U.S. DEPARTMENT of STATE

Lithuania

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The Republic of Lithuania is a constitutional, multiparty, parliamentary democracy with a population of approximately 3.4 million; legislative authority is vested in the unicameral Seimas (parliament). In 2004 citizens elected President Valdas Adamkus in free and fair elections. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in a number of areas. Human rights problems reported during the year included poor prison conditions, illegally prolonged pretrial detention, police and government corruption, widespread domestic violence and child abuse, trafficking in women and girls, and increased reports of racial or ethnic violence and intolerance.

RESPECT FOR HUMAN RIGHTS

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.

The prosecutor's office continued 21 pretrial investigations related to crimes committed during the Nazi and Soviet occupations. From January to October, the prosecutor's office initiated six pretrial investigations for crimes against humanity including one investigation related to Nazi crimes against Jews.

In June the prosecutor's office sent a legal assistance request to the Israeli Ministry of Justice concerning Yitzhak Arad, former director of the Israeli Holocaust Remembrance Authority Yad Vashem and an anti-Nazi partisan in Lithuania and Belarus during World War II. The prosecutor's office wanted to inform Arad about "suspicion of possibly committed criminal activities in Lithuania," including the massacre of Lithuanian partisans and the murder of civilians, and to question him about it. Arad was one of the subjects of a pretrial investigation that the prosecutor's office began in 2006. The investigation remained open as of year's end.

In 2005 the government brought criminal charges against Algimantas Mykolas Dailide, alleging collaboration with Nazis and persecution of Jews. In 2006 the Vilnius District Court convicted him of crimes against Jews in Nazi-occupied Lithuania during World War II, but did not impose a sentence due to the 85-year-old convict's age and infirmity. The prosecutor appealed the verdict and it was pending at year's end.

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; however, there were reports that police physically mistreated detainees.

During the year the ombudsman's office received 17 complaints that officials used force and psychological pressure to obtain evidence in pretrial investigations compared to 14 in 2006.

In 2007 military police opened 17 hazing-related criminal cases, compared with seven in 2006. The military police elevated four cases to the courts, terminated three pretrial investigations due to lack of evidence, and continued investigations in four cases. Most reports of hazing alleged that draftees beat each other or subjected each other to psychological pressure.

Prison and Detention Center Conditions

Human rights advocates reported that prison conditions remained poor, although the government continued to upgrade prisons to meet international standards. Nevertheless, inadequate sanitation, overcrowding, and limited access to medical services persisted.

In 2007 the parliamentary ombudsman received 317 complaints from prisoners, compared to 323 in 2006. Most complaints were related to prison conditions, actions of prisons department personnel, restricted rights of prisoners, lack of medical services, and poor work conditions. Investigators determined that 34 complaints were valid and the others were outside the ombudsman's purview. The Human Rights Monitoring Institute (HRMI) reported that, in an incident in a prison in Panevezys, prison officers were aware of but did not protect a prisoner from degrading treatment by other prisoners. The ombudsman received nine complaints that working inmates were paid for fewer hours than they worked. Two complaints were found groundless.

In 2006 the European Court of Human Rights (ECHR) ruled that the monitoring of a Siauliai inmate's correspondence with his wife was inappropriate, and that the country should amend its regulations on inmate correspondence monitoring. The government drafted amendments to the law on pretrial detention; however, the parliament did not pass the new law by year's end.

During the year 30 prison and detention center inmates died compared with 23 inmate deaths in 2006. According to authorities, 12 deaths were suicides, 13 were due to natural causes, four inmates were killed by another inmate, and one death resulted from complications from a self-inflicted injury. There were 34 inmates injured by other inmates during the year, compared to 41 in 2006; 94 self-inflicted injuries were reported, compared to 770 in 2006.

The government renovated six prisons. However, four correctional institutions remained overcrowded. For example, the facility in Siauliai had a capacity of 425 inmates after recent remodeling but held 500.

The government permitted visits to prisons by independent human rights observers and researchers. The parliament's office of the ombudsman regularly visited various

prisons during the year. Media representatives also visited prisons.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

A unified national police force is responsible for law enforcement and operates under the authority of the Ministry of Interior. Police officers and other government officials who exceed their official authority are subject to prosecution or punishment. The State Security Department is responsible for internal security and intelligence operations. It reports to the parliament and the president.

Corruption in the police system remained a problem.

During the year 18 police officers were found guilty of abuse of power, compared to 17 in 2006. The ombudsman investigated 226 complaints regarding police activities, compared to 510 in 2006, and determined 75 to be valid, compared to 152 in 2006. In all cases found to be valid, authorities disciplined the police officers involved. In most cases police officers faced administrative disciplinary actions, such as demotions or reprimands.

