

LITHUANIA

EXECUTIVE SUMMARY

The Republic of Lithuania is a constitutional, multiparty, parliamentary democracy. Legislative authority resides in the unicameral parliament (Seimas). Presidential elections in 2009 were considered free and fair. Parliamentary elections in 2008, also free and fair, led to the formation of a center-right coalition government. Security forces reported to civilian authorities.

The country's most significant human rights problems were poor prison conditions, intolerance of sexual and ethnic minorities, and lengthy detention of persons awaiting trial.

Additional problems included interference with the privacy of persons, domestic violence, child abuse, libel and antidiscrimination laws that limited freedom of expression, and trafficking in persons.

The government took measures to prosecute or otherwise punish officials who committed abuses, whether in the security services or elsewhere. There were some reports of impunity among personnel in the prison system.

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.

According to the National Courts Administration, during the year five cases involving alleged war crimes or crimes against humanity reached courts and 15 new investigations were started.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits inhuman or degrading treatment or punishment, but there were reports that police physically mistreated detainees.

During the year the Human Rights Ombudsman's Office received two complaints that officials used force or psychological pressure to obtain evidence in investigations. The office found one of them to be groundless, while the other was terminated because the applicant withdrew his complaint.

In May the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on the 2010 visit of a CPT delegation. The report stated that the delegation received some assertions, including by juveniles, that law enforcement officials mistreated them. Most allegations of mistreatment involved excessive use of force at the time of apprehension or slaps, kicks, punches, or truncheon blows during questioning. A majority of persons interviewed, however, indicated that they had been treated properly. Some detainees complained that officers in police detention centers employed insulting language or behavior.

Prison and Detention Center Conditions

Prison and detention center conditions did not meet international standards. Some prisons were overcrowded, and the CPT criticized the absence of safeguards to prevent prisoner abuse.

As of December 31, according to the Prisons Department, the country's prisons held 9,920 inmates, including 421 women and 130 juveniles. This number was approximately equal to total official capacity. Nevertheless, the distribution of the prison population was such that six institutions were overcrowded, including Siauliai Remand Prison, which had a capacity of 452 inmates but held 708. The capacity of detention facilities was 878. According to the Police Department, detention facilities were not over capacity during the year.

In its May report, the CPT noted a lack of progress by the government in improving the treatment of juvenile offenders, particularly in the Kaunas Juvenile Detention Center and Prison, which earlier CPT delegations had declared to be "unacceptable." According to the report, the CPT observed "clear progress" regarding the material conditions of detention, including enlargement of cells." Despite the physical improvements, the delegation reported little progress in some areas, including in the legal and procedural safeguards against abuse of inmates by prison personnel. For example, in one of the police detention centers visited by the CPT, the delegation encountered a juvenile who alleged that he had been raped

three times shortly before the visit and that the custodial staff had refused his request to change cells. An investigation was underway, but the CPT delegation expressed “misgivings” that it was not conducted by an authority independent of the prison system.

The CPT report noted major shortcomings, including overcrowding, in the Klaipeda and Vilnius city police detention centers.

During the year the parliamentary ombudsman received 94 complaints from inmates about prison conditions, compared with 123 in 2010. Most complaints involved the failure of administrators to give proper attention to prisoners’ grievances regarding such problems as poor hygiene in visiting rooms and other premises, poor food quality, overcrowding, and inadequate operation of prison shops. The ombudsman’s investigators found 35 of these complaints to be justified.

Prisoners had access to potable water. Prisoners and detainees had reasonable access to visitors and were permitted 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. No problems with recordkeeping were reported.

The Parliamentary Ombudsman’s Office served prisoners by investigating their complaints and attempting to resolve them, usually by making recommendations to detention institutions. The ombudsman’s office reported that institutions were responsive to all of their interventions.

During the year the government allocated more than one million litas (\$376, 000) to the renovation of prison facilities. The May CPT report indicated that “significant investments were made in the Kaunas facility for juveniles” and that all the renovation and reconstruction work announced by the government authorities in its response to the 2008 CPT visit had been completed.

