostly in the transport, construction, processing, and agricultural sectors. To address the problem, the inspectorate conducted a series of training seminars for inspectors on technical labor inspection.