Arrest and Detention

Warrants are required for arrest and must be granted by judges upon the presentation of reliable evidence of criminal activity. Police are allowed to detain suspects for up to 48 hours. There were no complaints of failure to inform detainees of the charges against them. Bail was available and was used widely. The law provides for the right to an attorney from the moment of detention and, if indigent, to one provided by the state; however, this right was not always respected in practice. The law provides a person in detention the right to a prompt judicial determination of the legality of the detention, and authorities effectively respected this right in practice.

Judges may order pretrial detention only to prevent flight or the commission of new crimes, to allow unhindered investigation, or to comply with extradition requests; they may do so only in the case of felonies. The pretrial judge may order a suspect's detention for up to three months. In exceptional cases the detention may be extended to 18 months (12 months for juveniles), subject to appeal to a higher court. The law provides for civil liability for damage caused by the unlawful actions of pretrial investigation officials, prosecutors, judges, and courts. During the year the average length of pretrial detention was approximately six months, and 12 percent of the incarcerated population were pretrial detainees.

The ombudsman's office received no complaints regarding prolonged pretrial detention in 2007.

e. Denial of Fair Public Trial

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

The law provides for a four-tier court system: the Supreme Court, the Court of Appeals, district courts, and local courts. The law also provides for a Constitutional Court and specialized courts for consideration of cases involving administrative, labor, and family problems.

District courts hear juvenile criminal cases and cases related to children's rights (including domestic adoption and paternity matters). The local courts are tribunals of first instance for criminal, civil, and administrative offences, and all cases that are not assigned by law to other courts. The Constitutional Court reviews the constitutionality of laws and other legal acts, as well as actions by the president and the cabinet.

Trial Procedures

The law establishes the right to legal counsel for defendants and provides for legal assistance for indigent persons. The ombudsman reported eight cases of authorities failing to provide counsel during the year. Defendants have access to government evidence and may present evidence and witnesses and confront or question witnesses against them. Defendants enjoy the presumption of innocence. The law permits trials in absentia when a defendant is outside the country and avoids trial. Local human rights experts criticized these provisions, because in such trials defendants do not cross-examine witnesses or present their own defense. Defendants have the right to appeal. The law provides for public trials. There is no trial by jury.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The judicial system provides for an independent and impartial judiciary in civil matters. Plaintiffs may sue for legal or injunctive relief based on human rights violations. Apart from redress in the court system, victims of human rights abuses may appeal to the parliamentary ombudsman for a determination on the merits of their claim. Although the ombudsman makes only a recommendation to the offending institution, his findings are commonly honored in practice.

Property Restitution

The law on restitution places significant restrictions on claims for communal property and, as a result, the Jewish community has regained only a fraction of the communal property owned by the country's prewar Jewish population of more than 200,000. Less than 30 properties have been restituted to the Jewish community under the law, which currently is limited to religious properties.

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

The constitution prohibits the arbitrary interference in an individual's personal correspondence or private and family life. There were reports of incidences where the government did not respect these prohibitions in practice.

The law requires a judge's authorization to search an individual's premises and prohibits indiscriminate monitoring of the correspondence or communications of citizens. However, local human rights groups alleged that the government did not properly enforce these laws. During the year the State Data Protection Inspectorate investigated 102 complaints and conducted 52 preventive investigations of alleged arbitrary interference with privacy, compared to 121 complaints and 92 preventive investigations in 2006. Most cases involved violations of data processing rules and failure to inform individuals that their personal data was processed.

In 2005 the ECHR issued a judgment that the government discriminated against and violated the privacy of two former Soviet State Security Committee (KGB)

employees. The two complained that the government prohibited them from seeking employment in various private sector fields until 2009, that they were deprived of their jobs in the private sector, and that they were subjected to daily embarrassment on account of their past. The plaintiffs appealed to the Vilnius County Administrative Court for damages. On March 13, the court dismissed the complaint. Following a 2004 ECHR judgment in favor of plaintiffs in a similar case, the government introduced amendments to the law to lift its restrictions on employment; parliament passed the amendments on October 11, 2007.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice.

There is a criminal penalty of up to two years' imprisonment for instigation of hate in the mass media. The prosecutor's office opened 29 investigations of discriminatory comments made on the Internet and passed nine of them to the courts. Five persons were convicted in five cases for anti-Semitic comments. Penalties varied from $210 (500 litas) to $520 (1,250 litas).

Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism. The independent media were active and expressed a wide variety of views. Radio and television included a mix of independent and public stations. International media generally operated without restriction.

In February the media reported that the regional newspaper *Chronicle of Elektrenai* and Elektrenai town police entered into a cooperative agreement obligating the editor of the newspaper to confirm information with the police before publication. The Lithuanian Journalists Guild asked the HRMI to evaluate the agreement. Based on the HRMI's recommendations, the Lithuanian Journalists Guild advised the editorial office of the *Chronicle of Elektrenai* to terminate the agreement, which it did. The journalists guild also requested the national police department evaluate the agreement and check if similar processes take place in other towns. The police commissioner subsequently sent letters to all local chapters recommending they not enter into such agreements with media.

In March the Lithuanian Radio and Television Commission fined the director of the music television channel MTV Lithuania $1,150 (3,000 litas) for broadcasting the cartoon series Popetown in the early evening when children could view it. MTV Lithuania appealed the decision and the case was pending at year's end. The Journalist Ethics Inspectorate decided that Popetown instigated religious hatred and therefore had a negative impact on children.

The law prohibits the dissemination of information that is untrue and that is 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 dissemination of libelous material through mass media. No cases were reported during the year.

According to a July report by the Baltic News Service, the number of hate speech investigations opened by prosecutors in Lithuania have sharply increased over the past two years. In 2007 prosecutors initiated 37 cases investigating incitement of hatred based on ethnicity, religion, or sexual orientation. Twenty such cases were opened in 2006, compared to just one in 2005. More than half the cases involved the incitement of hatred against Jews. The prosecutor general, Gintaras Jasaitis, ascribed the increase to the popularity of the Internet, a medium that allows for widespread anonymous publishing.

Editor-in-chief of the daily *Respublika*, Raimundas Celencevicius, was sued in 2005 by Audrius Cininas for libel for a series of articles that the latter claimed portrayed him as biased in favor of the country's Jewish minority. The case was still pending at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e−mail or Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, persons were subject to criminal prosecution for posting material that authorities deemed as instigating hate. Internet media reports about issues involving ethnic or racial minority groups often attracted racist comments from readers. In June the Journalist Ethics Commission, at the suggestion of the HRMI, appealed to the prosecutor's office to initiate a pretrial investigation of racist comments by readers of the internet edition of the daily *Lietuvos Rytas*. The prosecutor's office started an investigation, which was ongoing at year's end. The HRMI also suggested that the chief editor of *Lietuvos Rytas* remove the racist comments from the news portal; the editor immediately removed the offending comments.

According to the Department of Statistics, 40 percent of the country's residents between the ages of 16 and 74 had access to the Internet in the first quarter of 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

Freedom of Assembly

The law and constitution provide for the right to peacefully assemble, and the government generally respected this right in practice for most groups; however, the government denied parade permits to gay rights groups on several occasions during the year.

In April the Vilnius municipality refused to issue a permit for a public event, sponsored by the European Commission, to promote tolerance and respect for persons with disabilities, homosexuals, and persons of different religions. Municipal officials said they withheld the permits because they were afraid of possible violence by counter-demonstrators. In response to, and at the same place and date for which the tolerance event was planned, a group calling itself "For Morals and Nation" organized an antihomosexual rally on May 25. Anti-homosexual flyers were posted in many locations in Vilnius prior to the event. Approximately 50 persons were at the event, and they passed out antihomosexual flyers to passersby. In May the Equal Opportunities Ombudsman started an investigation to determine if the municipality acted legally by cancelling the prodiversity event; however, the ombudsman later terminated the investigation due to lack of available information. Nongovernmental organizations (NGOs), European Commission officials, and some Lithuanian officials criticized the withholding of the permit.

In October, a gay rights NGO requested a permit to unfurl a rainbow flag in Town Hall Square on October 25 as part of the annual conference of the European division of the International Lesbian and Gay Association. The municipality refused. The reason given was that construction work underway in Town Hall Square could jeopardize the safety of participants. The NGO challenged the city in court, but the court did not overturn the city's decision.

In October 2006, during a visit by British Queen Elizabeth II, two activists dressed as bears outside the British Embassy to protest the making of Welsh Guard caps from bearskins. The Law on Assembly has a provision against wearing masks, and the activists were taken into custody. In December 2006 a court found the two guilty and issued a caution, the mildest punishment provided. The HRMI criticized the verdict, noting that the provision against wearing masks requires evidence of intent to commit an offence and that there was no such intent in the case.

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 former Soviet regime.

c. Freedom of Religion

The constitution and the law provide for the free practice of religion, and the government generally respected this right in practice. There is no state religion; however, some religious groups enjoyed special government benefits.