The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year. Representatives of the Parliamentary Ombudsman’s Office made 14 visits to prisons to observe conditions and hear prisoners’ complaints. Media representatives also visited prisons. The government permitted monitoring in accordance with their standard

modalities by independent nongovernmental observers (e.g., human rights groups, the International Committee of the Red Cross, as well as international bodies such as the CPT). On May 17, a delegation from the Middle Europe Corrections Roundtable visited Vilnius House of Correction. On September 22-23, participants from the annual conference of European Society of Criminology visited Lukiskes Prison in Vilnius.

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 during the year.

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, 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 provides the right to an attorney from the moment of detention and, if the detainee is indigent, to one provided at state expense; this right was not always respected. The law entitles a detained person to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice.

Pretrial Detention: The pretrial judge may order a suspect's detention for a maximum of three months if the suspect is accused of a felony, but only to prevent the accused of fleeing or committing new crimes, facilitate an unhindered investigation, or comply with extradition requests. As of July 1, the average length of pretrial detention was seven months and 13 days. 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, often based on the alleged danger the defendant would pose to society or the possibility that he or she would influence witnesses, were frequent. Approximately 10 percent of the incarcerated population consisted of pretrial detainees.

The law provides for civil liability for damage caused by the unlawful actions of investigating officials, prosecutors, judges, and courts, but no information was available on the frequency with which officials were sued on these grounds.

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 presumption of innocence. The law provides for public trials; juries are not used. While defendants have the right to be present, the law permits trials in absentia when a defendant is outside the country. The law establishes the right to legal counsel for defendants from the time of their arrest. It provides for free legal counsel for indigent persons. During the year the human rights ombudsman received seven complaints that authorities failed to provide such counsel but found all of them to be groundless. Defendants have the right to access government evidence, present evidence and witnesses, and confront and question witnesses against them. Defendants have the right to appeal.

Local human rights experts criticized the practice of trying persons in absentia, which, they contended, denied defendants the opportunity to cross-examine witnesses or present evidence in their own defense.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

During the year the European Court of Human Rights (ECHR) heard 15 cases involving Lithuania and found that nine violated the European Convention on Human Rights. On a number of occasions, the government did not pay damages awarded by the ECHR within the period stipulated in the court's final judgments.

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. Once avenues for appeal in the domestic court system have been exhausted, individuals could file complaints with the ECHR for alleged violations of the European Convention on Human rights by the state. Although the ombudsman may only make recommendations to the offending institution, his findings were generally honored in practice.

Property Restitution

The law places significant restrictions on claims for the restitution of communal property. On June 21, the parliament passed legislation to compensate for the seizure of Jewish communal property during the Holocaust. The sum of 128 million litas (\$48 million) was scheduled to be disbursed over 10 years to a foundation managed by the Jewish Community of Lithuania, the country's main religious community, and other institutions promoting Jewish religion, health care, culture, and education.

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. During the year the State Data Protection Inspectorate investigated 256 allegations of arbitrary interference with privacy by government officials and companies, compared with 270 allegations in 2010. Most complaints involved individuals' assertions that government agencies and companies violated data safety requirements by collecting or using their personal data, such as their personal identity numbers, without a legal basis or justification. During the year the inspectorate conducted 43 preventive, as opposed to complaint-driven,

investigations of enterprises and government agencies for possible violations, compared with 80 such audits in 2010.

On September 28, the Constitutional Court ruled that the parliament's 2008 adoption, by resolution, of a Conceptual Framework for National Family Policy, violated the constitution. According to human rights groups, the resolution, which defines "family" and related terms in such a way as to limit them to married heterosexual couples and their children, failed to observe the requirement, stemming from the constitution to regulate legal family relations by means of law, "rather than a lower-level legal act" such as a resolution. Human rights groups criticized the framework for its narrow definition of family, which they alleged would challenge 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

Status of 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 ensure freedom of speech and of the press.

Freedom of Speech: Individuals could criticize the government 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 "criminal acts" as incitement to national, racial, religious, or social hatred, violence and discrimination, and slander and disinformation.

