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Civil and Political Rights**

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parties under article 40 of the Covenant**

Third periodic national report of States parties

Lithuania*

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I. Introduction

1. In accordance with Article 40(1) of the International Covenant on Civil and Political Rights (hereinafter referred to as 'the Covenant'), the Republic of Lithuania presented its First Report on the measures taken in the implementation of the provisions of the Covenant to the United Nations in April 1997 (CCPR/C/81/Add.10). The Human Rights Committee considered the report on 30 October 1997.

2. Lithuania's Second Report on the measures that have been adopted to implement the provisions of the Covenant was submitted to the United Nations on 11 February 2003. The Second Report was considered on 24–25 March 2004 and approved on 1 April 2004. This present Third Report covers the period from 24–25 March 2004, i.e. the time when the Second Report was considered by the Human Rights Committee, to 1 September 2009. The Report has been drawn up in accordance with the Guidelines for the regular reports of the States Parties of the Covenant (CCPR/C/20/Rev.2). Immediately after the Second Report of the Republic of Lithuania under the Covenant was considered, the concluding observations of the Human Rights Committee (CCPR/CO/80/LTU) were brought to the attention of all competent public authorities of the Republic of Lithuania. The public authorities were asked to submit information on the measures taken to address the problems indicated.

3. The Third Report gives information on fundamental legal amendments adopted in the Republic of Lithuania and changes in the state of affairs that have taken place since the presentation of the Second Report to the United Nations. The information presented in the First and Second Reports concerning Articles 1, 5, 11, 18, 20 and 21 of the Covenant has not changed.

4. The Report endeavours to give answers to the additional questions raised during the consideration of the Second Report concerning various aspects of Lithuania's legal provisions (see CCPR/CO/80/LTU/Add.1).

5. The reporting period was marked by a continued intensive legislative process in the Republic of Lithuania. A number of laws were amended in 2004–2009: Law on Citizenship, Law on State-Guaranteed Legal Aid, Law on Equal Opportunities for Women and Men, Code of Administrative Offences, Criminal Code, Code of Criminal Procedure, Code of Enforcement of Sentences, Code of Civil Procedure, Law on Provision of Information to the Public, Law on Consumer Protection, Law on the Right to Obtain Information from Central and Local Public Authorities, Law on the Fundamentals of Protection of the Rights of the Child, Law on the Ombudsmen for Children, Civil Code, Law on Funding of Political Parties and Political Campaigns, and Control of Funding, Law on Religious Communities and Associations, Constitution of the Republic of Lithuania, Law on Referendum, Law on Elections to the Seimas, Law on Presidential Elections, Law on Courts, Law on Elections to Municipal Councils.

6. The Constitutional Court, in operation since 1993, has been an important guardian of the Constitution of the Republic of Lithuania, specifically the supremacy of the Constitution in the legal framework and the constitutional justice. The Constitutional Court determines the constitutionality of laws and other legal acts passed by the Seimas as well as the consistency of Presidential decrees or executive regulations of the Government with the Constitution and other laws of the Republic of Lithuania. In the period from 2004 to September 2009, the Constitutional Court received over 300 requests and inquiries questioning the constitutionality of one or another legal act.

7. Since the time of presentation of the Second Report, the Republic of Lithuania has acceded to the following international instruments related to the protection of human rights:

- (a) Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Amending the Control System of the Convention;
- (b) Protocol amending the European Convention on the Suppression of Terrorism;
- (c) European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols Nos. 4, 7 and 11;
- (d) Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

8. In pursuance of its obligations under binding international multilateral agreements providing for a mandatory reporting mechanism, the Republic of Lithuania has prepared and submitted to the United Nations the following reports on the implementation of its obligations in Lithuania:

(a) Report under the Convention on the Elimination of All Forms of Discrimination against Women (see CEDAW/C/LTU/3, CEDAW/C/LTU/4). The report was examined by the Committee on the Elimination of Discrimination against Women on 2 July 2008 (see CEDAW/C/LTU/Q/4, CEDAW/C/LTU/Q/4/Add.1, CEDAW/C/LTU/CO/4);

(b) Report under the International Convention on the Elimination of All Forms of Racial Discrimination (see CERD/C/461/Add.2). The report was examined by the Committee on the Elimination of Racial Discrimination on 21–22 February 2006 (see CERD/C/SR.1733, CERD/C/SR.1734, CERD/C/LTU/CO/3, CERD/C/LTU/CO/3/Add.1). On 29 June 2008, Lithuania submitted to the United Nations another report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Lithuania;

(c) Report under the Convention on the Rights of the Child (see CRC/C/83/Add.14). The report was examined by the Committee on the Rights of the Child on 18 January 2006 (see CRC/C/LTU/Q/2, CRC/C/LTU/Q/2/Add.1, CRC/C/LTU/CO/2);

(d) Report under the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment (see CAT/C/LTU/2). The report was examined by the Committee against Torture on 4 November 2008 (see CAT/C/LTU/Q/2, CAT/C/LTU/Q/2/Add.1, CAT/C/LTU/CO/2);

(e) Report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (see CRC/C/OPSC/LTU/1). The report was examined by the Committee on the Rights of the Child on 18 September 2008 (see CRC/C/OPSC/LTU/Q/1, CRC/C/OPSC/LTU/Q/1/Add.1, CRC/C/OPSC/LTU/CO/1).

9. Lithuania has drafted the second report on the implementation of the International Covenant on Economic, Social and Cultural Rights in Lithuania. The report was examined by the Government of the Republic of Lithuania on 22 July 2009.

II. Implementation of the Covenant

Article 2

10. Laws of the Republic of Lithuania guarantee the rights under the International Covenant on Civil and Political Rights to all individuals within Lithuania's territory and its

jurisdiction without discrimination of any kind. Lithuania has created an adequate legal framework for giving effect to the provisions of the Covenant. Laws of the Republic of Lithuania prohibit any discriminatory conduct by judicial or any other public authorities as well as the passage of discriminatory laws or other legal acts. As an update to Lithuania's second report (CCPR/C/LTU/2003/2) concerning the implementation of the provisions of Article 2 of the Covenant in Lithuania, below is some information on changes in Lithuania's legal framework.

11. In the period since the presentation of its second report, the Republic of Lithuania continued to develop and improve its legal framework. The administrative judicial system of the Republic of Lithuania consists of five regional administrative courts and the Supreme Administrative Court. The Law on Administrative Proceedings provides that every person shall be entitled to seek judicial protection of his rights or legitimate interests that have been violated or compromised. Furthermore, the Law stipulates that justice in administrative cases shall be administered exclusively by courts which have to respect the principle of equality of all persons before the law and before the judiciary without distinction of any kind, such as gender, race, nationality, language, origin, social status, religion, beliefs or convictions, occupation, place of residence or any other factors.

12. Administrative courts adjudicate in cases concerning the following:

(a) The legality of legal acts adopted and actions performed by entities of state and municipal administration, also the lawfulness and justifiability of the refusal by such entities to take due actions within their remit or their delay in taking action;

(b) Compensation for material or moral damage inflicted on a natural person or organisation by unlawful acts or omissions in public administration by state and municipal institutions, agencies, services or their employees;

(c) Payment, refund or recovery of taxes and other mandatory levies; application of financial sanctions; tax disputes;

(d) Office-related disputes where one of the parties is a civil servant in a state and municipal institution with public administrative powers (including officers and heads of institutions);

(e) Decisions of the Chief Official Ethics Commission and its recommendations for the termination of employment of a civil servant;

(f) Disputes between inter-independent entities of public administration concerning violations of their remit or breach of law, except for civil disputes which fall within jurisdiction of general courts;

(g) Violations of election or referendum laws;

(h) Appeals against judgements on cases of administrative offences;

(i) Legality of public administration decisions or actions adopted or taken by public agencies, enterprises or non-governmental organisations with public administrative powers, also the lawfulness and justifiability of the refusal by such entities to take due actions within their remit or their delay in taking action;

(j) Legality of acts of general nature adopted by public organisations, societies, political parties, political organisations or associations; and

(k) Complaints by foreign nationals about refusal or withdrawal of residence or work permits, also complaints concerning refugee status.

13. The Office of the Ombudsmen of the Seimas has been operating in Lithuania since 31 March 1995. At present, the Office is in its fourth term in office and has four

Ombudsmen appointed by the Seimas of the Republic of Lithuania for a term of four years. The Ombudsmen's Office is currently headed by Romas Valentukevičius appointed to this position for a second term since 13 February 2008. The Ombudsmen's Office is an *expressis verbis* institute provided for in the Constitution, with a task of investigating complaints about abuse of office or red tape by state or municipal officials. Under the Law on the Seimas Ombudsmen, the primary task of the Ombudsmen is to protect a person's right to sound public administration that ensures human rights and freedoms and to monitor whether public authorities carry out their duty to serve people properly. Having investigated a complaint about actions and/or emissions by state or municipal officials in violation of human rights and freedoms in the area of public administration, an Ombudsman issues a suggestion (recommendation) to the institution concerned and the responsible official. In investigating complaints, taking decisions and issuing recommendations, the Seimas Ombudsman exercises the rights provided for in Article 19 of the Law on the Seimas Ombudsmen.

14. The current version of the Law on the Seimas Ombudsmen provides that the Seimas Ombudsman's recommendation is to be examined by the institution or the official to whom the recommendation is addressed. Under the new version of the Law on the Seimas Ombudsmen that came into force on 25 November 2004, the institution or the official concerned must report the results of the examination of the recommendation to the Seimas Ombudsman concerned. Owing to inefficient control, the rate of implementation of the Seimas Ombudsmen's recommendations was only 67% on average in 1995–2005. In its Resolution on the Seimas Ombudsmen's Performance Report for 2005, the Seimas of the Republic of Lithuania urged heads of state or municipal authorities and other institutions with public administration functions to implement the Seimas Ombudsmen's recommendations in time and to eliminate and prevent violations of human rights in the area of public administration. The Resolution obliged the Government of the Republic of Lithuania to monitor the implementation of the Seimas Ombudsmen's recommendations issued to state or municipal authorities. The Resolution also proposed that the Office of the Seimas Ombudsmen should regularly inform the Government of the Republic of Lithuania on the recommendations issued to state institutions, and Government representatives on the recommendations issued to municipal institutions. This enhanced attention by the Seimas of the Republic of Lithuania and the Office of the Seimas Ombudsmen to the implementation of recommendations and to the improvement of employee qualifications and working conditions, also closer cooperation with the RoL Human Rights Committee, meetings with officials in state or municipal institutions, higher openness of the activities of the Seimas Ombudsmen achieved through publishing all recommendations by the Seimas Ombudsmen on the Internet, have greatly improved the rate of implementation of the Seimas Ombudsmen's recommendations.

15. Below is some statistics on the implementation of the recommendations issued by the Seimas Ombudsmen in the period from 4 May 2004 to 31 December 2008:

- (a) In 2004 (from May 4) – 858 recommendations issued, 67% implemented;
- (b) In 2005 – 895 recommendations issued, 68% implemented;
- (c) In 2006 – 707 recommendations issued, 86% implemented;
- (d) In 2007 – 737 recommendations issued, 93% implemented; and
- (e) In 2008 – 828 recommendations issued, 92% implemented (implementation of 34% of the recommendations still pending).

16. Pursuant to Article 11 of the Law of the Republic of Lithuania on the Seimas Ombudsmen, the Seimas Ombudsmen submit, before 15 March each year, a performance report for the previous year to the Seimas and publish it on the website of the Seimas

Ombudsmen's Office. The reports give consolidated information on the recommendations issued by the Ombudsmen and the results of their implementation.

17. On 1 December 1998, the Seimas passed the Law on Equal Opportunities for Women and Men, which came into force on 1 April 1999. On 20 April 1999, the Seimas appointed the Ombudsman for Equal Opportunities for Women and Men; on May 25, it established the Office of the Ombudsman for Equal Opportunities for Women and Men and approved the Statute of the Office. The scope of action of the Ombudsman for Equal Opportunities has expanded since 2004 – it now includes investigation of complaints about discrimination and harassment on the grounds of gender, race, national background, language, origin, social status, religion, convictions or opinions, age, sexual orientation, disability, ethnic origin, religion. In the period from 4 May 2004 to 31 December 2008, the Ombudsman for Equal Opportunities has issued, within his remit, 178 recommendations to public and private sector institutions to discontinue actions that violate the principle of equal opportunities and/or to replace or cancel a related act, as well as other recommendations concerning the implementation of equal opportunities in various areas. 80% of the Equal Opportunities Ombudsman's recommendations were implemented.

18. On 14 March 1996, the Seimas passed the Law on Fundamentals of Protection of the Rights of the Child, which transposed all key provisions of the Convention on the Rights of the Child. On 25 May 2000, with a view to ensuring the implementation of the provisions and obligations enshrined in the Constitution and other legislation of the Republic of Lithuania as well as international agreements to which the Republic of Lithuania is a party, the Seimas adopted the Law on the Ombudsman for Children, followed by a resolution on the Office of the Ombudsman for Children adopted on 18 July 2000. The resolution detailed the functions of the Ombudsman for Children and laid down the legal basis for the work of the Office of the Ombudsman for Children which was established on 1 September 2000. The Ombudsman was appointed by a resolution of the Seimas on 1 November 2000. In the light of experience and changes in the activities of the Office of the Ombudsman for Children and wider powers granted by the legislator to the Seimas Ombudsmen, the Ombudsman for Children has initiated amendments to the Law of the Republic of Lithuania on the Ombudsman for Children (passed on 18 December 2007). Following amendments to the Law on the Seimas Ombudsmen of the Republic of Lithuania passed on 4 November 2004 and with a view to optimising the possibility for the Ombudsman for Children to protect and defend the rights and legitimate interests of the child in Lithuania, the Seimas of the Republic of Lithuania passed amendments to the Law on the Ombudsman for Children (recast) to update the list of decisions that may be taken by the Ombudsman and to expand the Ombudsman's powers. In addition to the previous powers, the Ombudsman for Children was given the power to demand explanations and written or oral information from persons whose actions are under investigation or who know the situation concerning the subject matter of the investigation, to interrogate persons, to communicate with the affected children freely and directly, to videotape, make photos, make audio and vide recordings, use other technical instruments during investigations in accordance with laws and without violating the persons' right to privacy, to set up working groups and commissions for drafting legal acts and proposals and for organising various events or addressing other relevant issues, to inform the President, the Seimas, the Government, the relevant municipal council and other authorities, agencies and enterprises on violations, deficiencies, conflicts, and gaps in legal acts.

19. In contrast to other Ombudsmen of the Seimas who are authorised by the legislator to participate in judicial proceedings, the Ombudsman for Children does not have the right to address courts for the dismissal from office of officials guilty of abuse of office or excessive red tape. This difference in powers is principally triggered by the difference in practical areas of activity and practical implementation of the powers attributed to the Ombudsman for Children and other Ombudsmen of the Seimas. Deficient activities or

conduct by individual persons disclosed during investigations by the Ombudsman for Children are not always related to failure to discharge one's official duties, bearing in mind the fact that violations of the rights of the child may occur in a wide range of situations. In this light, the legislator has given the power to the Ombudsman for Children to adopt decisions suggesting (initiating) that disciplinary, administrative, civil or criminal liability be imposed on persons who have violated the rights and legitimate interests of the child; the status of the Ombudsman for Children allows reaching the goals of the decisions adopted and to eliminate causes of such violations. To sum up, the systemic explanation of the ultimate goal of activities of the Ombudsman for Children and the powers granted to the Ombudsman is the basic task of this specialised institution, i.e. to prevent violations of the rights and legitimate interests of the child by drawing attention of individual entities to their professional or private actions or conduct rather than punishing the violator.

20. The Ombudsman for Children controls and monitors the implementation of legal acts governing the protection of the rights and legitimate interests of the child in Lithuania, controls and coordinates activities of institutions established in Lithuania for the protection of the rights of the child, cooperates with Lithuanian and foreign public authorities, institutions and organisations, international organisations and persons, promotes and supports private and public initiatives in the field of protection of the rights and legitimate interests of the child. All this add up to the overall mission of the Ombudsman for Children, i.e. to protect and defend the rights and legitimate interests of the child in the widest sense. Another important aspect to mention is the fact that the monitoring and improvement (by making proposals for improvements in the current system and by initiating changes in the widest sense) of the protection of the rights of the child are among top priorities in the activities of the Ombudsman for Children. This leads to minimisation of the probability of violations of the rights of the child both in specific and general situations.

21. Considering the priorities of this specialised defender of the rights of the child, the new version of the Law has expanded the powers of the Ombudsman for Children, i.e. additional rights were granted by the legislator to the Ombudsman for Children — to coordinate actions taken by state or municipal institutions, non-governmental organisations and other legal and natural persons in addressing issues related to the protection and enforcement of the rights and legitimate interests of the child, to promote interinstitutional cooperation, and to make proposals — without investigating in substance a complaint that is outside the scope of competence of the Ombudsman for Children — to relevant institutions, agencies and organisations concerning improvements to be made in the area of protection of the rights and legitimate interests of the child so as to prevent violations thereof, believing that these new powers will play a greater role and will allow achieving the tasks set for the Ombudsman for Children, i.e. to improve legal protection of the child, protect the rights and legitimate interests of the child, ensure the enforcement of the rights and legitimate interests of the child laid down in international and national law, monitor and control enforcement and protection of the rights of the child in Lithuania.

22. A new version of the Law of the Republic of Lithuania on Reimbursement of Damage Caused by Illegal Actions by Public Authorities and on Representation of the State (hereinafter referred to as 'the Law') came into force on 27 October 2005. Paragraph 6 was added to Article 2(2) of the Law concerning reimbursement of damage caused in the Republic of Lithuania by actions/omissions by foreign officials who, being members of a joint investigation team of the European Union, carried out criminal investigations in the Republic of Lithuania, to set that the damage shall be reimbursed under the same conditions and in the same procedure as that applicable with respect to damage caused by officials of the Republic of Lithuania. Article 2 of the Law was also supplemented by paragraphs 7, 8, 9 and 10. The new paragraphs 7 and 8 of Article 2 of the Law stipulate cases when reimbursement shall not be sought for damage caused by illegal actions/decisions taken by the institutions administering the State Social Insurance Fund or the State Patients' Fund

under the Ministry of Health and local offices of the State Patients' Fund as well as damage caused by illegal actions of public authorities to their employees provided that legal acts governing labour relations have been properly applied. Article 2(9) of the Law provides for the reimbursement of damage caused by officials of the Republic of Lithuania in the territory of a foreign state while participating in a joint investigation team of the European Union. Article 2(10) of the Law sets the obligation for a public authority sued for damages to notify the Ministry of Justice thereabout. The Law was also supplemented with Article 5-1, which determines the institution to represent the Republic of Lithuania: the State shall be represented by the institution which has taken the disputed decision or performed the disputed action or omission. Where the case is complicated, lawyer assistance may be sought. Article 5-2 of the Law governs the reimbursements of damage when joint investigation teams have been set up to carry out criminal investigations in the territory of the Republic of Lithuania or a foreign state.

Article 3

23. As indicated in the Second Report of the Republic of Lithuania (CCPR/C/LTU/2003/2), the principle of equal opportunities for women and men is enshrined in the Constitution and guaranteed by a number of other laws of the Republic of Lithuania.

24. The Law of the Republic of Lithuania on Equal Opportunities for Women and Men aims to implement the principle enshrined in the Constitution of the Republic of Lithuania that the rights of the human being may not be restricted nor may he be granted any privileges on the ground of gender. Chapter XXV of the Criminal Code of the Republic of Lithuania sets criminal liability for various xenophobic manifestations such as discrimination on the grounds of nationality, race, gender, descent, religion or belonging to any group of persons (Art. 169), or inciting discrimination against a group of persons (Art. 170) or creating a group or organisation aiming at discriminating another group of persons or inciting against it or participating in the activities of such a group or organisation (Art. 171).

25. The Law of the Republic of Lithuania on Equal Opportunities for Women and Men sets an obligation for all state or municipal institutions not only to enforce equal rights for women and men but also to develop and implement various programmes and measures aimed at ensuring equal opportunities for women and men, and to support similar programmes of other public institutions, associations and charitable foundations. The Law regulates matters in such fields as labour relations, education and science, consumer protection and, since 2008, social security. The Law does not apply in the area of family and private life.

26. The Law on Equal Opportunities for Women and Men does not provide for the right of the Ombudsmen for Equal Opportunities to apply to an administrative court with a request to investigate compliance of an administrative act (or a part thereof) to a law or a legal act adopted by the Government. Instead, Article 12(2) of the Law on Equal Opportunities for Women and Men gives the power to the Ombudsman for Equal Opportunities to provide opinions and recommendations on the implementation of the Law in relation to any discrimination-related issues, and make proposals to state or municipal institutions concerning legislative improvements and priorities of the equal opportunities policy. Furthermore, Article 24(3) of the Law establishes that the Ombudsman for Equal Opportunities has the right to investigate administrative offences and impose administrative sanctions.

27. With a view to implementing the Law more efficiently and to improving further the institutional mechanism for the enforcement of gender equality, the Government of the

Republic of Lithuania set up a Commission for Equal Opportunities for Women and Men (hereinafter referred to as 'the Commission') and approved its Statute (Government Resolution No. 266 of 7 March 2000 setting up the Commission for Equal Opportunities for Women and Men and approving its Statute). The Commission reports to the Government before 15 February each year.

28. The Commission is composed of representatives of each ministry, the Department of Statistics, and non-governmental organisations. The composition and the tasks of the Commission were determined not only by the Law of the Republic of Lithuania on Equal Opportunities for Women and Men but also by the need to implement legal acts and programmes of the European Union, the United Nations, the Council of Europe, the Nordic Council of Ministers and other international organisations in the field of equality of women and men. Since 2007, women and men organisations have been delegating up to 4 real members to the Commission to represent the interests of non-governmental organisations. The primary goal of the Commission is to coordinate activities of public authorities and institutions in implementing the policy of equal opportunities and rights of women and men. In pursuing this goal, the Commission has been coordinating two interinstitutional programmes: the National Programme of Equal Opportunities for Women and Men since 2003, and the National Strategy for Combating Violence against Women since 2006. The Commission has 4 meetings a year, in which it reviews the implementation of measures under these two programmes. The meetings are attended by members of the Commission and representatives of the Office of the Ombudsman for Equal Opportunities, the Government, NGOs, gender study centres, and trade unions.

29. The Commission prepares and debates on reports to be submitted to international organisations about the progress of implementation of Lithuania's international commitments in enforcing equality between women and men. The Commission has considered Lithuania's third and fourth reports under the United Nations Convention on the Elimination of All Forms of Discrimination against Women, Lithuania's first and second reports on the implementation of the Beijing Platform for Action, and other reports. The Commission cooperates and shares information and experience with the Office of the Ombudsman for Equal Opportunities, other public authorities and institutions, NGOs, international organisations, foreign public authorities and institutions. The Commission has also contributed to the implementation of the Plan of Measures for 2008–2010 under the Family Welfare Strategy of the National Demographic (Population) Political Strategy, and other national programmes.

30. Members of the Commission are actively cooperating with non-governmental organisations. On 10–11 July 2008, the EQUAL thematic network on reconciliation of work and family life that unites state or municipal authorities, women NGOs, and gender study centres implementing projects aimed at facilitating the reconciliation of family and work commitments, organised a joint session of the thematic network and the Commission to present projects implemented by the thematic network and discuss the Framework for the Reconciliation of Work and Family Commitments. It was recommended to use this Framework in preparing projects under the VP1-1.1-SADM-04-K Measure 'Reconciling Family and Work Commitments' of Priority 1 'Quality Employment and Social Exclusion' of the Operational Programme for the Development of Human Resources 2007–2013.