The law divides religious communities into state-recognized traditional religious communities, other state-recognized religious groups, and other (non-state-recognized) registered religious communities and associations. The nine traditional religious communities received special exemptions and rights not available to other religious groups. Both traditional and nontraditional religious communities that are state−recognized may receive state subsidies; however, in practice only the traditional groups regularly received funds. Registered but unrecognized religious communities did not receive the benefits and exemptions enjoyed by traditional and state−recognized communities, but they may act as legal entities. Unregistered religious communities have no juridical status or state privileges, but there were no reports that any such groups were prevented from worshiping or seeking members.

During the year applications for status as a "state−recognized religious association" were pending from the Seventh-day Adventist Church (applied in 2005); from the United Methodist Church of Lithuania (applied in 2001); from the New Apostolic Church (applied in 2003); and from the Pentecostals (Evangelical Belief Christian Union, applied in 2002). In 2005 the Ministry of Justice submitted to parliament and recommended approval of the application of the Seventh-day Adventists. At year's end, there were no final decisions in any of the cases.

The law stipulates that state educational institutions may offer religious instruction only of traditional and other state−recognized religions; however, participation in religious classes is not mandatory, and parents can choose either religious instruction or secular ethics classes for their children.

Unlike the previous year, there were no complaints of discriminatory questions on the English-language graduation exams.

Societal Abuses and Discrimination

There are approximately 4,000 Jews in the country. More than 200,000 Jews (approximately 95 percent of the immediately prewar Jewish population) died in the Holocaust. The country continued to work to better understand its past and to make just recompense for its Holocaust legacy.

Anti-Semitism was manifest in acts of vandalism against Jewish graves and monuments, displays of neo-Nazi sentiment, and public anti-Semitic comments. In March vandals desecrated 12 headstones in the Suderve Jewish cemetery in Vilnius. In July vandals desecrated the Jewish cemetery in Bajorai village, Rokiskis region, on two separate occasions. Media reported that in the second incident thieves intended to steal the fence that surrounds the cemetery. On September 23, Holocaust Memorial Day in Lithuania, a Jewish cemetery in Panevezys was vandalized. Police initiated pretrial investigations in each of these cases, but no suspects were identified by year's end.

In May 2006 several young persons wearing Nazi−style uniforms and riding Nazi−era motorcycles drove past the Jewish community center in Vilnius, and community members heard the riders yell slogans glorifying Hitler and belittling Jews. The Vilnius prosecutor's office initiated a pretrial investigation but by year's end had not charged anyone with a crime.

The government continued its investigations into Nazi−era war crimes.

During the year construction of a residential and commercial complex took place at or near the site of the Jewish cemetery in the Snipiskes area of Vilnius. Since the removal of headstones by the Soviets in the 1950s there have been almost no visible signs of the cemetery remaining. The city government claimed that there are no graves under the area in question, but several international Jewish groups, including the London-based Committee for the Preservation of Jewish Cemeteries in Europe, as well as a government-requested study by the Lithuanian Institute of History, maintain that a portion of the construction is taking place in the cemetery. In May the government convened an "experts group" of international and Lithuanian historians, Rabbis, and geologists, who met and unanimously agreed that construction should be halted until a definitive survey could be done. At year's end negotiations between the government and some members of the experts group about the survey were ongoing but construction continued.

According to a July report by the Baltic News Service, the number of hate speech investigations opened by prosecutors in Lithuania has sharply increased over the past two years. In 2007 prosecutors initiated 37 cases investigating incitement of hatred based on ethnicity, religion, or sexual orientation. Twenty such cases were opened in 2006, compared to just one in 2005. More than half the cases involved the incitement of hatred against Jews. The prosecutor general, Gintaras Jasaitis, ascribed the increase to the popularity of the Internet, a medium that allows for widespread anonymous publishing. During the year five persons were convicted in five cases for anti-Semitic comments on the Internet, with penalties varying from $210 (500 litas) to $520 (1,250 litas).

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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

The constitution and law 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 internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

The law generally allows emigrants to retain citizenship as long as they hold no other citizenship. In April 2006 the parliament amended the law to allow persons to recover Lithuanian citizenship if they lost it under previous laws. In November 2006 the Constitutional Court ruled unconstitutional provisions in the same law that allowed for dual citizenship. Therefore, persons who want to recover Lithuanian citizenship need to renounce any other citizenship they have.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against "refoulement," the return of persons to a country where there was reason to believe they feared persecution. During the year the government adjudicated 490 individuals and granted refugee status or asylum to 393 individuals.