The penal code criminalizes denial or "gross trivialization" of international crimes, of Soviet or Nazi German crimes against Lithuania or its citizens, or trivializing genocide, crimes against humanity, or war crimes. During the year an investigation continued into statements by Algirdas Paleckis, the leader of the Frontas Party, who stated publicly in December 2010 that the 14 civilians who were killed by Soviet military units during the events of January 13, 1991, represented a case of "Lithuanians shooting Lithuanians." (Paleckis is not a member of parliament and thus not protected by parliamentary immunity).

Member of parliament Kestutis Masiulis called on prosecutors to investigate the statement as a “derogation of the memory of those killed” and “insulting all supporters of Lithuanian freedom.” The prosecution maintained that the 1991 Soviet action against Lithuania and its citizens constituted a war crime and consequently violated the penal code. Paleckis maintained that the prosecution was a violation of his freedom of speech. The court decision was pending at the end of the year.

It is a crime to incite hatred against persons or groups. According to the Ministry of Interior, during the year authorities initiated 332 cases involving allegations of incitement to hatred and discrimination, most of them over the Internet, and sent 98 to the courts for trial. The courts decided 96 of these. A number of investigations and court cases from prior years continued. Most allegations of incitement of hatred involved homophobic, racist, or anti-Semitic expression.

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

Censorship or Content Restrictions: Although it continued to attract criticism from international human rights groups, the 2010 law prohibiting material “detrimental” to minors’ “bodies or thought processes, information promoting the sexual abuse and harassment of minors or promoting sexual relations by minors or sexual relations in general” was not invoked during the year, and there were no reports 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 that is disseminated through the mass media. Journalist Gintaras Visockas was sued for libel for commentating on a presidential candidate’s background and implying a connection to the secret service. He was found guilty and fined. Visockas appealed to the ECHR.

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. Individuals and

groups could generally engage in the expression of views via the Internet, including by e-mail. Authorities prosecuted persons posting material they considered to be inciting hatred.

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.

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 movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) 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.

Nonrefoulement: The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Temporary Protection: There were two additional forms of protection in addition to asylum. “Temporary protection” may be granted to groups of persons in the event of a mass influx of aliens, but an individual alien has no right to apply for this protection. No grants of temporary protection were issued in the first eight months of the year. The government may also afford “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 year the government granted subsidiary protection to 86 persons.

Stateless Persons

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

According to the UNHCR, there were approximately 3,674 stateless persons in the country in 2010, a decline from 5,900 in 2008. The decline was mainly related to high emigration rates driven by the economic crisis and increased unemployment--the number granted citizenship annually was low: 240 in 2008, 106 in 2009, and 78 in 2010. According to the director of the Migration Department, virtually all the persons classified as stateless were residents of the country at the time of the dissolution of the Soviet Union but did not take advantage of their right to qualify for citizenship.

Naturalization requires residence in the country for at least 10 years, an unlimited residence permit, a 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: The May 2009 presidential elections and 2008 parliamentary elections were considered free and fair.

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. At year's end there were 26 women in the 141-seat parliament and two women 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. Three members of ethnic minorities served in parliament.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but authorities often did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption remained a problem, as indicated in Transparency International's 2011 assessment.

A number of active and former government officials were investigated, tried, convicted, or sentenced for corruption during the year. As of September 1, the trial continued of Alytus mayor Ceslovas Daugela, arrested in October 2010 for corruption. The mayor, who had interests in construction businesses, was charged

with illegal dealings in the reconstruction of the city stadium, document falsification, and embezzlement of more than 500,000 litas (\$188,000). The trial continued at year's end.

The law provides for public access to government information, and government institutions generally provided access in practice. During the year the parliamentary ombudsman received 106 complaints of delays by government offices in providing information and found 68 of them to be valid. The ombudsman recommended disciplinary action against the officials involved. Although the ombudsman's recommendations were not binding, the Parliamentary Ombudsman's Office reported that authorities took disciplinary action in 10 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.

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. The ombudsmen institutions received government funding but maintained that their funds were inadequate. In 2010 the ombudsman for children's rights resigned after receiving criticism for ineffective work related to a widely discussed and unsolved case of suspected pedophilia.