31. The Government of the Republic of Lithuania has approved, by Resolution No. 1042 of 26 September 2005, the National Programme of Equal Opportunities for Women and Men 2005–2009. This is the second programme aimed at implementing the Law on the Republic of Lithuania on Equal Opportunities for Women and Men in practice. In 2010, the third National Programme of Equal Opportunities for Women and Men and the Plan of Implementing Measures were approved and put into effect.

32. In 2008, the Commission coordinated 36 measures (35 of which were successfully implemented) under the National Programme of Equal Opportunities for Women and Men 2005–2009; 15 of the measures were implemented in cooperation with women NGOs and research institutions. The Ministry of Social Security and Labour implemented 15 measures, 3 of which were implemented in cooperation with the Lithuanian Labour Exchange and the Training Centre of the Lithuanian Labour Exchange; the Ministry of Education and Science, the Ministry of Foreign Affairs and the Ministry of Health implemented 3 measures each; 2 measures were implemented by the Ministry of the Economy; 1 measure by the Ministry of Environment, the Ministry of Transport and Communications, the Ministry of the Interior and the Ministry of Agriculture each; and 5 measures by the Department of Statistics.

33. The comparison of statistical data for 2003 (when the first National Programme of Equal Opportunities for Women and Men 2003–2004 was launched) and 2008 published in the annual publication ‘Women and Men in Lithuania’ by the Department of Statistics reveals that employment among women has grown by 4.3% (employment stood at 58.4% in 2003, 62.2% in 2007, and 62.7% in the IIIQ of 2008), while the rate of unemployment has dropped by as much as 6.3% (unemployment stood at 12.2% in 2003, 4.3% in 2007, and 5.9% in 2008). By the data of Eurostat provided in the report ‘Equality between Women and Men 2008’ from the European Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Lithuania remained in the third position in the EU by the gap between women’s and men’s employment rates. By the rate of employment of older women, Lithuania is in the seventh place in the EU, by the rate of employment of women with children under 12 years of age — in the fourth place, and by the gap between women’s and men’s unemployment — in the sixth place in the EU.

34. In 2007, the gap between women’s and men’s hourly gross wages dropped very slightly – only by 0.2%. In the public sector, however, this gap narrowed by as much as 6.8%, while in the private sector it grew by 6%.

Table 1

Comparison of public, private and national percentages

	2000	2005	2006	2007
Public sector	80.1%	77.9%	81.6%	82%
Private sector	84.9%	82.2%	80.9%	77.8%
National	83.9%	82.4%	83.8%	80.7%

35. The Eurostat data provided in the reports of 2005 and 2008 on the equality between women and men in the European Union shows that the gap between women’s and men’s employment rates in Lithuania is one of the narrowest gaps in the EU. Since 2005, Lithuania has held a stable third place in the EU, and, in terms of the gap of unemployment between women and men, has moved up from the tenth to the sixth position. By many other indicators, Lithuania exceeds or at least does not lag behind the EU average, except for the distribution of women and men among professions and sectors, where Lithuania is well behind the EU average.

36. Since September 2008, the Ministry of the Economy has been publishing a quarterly bulletin, ‘Women and Business’, which provides latest information on policies targeted at promoting entrepreneurship among women, projects ongoing and underway, and other useful information. By the data of the Ministry of Agriculture, 846 people (59 men and 787 women) participated in various events organised by them in 2008. 546 women, of whom 141 women were older than 50 years, participated in basic business training programmes

organised by labour exchanges, aimed at promoting self-employment and entrepreneurial skills. In 2008, 726 women with a record of unemployment of two and more years before registration with the labour exchange and 678 women over 50 years of age were sent to vocational training. 209 women over 50 years of age and 204 women with a record of unemployment of two or more years participated in non-formal education programmes. 139 women, 40 of whom were older than 50 years, participated in professional training and refreshment programmes. Programmes introducing various professions attracted 766 women, 169 of whom were older than 50 years.

37. Women representation in politics and decision-making is changing. By the data of the Central Electoral Commission, 26 women were elected to the Seimas in 2008 (18% of the total number of MPs). 2 women were elected to the new Board of the Seimas which has a total of 7 members. By Eurostat data presented in the report for 2008 from the European Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Lithuania holds the leading position in the EU by the number of women-leaders at all levels (about 40%). By the data of the EU database 'Women and Men in Decision-Making', Lithuania held the seventh place in the EU by the number of women in leading positions of the largest business companies in 2008.

38. In 2008, the Ministry of Health provided financial support to the Lithuanian Society of Contraceptology for publishing articles, producing TV and radio programmes on reproductive health and family planning, and organising education for women, especially in rural areas, on contraception and prevention of sexually transmitted diseases. As part of these measures, a booklet about family planning has been produced and released and is being distributed in primary health-care centres in rural areas, and lectures are being given on issues related to reproductive health.

39. By implementing measures under the Non-Formal Education Programme, the Ministry of Education and Science has organised eight training courses on gender equality, which have attracted 315 participants, and has released a set of training material on the issue of gender equality, 'Fostering Gender Equality in Schools', for teachers and social pedagogues.

40. To strengthen the capacities of civil servants to address gender equality issues, 105 civil servants and workers (59 women and 46 men) of administrative units of the Ministry of the Interior and institutions under the Ministry of the Interior participated in training on gender equality in 2008. 24 workers of the Ministry of Environment and 39 workers of the Ministry of Transport and Communications have used in practice the knowledge acquired in the gender equality training.

41. The Gender Study Institute of the University of Šiauliai has concluded in a study that the gender gap in the labour market is narrowing thanks to the use of the Structural Funds: the gap in unemployment between women and men, the rate of unemployment among older women and men, and the share of the long-term unemployed in the overall number of the unemployed are going down, while the overall employment, including among women, is going up and the pay gap is shrinking in the public sector. Despite that, some areas such as practical enforcement of equality between women and men in education and science, health-care and other sectors as well as the imbalance of gender representation in decision-making still leave a lot to be desired. The study reports that through the use of the Structural Funds Lithuania has made quite a progress compared to other countries in terms of reducing the pay gap between women and men, although horizontal and vertical occupational segregation remains. Conclusions of the study served as the basis for issuing recommendations concerning the methodology for assessing the impact of projects on women and men and proposing impact assessment indicators to be applied in using the EU Structural Funds in 2007–2013.

42. Consistent implementation of legal acts, programmes, measures and projects aimed at ensuring equal opportunities for women and men in all spheres of life have started yielding results which are positively valued both at the European and international levels. A very high recognition of the progress made by Lithuania is the decision to set up the European Institute for Gender Equality in Lithuania. The Institute is the single agency of the European Union addressing gender equality issues. The Institute was opened in Vilnius on 16 December 2009.

43. The Government of the Republic of Lithuania has approved, by Resolution No. 1330 of 22 December 2006, the National Strategy for Combating Violence against Women and the Plan of Implementing Measures for 2007–2009.

44. In 2008, the Commission coordinated 29 measures of the Plan of Implementing Measures for 2007–2009 appended to the National Strategy for Combating Violence against Women. 10 measures were implemented by the Ministry of Social Security and Labour, 1 by the Ministry of National Defence, 5 by the Ministry of Education and Science, 4 by the Ministry of Justice, 1 by the Ministry of the Interior, 1 by the Prison Department under the Ministry of Justice, 4 by the Police Department under the Ministry of the Interior, 1 by the Fire Prevention and Rescue Department under the Ministry of the Interior, 1 by the Department of Statistics, and 1 by the Institute of Law. 4 of the measures were aimed at providing comprehensive assistance to victims of violence, 4 at dissuading violators, 10 at preventing violence against women, 3 at enhancing institutional capacities, 3 at improving the legal framework, and 5 at analysing the situation in terms of violence against women.

45. As part of the National Strategy for Combating Violence against Women and the Plan of Implementing Measures for 2007–2009 approved by the Government of the Republic of Lithuania by Resolution No. 1330 of 22 December 2006, the Ministry of the Interior commissioned the creation of a website for the prevention of violence against women, which was ultimately launched in 2008 (www.bukstipri.lt ('Be Strong')).

46. Pursuant to Order No. 5-V-37 of 21 January 2008 of the Lithuanian Police Commissioner General, specific officers were nominated in local police offices to work specifically on the issue of domestic violence. Since 2007, Lithuanian police offices have been compiling and systemising statistics on domestic violence. This statistics is also published on the website www.bukstipri.lt.

Table 2

Police statistics on notifications of domestic conflicts and violence, 2007–2009

	2007	2008	2009
Registered calls to help solve domestic conflicts	33 165	33 927	41 982
Domestic violence notifications examined by police prevention units	16 180	12 506	12 291
of which about violence against women	10 269	8 066	8 245
Refusals to start a pre-trial investigation	3 802	4 355	4 562
Pre-trial investigations started	823	680	737
Protocols under Article 181 of the Code of Administrative Offences (CAO) of the Republic of Lithuania, 'Failure to Use Parental Power or Use Thereof against the Best Interests of the Child', (for domestic violence)	1 193	1 284	1 794
Protocols under other articles of the CAO (for domestic violence)	938	1 276	1 178

47. The police attribute much importance to the improvement of police officers' skills in the area of prevention of violence against women. In 2003, the police implemented, in cooperation with the Open Society Fund – Lithuania, a training project for police officers, 'Violence and Force in the Family'. The project involved 342 participants. In 2004, the Lithuanian Police Training Centre (LPTC) together with the Centre for Equality Advancement organised a seminar under the title 'Social Situation and Legal Protection of Victims of Violence'. 17 persons participated in the seminar. In addition, Canadian experts organised training in the LPTC on the topic 'Social Situation and Legal Protection of Victims of Violence. Investigation of Child Deaths', in 2004. 26 officers participated in the training. In 2007, the PLTC organised a seminar on domestic violence. In the period of 2007–2008, the LPTC also organised a series of seminars on domestic violence against women, covering legal and psychological aspects of violence, tactics of dealing with domestic violence, application of legal measures available to the police, and specifics of pre-trial investigation of cases of domestic violence against women. In 2008, 53 police officers attended three training workshops on the topic of domestic violence against women, organised by the LPTC. In 2007, the Police Department under the Ministry of the Interior organised a training seminar 'Prevention and Suppression of Domestic Violence. Preparation, Implementation and Assessment of Efficiency of Preventive Projects' for prevention units of local police institutions. In 2007, the Police School of Klaipėda launched a training programme 'Domestic Violence'. Police officers also attend conferences and seminars on the issue of domestic violence, organised by social partners and foreign experts. 43 officers attended a seminar 'Implementation of the National Child Welfare Policy in the Practical Work of Police Officers'. In 2008, the Police Department under the Ministry of the Interior released methodological guidelines (5 thousand copies) and a memo (10 thousand copies) for police officers directly dealing with domestic conflicts. In 2009, the Lithuanian Police School organised 10 seminars on domestic violence in all counties for 164 police officers in total.

48. On 14 June 2008, a new amendment to the Civil Code came into force; it provides for the possibility to impose an obligation on the violator to live separately from the victim (in the previous wording of Art. 3.65(2)(1) of the Civil Code, this protective measure was conditional on 'circumstances permitting'). Since 27 June 2008, two new types of criminal sanctions have been applicable under the Criminal Code: prohibition to come close to the victim and participation in violent behavioural therapy programmes.

49. Since 2007, the Ministry of Social Security and Labour has been organising a selection of projects of institutions and organisations that provide social services for victims of domestic violence and foster cooperation among stakeholders. The projects aim at providing comprehensive assistance to women affected by violence. In 2007, 20 projects were supported, under which assistance was provided to 1838 women victims of violence. In 2008, 29 projects were supported.

50. In 2008, the Ministry of Social Security and Labour organised a tender for projects to provide assistance by telephone to women affected by violence. The aim of such projects is to provide specialised assistance free of charge 24 hours a day and seven days a week in the whole territory of Lithuania to affected women. The winner was the project 'Psychological Assistance by Phone to Women Affected by Violence' proposed by the Social and Psychological Aid Centre of Klaipėda.

51. Since 2007, a number of public awareness raising campaigns on assistance to women victims of violence and availability of such assistance, also on sanctions to violators, have been organised in Lithuania. Lithuania has also contributed to the Council of Europe campaign against violence against women: 2000 posters and 5000 markers were produced to encourage women affected by violence to seek assistance. These were distributed in municipal and regional crisis centres, municipalities, and wards. As part of

the global campaign '16 Days without Violence', a social campaign was organised in Vilnius, Kaunas and Klaipėda to draw attention to the problem of domestic violence in Lithuania and to contribute to the efforts to reduce the scale of the problem. The campaign involved running a truck with a social ad urging women affected by violence to seek assistance. The 2008 awareness-raising campaign continued the activities started in 2007: a mobile bureau of experts provided information on assistance available to victims of violence, disseminated information on the free hot-line for women victims of violence, distributed, through motor-shops in rural areas, informational leaflets on the availability of assistance.

52. Since 2007, support has been available for projects aimed at establishing crisis centres for men and setting up self-assistance groups of violators. Support was given to 6 projects in 2007 and 9 in 2008. LTL 100 thousand a year were allocated in the state budget for these projects each. In 2007, 152 violators wishing to be cured of violent behaviour participated in the projects; they were provided with individual psychological consultations and attended therapy groups. In 2007, project promoters gave 52 training sessions to social workers in wards and non-governmental organisations as well as police officers. Some projects involved training of volunteer consultants working to reduce violence against women. In addition, 4 conferences were held to discuss ways to reduce violence against women.

53. To find a comprehensive solution to the problem of violence against women, a number of round-table discussions among the Police Department, the General Prosecutor's Office, other stakeholders and NGOs providing assistance to victims have been held in Lithuania since 2007. In 2008, the Ministry of Social Security and Labour organised a round-table discussion involving NGOs and public authorities engaged in the reduction of violence against women. The following basic conclusions were made: there is a need to adopt a law on protection against domestic violence, to amend the criminal law to replace private prosecution for violence against women with public prosecution, to provide full and free-of-charge assistance to victims of violence, and to start applying the sanction of separation of the violator in practice.

54. Combating violence in the private area is one of the priorities of the social policy of the state. Therefore, in the light of the complexity of the problem and with a view to ensuring efficient legal protection of persons affected by violence in the private area, the ongoing social measures (women education, aid centres, hot-lines, etc.) are complemented by efforts to improve legal instruments. As part of the Fifth Action Programme of the Government of the Republic of Lithuania approved by Resolution No. XI-52 of 9 December 2008 of the Seimas of the Republic of Lithuania, the Minister of Social Security and Labours has set up, by Order No. A1-157 of 24 March 2009, an interinstitutional working group tasked with drafting a law on protection against violence in the private area. The law will aim at protecting natural persons in the private area from violence which, due to the scale of damage to the general public, is classified as an offence against the public, ensuring a rapid response to offences, applying preventive impact measures, providing adequate assistance, and undertaking other preventive-type measures.

55. The draft law on protection against violence in the private area provides for a comprehensive legal regulation of protection against violence. The law provides for educative preventive measures, preventive impact measures against violators and systemic comprehensive assistance to victims. It defines the concepts of the victim and the violator as well as violence in the private area, various types of violence, powers of state and municipal institutions in combating violence, and other legal aspects. The draft law will be discussed by the Government on 21 July 2010, before being tabled to the Seimas.

56. The Ministry of Justice has drafted a law amending Articles 34, 132¹, 151, 342, 362, 364, 365, 409, 412 of the Code of Criminal Procedure, amending and supplementing the

Annex to the Code and adding Articles 17³, 365³, 365⁴ to the Code, and submitted it to the Government of the Republic of Lithuania for consideration. One of the goals of the draft law (other goals of the law are related to the transposition of the European Union law) is to expand the rights of the victim of domestic violence to act as the private prosecutor in private prosecution proceedings (e.g. the right to apply to courts with a request to impose a suppressive measure on the violator – obligation to live separately from the victim). Also, certain procedural actions were introduced to protect the victim of domestic violence. On 26 November 2004, a law amending Articles 120, 121 and 126 of the Code of Criminal Procedure and adding Article 132¹ to the Code to expand the list of suppressive measures with a new measure – obligation to live separately from the victim, came into force. This suppressive measure obliging the suspect to live separately from the victim may be applied when there are justified reasons to believe that the suspect will try to make an illegal impact on the victim or is likely to continue criminal behaviour against the victim or other persons living together with the victim. The obligation to live separately from the victim might be imposed together with an obligation not to communicate or seek contacts with the victim or other persons cohabiting with the victim and not to appear at certain specified places to prevent encounter with the victim or such cohabiting persons.

57. This would help prevent the risk of revenge by the violator by assigning his property to third persons so as to literally force the victim on the streets. The law also seeks to ensure that the prosecutor demonstrates full diligence in performing his duty to protect public interests and takes action without delay to safeguard the interests of people who cannot protect themselves. To reach this goal, the draft law sets a duty for the court to inform the prosecutor on the circumstances that came to light during the pre-trial investigation, due to which the victim of domestic violence (the injured party) cannot defend his rights and his affected interests properly, and the prosecutor shall, in such case, be obliged to deliver a declaration that he will act as a public prosecutor in the case. These legal amendments are expected to ensure efficient legal protection of victims of domestic violence.

58. On 12 June 2008, the Seimas of the Republic of Lithuania passed the Law Amending Articles 42, 67, 129, 135, 138 of, and Adding Articles 721, 722 to, the Criminal Code of the Republic of Lithuania, to introduce new criminal sanctions on violators – participation in violent behaviour therapy programmes and prohibition to come close to the victim. Pursuant to Article 67(3) of the Criminal Code, these sanctions may be accompanied by a penalty.

59. On 1 June 2006, the Seimas of the Republic of Lithuania passed the Law Amending and Supplementing the Code of Criminal Procedure, the Code of Enforcement of Sentences and the Law on Pre-Trial Detention (the new title – the Law on Custody) (*Valstybės žinios* (Official Gazette) No. 68-2494, 2006), which sets an obligation for the prosecutor or the pre-trial investigation officer to inform the injured party on taking the suspect into custody and to find out whether the injured party wishes to be informed of the anticipated release of the suspect from custody. Relevant programmes and plans of implementing measures are underway, aimed not only at ensuring efficient fight against domestic violence by legal instruments but also at providing efficient social support to victims of domestic violence.

60. On 26 August 2009, a conference ‘Violence against Women, Children and Youth – Results and Recommendations of an International Study’ was held to present results of the study ‘Policies to Combat Violence against Women, Children and Youth in Countries that Joined the EU in 2004’ and the book ‘Violence in the EU Examined’ which gives an analysis of results and makes recommendations. The recommendations include the urging from the EU to adopt laws to define the status of children witnesses of domestic violence and treat them as victims of violence, and the need to cover, in laws, new ways of crime — bullying, filming sexual violence against children, and harassment — opened up by new technologies. The international study conducted in 2007–2009 involved the collection and

analysis of legislation in the area of violence against women, children and young people adopted in the period of 1991–2006 in the ten countries that joined the EU in 2004 (the Czech Republic, Estonia, Cyprus, Latvia, Poland, Lithuania, Malta, Slovakia, Slovenia, and Hungary). Special focus was placed on compliance of national legal provisions to the EU legislation. The study revealed that the binding character of EU legislation accelerates efforts by Member States to improve their legal frameworks in addressing the problems of violence against women, children and youth. Transposition of the EU directive on sexual harassment at work or trafficking in human beings resulted in such crimes being defined and regulated by the national law. However, the interpretation of domestic violence in the national law varies among these countries.

61. In 2008, the Ministry of Social Security and Labour commissioned a research 'Analysis of Domestic Violence against Women and Assessment of the Situation of Victims of Domestic Violence'. A poll conducted as part of the research reported that 56% of divorced and still single women had suffered from violence in the family. In recent years, 15% of married women were suffering from domestic violence in Lithuania. Nearly two-thirds of them were subjected to violent behaviour every month or even more frequently.

62. In 2005, a series of seminars on the topic 'Aspects of Investigation of Child Deaths' were organised under the Lithuanian–Canadian police cooperation project; the seminars were attended by 96 participants in total. In 2008, the Police Department organised a seminar 'Prevention of Domestic Violence against Children and Assistance to the Children', which was attended by 40 participants.

63. Pursuant to paragraph 8.14 of the General Regulations of Municipal Services for the Protection of the Rights of the Child, approved by Resolution No. 1983 of 17 December 2002 of the Government of the Republic of Lithuania, municipal child rights protection services collect reports on children affected by violence and organise assistance to them. By the data of the Child Rights Protection Service, 1778 cases of violence against children were reported in 2007, 1639 in 2006, 2311 in 2005, and 2359 in 2004. In 2007, physical violence accounted for the largest share (56%) of the total cases of violence, followed by psychological violence which accounted for 38%, and sexual violence, for 6%. However, account must be taken of the fact that physical violence is more visible and thus more easily identifiable than psychological violence or sexual exploitation for commercial purposes. Occurrence of the latter types of violence can be identified and proved only by a competent qualified specialist and through close interinstitutional cooperation; children victimised by such violence need comprehensive assistance and respect of confidentiality.

64. Analysis of data on distribution of cases of violence among girls and boys reveals that boys suffer from violence more often than girls. In 2007, 1048 cases of violence against boys were recorded: 637 boys were subjected to physical violence, 29 to sexual violence, and as many as 382 to psychological violence. As for girls, 85 out of 730 girl victims of violence were subjected to sexual violence, 351 to physical violence, and 394 to psychological violence. This leads to the conclusion that boys are more liable to physical violence, and girls to sexual violence.

65. Analysis of data on the prevalence of violence against children in Lithuania shows higher prevalence of violence in urban than rural areas, cf. 732 cases of violence (41%) in rural and 1046 cases of violence (59%) in urban areas have been recorded. Assistance to child victims of violence is organised by municipalities. They organise social work with the family concerned and provide services of a psychologist, social worker and/or social pedagogue to the child. Psychological consultations are more often provided to urban children because of unavailability of this kind of assistance to the child and the family in rural areas.

66. According to the data of the Child Rights Protection Service, assistance to children affected by violence and to their families was organised 2627 times in 2007 (2404 times in 2006). In the cases of violence against children, victims were most often provided with comprehensive assistance (psychological, legal, social and medical) – 590 times. In 310 instances, this kind of assistance was provided to children individually, and in 255 instances – both to the children and the family. Psychological consultations were provided in 487 instances in 2007.

67. As part of the National Programme for the Prevention of Violence against Children and for Assistance to Children for 2005–2007 approved by the Government of the Republic of Lithuania by Resolution No. 491 of 4 May 2005 (*Valstybės žinios* (Official Gazette) No. 5-2021, 2005), tenders for projects of short-term and long-term comprehensive assistance to children affected by violence and to their families are announced every year. In 2006, 16 institutions were supported in Lithuania. Under these projects, psychological, legal and social assistance was provided to more than 700 children who had suffered from violence. In 2007, 10 projects provided assistance to 513 children affected by emotional, physical or sexual violence. One project provided assistance to 51 children on average. Among child victims of violence, more girls than boys were institutionalised in 2007 (55% and 45%, respectively). As part of the Programme, about 1500 children and their family members were provided with free-of-charge social, medical, legal and psychological assistance. 649 specialists were trained to identify different types of violence, nature of violence, and the type of assistance needed. The Programme also involved the Police Department under the Ministry of the Interior and local police offices. Commissioned by the Ministry of Social Security and Labour, the company UAB ‘BGI Consulting’ conducted monitoring of the National Programme for the Prevention of Violence against Children and for Assistance to Children for 2005–2007.

68. To ensure continuity of the National Programme for the Prevention of Violence against Children and for Assistance to Children for 2005–2007, the Government of the Republic of Lithuania has approved, by Resolution No. 392 of 24 April 2008, a follow-up programme, the National Programme for the Prevention of Violence against Children and for Assistance to Children for 2008–2010.