Asylum seekers coming from a safe country of transit are prohibited from entering the country and are returned to the transit country.

On July 19, the ECHR confirmed a settlement between Angolan citizen Pedro Katunda Kambangu and the government. After losing his passport and Lithuanian transit visa in Vilnius, Kambungu was held at the foreigner registration center for two years. The government agreed to pay him $13,800 (34,528 litas) in compensation.

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

The government continued to ban the Communist Party; other political parties could operate without restriction or outside interference.

The presidential and parliamentary elections in 2004 were generally free and fair. However, there were complaints that campaign financing lacked transparency and reports of vote buying during the parliamentary elections. Some vote-buying charges centered on one party's populist campaign tactics of holding political rallies-cum-concerts and distributing candy or campaign paraphernalia. The court found guilty and fined three persons for vote-buying in the parliamentary elections.

On February 8, the Constitutional Court announced that the Law on Municipal Elections, which had allowed only election by party list for municipal councils, contradicted the constitution. The decision did not affect the municipal elections of February 25, but it obliged the parliament to prepare a law that will allow citizens not on party lists to run for municipal councils.

There were reports of voters being bribed in the municipal elections in February. On March 19, the Central Election Commission resolved to nullify February 25 municipal election results in the Pagegiai and Svencionys districts due to possible violations (vote buying, use of administrative resources for promotion, obstruction of the right to vote) and to hold repeat elections there. However, the Supreme Administrative Court invalidated the decisions on the grounds that the commission failed to provide hard evidence of violations.

There were 33 women in the 141-seat parliament and three women in the 14-member Council of Ministers. Women accounted for 5 percent of mayors, 21 percent of municipal council members, and 5 percent of local administration directors.

There were six members of ethnic minorities in the 141-seat parliament and no members of ethnic minorities in the Council of Ministers.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government often did not implement the law effectively. Though some officials have been convicted and punished for corruption, the penalties were usually minor and many investigations did not result in convictions. The World Bank's Worldwide Governance Indicators reflected that corruption was a problem.

On July 23, Special Investigations Service and State Security Department officials arrested Vilnius Municipality's Public Order and General Affairs Department director for accepting a bribe of $20,000 (50,000 litas).

In June 2006 then prime minister Brazauskas resigned after the Labor Party withdrew from the ruling coalition amid allegations of the misuse of state and party funds by leading Labor Party politicians. The health minister in the government admitted to using party funds to repair his car. State investigators also found that the culture minister broke ethics rules by paying family travel expenses from state funds. The Labor Party leader left the country and sought political asylum in Russia following allegations of fraudulent accounting of Labor Party funds and providing false information to election commission officials. He returned to Lithuania on September 26 and was immediately detained. He was under house arrest awaiting trial at year's end. In December the Prosecutor General's Office completed the pretrial investigation in this case; however, no trial date had been set by year's end.

The law provides for public access to government information, and government institutions generally provided access in practice. However, during the year, the ombudsman received 70 complaints regarding delays in providing information and found 44 complaints to be valid. The ombudsman requested heads of institutions and other unit supervisors to consider disciplinary action against the officials involved. Although the ombudsman's recommendations are not binding, in 2007 state institutions have implemented recommended disciplinary actions in over 90 percent of cases where complaints were found valid by the ombudsman.

Section 4 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 cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits and prosecutes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government programs and prohibitions, discrimination against women and minorities persisted.

Women

The law specifically criminalizes rape, including spousal rape. Convicted rapists generally received sentences of three to five years' imprisonment. There were 189 rapes reported in 2007, compared to 253 in 2006.

Societal violence against women, particularly alcohol-related domestic violence, remained a serious problem. The law does not criminalize domestic violence specifically, but instead prosecutes it under general assault laws. There was no authoritative information on the extent of the problem.

To initiate an investigation into cases of domestic abuse, the victim must file a complaint. Certain NGOs maintained that few victims of domestic violence reported abuses to police because they preferred to avoid publicity and were not confident that the courts would punish their assailants. Additionally, few reported complaints reached the criminal court. The maximum penalty the courts imposed was two years' imprisonment.

Thirty-nine women's shelters, operating with the funding and under the direction of NGOs or municipal governments, provided assistance to domestic violence victims.

For the year through October 1, the Vilnius-based Shelter for Children and Mothers provided assistance to over 170 victims of domestic violence, forced prostitution, and human trafficking.

In August a video recording of a Lithuanian man beating a woman appeared on a popular Web site. Police opened a pretrial investigation and located the victim, but the victim declined to testify.