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 programs and efforts at enforcement, discrimination against women and ethnic and sexual minorities persisted.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape. Convicted rapists generally received three-to-five-year prison sentences. During the year 191 rapes were reported, compared with 208 in 2010.

Societal violence against women remained a serious problem. Penalties for all types of violence depend on the level of injury in each case. Penalties for murder range from eight years to life in prison. There are no specific penalties for domestic violence. During the first half of the year, police received 25,673 telephone calls reporting domestic violence and started 471 investigations; approximately 20 women were killed during the year as a result of domestic violence.

On December 15, the first domestic violence law went into effect, providing a legal basis for rapid governmental reaction to instances of domestic violence as well as for preventive measures and assistance to victims. The new law permits police and other enforcement officials, with court approval, to require perpetrators to live apart from their victims, avoid all contact with them, and surrender any weapons they may possess. From the entry into effect of the law until the end of the year, police registered approximately 3,000 domestic violence calls and started 935 investigations. According to police approximately 80 percent of reported domestic violence cases involved alcohol.

Municipal governments and nongovernmental organizations (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.

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 going 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 were permitted to operate 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. The maternal mortality rate was low.

Discrimination: Men and women have the same legal rights in the judicial system, including in family and property law. Women nevertheless continued to face discrimination. Government policy requires equal pay for equal work, but women often earned less than their male counterparts. According to the Department of Statistics, the EU gender pay gap (an indicator used in the EU to monitor the inequality in pay between men and women) in 2010 was 14.6 percent, down from 15.3 percent in 2009. Women were significantly underrepresented at the managerial level. The Office of the Equal Opportunities Ombudsman is the governmental institution that promotes the legal rights of women and men.

Children

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

Child Abuse: Child abuse, particularly in connection with parental alcohol abuse, continued to be a problem. According to the Department of Statistics, in 2009 approximately 24,200 children lived in 11,100 abusive or dysfunctional families. Media sources reported that incidents of cruelty to children, including sexual abuse, intentional starvation, and beatings, were common. According to the Ministry of Interior, seven deaths from child abuse were reported during the year. The children's rights ombudsman reported approximately 290 complaints during the year, compared with 315 in 2010 and 407 in 2009. The ombudsman's office initiated 43 investigations of alleged abuse during the year, compared with 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 139,204 calls and 1,553 letters from children concerning problems ranging from relations with their parents and friends to violence in their families and sexual abuse.

Sexual Exploitation of Children: The law provides for up to 13 years in prison for sexual abuse of a child, but this type of abuse remained a problem. During the year the Interior Ministry registered 104 cases of child sexual abuse (excluding child rape), compared with 93 cases in 2010. The government operated a children's rehabilitation center to provide special care for sexually abused children.

Laws against child pornography were enforced. Anyone involving a child in pornographic events or using a child in the production of pornographic material can be imprisoned for up to five years. According to the Ministry of Interior, seven criminal cases of child pornography were opened during the year. In the first nine months of the year, the children's rights ombudsman received six complaints of sexual exploitation of children. No information was available about convictions 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.

There were 102 orphanages and 47 foster homes. Orphanages housed the vast majority of orphans and other children in need of care. In the first nine months of the year, the children's rights ombudsman received 31 complaints of possible violations of children's rights in orphanages and foster homes.

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. Anti-Semitism was manifest, especially on the Internet, and acts of vandalism were reported throughout the year.

On April 11, the Ninth Fort in Kaunas, the site of systematic mass killings of Jews during the Holocaust, was desecrated with 13 swastikas.

On April 20, Adolf Hitler's birthday, a banner with anti-Semitic slogans, including "Hitler was right" and "Juden Raus" (Jews Out), was found near a synagogue in Kaunas. On the same day in Vilnius, three Nazi-era German flags were found on a hill near the center of the city and another on the outskirts. Police initiated an investigation into the incident as a violation of public order. On April 25, the Ministry of Foreign Affairs and the speaker of the parliament condemned the incidents.

On June 2, a wooden dummy with the Lithuanian words used to convey the sounds of a pig written on its face was discovered outside the Tolerance Center of the Vilna Gaon State Jewish Museum in Vilnius.