69. In the light of the growing number of crimes against the freedom of sexual determination or inviolability of the child in Lithuania, the Ministry of Social Security and Labour had initiated and proposed a draft law amending Article 49 and adding Article 47¹ to the Law of the Republic of Lithuania on Fundamentals of Protection of the Rights of the Child, which was approved by the Government on 24 April 2008. The aim of the amendments to the Law on Fundamentals of Protection of the Rights of the Child is to set a prohibition for persons who have been convicted for crimes against the freedom of sexual determination or inviolability of the child — despite the fact that the conviction has already expired — to work in social, health-care, sport or educational institutions and organisations for children, irrespective of the nature of his functions in such institution or organisation, where these functions are directly related to taking care (on a permanent or temporary basis) or ensuring security of children.

70. Since 2008, the Police Department under the Ministry of the Interior and local police offices have been cooperating in implementing the National Programme for the Prevention of Violence against Children and for Assistance to Children for 2008–2010. As part of the Programme’s implementing measures for 2008, a tender for preventive projects under the slogan ‘Safe and Sound in School’ was launched. The Police Department selected and financed 12 projects implemented by local police offices and non-governmental organisations.

71. In 2008, local police offices recorded 490 children (748 in 2007) damaged by their parents (stepparents or foster parents), guardians, or close relatives, which accounted for

13.2% of the total number children affected by criminal acts in 2008. The police investigated 14 crimes under Article 163 of the Criminal Code of the Republic of Lithuania ('Abuse of the Rights or Duties of Parents, a Guardian or Custodian or Other Lawful Representatives of a Child') in 2008 and 15 such crimes in 2007.

Article 4

72. The Constitution of the Republic of Lithuania provides for two types of emergency situations: martial law (in the case of external armed attack or military operations) and the state of emergency (in the case of internal threat to peace or constitutional regime). None of the two situations have ever been declared in the Republic of Lithuania.

73. Third indent of Article 144 of the Constitution sets that the state of emergency shall be regulated by law. The Law on the Republic of Lithuania on the State of Emergency was passed on 6 June 2002. The Law regulates quite exhaustively issues related to the declaration of the state of emergency (the cases in which the state of emergency can be declared in the whole territory of the State or a part thereof, the subjects, how and which human rights and freedoms may be restricted). Section Four of the Law defines restrictions on the use of rights and freedoms and other emergency measures and their application during the state of emergency. It also specifies the rights that may not be restricted. The Law contains a provision that the restrictions imposed may not be in conflict with commitments of the Republic of Lithuania under the international law.

74. Another law defining restrictions of human rights in emergency situations is the Law of the Republic of Lithuania on Martial Law passed on 8 June 2000. Section Three of the Law specifies when and what subjects can impose restrictions on human rights and freedoms, which human rights and freedoms may be restricted and by what actions. Under this Law (Art. 8–15), restrictions may be imposed on the human right to inviolability of private life, human right to inviolability of housing, right to express opinion, right to search for, obtain and disseminate information, freedom to move, right to form political parties, political organisations and non-governmental organisations and associations, and the right of assembly.

75. The Law allows only those restrictions on human rights and freedoms which are allowed, on a temporary basis, by Article 145 of the Constitution in the case of declaration of martial law or the state of emergency. It also specifies the rights and freedoms that may not be constrained during the state of emergency. The Law provides that the right to enter the Republic of Lithuania (Art. 12) and the right to return to the Republic of Lithuania and settle here (Art. 13) shall be restricted during the period of martial law.

76. Legal provisions of the Republic of Lithuania are compliant with the provisions of Article 4 of the Covenant and Articles 14–15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms laying down the conditions when a Contracting Party may take measures derogating from its obligations under the Covenant (consistency with its other obligations under international law and non-discrimination on any ground such as gender, race, colour, language, religion, or social origin).

Article 6

77. Within the framework of the National HIV/AIDS Prevention and Control Programme for 2003–2008 approved by Resolution No. 1273 of 14 October 2003 of the Government of the Republic of Lithuania, the Ministry of Education and Science was implementing all measures set out in the Plan of Implementing Measures for the National HIV/AIDS Prevention and Control Programme for 2003–2008. Teachers were invited to

training courses on sexual education in schools, sexual health of schoolchildren, and prevention of HIV and related infections. The measures of the Programme were implemented in cooperation with the Teachers' Professional Development Centre, the Lithuanian Children and Youth Centre, the Lithuanian Schoolchildren Information and Technical Creation Centre, and the Lithuanian AIDS Centre.

78. In 2008, the Ministry of Education and Science announced a contest 'We are against AIDS' dedicated to the World AIDS Day. The goals of the contest were to promote moral values, foster responsibility for oneself and the surrounding people, draw attention to the HIV/AIDS-related problems in Lithuania and the rest of the world, warn the contemporaries of the consequences of precarious behaviour, and promote tolerance to HIV-infected persons and AIDS patients. This is a continuing project, involving schoolchildren's painting, composition, computer poster and photography contest (running since 1994) and a social ad contest against HIV/AIDS under the slogan 'We are against AIDS' (running since 1999); in 2007, it went in accordance with regulations approved by Order No. ISAK-1243 of 30 April 2008 of the Minister of Education and Science. 755 schoolchildren took part in the contest this year.

79. Every year, about 2500 women aged between 15 and 19 give birth in Lithuania. Unplanned pregnancies in the 15–19 age group account for 25% (by the data of the Lithuanian Health Information Centre for 2006, covering public institutions only). 900 abortions are performed annually to women under 20 years of age in Lithuania. 13% of the total number of abortions are performed to girls aged 15–19 (by the data of the Lithuanian Health Information Centre for 2006). About 24% of all abortions are first pregnancy abortions; in the 15–19 age group, this figure stands at 72% (by the data of the Lithuanian Health Information Centre for 2006, covering public institutions only).

Table 3

Induced abortions in girls under 15 years

Year	Total number of induced abortions	Of which under the age of 15 years	
		In absolute figures	As a share of the total number of induced abortions, %
2004	10 644	3	0.03
2005	9 972	8	0.08
2006			
of which:	9 536	6	0.06
rural women	2 332	1	0.01
2007			
of which:	9 596	7	0.1
rural women	2 294	3	0.1

Table 4

Induced abortions in girls of 15–17 years

Year	Total number of induced abortions	Aged 15–17 years	
		In absolute figures	As a share of the total number of induced abortions, %
2004	10 644	905*	8.5*
2005	9 972	820*	8.2*

Year	Total number of induced abortions	Aged 15–17 years	
		In absolute figures	As a share of the total number of induced abortions, %
2006			
of which:	9 536	213	2.2
rural women	2 332	55	0.6
2007			
of which:	9 596	228	2.4
rural women	2 294	52	0.5

* Aged 15–19 years.

80. By the data of the Department of Statistics under the Government of the Republic of Lithuania, 10.7 (in 2006) to 10.9 (in 2007) abortions per 1000 women of reproductive age (aged 15–49) are performed annually in Lithuania. Fifteen-year-old and younger girls give from 60 to 120, sixteen-year-olds about 300, and seventeen-year-olds about 800 births a year.

81. 3 to 4 new cases of HIV are recorded annually in the 15–19 age group, and the situation remains stable thanks to the preventive measures carried out. As of 1 January 2009, 56 cases of HIV among people aged 15–19 have been recorded in Lithuania in total. The main channel of transmission is the injected drugs. 46 persons in the said age group were infected in this way. 11 out of the 56 HIV-infected persons are women. 7 of them have acquired HIV infection by using injected drugs, 3 through heterosexual intercourse, and 1 in an unidentified way.

82. As of 1 January 2009, 218 HIV-infected women have been recorded in Lithuania and the number is continually growing. As regards the way of acquiring the infection, most of the women (118) were infected by using injected drugs, and 76 through heterosexual intercourse. More and more women appear to acquire HIV infection through heterosexual intercourse.

83. In 2007, the first case of mother-to-child HIV transmission was recorded in Lithuania. To prevent perinatal (mother-to-child) transmission of HIV, all pregnant women are tested for HIV twice during pregnancy. All HIV-positive women are subjected to mother-to-child HIV transmission prevention measures. Two educational-methodological publications, 'Mother-to-Child Transmission of HIV' (10,000 copies) and 'Characteristics of HIV Infection in Children' (200 copies), were produced and released in 2007. To enhance competences of health-care specialists in this area, the Lithuanian AIDS Centre organises training courses 'Multisectoral HIV Management System' and training workshops (conferences) to obstetricians-gynaecologists, family doctors, nurses and health administrators on perinatal transmission of HIV, its prevention and consequences.

84. By the data of the Lithuanian AIDS Centre, 70 persons died of AIDS in the period of 1989–2008. The main strategic document governing HIV/AIDS prevention and control is the National HIV/AIDS Prevention and Control Programme implemented since 1990. In 2008, the National HIV/AIDS Prevention and Control Programme 2003–2008 was in force.

85. The first programmes for educating young people on the issue of HIV/AIDS, on the basis of which the Ministry of Education and Science mainstreamed HIV/AIDS-related topics into general curricula, were developed in 1992–1993. Young people receive basic information on HIV already at school, under the Preparation for Family Life and Sexual Education Programme implemented in accordance with methodological guidelines for the

development of programmes for preparing children and youth for family life developed by a group of authors.

86. To improve accessibility of services, various campaigns attractive to young people are organised regularly, such as 'Test for HIV free of charge', 'Do not Thump', 'Come and Test for STD', 'Coloured (not a Gift)', 'Protect Yourself and Your Partner'. To educate young adolescents so that they can successfully grow into adults and so that they receive sufficient information on how to protect themselves from violence, coercion, HIV/AIDS and other sexually transmitted diseases, drugs, depression and other factors that could ruin life, the Lithuanian AIDS Centre has set up and successfully runs, with support from a charity foundation of the Queen of Sweden, a day-care centre for adolescent girls 'Pasaka' (Fairytale).

87. In 2001, international experts of the United Nations Children's Fund, having performed a study on the opportunities and obstacles of raising HIV/AIDS awareness among young people in Lithuania, gave a positive evaluation of the progress made in the country and of the interinstitutional cooperation between health and education sectors as well as non-formal education initiatives.

Article 7

88. As an update to the information supplied in its Second Report (CCPR/C/LTU/2003/2), the Republic of Lithuania presents the following information on the implementation of the provisions of Article 7 of the Covenant in Lithuania.

89. According to Article 41 of the currently applicable version of the Criminal Code, which defines the purpose of penalty, the penalty is not to be imposed as a means to inflict physical pain or to degrade a person. According to paragraph 2(7) of Article 54 on the basic principles of imposition of a penalty, a court shall determine the penalty by taking into consideration mitigating and aggravating circumstances. One of such aggravating circumstances listed in Article 60 of the Criminal Code is the committal of the criminal act by torturing or taunting the victim (Art. (60)(1)(4)). Also, torture or other cruel behaviour is defined as a qualifying feature of a criminal act in Article 129(2)(6) (intentional murder), Article 135(2)(6) (severe health impairment), and Article 138(2)(6) (non-severe health impairment) of the Criminal Code. Moreover, Article 140 of the Criminal Code sets criminal liability for causing physical pain or negligible health impairment.

90. Article 120(1) of the Code of Enforcement of Sentences (CES) of the Republic of Lithuania allows using the following special means in correctional facilities in the cases and according to the procedure set in laws: handcuffs, straitjackets and other bonding tools, rubber batons, combat wrestling, gas, water jet guns, police dogs, armoured vehicles, and other equipment. Article 120(5) requires that the use of special means causing damage to a person's health be immediately reported to a prosecutor and that an internal investigation be conducted.

91. Articles 123 and 124 of the CES govern the bases and the procedure for using water jet guns, special purpose gas, armoured vehicles, firearms and other equipment at correctional facilities. These articles also require that the use of the above-mentioned means at correctional facilities be immediately reported to a prosecutor who may then order an internal investigation.

92. Article 183 of the CES lays down the procedure for appealing against actions and decisions of penal institutions and officers. Article 183(5) sets that actions and decisions of penal institutions and officers may be appealed against to ombudsmen appointed by the Seimas or to other public authorities (including courts).

93. As regards measures implementing Article 7 of the International Covenant on Civil and Political Rights, Article 130(2) of the Law places an imperative prohibition to deport or repatriate an alien from the Republic of Lithuania to another state when there are sound reasons to believe that the alien will be subjected to torture or to cruel, inhuman or degrading treatment or punishment in that state. The Law does not provide for any derogation from this prohibition; thus, Lithuania has fully implemented Article 7 of the Covenant.

94. Courts, prosecutor's offices and the Seimas Ombudsmen are independent institutions in the Republic of Lithuania, which means that there already are sufficient possibilities for independent investigations and decisions on the illegal use of force by penal officers.

95. Illegal use of physical coercion by a police officer while on duty qualifies as an intentional criminal act punishable under Article 228(1) of the Criminal Code of the Republic of Lithuania. As for improper, illegal or criminal treatment of detainees by police officers, the current mechanism of investigation of police actions, laid down in legal acts of the Republic of Lithuania, ensures objective, impartial and full investigation of illegal or possibly criminal conduct by police officers, because it provides for various appeal procedures.

96. Acting in accordance with laws of the Republic of Lithuania, the police itself carries out investigations of police actions, in response to complaints received directly about police misconduct or on its own initiative. In such cases, internal investigations are performed and, if features of a criminal act are found, pre-trial investigations are initiated.

97. Before November 2009, internal investigations by police were monitored by the General Inspector's Division of the Ministry of the Interior instructed by the management of the Ministry of the Interior; now they are monitored by the Personnel Department of the Ministry. The Division investigated claims and complaints about completed internal investigations, assessed the objectivity and soundness of conclusions of completed internal investigations on the instruction of the management of the Ministry, or conducted internal investigations of alleged illegal conduct by police officers itself on the instruction of the Minister.

98. In 2006, the General Inspector's Division of the Ministry of the Interior received and investigated 28 complaints and claims about police actions, and assessed the objectivity and soundness of conclusions of 41 internal investigations conducted by police institutions; in 2007, these figures were 10 and 52, respectively.

99. Lithuanian laws provide for a possibility to lodge a complaint to relevant independent public authorities against actions performed by police officers. Complaints about misconduct by police officers or police institutions may be lodged with the following institutions: 1) prosecutor's offices, 2) Ombudsmen of the Seimas of the Republic of Lithuania, 3) Equal Opportunities Ombudsman, and 4) administrative courts. Article 169 of the Code of Criminal Procedure (CCP) of the Republic of Lithuania sets that, having received a complaint, application or notification about a committed criminal act or having found elements of the criminal act himself, the prosecutor shall immediately institute a pre-trial investigation. Having instituted a pre-trial investigation, the prosecutor shall conduct all the necessary actions of pre-trial investigation himself or assign this task to a pre-trial investigation institution. Article 170(2) of the CCP sets that where a pre-trial investigation is performed in full or in part by pre-trial investigation officers, the prosecutor shall monitor the progress of the pre-trial investigation. Article 170(3) of the CCP gives the power to the prosecutor to give binding instructions to pre-trial investigation officers and cancel their decisions deemed illegal or unjustified.

100. The prosecutor's procedural actions and decisions may be appealed against to a higher-ranking prosecutor. If the higher-ranking prosecutor dismisses the appeal, the action or decision may be further appealed to a pre-trial investigation judge. Ombudsmen of the Seimas of the Republic of Lithuania appointed by the Seimas investigate complaints about the abuse of power, bureaucracy or other forms of violation of human rights and freedoms committed by officers in the field of public administration, including complaints about police actions that prejudice human rights and freedoms. Seimas Ombudsmen have the right to refer the investigation to a pre-trial investigation body or a prosecutor when features of a criminal act are found, to address to courts for the dismissal of officers found guilty of abuse of power or bureaucracy from office, and to recommend that the institution concerned impose disciplinary sanctions on the guilty officers. The Equal Opportunities Ombudsman appointed by the Seimas of the Republic of Lithuania investigates complaints about direct and indirect discrimination and harassment on the grounds of gender, age, sexual orientation, disability, racial or ethnic origin, religion or beliefs. Complaints may be lodged with the Equal Opportunities Ombudsman by any natural or legal person. During or after the investigation, the Equal Opportunities Ombudsman may adopt a decision to refer the case to a pre-trial investigation institution or a prosecutor if features of a criminal act are found, or may investigate administrative offences and impose administrative sanctions himself. Administrative courts investigate the legality of legal acts and actions adopted/taken by public administration entities (state institutions and authorities, their officials and public servants responsible for public administration), also the legality and justifiability of a refusal or undue delay by such entities to perform the actions that fall within their competence, as well as appeals against decisions taken in cases of administrative offences.

101. Article 2(1) of the Law of the Republic of Lithuania on the Prosecutor's Office defines the prosecutor's office as a state institution performing the functions established by the Constitution of the Republic of Lithuania, this Law or other laws. Article 2(2) of the Law lists the following functions of the Prosecutor's Office: organise and direct pre-trial investigations, conduct pre-trial investigations or individual actions of a pre-trial investigation, control activities of pre-trial investigation officers in criminal proceedings, prosecute on behalf of the State, supervise the submission of judgements for enforcement and the enforcement thereof, co-ordinate actions of pre-trial investigation bodies pertaining to investigation of criminal acts, protect the public interest, examine, within its competence, petitions, applications and complaints submitted by individuals, and fulfil other functions prescribed by law.

102. Activities of the State Security Department, which carries out anti-terrorism functions and implements, within its competence, the requirements of Resolution No. 1373 (2001) of the United Nations Security Council, are regulated by the Law of the Republic of Lithuania on Operational Activities, the Code of Criminal Procedure, and other legal acts. In the period of 2004–2008, two persons suspected of terrorism were detained in Lithuania. A pre-trial investigation was initiated and is still in progress.

103. Pursuant to the Law of the Republic of Lithuania on the Legal Status of Aliens, the State Security Department provides opinions to the Migration Department under the Ministry of the Interior as to whether aliens coming to, or staying in, the Republic of Lithuania pose a threat to national security. To take a decision to deport a person from the Republic of Lithuania so as to ensure that the person is not deported to a state where he is likely to be subjected to torture or other cruel, inhuman or degrading treatment is a prerogative of courts.

104. On 28 May 2008, the Ombudsmen of the Seimas of the Republic of Lithuania organised an international conference on the evolution of the Ombudsmen's work. One of the topics of the conference was 'Supervision of Covered Institutions: Problems and

Perspectives'. The participants of the conference discussed the opportunities and the need to establish an independent supervisor of close institutions in Lithuania, on the basis of foreign experiences in this area.

Article 8

105. As an update to the information about the implementation of Article 8 of the Covenant, supplied in its Second Report (CCPR/C/LTU/2003/2), the Republic of Lithuania presents the following information.

106. There is no slavery proper in the Republic of Lithuania. However, like a great many of other countries, Lithuania has the problem of trafficking in human beings, particularly women, and the problem of illegal transportation of immigrants.

107. One of the most important tasks for the Government in pursuing the legal reform and law enforcement and internal policies is the implementation of radical crime prevention measures (particularly for organised crime) and crime control: the systematic elimination of the causes, modernisation and strengthening of the institutional system of law enforcement and other institutions, support to the activities of non-governmental organisations, destruction of the networks of criminal structures engaged in trafficking in human beings and organisation of prostitution, destruction of networks that organise abuse and commercial exploitation of children.

108. The Government seeks to mobilise law enforcement institutions and other public and non-governmental organisations to implement the provisions of legislation of the Republic of Lithuania and international agreements concerning trafficking in human beings. Lithuania is cooperating actively at international and regional level in combating trafficking in human beings, by participating in the work of the Council of the Baltic Sea States task force against trafficking in human beings, the European Police Office's (Europol) task force against trafficking in human beings, and the operational expert group against trafficking in human beings of the Task Force on Organised Crime in the Baltic Sea Region. There was also a Nordic-Baltic high-level political working group against trafficking in human beings that had been operational until June 2006. Lithuania has made an active contribution to the work of this group, too. In addition, an international working group led by a representative of the Lithuanian police has developed a training programme for the European Police College (CEPOL) on trafficking in human beings.

109. Lithuania's legislation is consistent with international legal requirements, i.e. those set by the United Nations, the European Union, the Council of Europe, and other international institutions, concerning control and prevention of trafficking in human beings and prostitution. Moreover, with a view to consolidating the system of social assistance to victims of trafficking in human beings and contributing to international efforts to combat trafficking in human beings, the Republic of Lithuania has signed, in February 2008, the Council of Europe Convention on Action against Trafficking in Human Beings. It must be noted that in the global ranking of governments' efforts to combat trafficking in human beings produced annually by the U.S. Department of State pursuant to the Victims of Violence and Trafficking Protection Act of 2000, Lithuania has been ranked, for five consecutive years, as Tier 1 country, i.e. a country whose government fully complies with the minimum standards for the elimination of trafficking.

110. The Criminal Code of the Republic of Lithuania defines what constitutes the crimes of trafficking in human beings (Art. 147) and purchase or sale of a child (Art. 157) and imposes hard sanctions: imprisonment for up to 12 years for trafficking in human beings, and imprisonment for up to 15 years for purchasing or selling a child. Legal persons can also be held liable under criminal law for the above-mentioned crimes (Articles 24, 25 and

26 of the Criminal Code, on accomplishing). Criminal liability of the legal person does not replace criminal liability of the natural person who has committed, organised, incited or acted as an accomplice in the criminal act. This is very important when it comes to persecution of not only the legal person concerned but also of the natural person, e.g. top managers of model, employment or tourism agencies, who are suspected of acting as accomplices in the crime of trafficking in human beings. To comply with international and European legal provisions protecting persons from slavery, trafficking and other exploitation for economic reasons, the Criminal Code of the Republic of Lithuania was amended in 2005 to impose criminal liability for the use of forced labour (new Article 147¹).

Table 5

Statistical information on investigation of crimes under Article 147 of the Criminal Code, ‘Trafficking in Human Beings’

<i>Year</i>	<i>Pre-trial investigations commenced</i>	<i>Cases referred to courts</i>	<i>Cases examined in courts</i>	<i>Suspects</i>	<i>Victims</i>	<i>Convicted</i>
2004	22	13	4	25	23	14
2005	32	18	7	21	25	15
2006	26	21	7	19	27	10
2007	15	4	3	6	9	1
2008	18	10	5	22	25	13

111. The Government of the Republic of Lithuania gives much attention to the problem of trafficking in human beings. To continue the work started with the Programme for the Prevention and Control of Trafficking in Human Beings and Prostitution 2002–2004, the Government approved, by Resolution No. 558 of 19 May 2005, the Programme for the Prevention and Control of Trafficking in Human Beings 2005–2008.

112. As part of this Programme, a network of law enforcement institutions was created for the fight against trafficking in human beings: a specialised unit for investigating crimes of trafficking in human beings was established within the Lithuanian Criminal Police Bureau in 2006, 32 prosecutors were nominated at the General Prosecutor’s Office as well as regional and some district prosecutors’ offices to specialise — coordinate, organise and lead investigations — in trafficking in human beings. To improve this network further, 10 positions for combating trafficking in human beings were established in 10 higher-level police commissariats in 2007. Thanks to these measures, prevention and control of trafficking in human beings has been decentralised and is now better coordinated. Taking account of the fact that each senior police commissariat has nominated one police officer to be responsible for matters related to trafficking in human beings and in the effort to intensify prevention and control of trafficking on the local level (municipalities and counties), the Ministry of the Interior initiated the establishment of local coordinative working groups in 2008.