Prostitution is illegal but remained a problem. The penalty for prostitution is a fine of $120 to $200 (300 to 500 litas) for a single offense and up to $400 (1,000 litas) for repeat offenses. As of October 1, the police charged 112 women during the year with administrative violations for prostitution.

The law prohibits sexual harassment. According to the Equal Opportunities Ombudsman's Office, approximately 20 percent of women experienced sexual harassment. In 2007 the ombudsman received one complaint of sexual harassment compared to two in 2006. According to the Equal Opportunities Ombudsman's Office, women remain reluctant to approach the police or other institutions in cases of sexual harassment.

Men and women have the same legal rights in the judicial system, including family and property law. Women nevertheless continued to face discrimination. A 2005 report of the Open Society Institute and the Equality Center *stated that gender equality institutions existed exclusively in the large cities and failed to provide adequate outreach at regional or local levels.*

Government policy requires equal pay for equal work; however, women often earn less than their male counterparts. The average salary of women was 82 percent of that earned by men in comparable jobs; the figure was 78 percent in the public sector. Women were significantly underrepresented at the managerial level.

During the year, as part of the National Strategy for Reduction of Domestic Violence Against Women for 2007-2009, the government allocated grants to NGOs for implementation of prevention, education, and victim assistance programs. The government operated a mobile information center to educate persons about domestic violence and created a working group of government officials and NGO representatives to consider and draft legislation to reduce domestic violence. On November 22, the parliament passed a resolution noting that domestic violence against women is a public and political problem rather than merely a private matter.

Children

The government was committed to children's rights and welfare.

Public education was compulsory, free, and nearly universal for children through the age of 15. According to the children's rights ombudsman's data for 2007, approximately 3 percent of children under 15 did not attend school.

Child abuse, particularly in connection with parental alcohol abuse, continued to be a problem. According to the Department of Statistics, approximately 36,500 children lived in 16,400 abusive or dysfunctional families. Media sources reported that incidents of cruelty to children, including sexual abuse, intentional starvation, beatings, and killings, were common. Authorities reported that child abuse caused the death of seven children during the year. The children's rights ombudsman reported 387 complaints in 2007, compared to 316 in 2006, and initiated 147 investigations, compared to 107 in 2006.

The penalty for violence or cruelty against minors is a one to two year prison sentence. In addition, authorities may 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 insufficient assistance was provided.

In 2005 a study by the Lithuanian Law Institute reported that children in orphanages continued to suffer physical abuse. Since independence in 1991, municipalities have been attempting to relocate children from Soviet-style orphanages to residential foster families, thus permitting children to attend regular schools rather than orphanage schools. There are only about 50 foster homes. Orphanages still housed the vast majority of orphans and other children in need of care. As of October 1, the children's rights ombudsman received four complaints about violations of children's rights in orphanages and no complaints about such violations in foster homes.

The law provides for up to 13 years' imprisonment for sexual abuse of a child; however, sexual abuse of children remained a problem. In 2007 the interior ministry registered 49 cases of child sexual abuse (excluding child rape). The government operated a children's rehabilitation center to provide special care for sexually abused children.

In 2006 the Child Line (a children's hot line) received more than 30,000 calls from children, who complained about problems ranging from relations with their parents and friends to violence in their families and sexual abuse.

During the year the Controller for Protection of Children's Rights initiated six investigations regarding sexual exploitation of a child which were on-going at year's end. In 2006 the Controller investigated five cases regarding sexual exploitation of a child, and determined all of them to be groundless.

Several thousand children reportedly lived on the street. Sixty regional government children's rights protection agencies, other institutions, and numerous NGOs routinely assisted these children. Street children had full access to government-sponsored free services. There were no reports of police abuse of street children.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, the country remained a source, transit, and destination point for trafficking in women and girls.

The International Organization for Migration (IOM) stated that trafficking activity increased after the country joined the European Union in 2004. The IOM and NGOs also noted, however, that trafficking may have decreased or stabilized in 2006 and 2007, compared to 2005.

Traffickers targeted the most vulnerable social groups, particularly young females from poor or unstable families. Traffickers also commonly targeted young women from ethnic minorities. Many were lured by deceptive offers of employment as household helpers, bar dancers, nannies, nurses, models, or waitresses or through false marriage advertisements. In many cases close relatives or friends made the offers. Victims' compliance was ensured through threats and the withholding of their personal documents. Families often were unaware of their predicament and believed that they had been kidnapped. Boarding schools that also serve as orphanages were targets of traffickers.