On July 10, an anti-Semitic attack was reported at the Paneriai Memorial, a tribute to Holocaust victims, mainly Jews. The memorial was vandalized with red paint and anti-Semitic phrases such as "Hitler was right."

On July 16, in the town of Plunge, a memorial wall was dedicated to the 2,200 Jews of that town massacred by the Nazis in 1941. A number of Lithuanian dignitaries participated in the ceremony as did family members from around the world of Jews killed at Plunge. The monument, built with bricks from the former Plunge synagogue, was vandalized before the dedication ceremony.

On November 2, the memorial plaque of the historic Snipiskes Jewish cemetery was vandalized with red paint.

The government declared 2011 to be the Year of Remembrance for the Victims of the Holocaust in Lithuania. It sponsored several projects during the year, including events on September 23 commemorating the National Memorial Day for the Genocide of the Lithuanian Jews. In September President Grybauskaitė awarded Life Saving Crosses to 55 Lithuanians who saved Jews during the Holocaust. Throughout the year the government and civil society worked together to promote Holocaust education in schools and preserve Vilnius' Jewish cemetery. The government finished preservation of part of the ancient Jewish Snipiskes cemetery and in June rededicated it.

Trafficking in Persons

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

Persons with Disabilities

The Law on Equal Treatment prohibits discrimination against persons with disabilities, although it does not specify what kind of disabilities and there was no proactive enforcement. During the year the equal opportunities ombudsman investigated 11 cases of alleged discrimination based on disability. The law mandates accessibility of buildings for persons with disabilities. According to 2009 data from the Department of Statistics, 38 percent of housing was accessible to persons with disabilities.

Individuals involuntarily declared incapacitated have no right to appeal the decision in court.

The mental health system was widely regarded as inadequate. Although in 2007 the government approved a National Strategy for Mental Health, this area 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.

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.

During the year the Ministry of Interior reported 332 cases of alleged discrimination and incitement of racial or ethnic hatred (most of the instances investigated involved the Internet), compared with 159 in 2010.

There were reports of racially motivated violence during the year. The country's national day, February 16, continued to be an occasion for racist and xenophobic

manifestations. In Kaunas youth wearing jackets and paraphernalia similar to those worn by skinheads attacked and beat a Pakistani national.

On March 11, the 20th anniversary of the reestablishment of Lithuania after Soviet rule, approximately 1,000 people participated in a march in downtown Vilnius. The event included some racist and xenophobic slogans, and the primary organizer was a nationalist movement widely criticized for its association with skinheads and neo-Nazis. Some marchers displayed slogans proclaiming “Lithuania for Lithuanians” and “Thank God I was born white.” Senior leaders denounced the demonstration; some criticized the continuing willingness of the Vilnius city administration to provide permits for this annual event.

The small Romani community (approximately 3,000 persons) continued to experience problems, including discrimination in access to such services as education, housing, and health care; in employment; and in relations with police. However, there were no official charges of police abuse. Extreme poverty, illiteracy, perceived high criminality, and the negative attitudes of mainstream society kept this group locked in social exclusion, reflected in the fact that 40 percent of Roma did not know the national language. Many Roma did not have identification papers; a number of them, although born in the country, were 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 September 23, the Supreme Administrative Court, in response to a lawsuit brought by the Vilnius community of Roma, ordered the Vilnius Municipality to pay nonmaterial damages of 55,000 litas (\$21,000) in compensation for the destruction of Roma housing in 2004. By year’s end the Vilnius Municipality had paid only a small portion of the award.

On March 17, parliament adopted amendments to the Law on Education that for the first time set minimum requirements for hours and subjects to be taught in the schools. When fully implemented the revised law calls for all students to take the same high school graduate exam in the Lithuanian language and with standardized scoring. Representatives of the country’s Polish minority were critical of the new provisions of the law and the manner in which they were implemented because they said it would reduce the emphasis in schools on Polish language and culture. Lithuanian politicians asserted that comparable requirements exist for ethnic Lithuanians in Poland and that the new rules do not violate EU norms or standards.