113. Capacities of specialists in various fields to work with victims of trafficking in human beings are being strengthened. In 2005, a training course was organised under the training programme ‘Peculiarities of Dealing with Victims of Trafficking in Human Beings and Forms of Assistance’. The course aimed at familiarising social workers, social pedagogues, police officers and other social partners with the concept of trafficking in human beings, the dynamics and prevalence of this crime, and the forms of assistance to victims. Furthermore, the methodological publication prepared by the International

Organisation for Migration in cooperation with Vilnius University for social workers, 'Trafficking in Women: Problems, Prevention, Assistance to Victims', was updated and re-published. In 2006, a training course (a series of seminars) 'The Specifics of Investigation of Trafficking in Human Beings' was organised for police officers, and 'Trafficking in Human Beings, Prevention and Control of Prostitution' for state border guard officers. In 2007, the Health Education Department of the Pedagogical University of Vilnius gave a training course on the specifics of working with victims of trafficking in human beings and prostitution. In 2009, the police started a project, 'Setting-Up of a National Integrated Information System (NIIS) against International Organised Crime of Trafficking in Human Beings', aimed at facilitating data exchange with national Interpol and Europol units and the EU Member States (the project is funded by the European Economic Area and Norwegian Financial Mechanisms).

114. In 2006, the International Organisation for Migration (IOM) prepared and released, together with the General Prosecutor's Office, a survey on trafficking in human beings and judicial investigation in Lithuania. On the basis of the survey, the General Prosecutor's Office organised, on 29–30 March, 19–20 April, and 26–27 April 2007, seminars for mixed groups of legal enforcement officers (prosecutors, police investigators, operational staff of the State Border Guard Service, judges) on trafficking in human beings. In 2007, the IOM Vilnius Office in cooperation with the General Prosecutor's Office prepared and released a methodological tool 'Methodology of Investigating Crimes of Trafficking in Human Beings', designed for pre-trial investigation officers dealing with crimes related to trafficking in human beings.

115. 2 judges from Lithuania attended the training course on trafficking in human beings organised for law enforcement officers, prosecutors and judges in Trier (Germany) in 2008. On 17–20 November 2008, officers of the General Prosecutor's Office and the State Border Guard Service participated in a CEPOL training course in Brussels. In May 2008, officers of the Police and the General Prosecutor's Office attended a seminar on trafficking in human beings, organised by Eurojust in Slovenia.

116. On 26 April 2005, an international seminar 'Prevention of Trafficking in Human Beings in Lithuania: Problems and Solutions' was organised in Vilnius. An international scientific-practical conference 'International Cooperation to Combat Trafficking in Human Beings' was also held in Vilnius, on 14–15 December 2006. On 25–26 October, a conference 'Prevention of Trafficking in Human Beings: Challenges and Solutions' organised jointly by the Government of the Republic of Lithuania, the Organisation for Security and Cooperation in Europe (OSCE) and the United Nations Office for Drug Control and Crime Prevention was held in Vilnius, too. The conference was devoted to discussions on the ways to reduce the demand for trafficking in human beings and the role of businesses, mass media and education in preventing trafficking in human beings, and to the presentation of the first independent report on the situation in the area of trafficking in human beings in Lithuania. In May 2008, an international seminar 'Relation between Prostitution and Trafficking in Human Beings for the Purpose of Sexual Exploitation' was organised for officers of the Lithuanian Criminal Police Bureau and higher-level police commissariats in Druskininkai (Lithuania). On 6 November 2008, a training seminar was organised for mass media representatives with a view to entering into a constructive dialogue with mass media and to inform it on the ways and threats posed by trafficking in human beings, also on the influence that mass media makes (can make) on victims of trafficking. On 3 December 2008, the Ministry of the Interior organised a conference 'Cooperation among Public Authorities and Non-Governmental Organisations in Combating Trafficking in Human Beings' that brought together representatives of various public authorities (including law enforcement institutions), non-governmental organisations acting in the area of prevention of trafficking, foreign missions in Lithuania, visitors and speakers from the United Kingdom, Latvia, and Estonia.

117. Much focus is placed on setting-up a system of identification of victims and on improving the collection of data on victims of trafficking in human beings. Through joint efforts of public authorities, non-governmental and international organisations, a system of identification and record-keeping of victims of trafficking has been set up. The system consists of: (1) data of the Information Technology and Communication Department (ITC Department) under the Ministry of the Interior on victims of criminal acts under Article 147 of the Criminal Code of the Republic of Lithuania, 'Trafficking in Human Beings'; (2) data from the depersonalised database of the IOM Vilnius Office on victims of trafficking. In this database, a victim of trafficking in human beings is identified in accordance with Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, irrespective of whether the victim is a party to a pre-trial investigation or not. The database allows exchanging information on victims of trafficking in human beings with non-governmental organisations. Public authorities, too, have access to the statistical and analytical information, which is updated in the database semi-annually. This database is a compilation of not only quantitative data on the victims, such as age and education, the country of destination and the like, but also qualitative information on the means of enticement and on the assistance provided to the victims by NGOs, etc; and (3) data of the Ministry of Social Security and Labour on actual and potential victims of prostitution and trafficking in human beings who were given state-funded social, legal, medical or other assistance as part of NGO social integration and re-integration projects. This data is presented in the Table below.

Table 6

Data on actual and potential victims of forced prostitution and trafficking in human beings

	2005	2006	2007	2008
Data of the ITC Department under the Ministry of the Interior on persons recognised by a pre-trial investigation as victims of criminal acts under Article 147 of the Criminal Code of the Republic of Lithuania, 'Trafficking in Human Beings'	25	27	11	25
Data from the depersonalised database of the IOM Vilnius Office on victims of trafficking in human beings	135	110	56	86
Data of the Ministry of Social Security and Labour on actual and potential victims of forced prostitution and trafficking in human beings and on assistance provided to them by NGOs	287	402	438	621

118. To solve the problem of victim identification and calculation, the interinstitutional working group for coordination of implementation of the Programme has developed, together with NGOs and the IOM Vilnius Office, methodological guidelines for identification of trafficking in human beings. By the data of Lithuanian public authorities and non-governmental organisations, as well as international organisations, consular offices and diplomatic missions, the number of identified victims of trafficking has been

decreasing year after year since 2002 (cf. from 800–1000 victims in 2002 down to 50–70 victims in 2008).

119. Active prevention of trafficking in human beings is a focus area in Lithuania. Awareness-raising campaigns against trafficking in human beings are organised every year, many of which are targeted at children. In 2007, an informative video clip was created and broadcasted on the national TV and an audio clip was aired (40 times) on the radio station most popular among the youth. Special informational actions are organised in night clubs. Posters with the slogan ‘Tell Life from Illusion. Don’t Become a Commodity’ were fixed in transport stops and on special stands and published in newspapers. Informational materials were distributed in all schools of Lithuania: 10,000 posters, 10,000 pocket calendars, 4,000 pens, 60,000 postcards, 40,000 stickers and other items informing about threats posed by trafficking in human beings and about sources of assistance to the victims. Moreover, about 10,000 schoolchildren were shown, free of charge, a feature film ‘Lilija Forever’ based on the true story of a girl who was sold.

120. In 2008, 16 posters on prevention of trafficking in human beings were set up in public bus stops and on streets as part of the awareness-raising campaign, and information on the risk of trafficking in human beings and ways of enticement was posted on websites of 90 schools of Lithuania. A 15-second-long audio clip on trafficking was produced and aired (40 times) on one of the most popular youth radio stations (according to survey). It should be noted that the awareness-raising campaign of 2008 was conducted in cooperation with the non-governmental organisation ‘Missing Persons Families Support Centre’. In 2005, a website dedicated to trafficking in human beings was launched (www.darbaz.lt), which gives, in the form adapted for young people, general information about trafficking in human beings and its potential threats.

121. In 2008, 18 pre-trial investigations were started under Article 157 of the Criminal Code, ‘Purchase or Sale of a Child’ (new wording of the Article since 30 June 2005) (cf. 17 investigations in 2007, 3 in 2006, and 0 in 2005). The Ombudsman for Children carries out the following duties set forth in the Law of the Republic of Lithuania on the Ombudsman for Children (version of 25 May 2000).

122. Controls the implementation of provisions of the Constitution of the Republic of Lithuania, conventions ratified by the Seimas, laws and other legal acts of the Republic of Lithuania regulating the protection of the rights and legitimate interests of the child in Lithuania.

123. Monitors and controls activities of various institutions acting in the area of protection of the rights and legitimate interests of the child, where such activities damage or might damage the rights and legitimate interests of the child.

124. Submit proposals to the Seimas and the Government concerning measures that could improve the protection of the rights and legitimate interests of the child as required by laws and other legal acts of the Republic of Lithuania.

125. On 9 September 2009, the Government of the Republic of Lithuania approved, by Resolution No. 1104, a new Programme for the Prevention and Control of Trafficking in Human Beings for 2009–2012.

126. In 2007, the Ombudsman for Children conducted an overview of the situation of (underage) victims of trafficking in human beings and juvenile prostitution. For the purpose of the overview, the Ombudsman, wishing to make an objective assessment of the prevalence of juvenile prostitution and trafficking and exploitation of underage persons, addressed central government and municipal institutions as well as non-governmental organisations with a request to provide information on known victims of forced prostitution and trafficking in human beings (underage) and cases of juvenile prostitution. The

Ombudsman also collected information on the sources of information about the above-mentioned persons, on the number of persons who applied for assistance for themselves or for their family members, and on the assistance that had actually been, or was being, provided in each individual case. The overview made use of the information on whether (and what) preventive projects were implemented in these areas for underage persons in 2002–2005, how much funding was allocated by municipalities in 2006 for the implementation of the Programme for the Prevention and Control of Trafficking in Human Beings 2005–2007, and which institutions were providing social support to victims (particularly women and children) of trafficking in human beings and forced prostitution and were taking care of their protection and of their re-integration into the society. The overview and proposals by the Ombudsman for Children concerning problems identified in the overview were submitted to the Seimas of the Republic of Lithuania, the Government, the Ministers of Education and Science, Health, and Social Security and Labour, and municipal mayors, who, in their own turn, supplied the Ombudsman with information on the feasibility of the proposals.

127. The Ombudsman proposed to the Seimas to: 1) resume discussions on the minimum age of a person at which a person may give consent for a sexual intercourse, resume examination of relevant draft legal acts, and take final decisions (reject/accept proposals concerning amendments to the relevant provisions of the Criminal Code). The Ombudsman for Children's position on this issue was that the minimum age at which a person may give consent for a sexual intercourse and at which a person shall be held liable under criminal law for molestation must be raised to 16 years or at least to 15 years; 2) to assess the need to regulate presence of underage persons in public places at dark hours of the day; 3) to set harder liability on parents or other legal representatives of the child for neglect.

128. On 12 May 2010, the Seimas Committee on Legal Affairs organised a discussion on amendments to the Criminal Code to impose criminal liability on full-age persons who had a sexual intercourse or otherwise satisfied their sexual desires with a person younger than 16 years of age without rape, sexual assault or sexual abuse, and amendments to impose criminal liability for molestation of an underage person (to replace the current wording 'minor'). In addition, draft amendments to the Law on Fundamentals of Protection of the Rights of the Child were tabled to the Seimas, to regulate presence of children unaccompanied by adults in public places during dark hours of the day.

129. By the data of the Office of the Ombudsman for Children, the working group has drafted a new version of the Code of Administrative Offences which should have been discussed by the Seimas of the Republic of Lithuania at the IX (autumn) session. The new Code would re-define administrative liability of parents and other legal representatives of the child for failure to exercise parental power or for exercising it against the best interests of the child, expand the list of administrative sanctions, and set alternative administrative sanctions for parents and other legal representatives of the child for failure to exercise parental power or for exercising it against the best interests of the child.

130. The General Prosecutor's Office was recommended to analyse cases of trafficking in human beings and identify the causes behind the inadequate performance in solving such cases, in the light of the fact that the scale of the problem is growing in Lithuania and the rate of disclosure of criminal acts is not high enough. The General Prosecutor's Office made an analysis of pre-trial investigation cases of trafficking in human beings and produced an overview of the practice of pre-trial investigation of trafficking in human beings covering the period of 2005–2006, which described weaknesses and proposed solutions.

131. In 2006, the International Organization for Migration (IOM) has prepared and released, together with the General Prosecutor's Office, a survey on trafficking in human beings and judicial investigation in Lithuania. The IOM Vilnius Office in cooperation with

the General Prosecutor's Office prepared and released, in 2007, a methodological tool 'Methodology of Investigating Crimes of Trafficking in Human Beings'.

132. The Journalist and Publisher Ethics Commission, the Radio and Television Commission of Lithuania, and the Office of the Inspector of Journalist Ethics were recommended to: 1) bear in mind that by broadcasting, during sensitive hours, shows and films containing sex and violence, the television has a detrimental effect on minors. Minors with their unformed thinking and perceptions take the information they see as it is, and try to emulate the stars in the shows and films; 2) take measures to strengthen and improve control of publishing pornographic and erotic photographs of children in printed matter and on the Internet.

133. Amendments to the Law on the Protection of Minors against the Detrimental Effect of Public Information were drafted to establish additional criteria for public information which has a negative effect on the physical, intellectual and moral development of the child. The adoption of the amendments is expected to solve some of the problems specified in the above-mentioned overview, related to harder restrictions on information having a detrimental effect on minors in mass media.

134. The new Law on the Provision of Information to the Public (recast) in force since September 2006 sets several new functions for the Inspector of Journalist Ethics, i.e. (i) to ascribe press publications, audiovisual works, radio and television programmes or broadcasts, the information society media or other media and/or their content to the categories of information of erotic, pornographic and/or violent nature (previously, this functions was carried out by the Ethics Commission of Journalists and Publishers); (ii) carry out monitoring of public information in the media, with the exception of radio and television programmes. In addition, the Office of the Inspector of Journalist Ethics directly cooperates, under agreement of July 2007, with promoters of the project 'Safer Internet' and, on the basis of information received from the promoters, reports any publication of illegal and/or detrimental contents on the Internet to relevant experts.

135. In 2007, the Office of the Inspector of Journalist Ethics performed monitoring and a comparative analysis of magazines designed for men, women and children (adolescents) (the scope and object of the study – magazines published in first six months of 2007). Assessment of the contents of magazines for children and adolescents has revealed that, by publishing several different magazines at a time, publishers have good possibilities to manipulate and multiply information and make the contents uniform. Mass media targeted at children and adolescents is no different or divergent, and here the mission of mass media, i.e. to inform, has drifted in a different direction. It offers young readers selected targeted news and advocates adult lifestyle, values, behaviour, stereotypes. The Radio and Television Commission of Lithuania regularly monitors compliance of broadcasts to the requirements of the Law on the Protection of Minors against the Detrimental Effect of Public Information and enforces legal liability for the irregularities found.

136. The Government of the Republic of Lithuania was recommended to: (1) consider the possibility to establish a national assistance and rehabilitation centre for minors affected by sexual abuse, trafficking in human beings and prostitution, having in mind the insufficient concentration and coordination of the process of organising search for missing minors, transportation of victims from abroad, provision of the necessary comprehensive assistance, collection and processing of data on affected minors; (2) to urge central government and municipal authorities and non-governmental organisations to develop and implement trafficking and prostitution prevention projects and projects of social assistance to victims and their re-integration to the society.

137. In 2006, as part of the measures under the Programme for the Prevention and Control of Trafficking in Human Beings, the Ministry of Social Security and Labour

conducted a study 'Overview of the Situation in Lithuania of Underage Victims of Trafficking in Human Beings and an Outline of the Rehabilitation Programme for Underage Victims of Trafficking in Human Beings'. Information and expert opinions collected during the study allow assuming that Lithuania has a functioning network of NGOs and this network is capable of protecting interests of underage victims. Since 2002, the Ministry of Social Security and Labour has been financing (by way of tenders) projects promoted by state and municipal institutions and non-governmental organisations, aimed at providing social assistance to victims of trafficking in human beings, facilitating their re-integration and promoting preventive and educative work.

138. The Ministry of Justice was recommended to: 1) to qualify the crimes of abduction of another person's young child (Art. 156(1) of the Criminal Code — imprisonment for a term of up to eight years), gaining profit from another person's prostitution (Art. 307(2) of the Criminal Code — imprisonment for a term of up to six years, or Art 307(2) — imprisonment for a term of up to eight years), involvement in prostitution (Art. 308(2) of the Criminal Code — imprisonment for a term of two up to seven years) as grave crimes; 2) to enhance efficiency in applying Articles 181² and 181³ of the Code of Administrative Offences and ensure control of their application and enforcement. The Ministry of Justice claims that sanctions for these offences are quite hard and proportional to the degree of hazard they pose. In criminal matters, the guiding principle is the economy of sanction, i.e. the lower and upper limits of a sanction are set rather than a concrete sanction, so as to give flexibility to the court to award a sanction that is minimal, yet hard enough to reform the person concerned. Setting very hard sanctions in the law would create a possibility to award unreasonably hard sanctions or reduce them in circumvention of the law. The Police Department has instructed leaders of local police offices to inform police officers (according to their competence) of the overview conducted by the Office of the Ombudsman for Children and the conclusions made and to ensure a more efficient application of relevant legal norms.

139. The Ministry of the Interior was recommended to consider the possibility to establish specialised police units and nominate officers in law enforcement institutions to specialise in the field of working with underage victims of sexual abuse, trafficking in human beings and prostitution. An underage victim may be interrogated only once, and his evidence must be videotaped.

140. In the end of 2005, a specialised Division for Investigating Trafficking in Human Beings was established within the Criminal Police Bureau of Lithuania. In 2007, special positions were established in higher-level police commissariats to combat trafficking in human beings. The scope of remit of officers of the Division for Investigating Trafficking in Human Beings and specialised officers in counties includes, among other functions, working with underage victims of sexual abuse, trafficking in human beings and prostitution. The Ministry of the Interior thought it was not advisable, in the light of the current situation and the capacities of the police, to establish separate specialised police units and nominate officers in law enforcement institutions to specialise in the field of working with underage victims of sexual abuse, trafficking in human beings and prostitution.

141. One of the measures planned in the National Programme for the Prevention of Violence against Children and for Assistance to Children for 2005–2007 was the establishment of child interrogation rooms in higher-level police commissariats (Vilnius, Kaunas, Klaipėda, Šiauliai, and Panevėžys) and training interrogation officers. In December 2007, five child interrogation rooms were set up at central police commissariats of Vilnius, Kaunas, Klaipėda, Šiauliai, and Panevėžys. In addition to this, four such rooms were set up by non-governmental organisations. By the data of the Office of the Ombudsman for Children, child interrogation rooms set up at central police commissariats

in counties (CPC) do not have sufficient specialists who could perform difficult interrogations of child victims, and the problem of interrogation of children remains open.

142. In 2008, 23 child victims of sexual crimes were interrogated in the child interrogation room of Kaunas county CPC, and 22 children in 2009. The child interrogation room of Vilnius county CPC was not used before 2009 – the police used the services of specialists of the public institution ‘Vaiko namas’ (Child’s House) free of charge. The child interrogation room of Klaipėda county CPC was used in four instances in 2008, and 8 in 2009. Such interrogations are usually conducted in the child interrogation room in the premises of a court. In Panevėžys county, child victims of sexual abuse are interrogated only in the presence of a judge, in the child interrogation room in the premises of a court. Šiauliai county CPC conducted nine such interrogations in 2009, with the help of psychologists from the ‘Child’s House’. On 3–4 June 2009, the Lithuanian Police School hosted a seminar ‘Specifics of Interrogation of Children Affected by Violence’, lectured by 8 psychologists from local police units.

143. The Ministry of the Interior and the Ministry of Social Security and Labour were recommended to launch wide educational campaigns aimed at preventing and combating trafficking in children for the purpose of sexual and other exploitation as well as prostitution, and at raising public awareness of the real threat and damage of this crime, to make children realise that they are potential targets of the child sexual services market, to teach children to notice the threats and avoid them, to teach parents and other persons in charge of a child to notice such threats and protect the child.

144. The Ministry of Social Security and Labour was recommended to improve skills of workers dealing with minors in the area of prevention and control of trafficking in human beings and prostitution, especially social workers in wards, who took up the responsibilities in 2007, and to improve institutional preparedness to respond adequately to victims of trafficking in human beings.

145. A number of seminars/workshops were organised in 2007 as part of the Programme for the Prevention and Control of Trafficking in Human Beings 2005–2008, the National Programme for the Prevention of Violence against Children and for Assistance to Children 2005–2007, and other similar programmes, for project managers and finance officers (19 participants), social workers, staff of municipal social affairs units and social pedagogues of educational establishments (‘Social-Pedagogical Work in the Area of Prevention of Trafficking in Human Beings’, 48 participants), specialists in the area of protection of the rights of the child (‘Harmful Effects of Information Technologies on a Child’, ‘Comprehensive Assistance to Children Affected by Violence. Lithuanian and Foreign Experiences and Comparisons’, 155 participants).

146. The Ministry of Social Security and Labour and the Ministry of Education and Science were recommended to intensify social work with families and children of risk groups, who plan to go abroad, and to initiate the establishment of a database to register schoolchildren who have left to a foreign country, with a view to preventing trafficking in and prostitution of children.

147. The state budget funded the establishment of 557 positions of social workers to work with social risk families. Since 1 January 2008, the number of these positions has been increased to 613. The Ministry of Social Security and Labour has approved of the idea to create a database on schoolchildren who plan to go abroad or already live in a foreign country, to be used to keep record of children living abroad.

148. The Ministry of Education and Science was recommended to: (1) ensure the provision of systemic information to help foster a mature attitude towards sexual crimes and victims of such crimes, and to teach children and young people to protect themselves against sexual harm and threats related to trafficking in human beings, prostitution and

pornography; (2) seek that trafficking and prostitution prevention programmes are implemented in all general and special education schools; consider the possibility to include the issue of trafficking in human beings in the general educational curriculum, e.g. in such subjects as ethics or civic education, and to make mandatory a course on institutions that enforce protection of the rights of the child, in general education schools.

149. In line with the recommendations, the following programmes were developed and approved: Preparation for Family Life and Sexual Education Programme, Life Skills Development Programme, and Methodological Guidelines for the Development of Programmes for Preparing Children and Youth for Family Life. Also, a decision was made to update the contents of ethics and civic education in general schools to cover the problem of trafficking in human beings and prostitution, to analyse risks of this social phenomenon, the manner of perpetrating the crime of trafficking in human beings, possibilities of employment in a foreign country, and preventive measures; to include, in the subject of ethics, a course on the preparation for a family life and sexual education to foster a mature attitude among schoolchildren to men-women relations, gender equality, intolerance to sexual abuse, prostitution and pornography, and foster their skills of self-protection from sexual harm and hazards; to include, in the subject of civic education, a course on human rights and the rights of the child, protection of these rights, gender equality, and problems of juvenile crime, trafficking in human beings, poverty, social exclusion, violence and bullying.

150. Municipalities were recommended to earmark funding for the implementation of the Programme for the Prevention and Control of Trafficking in Human Beings 2005–2008. 7 of 58 municipalities that had provided information to the Office of the Ombudsman for Children on the problem of juvenile prostitution and trafficking in juveniles claimed that the problem did not exist in their territory and they did not, therefore, earmark funding in 2008 for the implementation of the Programme for the Prevention and Control of Trafficking in Human Beings 2005–2008. 12 municipalities responded to the recommendation and considered the possibility to allocate funds for the implementation of the Programme or planned to undertake concrete preventive measures. Other municipalities were carrying out preventive actions, supporting NGO projects in the area of trafficking and prostitution, or implementing or funding other programmes (crime prevention, children socialisation, etc.) that tackled the problem of trafficking and prostitution. The most active actors in the area of prevention of trafficking in human beings and prostitution and provision of assistance to victims of these crimes are non-governmental organisations in major towns of the country.