Police reported that nearly half of traffickers were linked to organized crime, including international groups.

The law provides penalties for trafficking in persons from two to 12 years and trafficking in children (minors or juveniles) from two years' to 15 years' time in prison. During the year the government opened 18 criminal cases of trafficking in persons and referred four of these to the criminal court system. Three prosecutions ended in convictions, with sentences of 12 months' to 56 months' imprisonment. Authorities cooperated with other European governments on several trafficking cases. In 2007 police determined that 11 persons, including two minors, were victims of trafficking; investigations in other cases continued. In 2006 the IOM established a database with information from some key NGOs on assisted trafficking victims in Lithuania. In 2007 54 women, including 18 juveniles, were included in this database as potential trafficking victims, compared with 97 in 2006. NGOs maintain there are many victims who are unidentified.

The ministries of interior, justice, social security and labor, education and science, the police department, the State Border Guard Service, the general prosecutor's office,

and the National Courts Administration are responsible for enforcement of trafficking laws.

The police cooperate regularly with United Kingdom, German, and Scandinavian police on trafficking in persons. No persons were extradited from the country on trafficking offenses during the year.

In 2005 a joint government task force uncovered an organized crime gang that had transported nearly 100 young women from Lithuania to the United Kingdom. In December 2006 law enforcement officers completed their investigation of 12 suspects and transferred the case to prosecutors; the investigation was ongoing at year's end.

In 2005 the police detained five employees of modeling agencies on allegations that the agencies were fronts for human trafficking to Western Europe and the United Arab Emirates. The case was pending in court at year's end.

The government partially funded 15 day centers that assisted various groups at risk, including victims of trafficking. The government also provided grants to 13 NGOs that offered trafficking victims assistance or temporary shelter. No formal screening and referral procedures existed, but police worked closely with these assistance providers.

The government continued implementing its prevention campaign which included seminars, posters, television and radio public service announcements, videos for schools, and antitrafficking brochures. NGO prevention programs focused on disseminating information and promoting awareness of trafficking, especially among at−risk populations. The government organized training for approximately 70 municipal employees, social workers, and teachers on trafficking prevention and assistance to victims.

During the year the Vilnius branch of the IOM developed a manual on the methodology for investigation of trafficking in persons crimes and, in cooperation with the police and the prosecutor's office, organized three seminars for law enforcement officials. The IOM also developed a scheme for victims screening and a referral mechanism; however, the government had not officially approved it by year's end. The IOM continued consultations on safe practices for migrating abroad by Internet and by telephone and provided assistance to 20 victims of trafficking during the year.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. During the year the Equal Opportunities Ombudsman investigated 17 cases concerning discrimination against persons with disabilities. The law mandates access to buildings for persons with disabilities; however, the government generally did not enforce this provision in practice. Individuals involuntarily declared incapacitated have no right to appeal the decision in court.

The Ministry of Social Affairs and Labor and the Lithuanian Council for the Affairs of the Disabled focused on 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.

National/Racial/Ethnic Minorities

Societal discrimination and intolerance persisted despite laws that prohibit discrimination of ethnic or national minorities. Minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites, constitute approximately 16.5 percent of the population.

Reports of racial or ethnic violence and intolerance increased in 2007. During the year the prosecutor's office initiated 37 pretrial investigations related to discrimination or incitement to racial or ethnic hatred, compared to 17 for all of 2006.

For example, in March and April, media reported assaults on several students of the Lithuanian Christian College in Klaipeda city. At least two of the students were African and all were foreigners. Police increased patrols near the college and conducted an investigation but did not identify any suspects. Local neo-Nazis were reportedly becoming more aggressive, attacking and threatening the students. The municipality was cooperative and helped organize a concert to promote tolerance.

On May 26, there was a fight between Lithuanian and Nigerian youths in Vilnius. Four days later, unknown persons attacked and beat a man from Ghana in Vilnius. Police started a pretrial investigation, which continued at year's end.

On August 30, an Italian exchange student was attacked in Vilnius. The press reported that the attacker apparently thought the student was a Muslim. Police started a pretrial investigation which was ongoing at year's end.

The small Romani community (approximately 3,000 persons) continued to experience problems, including discrimination in access to education, employment, health care, housing, services, citizenship, and in contacts with the police, though there were no official reports of police abuse. Minority advocates continued to criticize the Vilnius city government for focusing law enforcement attention on Roma but doing little to integrate Roma into the broader community. In December the Vilnius Regional Administrative Court ruled that the City Municipality will have to pay approximately $41,000 (100,000 litas) to Vilnius Romani neighborhood inhabitants for residential and non-residential buildings torn down in 2004. The city was appealing the decision at year's end.