Some members of the Polish ethnic minority community also argued that laws which do not allow Polish letters to be written in passports and on street signs violate their minority rights. On July 11, following numerous legal challenges by the Polish community, the Supreme Administrative Court upheld the previously existing law requiring that street signs be displayed in Lithuanian only. The European Court of Justice on May 12 also found Lithuania's law requiring personal names to be written in the state language in passports to be constitutional.

The Polish ethnic community further complained of a lack of progress on restitution and compensation for lands owned by Poles before the Soviet and Nazi occupations. The National Land Service stated that it makes no distinction between ethnic communities and does not discriminate against the Polish minority. According to National Land Service data, 96 percent of outstanding claims in Salcininkai, which holds the largest Polish minority population, were settled. In the other center with a large Polish minority population, Vilnius city and region, 32 percent of outstanding claims in the city and 87 percent in the region were completed. This compared with 19 percent (city) and 85 percent (region) in 2010.

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

While there was no official discrimination against lesbian, gay, bisexual or transgender (LGBT) persons, society's attitude towards homosexuality remained largely negative. NGOs focusing on LGBT problems faced no legal impediments, but the few 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.

Other Societal Violence or Discrimination

The NGO community reported that people with HIV/AIDS were often discriminated against and treated with fear and loathing. For instance, in the case of a woman in Klaipeda who was diagnosed with HIV, the doctor publicly announced the diagnosis at the hospital where she was tested without her permission.

During the year the equal opportunity ombudsman investigated 25 cases of age discrimination. Most concerned discrimination in obtaining employment, insurance, loans, or leases.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows 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 government employees involved in law enforcement or other security-related activities. The law protects collective bargaining for all workers with the same exceptions. The law prohibits employer discrimination against union organizers and members.

In practice workers exercised the right to form unions. Although most workers had the legal right to strike, labor code procedures made it difficult for some to exercise this right. The law previously left the right to strike primarily in the hands of unions or union strike committees. Following complaints that such provisions deprived nonunion employees of the ability to call a legal strike, the law was amended to permit half of the employees of a unit or enterprise, voting by secret ballot, to call a strike. Collective bargaining was practiced. A tripartite council consisting of representatives of labor, business, and government estimated that between 5 and 25 percent of workers were covered under collective bargaining agreements.

The prohibition against antiunion discrimination was often ineffective in practice, and there were reports that employers punished employees for attempting to organize unions. 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. There are no labor courts or judges who specialize in labor disputes. Some large retail stores hired short-term contract labor and sometimes did not renew the contracts of union members.

Managers often determined wages without regard to union preferences except in large factories with well-organized unions. The government periodically issued guidelines for use by state enterprise managements in setting wage scales.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, but such labor existed. Observers noted indications of trafficking young children for forced labor, mostly shoplifting.

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 prohibits exploitation of children in the workplace, and the government generally enforced these prohibitions effectively. Statistics from 2009 indicated that 8 percent of children working did so illegally, mostly in the agricultural sector, where children sometimes received unlawfully low compensation.

The law sets the minimum employment age 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 State Labor Inspectorate is responsible for receiving complaints related to employment of persons under 18. During the year the inspectorate identified 26 cases of illegal child labor, mainly in the agriculture and catering sectors. Schools administered specific programs tied to labor safety.

d. Acceptable Conditions of Work

The legal minimum wage was 800 litas (\$300) per month. According to the National Statistics Department, the official "poverty risk level" in 2010 was 701 litas (\$263) per month. 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. Overtime is allowed only in cases stipulated by law, and both overtime and night work must be compensated by at least one-and-a-half times the hourly wage. The labor laws apply to both local 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 nearly 12,300 company inspections. 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. Training provided by the State Labor Inspectorate 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.

The law gives workers the right to safe and healthy working conditions, and this provision was generally enforced. During the year the State Labor Inspection Service recorded 52 fatal accidents at work and 125 severe work-related injuries, compared with 49 and 126, respectively, in 2010. These occurred mostly in construction, transport, processing, and agriculture sectors. To address the problem, the State Labor 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.