151. In 2005, the Code of Administrative Offences of the Republic of Lithuania established administrative liability for the use of prostitution services for a payment. The Code was also supplemented with a provision that administrative liability shall not apply if a person was engaged in prostitution because he was enticed into prostitution by another person by virtue of him being materially, officially or otherwise dependent or was enticed into prostitution through the use of physical or mental coercion or by fraud or otherwise, being a minor and/or a victim of trafficking in human beings and having been acknowledged victim in criminal proceedings.

152. As part of measures under the Programme for the Prevention and Control of Trafficking in Human Beings 2005–2008, information on the threats of trafficking in human beings was released and published in websites of at least 80 schools in 2008. To draw attention of the public to social problems related to trafficking in human beings, the Ministry of the Interior organised a press conference, which was attended by journalists from 30 different mass media companies. Every year, allocations are made in the state budget of the Republic of Lithuania to support projects implemented by public authorities and non-governmental organisations aimed at providing social assistance to victims of

trafficking in human beings, their protection and reintegration into the society. 11 projects were supported from the state budget of the Republic of Lithuania in 2005, 13 projects in 2006, and 13 projects in 2007. In 2008, the Government co-financed 15 projects.

153. In 2006, the Law of the Republic of Lithuania on the Legal Status of Aliens was supplemented by Article 49¹ 'Issue of a Temporary Residence Permit to an Alien who Cooperates with the Pre-trial Investigation Body or the Court in Combating Trafficking in Human Beings or Crimes Linked to Trafficking in Human Beings', which provides that for the alien in favour of whom a pre-trial investigation body or a court mediates in issuing a temporary residence permit, the temporary residence permit shall be issued for six months. The Law was also supplemented by the provision that an alien shall not be deported from the Republic of Lithuania or repatriated to a foreign state if he has been granted the cooling-off period, during which he, as the present or former victim of human trafficking, has to take a decision to cooperate or not with a pre-trial investigation body or a court (Art. 130(4)).

154. The Constitution of the Republic of Lithuania, the Law of the Republic of Lithuania on the Basics of National Security, and the Law of the Republic of Lithuania on National Conscription provide a possibility for all citizens of the Republic of Lithuania (men between 19 and 26 years of age) to fulfil alternative national defence service, the duration of which is 18 months. Pursuant to the Law on National Conscription, alternative national defence service is a national defence service for those who, due to religious or pacifistic beliefs, refuse to serve under arms. Alternative national defence service may be completed within the national defence system of the Republic of Lithuania or, subject to a decision of the Government, in other state institutions. Applications by military conscripts who wish to complete alternative national defence service are examined and decided by a special commission set up by the Government of the Republic of Lithuania for the examination of applications by military conscripts for alternative national defence service (hereinafter referred to 'the Commission'), consisting of representatives of public organisations, religious communities, and educational institutions.

155. Pursuant to the Law on National Conscription, 23 citizens submitted applications for alternative national defence service between 2004 and 31 December 2008, 7 of which were satisfied and others rejected as unjustified. None of the applicants justified their wish to fulfil alternative national defence service by a change in marital status or health problems. All applications for this type of military service were justified by religious beliefs, and none by pacifistic beliefs.

156. Since 15 September 2008, when the Minister of National Defence suspended conscription to mandatory initial military service, citizens of the Republic of Lithuania are not required to fulfil either mandatory initial military service or alternative national defence service.

157. The Ministry of Social Security and Labour was tasked, by Prime Minister's Decree No. 204 of 23 August 2004 'Concerning the Formation of a Working Group to Offer Solution to the Problem of Completion of Alternative National Defence Service Outside the National Defence System', with forming the working group, of members from the Ministries of the Interior, Health, Culture, Justice, Environment, Economy, Agriculture, Transport and Communications, and Education and Science, the Military Service Administration under the Ministry of National Defence, the State Labour Inspectorate, Vilnius County Governor Administration, and the Lithuanian Youth Council. The working group was given the task to submit proposals to the Government concerning possibilities of fulfilling alternative national defence service and, where necessary, propose draft legal acts.

158. The working group submitted its proposals to the Government on 27 December 2007; they said it was not advisable to draft new laws or other legal acts to regulate

alternative national defence service because the implementation of such legislation and the establishment of new institutions independent and unaccountable to the Ministry of National Defence would require additional financing, particularly bearing in mind that the number of applications for alternative national defence service was insignificant. The working group also proposed that the issues related to alternative national defence service should be dealt with on a case by case basis in accordance with existing legal acts, and that the Ministry of National Defence should be given the task to draft amendments to Article 9(1)(14) of the Law on National Conscription, to expand the list of cases when mandatory military service may be deferred – for particularly important circumstances and only with the permission of the Minister of National Defence. The above-mentioned Article of the Law was ultimately amended by Law No. X-325 of 5 July 2005.

Article 9

159. As indicated in the previous report (CCPR/C/LTU/2003/2), the provisions of Article 9 of the Covenant are guaranteed by Article 20 of the Constitution.

160. Under the law, a person may be held in custody only provided that lighter pre-trial measures would fail to ensure the appearance of the suspect in court or would obstruct the investigative process, judicial examination, enforcement of the sentence, or the prevention of new crimes.

161. The award of custody is regulated by the Code of Criminal Procedure of the Republic of Lithuania. Pursuant to Article 140 of the Code, the maximum length of provisional detention is 48 hours. Where a detainee must be held in custody, the detainee must be brought before a judge no later than within 48 hours; the judge rules on custody in accordance with the procedure laid down in the Code. The period of provisional detention starts on the moment of actual detention of the person at the place of the criminal act or other location.

162. Article 267 of the Code of Administrative Offences of the Republic of Lithuania provides that administrative detention of a person to be held liable under administrative law may not be longer than five hours, except where the law sets a different length of administrative detention in extraordinary situations.

163. A person held administratively liable for breaking the legal regime of the state or rules of border control posts may be detained for up to three hours, for drawing up a protocol, and for up to 48 hours, for establishing his identity and finding out circumstances of the offense.

164. A person held administratively liable for petty hooliganism or for breaking rules of assembly or mass events may be detained until a judge of a district court or a police commissar investigate the case, for which the judge or the commissar has no more than 48 hours. The period of administrative detention starts on the moment of delivery of the administratively liable person for the drawing-up of a protocol, or, if the person is drunk, from the moment he sobers up.

165. Article 140(4) of the Code of Criminal Procedure fixes the maximum period of provisional detention at 48 hours. Where a detainee must be held in custody, the detainee must be brought before a judge no later than within 48 hours; the judge rules on the need of holding the person in custody in accordance with the procedure laid down in the Code. It must be noted, however, that if the detainee has been questioned as a suspect earlier in the proceedings, the provisional detention may not be longer than 24 hours, but may be extended by a ruling of the prosecutor to the maximum period of provisional detention.

166. Lithuania's Civil Code guarantees the right to the inviolability and integrity of the person (Art. 2.25) and the prohibition to restrict the freedom of a natural person (Art. 2.26).

Article 10

167. Lithuania is making very active efforts to develop more effective and progressive procedures of enforcement of sentences, trying to make them compliant with the requirements of international instruments and national legislation, taking into account experiences of other states in this area.

168. Seeking to improve living conditions for detainees and prisoners, a program of renovation and humanisation of prisons was being implemented, initially covering the period of 2004–2009, and now the period of 2009–2017 (detailed information according to recommendations has been delivered to the European Committee against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment). However, the problem of overcrowded prisons remains.

169. The Code of Enforcement of Sentences lays down that the following basic principles must be respected in enforcing sentences: humanism, individualisation, justice, and progressive serving of sentences. The procedure and conditions of enforcing sentences does not make distinctions on the grounds of origin, gender, social or financial status, nationality or race, political beliefs or membership in a political party, education, language, religious and other beliefs, genetic characteristics, disability, sexual orientation, type and nature of occupation, place of residence or other factors other than those laid down in legislation of the Republic of Lithuania.

170. On 1 July 2008, the Seimas of the Republic of Lithuania passed a recast Law on Pre-Trial Detention (re-titled as the Law on Custody) that came into force on 1 April 2009, which requires that juveniles be held in custody separately from adults with no exceptions.

171. Legal acts governing operation of police lockups, specifically the rules for holding juveniles in such lockups, must be in line with the Law on Custody. Juvenile detainees are held separately from adults since 1998, when a specialised prison for juveniles, Kaunas Juvenile Interrogation Isolator, was opened. Juvenile detainees from any place of Lithuania, and no adults, are held in custody here. In Lukiškės Interrogation Isolator and Šiauliai Interrogation Isolator, juveniles are held for a limited period of time, pending completion of pre-trial investigation or examination of their cases (no longer than 10 days). In 2008, 9 and 8 juveniles on average were held in custody in Lukiškės Interrogation Isolator and Šiauliai Interrogation Isolator, respectively. Like in other similar facilities, here juveniles are also held separately from adults, with no exceptions.

172. The rules for using special means and firearms at interrogation isolators are the same as those applicable to correctional facilities.

Article 12

173. The Constitution of the Republic of Lithuania guarantees the right to freely move and choose a place of residence in Lithuania and to leave Lithuania at one's own free will to all citizens. This right may not be restricted except as provided by law and if it is necessary for the protection of national security or the health of the people or to administer justice. The Constitution also guarantees the right of the citizen to return to Lithuania.

174. The right of aliens to come to Lithuania, to choose a place of residence here or change it, to leave the Republic of Lithuania and come back again is governed by the Law on the Legal Status of Aliens passed on 29 April 2004 (hereinafter referred to as the Law).

Chapter II (Articles 5–10) of the Law establishes the procedure and the requirements for the entry and departure of aliens to or from the Republic of Lithuania. Aliens may enter or exit the territory of the Republic of Lithuania only through border control posts, where the aliens must present a valid travel document, unless otherwise set in international agreements to which the Republic of Lithuania is a party, in the European Union legislation, or by the Government of the Republic of Lithuania. The procedure governing the recognition of valid travel documents authorising the alien to enter the Republic of Lithuania is established and the list of such documents is approved by the Minister of Foreign Affairs jointly with the Minister of the Interior. Children under 18 years of age have the right to come to the Republic of Lithuania together with their parents, with one of the parents or with other lawful representatives, or on their own when travelling to reunite with the parents, one of the parents or other lawful representatives. Refusal to grant entry to an alien to the Republic of Lithuania is governed by the Schengen Borders Code. Decisions to deny entry for an alien to the Republic of Lithuania are taken by the State Border Guard Service under the Ministry of the Interior. If an alien applies for asylum in the Republic of Lithuania, the decision to grant or deny entry to the Republic of Lithuania is taken by the Migration Department.

175. Article 62 of the Law, ‘An Alien’s Right to Apply for and Be Granted Asylum in the Republic of Lithuania’, sets that an alien shall have the right to apply for and be granted asylum in the Republic of Lithuania in accordance with the procedure established by this Law. Article 67 of the Law, ‘Lodging an Application for Refugee Status or Subsidiary Protection in the Republic of Lithuania,’ provides, in paragraph 1, that an alien’s application for asylum may be lodged to the State Border Guard Service (at border crossing points or in the territory of the Republic of Lithuania where the legal regime of the frontier applies), or at a local territorial police agency or at the Foreigners’ Registration Centre. Paragraph 3 of the same Article sets that an unaccompanied minor alien who has submitted an asylum application shall be taken into temporary guardianship according to the procedure established by laws. Article 71 of the Law, ‘Rights and Duties of an Asylum Applicant in the Republic of Lithuania While His Asylum Application is Being Examined’, gives, in paragraph 1, a lists of rights that the applicant for asylum may exercise pending completion of examination of his application, and provides, in paragraph 2, for an additional right to study at general education schools and vocational schools while his application is being processed. The Law contains more provisions governing the protection of a minor applicant for asylum. Applications for asylum are examined and decisions taken by the Migration Department under the Ministry of the Interior.

176. Aliens who have applied for asylum are not detained by the police. A decision to detain an applicant for asylum at the Foreigners’ Registration Centre of the State Border Guard Service under the Ministry of the Interior may be adopted only by a court, in the cases and according to the procedure established in legal acts.

177. An alien must exit the Republic of Lithuania before expiry of his visa or temporary residence permit. The alien to whom visa-free travel regime is applied must exit the Republic of Lithuania before expiry of the visa-free stay periods set in paragraphs 2, 4 and 5 of Article 11 of the Law, unless he obtains a document attesting to his right to stay or reside in the Republic of Lithuania. An alien may be denied exit from the Republic of Lithuania in the cases established in laws.

178. Pursuant to Article 24 of the Law, a permit of residence in the Republic of Lithuania entitles an alien to choose a place of residence in the country, to change it, and to exit and re-enter Lithuania during the period of validity of the permit. An alien’s freedom of movement may be restricted only in the interests of national security or public order and in the cases specified by law.

179. By the data of the Migration Department, all aliens have been allowed to exercise their right to apply for asylum in the Republic of Lithuania, and there have been no instances of ignoring an application for asylum in the Republic of Lithuania or refusing to accept an application at a state border crossing point. In 2007, 116 initial applications for asylum were lodged, 20 of which were lodged at state border crossing points. In 2008, 121 of the total of 208 applications for asylum in the Republic of Lithuania were lodged at state border crossing points. This dynamics shows that aliens are effectively exercising their right to apply for, and be granted, asylum in the Republic of Lithuania.

180. A state border guard officer who has accepted an asylum application at the state border crossing point performs all required initial procedures specified in paragraph 9 of the Rules for Examining Applications for Asylum and Taking and Implementing Decisions, approved by Order No. 1V-361 of 15 November 2004 of the Minister of the Interior of the Republic of Lithuania. A minor person applying for asylum is transferred to the Refugee Reception Centre in Rukla, immediately after the above-mentioned initial procedures have been performed.

181. Every application for asylum in the Republic of Lithuania is examined individually. Pursuant to the rules applicable in Republic of Lithuania, the application is checked for compliance of the applicant with the definition of a refugee under the 1951 Geneva Convention relating to the Status of Refugees; if negative, further investigation is made to find out whether the alien, upon return to his country of origin, is likely to be subjected to torture, cruel or inhuman or degrading treatment or punishment, or whether there is a threat that his human rights and fundamental freedoms will be violated or his life, health, safety or freedom is under threat as a result of endemic violence which spreads in an armed conflict or which poses a risk of systematic violation of his human rights.

182. Applications for asylum lodged by unaccompanied minors are examined as a matter of priority; unaccompanied minor asylum applicants are not subject to the principle of a safe third country, under which the application is examined in substance and the applicant is deported to a safe third country. When the application for asylum is manifestly unfounded or when the unaccompanied minor concerned has come from a safe country of origin, accelerated examination procedures are not applied (accelerated examination means that the examination may not take more than 7 days from the moment of lodging the application).

Article 13

183. The Law of the Republic of Lithuania on the Legal Status of Aliens applies to all types of foreigners coming to or staying in the Republic of Lithuania, including asylum-seekers and refugees.

184. Forced exit by aliens from the Republic of Lithuania is regulated in Chapter IX of the Law. Pursuant to Article 125, an alien is obliged to exit the Republic of Lithuania, when:

- (a) The alien's visa has been annulled;
- (b) The alien's temporary or permanent residence permit has been withdrawn;
- (c) The alien stays in the Republic of Lithuania after expiry of his visa;
- (d) The alien stays in the Republic of Lithuania after expiry of the temporary residence permit;

(e) The alien has entered the Republic of Lithuania lawfully, but stays in the Republic of Lithuania without possessing a temporary or permanent residence permit, where he is obliged to possess one;

(f) The alien has been staying in the Republic of Lithuania for a period exceeding the period of visa-free stay set for aliens in paragraphs 2, 4 and 5 of Article 11 of this Law;

(g) The alien has entered the Republic of Lithuania with a visa issued by another Schengen State, which does not entitle him to stay in the territory of the Republic of Lithuania.

185. The decision obliging an alien to exit the Republic of Lithuania must be implemented within 15 days from the day of serving the decision to the alien. The decision obliging a citizen of a Member State of the European Union and/or his family members to exit the Republic of Lithuania must be implemented within one month from the day of serving the decision. The decision to expel an alien from the Republic of Lithuania must be implemented immediately, unless there are circumstances due to which the implementation of the decision may be postponed. The decision obliging an alien to exit the Republic of Lithuania shall be made and the implementation thereof shall be supervised by the police and the State Border Guard Service according to their respective competences.

186. Decisions to expel an alien on the grounds specified in paragraphs 1 and 2 of Article 126(1) of the Law on the Legal Status of Aliens and decisions on enforceability on the grounds specified in paragraph 4 of Article 126(1) of the Law are made by the Migration Department, whereas decisions on the grounds specified in paragraph 3 of Article 126(1) of the Law are taken by Vilnius Regional Administrative Court; these decisions are implemented by the State Border Guard Service or the police. When implementing the decision on the grounds set in paragraph 4 of Article 126(1) of the Law on the Legal Status of Aliens, the specified institutions shall hold consultations on the implementation of the decision with the state which passed the decision to expel the alien. Decisions on the return of an alien to or his transit through the territory of the Republic of Lithuania are made by the Migration Department or the State Border Guard Service, and implemented by the police or the State Border Guard Service. The procedure regulating the adoption and implementation of decisions obliging an alien to exit the Republic of Lithuania, also decisions on expulsion, return or transit through the territory of the Republic of Lithuania is established by the Minister of the Interior.

187. Pursuant to Article 13 of the Law on the Legal Status of Aliens, an alien may be detained on the following legal grounds:

(a) If the alien has entered the Republic of Lithuania without a permit;

(b) If the alien has unlawfully entered or unlawfully stays in the Republic of Lithuania, unless the alien has lodged an application for asylum in the Republic of Lithuania;

(c) When the alien who has been refused entry into the Republic of Lithuania is to be deported to the country from which he has arrived;

(d) When the alien is suspected of using forged documents;

(e) When a decision is made to expel the alien from the Republic of Lithuania or another state to which the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies;

(f) In order to prevent the spread of dangerous and particularly dangerous contagious diseases;

(g) When the alien's stay in the Republic of Lithuania constitutes a threat to national security, public order or public health.

188. Article 70 of the Law provides that asylum applicants who have unlawfully entered the territory of the Republic of Lithuania from a country where their life or freedom was threatened shall be exempt from liability for unlawful entry and stay in the Republic of Lithuania, provided they appear without delay before competent institutions or agencies of the Republic of Lithuania and provide an exhaustive explanation of the reasons of their unlawful entry or stay in the territory of the Republic of Lithuania.

189. Article 115 of the Law on the Legal Status of Aliens provides that provided that the alien's identity has been established, that he constitutes no threat to national security and public policy, and that he provides assistance to the court in determining his legal status in the Republic of Lithuania as well as other circumstances, the court may take a decision not to detain the alien and to impose a measure alternative to detention. Measures alternative to detention shall be as follows:

(a) The alien is required to appear regularly, at a fixed time, at the appropriate local police office;

(b) The alien is required to, by means of communication and at a fixed time, inform the appropriate local police office about his whereabouts;

(c) If the alien is an unaccompanied minor, he may be placed under guardianship to a relevant social agency;

(d) Pending resolution of the issue of detention, the alien may be placed under guardianship to a citizen of the Republic of Lithuania or an alien lawfully residing in the Republic of Lithuania who is related to the alien by kinship, provided that the person undertakes to take care of and support the alien;

(e) The alien may be accommodated at the Foreigners' Registration Centre without restricting his freedom of movement.

190. If measures alternative to detention listed in Article 115(2) of the Law has been imposed by a decision of a court but has not been respected, the local police office may obtain a court permission to detain the alien. Measures alternative to detention must be definite in time. The measure alternative to detention specified in paragraph 5 of Article 115(2) of the Law applies exclusively to applicants for asylum.

191. Pursuant to Article 114 of the Law, an alien may not be detained without a court's decision for a period exceeding 48 hours. To detain an alien for a longer period is possible only subject to a court's decision. As a rule, applicants for asylum in the Republic of Lithuania are not detained; however, if the basis for detention under the Law exists, courts impose a measure alternative to detention on the applicant for asylum. Aliens under the age of 18 may be detained only in extreme cases, taking into consideration the best interests of the child.

192. The Law on the Legal Status of Aliens grants the following guarantees to unaccompanied minors who seek asylum:

(a) Procedures related to a safe third country, safe country of origin and manifestly unfounded applications are not applicable to them (Art. 77(3));

(b) A guardian is awarded for the asylum period (Art. 67(3));

(c) No accommodation at the Foreigners' Registration Centre, as they are immediately accommodated at a social institution, the Refugee Reception Centre, and stay there for the whole period of the asylum procedure (Art. 79(3)).

Table 7
Statistical information on the number of unaccompanied minors who sought asylum and were accommodated at the Refugee Reception Centre

<i>Year</i>	<i>Number and country of origin</i>
2004	1 from Afghanistan
2005	2 stateless persons
2006	1 from Nigeria
2007	0
2008	1 from Vietnam
	1 from Russia
	1 from Congo
	4 from Uzbekistan

193. Unaccompanied minors applying for asylum are provided with accommodation at the Refugee Reception Centre, at the Department for Minors. A guardian is appointed to represent the rights of the child. Daily issues are taken care of and social assistance to children is provided by social workers of the Department. Children are provided with social assistance, education, psychological support and medical services. The rights of the children are represented by the guardian or the social workers.

194. Unaccompanied children are taught the Lithuanian language under an individual programme. A course on the official language helps children learn basic Lithuanian so that they can later attend Lithuanian general education schools. As a rule, they attend general education schools in the region of Jonava.

195. In addition, the Refugee Reception Centre runs a couple of educational and assistance programmes such as psycho-correctional work with unaccompanied underage aliens, work within the Underage Mutual Support Group, the programme of moral education of minors, training through work sessions, a course on being a member of the Lithuanian society. Children are taken on sightseeing trips, keep contacts with child rights protection agencies in other towns.

196. Decisions taken under the Law on the Legal Status of Aliens may be appealed against at the relevant regional administrative court within 14 days of the date of serving the decision. The court must examine the appeal within two months of the date of a court's ruling on the admissibility of the appeal. The court's decision may be further appealed against at the Supreme Administrative Court of Lithuania within 14 days of the decision.

197. If an appeal is lodged against the decision to expel an alien from the Republic of Lithuania, execution of the decision is suspended for the period of time required for the examination of the appeal. This measure is laid down in Article 1(1)(4) of the Law of the Republic of Lithuania on the Legal Status of Aliens. An exception to this rule is possible only where the expulsion is justified by the risk that the alien's stay in the Republic of Lithuania will pose a threat to national security or public order (Art. 139(2)). Pursuant to Article 127(4) of the Law, the decision to deprive the alien of the right to stay in the Republic of Lithuania and/or the decision to expel the alien from the Republic of Lithuania when the alien's stay poses a threat to national security or public order is taken by Vilnius Regional Administrative Court. This way, the alien's right to judicial protection is guaranteed. In this case, the enforcement of the expulsion decision which has been appealed

against is not suspended automatically, as provided for in Article 139(2) of the Law. However, pursuant to Article 127(1) of the Law of the Republic of Lithuania on Administrative Proceedings (No. VIII-1927), such an alien has the right to make an appeal to the Supreme Administrative Court of Lithuania against the decision of the regional administrative court taken in the first-instance proceedings in relation to his expulsion, within 14 days from the date of the decision.