The European Union's Agency for Fundamental Rights (FRA) conducted research in Lithuania about racism and xenophobia in August. The FRA stated that cases of ethnic discrimination registered in Lithuania are solved ineffectively and that there is a lack of attention to the problem. According to the research, the law provides possibilities to complain about ethnic discrimination; however, the sanctions usually applied in such cases were insufficient, and victims received insufficient or no compensation.

Other Societal Abuses and Discrimination

Local human rights organizations and members of the homosexual community reported that physical abuse on the street, discrimination, and persistent social exclusion of homosexuals were problems.

On September 11, the ECHR ruled that the government violated the rights of a transexual woman who had appealed to the Ministry of Health for permission for a sex change operation, as recommended by her doctors. The ministry deferred acting on the doctors' recommendation on the grounds that the parliament had not approved a law on sex change. The court ordered Lithuania to pay compensation of $7,000 (5,000 euros), and Lithuania is obligated to pass a law on sex change within three months. If parliament does not pass a law within three months, the court obliged the country to pay $68,000 (40,000 euros) to the plaintiff, the approximate cost of a sex change operation in Western Europe. In December the government appealed the decision and requested the court review this case again.

During the year the ombudsman investigated 17 cases of age discrimination compared to 23 in 2006. Most complaints concerned age discrimination in obtaining insurance, loans, or leases.

There were no reports of discrimination against persons with HIV/AIDs.

Section 6 Worker Rights

a. The Right of Association

The law allows workers, including members of the police and armed forces, to form and join unions of their choice, and workers exercised this right in practice. Unions represent approximately 10 percent of the workforce.

Unions must have at least 30 founding members in large enterprises or a membership of one-fifth of all employees in small enterprises to legally register. There were no reports of direct discrimination against members of unions. The law provides that trade unions shall be freely established and function independently. Although the law prohibits employer discrimination against union organizers and members, this prohibition was often ineffective in practice, and there were cases of employees punished for attempting to organize. According to the International Trade Union Confederation, no employer has yet "faced the penal sanctions foreseen by law for antiunion discrimination." Some large retail stores hired short-term contract labor and sometimes did not renew contracts of union members.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law protects collective bargaining for all workers except government employees involved in law enforcement and security-related work. The Lithuanian Tripartite Council, comprising representatives from labor, business, and government, estimated that between 5 and 25 percent of workers were covered under collective bargaining agreements. The law provides for the right to strike, except for workers in essential services; however, labor code procedures made it difficult to exercise this right, and there were no official strikes during the year. The law provides that only a union or a union's strike committee may call a strike; thus employees without union representation are unable to strike legally.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits exploitation of children in the workplace, and the government generally enforced these laws effectively. In 2004 statistics indicated that 10 percent of children working did so illegally, mostly in the agricultural sector where children sometimes received unlawfully low compensation. There were reports that juveniles were trafficked for commercial sexual exploitation.

The law sets the minimum employment age at 16, but allows employment of 14-year-olds to perform light labor with the written consent of the child's parents and school. The law provides for 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. Authorities generally enforced these laws.

Media reported that a number of school-age children performed farm fieldwork without contracts and received very little or no payment for their work.

The State Labor Inspectorate is responsible for receiving complaints related to employment of persons under 18. In 2007 the inspectorate received 12 complaints of illegal child labor and determined four of them to be valid. Courts initiated pretrial investigations of these cases. The court fined employers $1,200 (3,000 litas) each in two cases and $8,400 (21,000 litas) in one case. One case remained pending at year's end.

The ministries of social security and labor, education, health, and interior administered programs to protect children's rights.

e. Acceptable Conditions of Work

The legal minimum wage of approximately $280 (700 litas) per month did not provide a decent standard of living for a worker and family.

The law provides that the maximum hours worked within a seven-day period, including overtime, may not exceed 48 hours. Overtime is allowed only in cases stipulated by law and, along with night work, must be compensated at a minimum of 1.5 times the hourly wage rate.

The State Labor Inspectorate is responsible for implementing labor laws. In 2007 it conducted approximately 17,600 inspections of companies. The most numerous abuses involved wage arrears, illegal employment, violation of labor contracts, accounting for time off and hours worked, worker safety, and unsatisfactory investigation of accidents.

The law provides that workers have the right to safe and healthy working conditions, and this was generally enforced. In 2007 the state labor inspection service recorded 72 fatal accidents at work. Workers have the legal right to remove themselves from dangerous work environments without jeopardizing their continued employment and did so in practice.

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