198. Activities of the State Security Department, which carries out anti-terrorism functions and implements, within its competence, the requirements of Resolution No. 1373 (2001) of the United Nations Security Council, are regulated by the Law on Operational Activities, the Code of Criminal Procedure, and other legal acts of the Republic of Lithuania. These legal acts legislation require that actions taken under the law do not violate human and civil rights and freedoms. Individual restrictions of these rights and freedoms may only be temporary and may be applied in strict compliance to the law, so as to protect another person's rights and freedoms and security of people and the state. Actions taken under the above-mentioned laws must not involve the use of violence, threatening, or doing anything that degrades a person or is harmful for health. If, however, human or civil rights and freedoms have been violated, persons who have performed such violating actions must restore the damaged rights and compensate for the damage, in accordance with laws.

Article 14

199. The Law on Courts requires that trials at courts be founded on the following principles: equality of the parties, the right to legal assistance, the right to due process, speedy and least expensive proceedings, the right to be heard, the adversarial procedure, presumption of innocence, impartiality of the court, public hearing, immediateness, and prohibition of the abuse of process.

200. The Code of Criminal Procedure lays down the principle of presumption of innocence, the requirement to explain to a person the cause of his detention and holding in custody and the nature and cause of the charge against him in a language which he understands, the right to claim in courts that they were illegally detained or placed into custody, the right to defence, the right to a fair and public hearing by an independent and impartial court and without undue delay.

201. The Code of Criminal Procedure also guarantees other human rights required under this article of the Covenant, such as: the right of the person charged with a criminal offence to know what the charges against him are; the right to receive a copy of the indictment; the right to produce and keep copies of relevant documents in the prescribed procedure; the right to have a defence counsel; the right to lodge applications; the right to challenge; the right to give evidence and participate in investigating it; the right to ask questions at the trial; the right to give explanations on aspects related to the case and express his views on the motions and requests of the other participants of the trial; the right to participate, in the absence of defence, in the final pleadings; the right to make the final address to the court at the end of the hearing; the right to appeal against rulings and the judgment of the court; the right of the person suspected of or charged with a criminal offence to defend himself in person or through a defence counsel of his own choosing or, if he has no sufficient means to pay for the defence counsel, to be given legal assistance free of charge.

202. Separate articles of the new Code of Criminal Procedure govern the questioning of juvenile witnesses and victims. The Code lays down that the presence of a defence counsel is obligatory at hearings of cases where the suspect or the defendant is a juvenile. In addition, at the request of the parties of the trial or on the initiative of the court, a representative of the state institution for the protection of the child's rights or a

psychologist may be asked to be present at the hearing to help question a minor with due regard of his social and psychological maturity.

203. Under Article 312 of the Code of Criminal Procedure, appeals against judgements which have not yet become effective may be filed by the prosecutor, the private prosecutor, the accused person, his defence counsel or legal representative, the victim or his representative on any grounds and for any reason.

204. Article 3 of the Code of Criminal Procedure lays down that criminal proceedings may not be instituted, and, if instituted, must be terminated, where a court judgement against the person for the same charge, or a court order or a prosecutor's decision to terminate the proceedings for the same reason, has become effective.

205. Article 6.272 of the Civil Code provides for liability for damage caused by unlawful actions of pre-trial investigation officers, prosecutors, judges, and the court. Damage resulting either from unlawful conviction or unlawful arrest as a measure of suppression, as well as from unlawful detention, or application of unlawful procedural measures of enforcement, or unlawful infliction of administrative penalty — arrest — shall be compensated fully by the state irrespective of whether this occurred through the fault of the pre-trial investigation officers, prosecutors, or the court. Damage resulting from unlawful actions of a judge or court in civil proceedings shall be compensated by the state in full, provided that the damage has occurred through the fault of the judge or another court official. In addition to financial damage, moral damage is also compensated. If the damage has occurred through intentional actions of pre-trial investigation officers, prosecutors or court officials or judges, the state, after redressing damage, shall have the right of recourse to recover, in accordance with the procedure established by law, the amounts established by law from the officials concerned.

Article 15

206. Article 3 of the Criminal Code lays down that the criminality of an act and punishability of a person must be determined by a criminal law in force at the time of the commission of the act. The time of the commission of a criminal act shall be the time of the act (or omission) or the time of occurrence of the consequences specified in the criminal law, where the occurrence of those consequences was desired to occur at a different time.

207. A criminal law nullifying the criminality of an act, commuting a penalty or otherwise mitigating legal circumstances for the person who has committed a criminal act shall have a retroactive effect, i.e., it shall apply to persons who have committed criminal acts prior to the coming into force of such a law, also to persons serving a sentence and those with previous convictions.

208. Article 3(3) of the Criminal Code sets that a criminal law establishing the criminality of an act, imposing a more severe penalty or otherwise aggravating legal circumstances for the person who has committed the criminal act shall not have the retroactive effect.

209. Exceptions of this provision of the Criminal Code are laid down in other articles of the Code establishing liability for genocide, treatment of persons in the manner prohibited under international law, killing of persons protected under international humanitarian law, deportation of the civil population of an occupied state, causing bodily harm to, torture or other inhuman treatment of persons protected under international humanitarian law, forced use of civilians or prisoners of war in the armed forces of the enemy, and a prohibited military attack.

210. Article 7 of the Criminal Code lays down that persons shall be liable under this Code regardless of their citizenship and place of residence, the place of commission of the

crime and whether the act committed is subject to punishment under laws of the place of commission of the crime, where they commit the following crimes that carry liability under international agreements: (1) crimes against humanity and war crimes (Articles 99–113); (2) trafficking in human beings (Article 147); (3) purchase or sale of a child (Article 157); (4) production, storage or handling of counterfeit currency or securities (Article 213); (5) money or property laundering (Article 216); (6) act of terrorism (Article 250); (7) hijacking of an aircraft, ship or fixed platform on a continental shelf (Article 251); (8) hostage taking (Article 252); (9) unlawful handling of nuclear or radioactive materials or other sources of ionising radiation (Articles 256, 256⁽¹⁾ and 257); (10) the crimes related to possession of narcotic or psychotropic, toxic or highly active substances (Articles 259–269); (11) crimes against the environment (Articles 270, 270⁽¹⁾, 271, 272, 274).

Article 16

211. Article 2.1 of the Civil Code guarantees full exercise of civil rights and duties (passive civil capacity) to every natural person. Passive civil capacity of a natural person shall begin at the moment of his birth and end at the moment of his death (Art. 2.2). Article 2.3 defines the moment of birth and death of a natural person.

212. Article 2.6 of the Civil Code prohibits the imposition of restrictions on the passive or active civil capacity of natural persons (ability to create civil rights and duties by one's own actions) on the grounds which are not prescribed by law. Transactions or acts of state or municipal institutions or officials which impose restrictions on the passive or active civil capacity are deemed to be null and void, except in cases where the said transactions and acts are prescribed by law (Art. 2.6(2)).

213. Under Article 2.5 of the Civil Code, a natural person attains full civil rights and assumes full civil responsibility at the age of 18. Where the law allows a natural person to enter into marriage before the age of 18, the person, who has not yet attained this age, acquires full active civil capacity at the moment of entering into marriage. If this marriage is dissolved or declared void at a later date for reasons not related to the age of the parties to marriage, the underage person in question does not lose his full active civil capacity.

214. Articles 2.7–2.9 of the Civil Code define civil capacity of persons under 14 and persons between 14 and 18 years of age. Section Three of the Civil Code regulates the declaration of incapacity or limitation of capacity of a natural person. Under Article 2.10, a natural person who, as a result of mental illness or imbecility, is not able to understand the meaning of his actions or control them may be declared incapable, by a court. The incapable person shall be placed under guardianship. Contracts on behalf and in the name of the person who has been declared incapable are concluded by his guardian, whose rights and obligations are laid down in the Civil Code. Where a person who has been declared incapable gets over his illness or the state of his health improves considerably, the court may recognise his capacity. After the court judgement becomes effective, guardianship to the said person is revoked. The right to file a request to declare a person incapable is vested in the person's spouse, parents, adult children, the care-taking institution or a prosecutor. These same persons also have the right to request the court to declare such a person capable. Article 2.11 regulates in detail the limitation of a person's active civil capacity (procedure of limitation, the rights of a person whose civil rights have been restricted, matters related to guardianship, cases giving ground for lifting limitation on a person's capacity).

215. The Civil Code provides that aliens and stateless persons shall have the same civil capacity as citizens of the Republic of Lithuania do. Exceptions to this rule may be established only by laws of the Republic of Lithuania (Article 1.15).

Article 17

216. The protection of personal rights during criminal proceedings is guaranteed by the Code of Criminal Procedure of the Republic of Lithuania, which lays down that no one shall be deprived of his liberty otherwise than in the cases and in the manner laid down in this Code. Any one who has been detained or arrested must be promptly informed of the reasons of detention or arrest in the language which he understands. Anyone who is deprived of liberty by arrest or detention shall be entitled to initiate proceedings in courts against his unlawful arrest or detention. Anyone who is deprived of liberty by unlawful arrest or detention shall be entitled to the compensation of damages as provided for in legal acts. Anyone who is charged with a criminal act shall have the right to a fair and public trial by an independent and impartial tribunal in the shortest possible time. Anyone who is suspected or accused of having committed a criminal act shall be presumed innocent until proved guilty in the manner laid down in this Code and until his guilt is recognised by an effective court judgement. Anyone who is suspected or accused of having committed a criminal act shall have the right to be informed promptly and in detail in a language which he understands, of the nature and basis of charges brought against him, and have adequate time and facilities to prepare for defence, to ask questions to witnesses in person or to have witnesses questioned by other persons, and to use interpretation services free of charge if he cannot understand or speak the Lithuanian language. Anyone who is suspected or accused of having committed a criminal act shall have the right to self-defence or defence by a defence counsel at his own choice, and, if he is not in possession of sufficient means to pay for the services of the defence counsel, have the right to free legal aid in the manner provided in a law governing the provision of state-guaranteed legal aid. Anyone shall have the right to full respect of his personal or his family's privacy, as well as the right to inviolability of his home and confidentiality of his correspondence, telephone conversations, telegraph messages and other communication.

217. For the purpose of criminal proceedings, such rights may be subject to restrictions in the cases and in the manner provided for in the Code of Criminal Procedure. Anyone who is recognised a victim shall have the right to demand that the offender be identified and duly punished and to claim damages.

218. According to laws on criminal procedure, search or survey of citizens' homes, seizure of their property, interception of their correspondence in post or telegraph offices is permissible strictly on the grounds and in the procedures established by law.

219. Protection of individuals against unauthorised or unlawful interference in their personal or family life, privacy of home, confidentiality of correspondence, unlawful attempts on their honour and dignity is guaranteed in specialised laws, too, e.g. the Law on Police Activities requires that police officers respect and protect human dignity, enforce and protect human rights and freedoms (Article 21(1)).

220. The new version of the Law on the Post passed in 2004 imposes a duty on the provider of postal services to guarantee confidentiality of correspondence, except in the cases provided for by law.

221. Legislation of the Republic of Lithuania sets very strict rules concerning the right of law enforcement officers to tap and record telephone conversations. Article 154 of the Code of Criminal Procedure regulates control and recording of information transmitted via telecommunication networks. Pursuant to Article 154(1) of the Code, the right of a pre-trial investigation officer to intercept telephone conversations and monitor and record other information transmitted via telecommunication networks is conditional on an order issued by a pre-trial judge on a prosecutor's request, when there are grounds to believe that information obtained in this way may disclose a serious or grave crime planned, committed or being committed, or less serious crimes specified in specific articles of the Criminal

Code, or if there is a danger that violence, coercion or other illegal actions may be used against parties to the proceedings or their family members. In cases of extreme urgency, a prosecutor's order is enough to authorise these actions. In this case, consent of the pre-trial judge must be obtained within three days of the start of such actions. If such consent is not obtained, the actions that have been initiated must be discontinued and all the recordings destroyed without delay. The Law imposes restrictions on the interception of telephone conversations or other information transmitted via telecommunication networks and the duration of such actions. Such actions may not continue more than six months; in exceptional cases, this period may be extended by up to three months and only once (Article 154(3) of the Code of Criminal Procedure).

222. Section 'Enjoyment and Exercise of Specific Civil Rights of Natural Persons' of the Civil Code lays down the right to privacy and secrecy (Art. 2.23) and the protection of honour and dignity (Art. 2.24).

Article 19

223. The Constitution of the Republic of Lithuania guarantees the right to have opinions and express them freely. These guarantees are spelled out in greater detail in the Law on the Provision of Information to the Public, the Civil Code, the Law on the Legal Protection of Personal Data, the Law on State Secrets and Official Secrets, the Law on Public Administration, and other legal acts.

224. One of the most important laws regulating the freedom of expression is the Law on the Provision of Information to the Public (recast in 2006). Chapter II of this Law lays down the principles related to the freedom of information and its protection. Article 4 guarantees each individual the right to freely express his ideas and convictions. The right encompasses the freedom to maintain one's opinion, to seek, receive and disseminate information and ideas in accordance with the conditions and procedure set out in laws.

225. Article 5 of the same Law guarantees the right of every individual to collect information and publish it in the mass media. Every individual also has the right to obtain, from state and municipal authorities and other budgetary institutions, public information regarding their activities, their official documents (copies) as well as information about himself held by the aforementioned institutions (Article 6).

226. Seeking to enforce the freedom of information, it is prohibited to exert influence on the producer, disseminator or owner of public information or a journalist, by compelling them to present incorrect information about events or facts through the mass media (Article 7).

227. Every person has the right to publicly criticise activities of state or municipal institutions or officials. Persecution of criticism is prohibited in the Republic of Lithuania (Article 9).

228. Every person has the right to appeal in court against decisions and actions of state or municipal institutions or officials if they violate or restrict a person's right to obtain, collect or disseminate information (Article 11(1)).

229. Journalists from other states accredited in the Republic of Lithuania in the procedure established by law have the same rights to collect and publish information as journalists of Lithuania do.

230. Chapter III of the Law on the Provision of Information to the Public governs in detail matters related to the protection of individual, public and state interests in the provision of information to the public.

231. To prevent violations of personal rights and to protect the honour and dignity of individuals in collecting and publishing information, it is prohibited to film, photograph, make audio or video recordings on personal premises without the person's consent; to film, photograph, make audio or video recordings during private events without the consent of the lawful organisers of the event; to film or photograph a person or use his images for advertising purposes without the person's consent (Article 13). These prohibitions do not apply when there are sound reasons to believe that breaches of law are being recorded.

232. The Law on the Provision of Information to the Public separately governs the protection of minors against public information which may have a negative effect on them. Pursuant to Article 17 of the Law, producers and/or disseminators of public information must ensure, in accordance with the procedure established by the law, that minors are protected from public information which might have a detrimental effect on their physical, mental or moral development, in particular public information containing information of pornographic and/or violent nature or information encouraging addictions.

233. On 1 March 2010, a new version of the Law on the Protection of Minors Against the Detrimental Effect of Public Information came into force; the Law establishes the criteria under which public information is deemed to have a detrimental effect on physical, mental, intellectual and moral development of minors (persons under the age of 18 years), the procedure for the dissemination of such information, the rights, duties and liability as well as participation of producers and disseminators of public information, journalists, and institutions carrying out supervision of their activities. Under the Law, information (i) in which criminal acts are presented positively or criminals are idealised, (ii) which relates to the imitation of criminal acts, (iii) which degrades human dignity, (iv) which humiliates a person on the grounds of nationality, race, gender, origin, disability, sexual orientation, social status, language, religion, beliefs, views or on any other grounds, (v) which distorts family relations and expresses contempt for family values, are attributed to information having a detrimental effect on minors.

234. The Law on the Provision of Information to the Public establishes cases when information is not to be made public. Article 19 of the Law prohibits to publish in the mass media information which: (i) incites to change the constitutional order of the Republic of Lithuania through the use of force; (ii) instigates attempts against the sovereignty of the Republic of Lithuania and its territorial integrity; (iii) instigates war or hatred on the grounds of gender, race, nationality, social status or religion; (iv) disseminates, promotes or advertises pornography, or propagates and/or advertises sexual services and paraphilias; (v) promotes and/or advertises narcotic or psychotropic substances. The Law also prohibits disseminating disinformation and information which is slanderous and offensive to a person or which degrades human dignity and honour. Furthermore, it is prohibited to disseminate information which violates the presumption of innocence and which might compromise the impartiality of judicial authorities. In the cases and in the procedure established in laws, a court may impose restrictions on the dissemination, through the mass media, of assessments and commentaries on cases pending trial, if this could jeopardise impartiality and independence of the trial.

235. The responsibility to monitor the implementation of the Law on the Provision of Information to the Public is laid on the Inspector of Journalist Ethics. Pursuant to Article 50 of the Law, the Inspector of Journalist Ethics is appointed by the Seimas at the recommendation of the Ethics Commission of Journalists and Publishers for a term of five years. The activities of the Inspector of Journalist Ethics must be based on the principles of justice, impartiality, legality, and openness. Decisions of the Inspector of Journalist Ethics may be appealed against in court within 30 days of adoption thereof. The Inspector of Journalist Ethics examines complaints lodged by persons regarding violations in the mass media of their honour and dignity and of their right to privacy, assesses the adherence to the

principles of provision of information to the public as defined in this and other laws, and submits proposals to public authorities for the improvement of enforcement of such principles, etc. The Inspector of Journalist Ethics cooperates with the Office of the Ombudsman for Children, other relevant institutions, teachers, and the general public.

236. Certain provisions of the Civil Code are also very important from the point of view of access to information, i.e. Article 2.23 on the right to privacy and secrecy, Article 2.24 on the protection of honour and dignity, and Article 2.22 on the right to an image.

237. The Law on State Secrets and Official Secrets of 1999 provides that the right of access to information which constitutes a state secret is vested exclusively in persons who have an appropriate national personnel security clearance and only in accordance with the need-to-know principle. In addition, access to and accessibility of information is limited by other specialised laws.

Article 22

238. The provisions of Article 22 of the Covenant are enforced in Lithuania in the Constitution, the Labour Code, the Law on Trade Unions and the Law on Associations.

239. The freedom of association is one of the fundamental human rights. It is established in all international and European legislation on human rights and also in laws of the Republic of Lithuania. Article 35 of the Constitution of the Republic of Lithuania guarantees the right to freely form societies, political parties and associations. Article 50 of the Constitution establishes that trade unions shall be freely established and shall function independently. They shall defend the professional, economic and social rights and interests of employees.

240. In Lithuania, enforcement of the freedom of association may be restricted only by law. Article 3(2) of the Law on Associations prohibits the establishment and operation of associations aiming to change the constitutional order of the Republic of Lithuania by force or to violate the territorial integrity of the Republic of Lithuania, propagating war and violence, or authoritarian or totalitarian regime, instigating racial, religious, or social discord, restricting human rights and freedoms, violating the public order, performing actions contrary to laws of the Republic of Lithuania and generally accepted international legal principles, acting in the interest of other states if this runs counter to the interests of the State of Lithuania.

241. Persons who intend to actually exercise their freedom of association are subject to certain requirements under the national law concerning the goal of activities of a legal person, e.g. Article 1(1) of the law of the Republic of Lithuania on Trade Unions sets that trade unions may only be established by persons who are employed under a contract or otherwise; Article 5(2) of the Law of the Republic of Lithuania on Political Parties sets that citizens of the Republic of Lithuania aged 18 and over may be founders of a political party; founders are also subject to a number of other requirements related to the quantity or the legal form of the legal person concerned, e.g. Article 13(1) of the Law on Associations sets that the minimum number of founders — legal or natural persons — of an association shall be three.

242. The establishment of a trade union as a legal person is regulated in the Civil Code. Pursuant to Article 2.38 of the Civil Code, trade unions can acquire legal personality when the requirements of paragraph 2 of the same Article are fulfilled, i.e. a trade union is formed by at least 30 founders, or the enterprise, institution or organisation has no less than 30 founders and they account for no less than one-fifth of all employees (and this one-fifth shall be no less than three employees) and the general meeting of the trade union approves its statute and elects its managing bodies. Citizens of the Republic of Lithuania or natural

persons domiciled in the Republic of Lithuania of at least 14 years of age and employed under an employment contract or on other basis may be founders of a trade union.

243. A refusal to register statutes of a trade union or of an association of trade unions may be appealed against in a district local court, which is obliged to examine the appeal within ten days.

244. Pursuant to the Law on Trade Unions, the specific applicability of this Law to trade unions of national defence, police, state security, and other organisations is established in the laws regulating their specific activities.

245. Article 177 of the Criminal Code sets criminal liability for hindering the activities of trade unions.

246. Article 16(1)(7) of the Law on Civil Service establishes that civil servants shall have the right to hold membership in trade unions, organisations or associations, also membership in political parties or organisations, and participate in political activities outside office (working) hours, except for civil servants who are members of a municipal council. Civil servants who are members of trade unions shall have the right to take part in addressing issues related to the evaluation of civil servants, their promotion, imposition of disciplinary penalties, as well as in organisational activities of trade unions; for this, they can spend up to 10 hours of their office (working) time per month. Pursuant to Article 16(1)(6) of the Law on Civil Service, civil servants shall have the right to strike, except for civil servants in senior positions such as of the head of a department in a state or municipal institution or agency.

247. Pursuant to the Statute of the Internal Service approved by Law No. IX-1538 of 29 April 2003, officers may, in the manner prescribed by laws and that Statute, set up trade unions or join them for the protection of their interests. The head of an institution of internal affairs and his deputy may not be members of the trade union functioning in the institution. Activities of trade unions in an institution of internal affairs may, on the recommendation of the head of the institution and in the manner prescribed by laws, be suspended or terminated, if the activities carried out by the trade union are not consistent with laws and hinder the implementation of functions aimed at ensuring human rights and public security. The institution of internal affairs shall create conditions for activities of the trade union as laid down in its agreement with the head of the institution.

248. Members of trade unions may not be subjected to disciplinary sanctions and may not be dismissed from service just because they are or represent members of trade unions of institutions of internal affairs or because of their activities within the trade unions (excluding the exception stating that an officer elected to the elective body of the trade union of an institution of internal affairs shall be dismissed from the internal service, if the trade union concludes an employment contract with him). To impose a disciplinary sanction, except for the disciplinary sanction of dismissal from work, a prior consent of the elective body of the trade union is necessary.

249. Members of trade unions, dismissed from the internal service because of their election to the elective office in the trade unions, shall, upon expiration of their powers in the elective office, be reinstated, at their own request, in the internal service to the same position that they had held before being elected in the elective office in the trade unions, or, if this position is not vacant, to an equivalent position in the same or, if the person agrees, another institution of the internal service. Such persons may be reinstated in the internal service provided that they satisfy the requirements laid down in the Statute of the Internal Service, except for the age-limit requirement.

250. Trade unions functioning in institutions of internal affairs may not:

- (a) Organise and participate in strikes;

(b) Organise and participate in pickets or meetings, which would directly impede activities of an institution of internal affairs or performance of officers' official duties;

(c) Organise (preside in) meetings of members of the trade unions during working hours, use office premises, communication facilities and means of transport for activities of the trade unions without the consent of the head of the institution of internal affairs.

251. Article 36(3) of the Law of the Republic of Lithuania on the Organisation of the National Defence System and Military Service (No. VIII-723 of 5 May 1998) sets that a serviceman may participate in the activities of associations and other non-political alliances, also in other non-political activities aiming to foster moral, national, patriotic and civic democratic values, provided that participation in such activities does not interfere with the performance of direct duties of the serviceman. Yet, Article 36(8) of the Law prohibits professional military servicemen to be members of trade unions and to go on strikes.

252. Article 21 of the Law of the Republic of Lithuania on the Prosecutor's Office of 22 April 2003 allows prosecutors to join trade unions and public organisations in order to promote their professional, cultural and social interests but prohibits them to go on strikes or stage pickets.

253. Article 24 of the Law of the Republic of Lithuania on the State Security Department of 20 January 1994 allows officers of the State Security Department to participate in the activities of public organisations, societies, clubs and other non-political associations, but they may not strike or picket.

254. Pursuant to Article 115 of the Law of the Republic of Lithuania on Courts of 31 May 1994, judges may freely form and join into associations of judges or any other non-political organisations representing the interests of the judiciary. In Lithuania, judges join a public organisation, the Association of Judges of the Republic of Lithuania. The Association has the right to express opinion concerning their members. It also takes care of enhancement of professional qualifications of its members. Since October 1997, the Association of Judges of the Republic of Lithuania is a member of the International Association of Judges.

255. Employers, too, may form organisations in accordance with the Law of the Republic of Lithuania on Associations. An association must operate in compliance with the Constitution of the Republic of Lithuania, the Civil Code of the Republic of Lithuania, other laws, resolutions of the Government, and other legal acts, and base its activity on its statutes. The Law prohibits to form and operate associations whose purpose or methods of operation are: to forcibly overthrow or change the constitutional order of the Republic of Lithuania or to violate the territorial integrity of the Republic of Lithuania, to propagate war and violence, or authoritarian or totalitarian rule, to incite racial, religious and social dissent, to violate human rights and freedoms and also to perform actions that are contrary to the laws of the Republic of Lithuania and universally-recognised norms of international law, to act in the interest of other states, if these interests contradict the interests of the State of Lithuania. An association is a public legal person of limited civil liability who has its name and whose purpose is to coordinate activities of its members, to represent and defend their interests, or to promote other public interests. The name of an association may include such words as 'association', 'public organization', 'pool', 'confederation', 'union', 'society' or other. An association may be formed by natural or legal persons. An association must have at least three members. The memorandum of association must be signed by all founders of the association. Prior to registration of the association in the Register of Legal Entities, the founders of the association must draft statutes and convene a founding meeting in which statutes are adopted and at least one management body is set up. State and municipal authorities and officials, political parties and political organisations,

other organisations and persons may not interfere in the activities of an association and in its internal affairs otherwise than in the cases and in the procedure laid down by laws. Associations may be restructured or terminated (reorganised or liquidated) in accordance with the procedure laid down in the Civil Code, i.e. procedure common to all legal persons.

Article 23

256. The first indent of Article 38 of the Constitution of the Republic of Lithuania declares family as the basis of society and the State. The implementation of this provision of the Constitution is insured by the Civil Code of the Republic of Lithuania.

257. Book Three of the Civil Code, 'Family Law', establishes the general principles of legal regulation of family relations and govern the grounds and procedures of entering into marriage, validity and dissolution of marriage, property and non-property personal rights of spouses, filiation, mutual rights and responsibilities between children, parents and other family members, the basic provisions on adoption, guardianship, curatorship and on the procedures of registering Acts of Civil Status.

258. Legal regulation of family relations is based on the principles of monogamy, voluntary marriage, equality of spouses, priority of protecting and safeguarding the rights and interests of children, up-bringing of children in the family, comprehensive protection of motherhood. Family laws and their application must ensure the strengthening of the family and its value in the society, mutual responsibility of family members for the preservation of the family and education of the children, the possibility for each member of the family to exercise his rights in an appropriate manner and to protect the children of minor age from undue influence of other members of the family or other persons, or any other sources.

259. Persons are free to implement and exercise their family rights at their own discretion including the right to the protection of family rights. A waiver of a family right or refusal to exercise it shall not abolish the right, except in the cases provided for by law. In exercising their family rights and performing their duties, persons must comply with the laws, respect the rules of their community life and the principles of good morality, and act in good faith. It is prohibited to abuse family rights, i.e. it is prohibited to exercise them in such a way and by such means that could violate or restrict other persons' rights or interests protected by law, or could do harm to other persons. If a person abuses a family right, the court may refuse to protect it. Family rights shall be protected by courts, institutions of guardianship and curatorship, governmental or non-governmental organisations in the ways provided for in the Civil Code. Courts and other institutions shall seek that the parties to a dispute resolve their dispute peacefully by mutual agreement, and shall help the parties in every possible way to reach such an agreement.

260. Article 3.7 of the Civil Code defines marriage as a voluntary agreement between a man and a woman to create legal family relations in the procedure provided for by law. Marriage may be contracted only with a person of the opposite gender. The Civil Code recognises both civil and religious marriages (religious marriages do not have to be registered in the civil procedure (Article 3.24). The formation of a marriage in accordance with the procedures established by the Church (confessions) entails the same legal consequences as those entailed by the formation of a marriage in the Register Office, provided that the conditions for the formation of marriage laid down in the Civil Code have not been violated, that the marriage has been formed according to the procedures established by the canons of a religious organisation registered in and recognised by the Republic of Lithuania, and that the formation of a marriage in the procedure established by the Church (confessions) has been recorded at the Register Office in the procedure laid down in the Civil Code (Article 3.25).

261. Under Article 3.14 of the Civil Code, marriage may be contracted by persons who, by or on the date of contracting a marriage, have attained the age of 18. In exceptional cases, however, at the request of a person who wants to marry before the age of 18, the court may reduce, for him or her, the legal age of consent to marriage, but by no more than two years. In the case of pregnancy, the court may allow the person to marry before the age of 15. While deciding on the reduction of a person's legal age of consent to marriage, the court must hear the opinion of the minor person's parents or guardians or curators and take into account his or her mental or psychological condition, financial situation and other important factors.

262. The Civil Code prohibits marriage between close relatives and marriage by a person who has been declared by an effective judgement of a court to be legally incapable. The law also sets a prohibition to marry, for a married person who has not terminated his or her marital bond in accordance with the procedures laid down in the law. A marriage may be declared null and void if the conditions for the formation of a valid marriage have not been observed.

263. The Constitution of the Republic of Lithuania declares that marriage must be contracted only on the basis of a voluntary consent of a man and a woman. Article 3.8 of the Civil Code provides that agreement to marry may not be obtained by force, and Article 3.13 says that marriage shall be contracted by a man and a woman at their own free will, and any threat, coercion, or any other lack of free will shall provide the grounds for declaring such marriage null and void.

264. Having contracted a marriage, the spouses acquire the rights and duties defined in the Civil Code. In accordance with paragraph 2 of Article 3.26 of the Civil Code, spouses shall have equal rights and equal civil liability with respect to each other and their children in matters related to the formation, duration and termination of their marriage. Moreover, spouses may not waive, even by mutual agreement, their rights or deny their duties that arise from a marriage. The law also requires that spouses be loyal to and respect each other, support each other morally and financially.

265. Where the spouses are unable to agree as to the performance of their duties or the exercise of their rights, either of them has a right to apply to the court for the resolution of their dispute. In its efforts to resolve the dispute, the court must take every measure to reconcile the spouses. In deciding on the dispute of the spouses, the court must take into account the interests of their children of minor age and the interests of the family as a whole.

266. Neither spouse may, without the consent of the other spouse, assign, pledge or lease, or otherwise encumber any movable property used in the household. The spouse who has not given his consent to such a transaction has the right to demand that the transaction be declared void.

267. Where the spouses have not made a marriage contract, their property shall be subject to the statutory regime. When making a marriage contract, the spouses shall have the right to determine the regime vis-à-vis their property as they think fit. Provisions of a marriage contract inconsistent with imperative legal norms, good morality or public order shall be deemed null and void. Property which is deemed joint community property of the spouses must be used, managed and disposed of by the mutual agreement of the spouses. The shares of the spouses in joint community property are presumed to be equal. Derogation from the principle of equality of the shares of the spouses in joint community property shall be permitted only in cases provided for the Civil Code.

268. A marriage ends when one of the spouses dies or may be dissolved in the procedure prescribed by the law. The Civil Code (Articles 3.49–3.65) provides for three ways to dissolve a marriage: (1) by mutual consent of the spouses, (2) at the request of one of the

spouses, and (3) on the basis of the fault of one or both of the spouses. Where appropriate, the court granting a divorce decree must approve a contract between the spouses concerning consequences of divorce, in which the spouses agree on future maintenance payments for their children of minor age and for each other, on the place of residence of their minor children, on their participation in educating their children and on their other property rights and duties. Where the contract concerning consequences of divorce is not consistent with the public order or is an essential violation of the rights and lawful interests of the minor children of the spouses or of one of the spouses, the court shall not approve the contract and shall suspend the divorce proceedings until the spouses have made a new, compliant contract. If the spouses fail to comply with the instruction of the court for the contents of the contract within six months of the suspension of the proceedings, the court shall drop the examination of the case.

269. Article 3.55 of the Civil Code provides that a marriage may be dissolved on the application of one of the spouses, if at least one of the following conditions is satisfied:

- (a) The spouses have been living separately for over a year;
- (b) After the formation of the marriage one of the spouses has been declared, by a court's ruling, legally incapable;
- (c) One of the spouses has been declared missing, by a court's ruling;
- (d) One of the spouses has been serving a sentence of imprisonment for over a year for the commission of a non-premeditated crime.

270. When dissolution of marriage is initiated by one of the spouses, the court may, taking into account the age of one of the spouses, the duration of marriage, the interests of minor children of the family, refuse to grant divorce, if the divorce may cause significant harm to the property and non-property interests of one of the spouses or their children.

271. Deciding on a divorce, the court must resolve matters relating to the place of residence and maintenance of the minor children, maintenance of one of the spouses, and apportionment of the community property between the spouses, except in the cases where the property has been already been apportioned by a mutual agreement of the spouses certified in the notarial procedure. The court, when making a divorce judgement, must also make a maintenance order in favour of the ex-spouse who needs maintenance, unless the matters of maintenance have been settled in the agreement of the spouses concerning consequences of divorce. A spouse shall not be entitled to maintenance if his/her assets or income are sufficient to fully support him/her. Maintenance shall be presumed to be necessary if the spouse is bringing up a minor child of the marriage or is incapable to work because of age or the state of health. The spouse responsible for the breakdown of the marriage shall have no right to maintenance.

272. The court, in its decision on the award of maintenance for underage children and on the amount of maintenance, shall take into account the duration of the marriage, the need for maintenance, the financial status of each of the spouses (Article 3.85 of the Civil Code, 'Legal Regime of Family Assets'), their state of health, age, working capacity, employability of the spouse currently unemployed, and other important factors. Paragraph 2 of Article 3.85 of the Civil Code sets that the spouse who is the owner of an immovable property considered to be a family asset, may transfer ownership rights to it, pledge it or otherwise encumber the rights to it only with a written consent of the other spouse. Where the spouses have underage children, transactions in the immovable property considered to be a family asset require a judicial authorisation. Legal regulation of transactions related to an underage child's property is laid down in Article 3.188 of the Civil Code, which says that: without the prior authorisation of the court, parents shall have no right to: 1) assign, pledge or otherwise encumber their underage children's property; 2) accept or decline to

accept inheritance on behalf of their underage children; 3) enter into a lease agreement with respect to their underage children's property for longer than a five-year term; 4) enter into an arbitration agreement on behalf of their underage children; 5) enter into a loan agreement on behalf of their underage children for an amount exceeding four minimal monthly wages; 6) invest the funds of their underage children in excess of ten minimal monthly wages.

273. In all cases when family matters of the spouses with underage children (dissolution of marriage, division of property, awarding maintenance, etc.) are referred for a decision to a court, a representative of the state institution for the protection of the rights of the child must participate in the proceedings and present an opinion on whether the rights of the children might be jeopardised. The main principles of the protection of the rights of the child are laid down in the Law on Fundamentals of Protection of the Rights of the Child. The Law stipulates that parents or other legal representatives of the child may make transactions with the property owned by the child only if they have obtained a positive opinion from an institution for the protection of the rights of the child stating that such transaction will not compromise the interests of the child; in dividing joint community property of spouses (parents), financial interests of the child must always be taken into consideration; when parents or other legal representatives of the child do not abide properly by the requirements of this Law, a transaction whereby the housing in which the child lives is pledged, sold or donated, is conditional on the conclusion by the institution for the protection of the rights of the child that such transaction will not be contrary to the best interests of the child.

274. The Minister of Education and Science has approved the following programmes and measures:

(a) The Methodological Guidelines for the Development of Programmes for Preparing Children and Youth for Family Life, which define the principles governing the development and implementation of such programmes and the requirements for the contents of such programmes, approved on 14 February 2006;

(b) The Preparation for Family Life and Sexual Education Programme, approved on 7 February 2007. The purpose of this Programme is to prepare young people for independent life and marriage, to present the universal concept of sexuality, to promote mature interpersonal relations, to carry out prevention of premature sexual relations and related problems, etc.;

(c) The Programme for the Promotion of Preparation of Children and Youth for Family Life, and Sexual Education, approved on 29 August 2007;

(d) The Plan of Measures for the Implementation of the Preparation for Family Life and Sexual Education Programme, approved on 23 May 2008. The Plan envisages the adaptation of textbooks for applying the provisions of the Preparation for Family Life and Sexual Education Programme in teaching pupils with special educational needs, and the development of methodological guidelines for teachers regarding the use of textbooks and other teaching aids in teaching children with special educational needs.

Article 24

275. The Republic of Lithuania is a party to the following international agreements on the protection of the rights of the child:

(a) The 1989 Convention on the Rights of the Child and its 1995 amendment concerning article 43 (2), also the Optional Protocols adopted in 2000 on the involvement

of children in armed conflict and on the sale of children, child prostitution and child pornography;

(b) The 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;

(c) The 1961 Hague Convention concerning the powers of authorities and the law applicable in respect of the protection of minors;

(d) The 1973 Hague Convention on the Law Applicable to Maintenance Obligations;

(e) The 1973 Hague Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations;

(f) The 1980 Hague Convention on the Civil Aspects of International Child Abduction; and

(g) The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.

276. The Civil Code of the Republic of Lithuania spells out the rights of the child (Chapter XI 'Parental Rights and Duties in Respect of Their Children'). Every child has an inalienable right to life, healthy development and a name and surname from birth (Art. 3.161(1)). A child has the right to know his parents unless that prejudices his interests or the law provides for otherwise (Art. 3.161 (2)). A child has the right to live with his parents, be brought up and cared for in his parents' family, maintain contacts with his parents regardless of whether the parents live together or separately, maintain contacts with his relatives, unless that is prejudicial to the child's interests (Art. 3.161(3)).

277. Children born within or outside marriage have equal rights (Art. 3.161(5)). Children's rights must not be affected by their parents' divorce, separation or nullity of marriage (Art. 3.161(6)).

278. When any issue related to a child is under consideration, the child, if capable of formulating his views, must be heard directly or, where that is impossible, through a representative. Decisions must take into account the child's wishes unless they are contrary to the best interests of the child. In making a decision on the appointment of a child's guardian/curator or on a child's adoption, the child's wishes must be given paramount consideration (Art. 3.164(1)).

279. If a child considers that his parents abuse his rights, the child has a right to apply to a state institution for the protection of the child's rights or, on attaining the age of 14, to bring the matter before the court (Art. 3.164(2)).

280. Parents have the right and the duty to bring up their children; they are responsible for their children's education and development, their health and spiritual and moral guidance. In performing these duties, parents have a priority right over the rights of other persons (Art. 3.165). Parents must create conditions for their children to learn during their compulsory school age (Art. 3.165(2)). All questions related to the education of their children must be decided by both parents by mutual agreement. In the event of the lack of agreement, the disputed matter is referred to courts (Art. 3.165(3)).

281. Chapter XXI of the Civil Code governs the registration of the birth of a child and establishes the procedure of such registration. In accordance with the Civil Code, the birth of a child must be registered with the register office of the child's place of residence or one of the parents' place of residence. The birth of a child must be notified and registered within three months of the date of the child's birth; in cases of a stillborn baby – within

three days of the date of birth (Art. 3.291(1)). An application for the registration of the birth of a foundling must be submitted within three days of the date on which the baby was found (Art. 3.291(2)). Once the child's birth is registered, a birth certificate is issued (Art. 3.292(4)).

282. Every child must be given a name by his parents (Art. 3.166). A child is given a name (names) by the mutual agreement of the parents. Where the child's mother and father cannot agree on the name, the child is given a name by a judicial order. While registering the birth of a child of unidentified parents, the child is given a name by the state institution for the protection of the child's rights. Every child is given his parents' surname (Art. 3.167). Where the child's parents have different surnames, the child is given either the mother's or the father's surname by the mutual agreement of the parents. If the parents cannot agree, the child is given the surname of one of the parents by a judicial order. While registering the birth of a child of unidentified parents, the child is given a surname by the state institution for the protection of the child's rights.

283. Article 2.14 of the Civil Code stipulates that the place of residence of a minor is deemed to be the place of permanent residence of his parents or guardians (curators).

284. Article 3.155 lays down the rule that children must be cared for by their parents until they attain the age of majority or emancipation. Parents have the right and the duty to properly educate and bring up their children, care for their health and, having regard to their physical and mental state, create favourable conditions for their full and harmonious development to prepare them for an independent life in society. Article 3.156 of the Code provides that the father and the mother must have equal rights and duties in respect of their children. Parents have equal rights and duties to their children irrespective of whether the child was born to a married or unmarried couple; this also applies after divorce or separation or judicial nullity of the marriage.

285. A child whose parents live separately has the right to maintain direct contacts with both of the parents irrespective of their place of residence (Art. 3.170(2) of the Civil Code).

286. In order to protect minor children from harmful effects of their parents' conduct, Article 3.179 of the Civil Code provides that where the parents (the father or the mother) do not live together with the child for objective reasons (illness, etc.) and a decision must be made on where the child is to live, the court may decide to separate the child from the parents (the father or the mother). Where only one of the parents is affected by unfavourable circumstances while the other parent can live together with the child and bring up the child, the child shall be separated only from the affected parent. The child separated from the parents retains all personal and property rights and duties based on consanguinity. When a child is separated from the parents (the father or the mother), the parents lose their right to live together with the child or demand that the child be brought back from other persons. The parents may exercise their other rights in so far as that is possible without living together with the child.

287. Article 3.180 of the Civil Code provides that where the parents (the father or the mother) fail in their duties to bring up their children or abuse their parental authority or treat their children cruelly or produce a harmful effect on their children by their immoral behaviour or do not care for their children, the court may make a judgement for a temporary or unlimited restriction of parental power (that of the father or the mother.)

288. Chapter XVIII of Book Three of the Civil Code regulates guardianship and curatorship of minors. According to the Civil Code, guardianship may be applied to children under 14, while curatorship – to minors at 14 and over. The aim of guardianship (curatorship) is to ensure the upbringing and care of a child in an environment in which the child can grow and develop properly.

289. On 28 May 2007, the Minister of Social Security and Labour issued an order, whereby a recast version of the Regulations of Organising Temporary Guardianship (Curatorship) of the Child was approved. To ensure legal representation of minors whose parents move abroad on a temporary basis, the Regulations were supplemented with the provisions governing the placement of a child under guardianship (curatorship) at the request of parents. Municipal child rights protection services take the initiative to identify, in cooperation with different other institutions, children living without parental care and decide the issue of legal representation of such children.

290. In accordance with Articles 8 and 9 of the Law of the Republic of Lithuania on Citizenship, a child both of whose parents held Lithuanian citizenship at the moment of birth of the child is a citizen of the Republic of Lithuania regardless of whether the child was born in or outside the territory of the Republic of Lithuania. When the parents of a child hold citizenship of different states, the child shall be a citizen of the Republic of Lithuania provided that at the moment of the child's birth one of the parents was a citizen of the Republic of Lithuania and the child was born in the Republic of Lithuania or, if the child was born outside the Republic of Lithuania, provided that both or one of the child's parents had his/her domicile on the territory of the Republic of Lithuania at that time. When the parents of a child hold citizenship of different states and at the moment of the child's birth one of them was a citizen of the Republic of Lithuania, but both of them were domiciled outside the Republic of Lithuania, the citizenship of the child born outside the Republic of Lithuania is determined by agreement between the parents and applies until the child attains the age of 18 years.

291. In accordance with Article 10 of the Law on Citizenship, a child born in the territory of the Republic of Lithuania whose parents are stateless persons permanently residing in Lithuania shall acquire citizenship of the Republic of Lithuania.

292. Under Article 11 of the Law on Citizenship, a child found in the territory of the Republic of Lithuania, both of whose parents are unknown, shall be considered born in the territory of the Republic of Lithuania and shall be a citizen of the Republic of Lithuania, unless circumstances come to light, owing to which the child should acquire a different status.

293. A child, one of whose parents was a citizen of the Republic of Lithuania at the moment of his birth and the other parent was either a stateless person or unknown, shall be a citizen of the Republic of Lithuania regardless of the place of the child's birth.

294. Laws of the Republic of Lithuania set out the specifics of criminal liability of juveniles. In the Criminal Code of the Republic of Lithuania, a separate chapter (Chapter XI) is dedicated to juvenile criminal liability. The provisions of that chapter are applied to persons who, at the time of commission of the criminal offence, were under 18 years of age. Some of the provisions of that chapter may be applied to a person who, at the time of commission of the criminal offence, was between 18 and 21 years of age, provided that the court, having regard to the nature, motives and other factors and, if necessary, to explanations and opinion of an expert, decides that such a person due to his social immaturity should be treated as a minor and the application of the specific criminal liability to him would be consistent with the purposes of the Code.

295. The Criminal Code criminalises acts against interests of the family and the child, e.g. Chapter XXIII, 'Crimes and Misdemeanours against a Child and a Family', sets criminal liability for abduction of a child or exchange of children (Art. 156), purchase or sale of a child (Art. 157), desertion of a child (Art. 158), involvement of a child in a criminal act (Art. 159), abuse of the rights or duties of parents, a guardian or custodian or other lawful representatives of a child (Art. 163), and other acts. Chapter XXV of the Criminal Code, 'Crimes and Misdemeanours against a Person's Equal Rights and Freedom

of Conscience', sets criminal liability for disturbance of religious ceremonies or religious celebrations (Art. 171), discrimination on grounds of nationality, race, gender, descent, religion or belonging to other groups (Art. 169), incitement against any national, racial, ethnic, religious or other group of persons (Art. 170), creation and participation in activities of the groups and organisations aiming at discriminating or inciting against a group of persons (Art. 170¹).

296. On 8 July 2004, the Seimas of the Republic of Lithuania passed a law supplementing the Code of Administrative Offences with Articles 41⁷, 181³, 214²⁴, 247¹⁰ and amending Articles 188², 224, 233, 259¹, and set liability in Article 181³ of the Code: (a) for unlawful hindrance to the exercise of the child's rights and freedoms; and (b) on heads of educational and health-care institutions and other institutions bearing temporary responsibility for educating children placed into their care, also on teachers, educators and other equivalent persons, for violations of the rights of child. Thus, the Code was supplemented with a legal provision setting liability on persons who had previously been outside the scope of administrative liability, for the use of psychological and physical violence against a child and for other violations of the rights of the child.

297. The Ombudsman for Children works to improve the protection of the rights of the child by:

- (a) Investigating individual violations of the rights and legitimate interests of the child in response to complaints or on his own initiative when signs of a possible violation of the rights and legitimate interests of the child come to light;
- (b) Studying and analysing a concrete area of protection of the rights and legitimate interests of the child; and
- (c) Making proposals concerning improvements in the protection of the rights and legitimate interests of the child in a concrete area.

298. Having investigated an individual violation of the rights and legitimate interests of the child, the Ombudsman for Children writes a memo and takes a decision. Depending on the subject-matter of the investigation and the circumstances of the case, the Ombudsman for Children may monitor the implementation of the decision taken by him, either for a definite period of time (up to a specific date or until certain situation) or indefinitely (prescribing the provision of information at regular intervals). Due to the high standing and authority of the Ombudsman for Children, the rate of implementation of the Ombudsman's decisions taken in individual cases is quite high.

299. In the period covered by this Report, the Office of the Ombudsman for Children conducted the overviews on:

- (a) The situation in special schools and centres;
- (b) The situation in special child-care homes;
- (c) The situation in child-care homes in counties and municipalities;
- (d) Problems in the area of guardianship (curatorship) and adoption of children;
- (e) Social workers in wards;
- (f) Problems related to the rent of social housing (enforcement of the child's right to housing);
- (g) The improvement of children's mental health;
- (h) The situation in the area of psychological assistance to children and their families;

- (i) Children who do not attend school;
- (j) Low cultural level of paid programmes in educational establishments;
- (k) The use of public funds allocated to municipal child rights protection services, salaries, workloads and working conditions;
- (l) The efficiency of psychological assistance provided by pedagogical-psychological agencies;
- (m) The situation and problems of disabled children in Lithuania;
- (n) The organisation of summer camps and summer activities for children; on problems of practical application of the Rules of a Child's Temporary Stay in a Foreign Country approved by Resolution No. 302 of 28 February 2002 of the Government of the Republic of Lithuania;
- (o) The network of pre-school education establishments in Lithuania and services provided by them;
- (p) The developments in tackling problems related to activities of pre-school educational establishments;
- (q) The problem of pediculosis in educational establishments;
- (r) The enforcement of the rights and legitimate interests of children whose parents have moved abroad, in addressing their living and learning issues;
- (s) Underage victims of trafficking in human beings and prostitution;
- (t) Addictions to tobacco, alcohol, narcotic and psychotropic substances among minors;
- (u) The spread of tuberculosis among children;
- (v) The involvement and participation of children in the criminal business of smuggling;
- (w) The situation of refugees in Lithuania;
- (x) The situation of large families;
- (y) The spread of sexual violence against children in child-care homes and special educational establishments;
- (z) Problems related to the rent of social housing;
- (aa) Problems related to the provision of state-guaranteed free legal assistance to children;
- (bb) The enforcement of the principle of non-separation of siblings in making decisions on guardianship (curatorship).

300. The Ombudsman for Children comments and makes proposals on legislation in force and underway and on formulation and implementation of the policy of protection of the rights and legitimate interests of the child, to make sure that every child is covered by such protection as is necessary for him as a minor, without discrimination of any kind.

301. In the reporting period, the Ombudsman for Children made over 200 comments and proposals on the improvement of legal regulation of protection of the rights and legitimate interests of the child.

302. Every year, the Ombudsman for Children reports to the Seimas of the Republic of Lithuania on his activities in the previous year; in this report, the Ombudsman for Children

gives an overview of its activities, draws concrete conclusions and proposes measures to be taken to improve protection of the rights and legitimate interests of the child. In his reports for 2004 to 2007, the Ombudsman for Children has made 122 concrete proposals, most of which have been implemented or are in the process of implementation, such as concerning the improvement of legal regulation of the protection of minors against detrimental effect of public information (Art. 19 of the Covenant), improvement of the legal system concerning the situation of minors with a view to finding age-specific ways to reform children (Art. 14 of the Covenant), a plan of measures for the preparation for family life and sexual education programme and its implementation (Art. 6 of the Covenant), to mention but a few.

303. Since the very start of operations of the Office of the Ombudsman for Children, the Ombudsman has been placing much emphasis on the problem of domestic violence against children. Throughout the reporting period, the Ombudsman for Children has been making comments and proposals to relevant institutions and participating in various national and international initiatives to tackle the problem of violence against children.

304. The Ombudsman for Children has contributed to the drafting and deliberation of the National Programmes for the Prevention of Violence against Children and for Assistance to Children for 2005–2007 and for 2008–2010, by making comments and proposals with a view to improving protection of children against any forms of violence and developing adequate models of assistance.

Article 25

305. In Lithuania, the rights under Article 25 of the Covenant are guaranteed by the Constitution and spelled out in more detail in special laws (the 1992 Law on Parliamentary Elections as last amended on 30 April 2008, the 1994 Law on Municipal Elections, and the 1992 Law on Presidential Elections as last amended on 12 June 2008).

306. In accordance with Article 33 of the Constitution of the Republic of Lithuania, all citizens of Lithuania have equal rights in taking up a position in the civil service of the Republic of Lithuania. The requirements they must meet are spelled out in the Law on Civil Service.

307. Citizens of the Republic of Lithuania belonging to ethnic and national minorities have equal rights to participate in state governance.

308. Russian and Polish minorities have their own political parties and political organisations, members of which take an active part in the political life and governance of the country.

Article 26

309. Laws of the Republic of Lithuania fully guarantee equality before the law and the right to equal legal protection without discrimination of any kind. All new laws and new amendments to laws adopted after the presentation of the Second Report to the United Nations prohibit any kind of discrimination on any grounds such as race, colour, gender, language, religion, political or other opinion, national or social origin, financial position, birth or any other characteristics.

310. The new Code of Criminal Procedure of the Republic of Lithuania adopted on 14 March 2002 and effective since 1 January 2003 guarantees equality of all persons before the law. Article 6(2) of the Code says: ‘Administration of justice in criminal cases shall be based on the principle of equality of persons before the law and the court irrespective of

their origin, social and financial position, nationality, race, gender, education, language, religious or political views, type or character of activity, place of residence and other factors'; Article 6(3) of the Code prohibits 'to grant anyone privileges or make restrictions on the grounds of any factors, personal traits, social or financial position.'

311. Personal health-care services are accessible to all citizens of the Republic of Lithuania, to stateless persons and to nationals of other states. All persons have access to primary personal health-care services and specialised medical aid. However, there are certain specific aspects related to payment for personal health-care services.

312. Pursuant to the Law of the Republic of Lithuania on Health Insurance, compulsory health insurance contributions are paid by enterprises, institutions and organisations on behalf of their employees, while self-employed persons pay such contributions in their own name.

313. State-funded health insurance coverage is ensured to foreign nationals and stateless persons permanently residing in the Republic of Lithuania, foreign nationals residing in Lithuania on a temporary basis provided that they are legally employed here, and their underage family members, foreign nationals and stateless persons who are full-time students of higher education schools of the European Union Member States, unaccompanied underage foreign nationals, and foreign nationals covered by subsidiary and temporary protection in the Republic of Lithuania, i.e. persons under 18 years of age, persons with a diagnosis of illness or body condition included in the list approved by the Ministry of Health, single parents of underage children, pregnant women (coverage for 70 days before the delivery (after 28 weeks of pregnancy and further) and 56 days after the delivery), persons who have reached the pensionable age under laws of the Republic of Lithuania. Personal health-care services provided to the above-listed persons are financed from the Compulsory Health Insurance Fund; thus, they receive such services for free.

314. Foreign nationals and stateless persons who are unemployed and do not qualify as persons eligible for state-funded health insurance are entitled only to emergency medical aid free of charge.

Article 27

315. The Constitution of the Republic of Lithuania guarantees the right of persons belonging to national minorities to foster their culture, profess and practice their religion and use their mother tongue (Articles 37 and 45 of the Constitution). Moreover, the Law on the Republic of Lithuania on Equal Opportunities has a purpose of ensuring the implementation of Article 29 of the Constitution of the Republic of Lithuania on the equality of persons and prohibition of any type of discrimination on grounds of gender, race, nationality, language, origin, social position, religion, opinions or views. The main outstanding problem is the problem of writing Polish names and surnames in Lithuanian passports and writing street names in two languages in Vilnius region.

316. The Law on Associations and the Law on Charity and Support guarantee the right of persons belonging to national minorities to form non-governmental organisations and receive support. The protection of the rights of national minorities is also regulated in a number of other laws, such as laws on Citizenship, Official Language, Education, Provision of Information to the Public, Religious Communities and Associations, Political Parties and Political Organizations, Fundamentals of Protection of the Right of the Child, and other legal acts.

317. In Lithuania, the key actor in shaping and implementing the national policy of harmonious ethnic interrelations was the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania. Since its

reorganisation on 1 January 2010, its functions related to shaping, implementing and coordinating policies with respect to national minorities are performed by the Ministry of Culture of the Republic of Lithuania. Many Lithuanian communities living abroad objected the reorganisation of the Department, and the Lithuanian Human Rights Monitoring Institute claimed that the reorganisation might worsen integration of national minorities.

318. Protection of human rights and freedoms of national minorities and persons belonging to national minorities is an integral part of international protection of human rights and, as such, falls within the scope of international cooperation. In 2009, Lithuania was visited by high-ranking EU officials: Knut Vollebaek, High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE), in June, and Thomas Hammamberg, the Council of Europe Commissioner for Human Rights, in October.

319. Pursuant to Article 25 of the Council of Europe Framework Convention for the Protection of National Minorities, Lithuania presented two reports (2001 and October 2006) to the Council of Europe on measures taken to implement the provisions of the Convention in Lithuania. The European Union Minorities and Discrimination Survey (EU-MIDIS) produced by the European Union Agency for Fundamental Rights does not point out to any major problems of national minorities in Lithuania (more information is available on: http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/2009/2009_en.htm).

320. According to the 2001 population and housing census, people of 115 different nationalities lived in Lithuania. The numbers vary greatly, from several hundred thousands, like Russians and Poles, to several hundreds or even several tens, like Armenians, Bulgarians or Greeks.

Table 8

Statistics on the population

<i>Number of population.</i>					
<i>Nationality, statistical measures, years</i>	<i>1979</i>	<i>1989</i>	<i>2001</i>	<i>2007</i>	<i>2008</i>
Total					
Number of population, in thou.	3 391.5	3 674.8	3 484.0	3 384.9	3 366.4
As a share of the total number of population, %	100.0	100.0	100.0	100.0	100.0
Lithuanians					
Number of population, in thou.	2 712.2	2 924.3	2 907.3	2 864.0	2 837.4
As a share of the total number of population, %	80.0	79.6	83.5	84.6	84.3
Russians					
Number of population, in thou.	303.5	344.5	219.8	173.3	168.1
As a share of the total number of population, %	8.9	9.4	6.3	5.1	5.0
Poles					
Number of population, in thou.	247.0	258.0	235.0	212.1	208.3
As a share of the total number of population, %	7.3	7.0	6.7	6.3	6.2
Belarusians					
Number of population, in thou.	57.6	63.2	42.9	38.4	36.7

<i>Number of population.</i>					
<i>Nationality, statistical measures, years</i>	<i>1979</i>	<i>1989</i>	<i>2001</i>	<i>2007</i>	<i>2008</i>
As a share of the total number of population, %	1.7	1.7	1.2	1.1	1.1
Ukrainians					
Number of population, in thou.	32.0	44.8	22.5	21.2	20.3
As a share of the total number of population, %	1.0	1.2	0.7	0.6	0.6
Jews					
Number of population, in thou.	14.7	12.4	4.0	3.5	3.3
As a share of the total number of population, %	0.4	0.3	0.1	0.1	0.1
Latvians					
Number of population, in thou.	4.4	4.2	3.0	2.6	2.5
As a share of the total number of population, %	0.1	0.1	0.1	0.1	0.1
Tartars					
Number of population, in thou.	4.0	5.2	3.2	2.9	2.9
As a share of the total number of population, %	0.1	0.1	0.1	0.1	0.1
Germans					
Number of population, in thou.	2.6	2.1	3.2	3.5	3.3
As a share of the total number of population, %	0.1	0.1	0.1	0.1	0.1
Roma					
Number of population, in thou.	2.3	2.7	2.6	2.8	2.5
As a share of the total number of population, %	0.1	0.1	0.1	0.1	0.1
Other nationalities					
Number of population, in thou.	11.2	13.4	7.6	8.9	8.5
As a share of the total number of population, %	0.3	0.4	0.2	0.3	0.2
Not specified					
Number of population, in thou.	..	..	32.9	51.7	72.6
As a share of the total number of population, %	..	..	0.9	1.5	2.1

Data of the Department of Statistics under the Government of the Republic of Lithuania, 2009.

321. Lithuania strives to create most favourable conditions for national minorities to foster their self-awareness and preserve their culture. As part of the policy towards harmonious ethnic interrelations, the Ministry of Culture has been implementing, since 1 January 2010, measures under the National Minorities Policy Development Strategy until 2015 approved by Resolution No. 1132 of 17 October of the Government of the Republic of Lithuania and under the Programme for the Integration of Roma into the Lithuanian Society 2008–2010 approved by Resolution No. 309 of 26 March 2008 of the Government of the Republic of Lithuania. The Ministry of Education and Science has been tasked with

developing training materials and methodological guidance on education of Roma children and organising training courses for teachers.

322. There are about 300 non-governmental organisations of national minorities which are active organisers of a wide range of cultural activities in Lithuania. Most of these NGOs have been established by Russians (over 60), followed by Poles (over 50), Belarusians (over 20), Jews (over 20), and Germans (over 20). These are cultural educational, vocational and other types of organisations; their educational and cultural projects are supported from the state budget.

323. To meet cultural and educational needs of Lithuanian national minorities, a number of national minorities' community centres have been established: House of National Communities in Vilnius (www.tbn.lt) (opened in 1991), the Cultural Centre of Various Nations in Kaunas (www.minority.lt) (opened in 2004), the Roma Community Centre (opened in 2001), the Ethnographic and Folklore Centre of Lithuania's National Minorities (opened in 2007), the Centre of National Cultures in Visaginas Centre of National Cultures, and others.

324. In the 2008/2009 academic year, Lithuania had 163 general education schools where the language of instruction was one or more languages of national minorities (63 Polish-speaking schools, 39 Russian, 1 Belarusian, 17 Lithuanian and Polish combined, 23 Lithuanian and Russian combined, 11 Russian and Polish combined, and 8 Lithuanian, Russian and Polish combined). All grammar and literature textbooks in the Polish and Russian languages have been released for all grades, i.e. 1 to 12. Textbooks for other subjects are currently being translated from the Lithuanian language. Schools buy textbooks out of the so-called pupil's basket funds (since the 2007/2008 academic year, general education schools where the language of instruction is a language of a national minority have received a 20% larger pupil's basket than Lithuanian-speaking schools; since 1 September 2009, they receive a 15% larger pupil's basket). The recently observed downward trend in the number of schools teaching in a language of a national minority and in the number of schoolchildren in such schools is explained by general demographic developments (lower birth-rate, effect of emigration) as well as parents' choice to put their children to Lithuanian-speaking schools.

325. To help small and scattered national minorities to learn their native language or improve speaking skills, extra classes are given in public schools of general education or Sunday/Saturday schools are organised. Armenians, Belarusians, Chechens, Greeks, Karaites, Latvians, Poles, Russians, Tartars, Ukrainians, and Germans living in Lithuania have Saturday/Sunday schools, now about 40. Schoolchildren are taught their native language there, also ethnic culture and traditions, history and cultural heritage.

326. Higher education and training of teachers. Vilnius Pedagogical University has a couple of departments that train teachers of languages of national minorities: the Department for Polish Philology and Didactics, the Department for Russian Philology and Didactics, the Department for Russian Literature and Intercultural Communication, and the Belarusian Language, Literature and Ethnic Culture Centre, also the Centre for Polish Language and Culture Studies, and the Centre for Russian Language and Culture Studies. In 1993, a Polish Language and Literature Department was established within the University of Vilnius, and first student groups were formed. In 2006, the Department was reorganised into a Polonistics Centre. In 2001, two departments of the University of Vilnius, for the Russian language and for the Slavic literature, were merged into a single Department for Russian Philology which offers studies in Russian philology. Russian philology can also be studied at the University of Klaipėda (Russian philology and Lithuanian language) and the University of Šiauliai. In 2007, the Government of the Republic of Lithuania gave a green light to the establishment of a branch of the University of Białystok in Vilnius. The Vilnius branch offers studies in economics and information

technologies. Thanks to the efforts of the Government of the Republic of Lithuania, the European Commission, other European Union Member States, and support from the U.S. public funds, the European Humanities University (EHU) has moved from Belarus to Vilnius since 2005; the EHU offers full university education for bachelor's and master's degrees.

327. Multicultural education is sought via a special website (<http://www.daugiakalbemokykla.smm.lt>) which provides information about national/ethnic minorities in Lithuania. The website offers valuable information for teachers who wish to cover topics of integrative multicultural education during classes in different subjects.

328. In the framework of the National Minorities Policy Development Strategy until 2015, the Department of National Minorities and Lithuanians Living Abroad was placing special focus on education of national minorities, particularly on teaching the official language as the key factor for integration into the society. In 2008, about 600 persons completed Lithuanian language courses in Vilnius, Visaginas and Šalčininkai. In 2005, a Training Centre for the Official Lithuanian Language was opened in the House of National Communities to give Lithuanian language courses.

329. The provisions of the Law of the Republic of Lithuania on Religious Communities and Associations, which lists the religious communities and associations that are recognised traditional in Lithuania and which defines the conditions for other (non-traditional) religious communities and associations to acquire legal personality, were not amended in the period of 2004–2008.

330. Mass media. A number of periodical publications and magazines are available in Lithuania in the Russian and Polish languages. Lithuanian Tartars publish the newspaper 'Lietuvos totoriai' (Lithuanian Tartars) in the Lithuanian, Russian and Polish languages; Lithuanian Jews publish the newspaper 'Lietuvos Jeruzalė' (Lithuanian Jerusalem). The Lithuanian National Radio and Television broadcasts informational programmes of different duration for national minorities (in the Russian, Belarusian, Polish, Yiddish, and Ukrainian languages).

331. Lithuanian National TV programmes: 'Krikščionio žodis' (Christian's Word) – language: Russian, duration: 15 min., broadcasted: Sundays. It is an educational-religious programme for those who are interested in Orthodox history, traditions, culture from the birth of Christ till nowadays (Authors – Eleonora and Leonidas Glushajev), 'Kultūrų kryžkelė. Trembita' (Crossroad of Cultures. Trembita) – language: Ukrainian, 'Kultūrų kryžkelė. Vilniaus albumas' (Crossroad of Cultures. Album of Vilnius) – language: Polish, 'Kultūrų kryžkelė. Rusų gatvė' (Crossroad of Cultures. Russian Street) – language: Russian, 'Kultūrų kryžkelė. Vilniaus sąsiuvinis' (Crossroad of Cultures. Notebook of Vilnius) – language: Belarusian. The second channel of the National Television, LTV2, repeats all 'Crossroad of Cultures' programmes.

332. Lithuanian Radio: The only 30-minute news programme in the Russian language is broadcasted daily at 16.30 on the Lithuanian radio. In the effort to make a wider presentation of the multinational character of our country to the general public, to familiarise Lithuanian nationals with customs and traditions of different other nations, to promote tolerance towards different nationalities and different religions, and to foster mutual respect and trust, a series of radio shows 'National Minorities in Europe' was produced and broadcasted. *LTV channel 'Klasika' (Classics)*: 14 journalists of six different nationalities produce the programme 'Santara' for national communities. The programme is given in different languages: Lithuanian, Polish, Russian, Belarusian, and Ukrainian. It is broadcasted on the channel 'Klasika' daily. For Lithuanian Jews – on the first and third Thursday of the month, for Ukrainians — on the second and fourth Friday of the month, for Lithuanian Belarusians — on Tuesdays and Saturdays. The programme in the Polish

language is broadcasted daily. There is also a private radio station, 'Znad Wiliii' (<http://www.znadwiliii.lt/>), which broadcasts exclusively in the Polish language.

333. The Russian-speaking community of Lithuania can turn on the private radio station 'Русское Радио Балтия' (Russian Radio Baltics) (<http://www.rusradio.lt/>); Visaginas and Klaipėda have local radio stations broadcasting exclusively in the Russian language. The press, websites: Since 2008, latest information in the Russian and Polish languages is published on the internet portal <http://ru.delfi.lt/> (the largest and the most popular news portal in the Russian language in the Baltic countries); the daily in the Polish language 'Kurier Wileński' (Vilnius Courier) <http://kurierwilenski.lt/>, weeklies in the Russian language 'Литовский курьер' (Lithuanian Courier) <http://www.kurier.lt/>, 'Обзор' (Overview), 'Экспресс неделя' (Express Week), 'Республика' (Republic); in Visaginas – 'Sugardas', 'V každyj dom' (To Every Home); www.runet.lt – informational website for Russian-speaking population. There is also a publication 'Tautinių bendrijų naujienos' (National Minorities News) for all national minorities living in Lithuania.

334. Much effort is made in Lithuania to preserve the long-standing Karaite traditions (Karaites have been living in Trakai for about 600 years) and Karaite heritage, which is unique and the only one in the whole Europe. In 2004, a decision was made to allocate funds within the public investment programme for the re-establishment of the Karaite cultural centre. The Karaite Community House, one of the oldest objects of heritage of Lithuanian Karaites, was reconstructed and officially opened in Trakai on 9 October 2008. Investment from the state budget for the reconstruction totalled LTL 480,000.

335. To promote participation by national minorities in the process of formulation and implementation of the policy for national minorities, the Government of the Republic of Lithuania has formed, by Resolution No. 1030 of 2 September 2009, a commission for the coordination of national minorities' affairs (hereinafter referred to 'the Commission') accountable to the Prime Minister; the Commission is composed of the Chair of the Council of National Communities, six other members and seven ministers: finance, culture, social security and labour, education and science, justice, foreign affairs, and the interior. The key tasks of the Commission were: to preserve national identity of national minorities; to monitor, according to competence, the implementation of laws on the rights of national minorities in Lithuania; to analyse draft laws and other legal acts addressing problems of national minorities; to promote and support constructive initiatives and ideas put forward by national minorities' NGOs; to mediate in resolution of conflict situations in national communities and organisations. There is also the Council of National Communities which has been accountable to the Department of National Minorities and Lithuanians Living Abroad since 1995, before being switched to the Ministry of Culture in 2010. The Council consists of representatives of Lithuanian national minorities' NGOs, elected for the term of three years. The key tasks of the Council are to monitor, according to competence, the implementation of laws on the rights of national minorities in Lithuania; to analyse draft laws and other legal acts addressing problems of national minorities; to promote and support constructive initiatives and ideas put forward by national minorities' NGOs; to mediate in resolution of conflict situations in national communities and organisations. In the current, 2009–2012, term in office, the Council of National Communities has 29 members representing Lithuanian national minorities' NGOs.

1. The Roma national minority

336. By the data of the 2001 population and housing census, Lithuania has a Roma community of 2,571 people (0.07% of the total population of Lithuania), 46% of which are children and youth under 20 years of age. The largest Roma community lives in Vilnius county (874), followed by the counties of Kaunas (617) and Šiauliai (376). In Vilnius, the Roma (about 500 people) live compactly in the Kirtimai Tabor.

337. Two programmes were implemented in Lithuania with respect to Roma: the Roma Integration Programme for 2000–2004 targeted at Roma in the Kirtimai Settlement in Vilnius and the Follow-up Roma Integration Programme for 2008–2010 targeted at all Roma living in Lithuania.

338. The Centre of Ethnic Studies of the Institute of Social Research conducted a study ‘Roma Situation: Roma in Education and Labour Market’. The purpose of the study was to investigate feasibility of integration of Roma children into the system of general education. The study — with the data collected, the analysis of the situation performed and the recommendations made — is a valuable source of information for education policymakers.

339. The Roma Community Centre offers daily pre-school classes of the Lithuanian language, mathematics, nature, fine arts and crafts, sports, and extra-curriculum activities: paper plastics, Roma dancing, music and singing, art therapy, artistic gymnastics, sports, and active games. Adolescents and adults can attend computer literacy courses (with a free Internet access – 10 workstations) or participate in the Discussion Club. The Centre also organises various civic-awareness campaigns. Children attending classes in the Centre are provided with free meals. Every year, the Roma Community Centre organises summer camps for Roma children from different places of Lithuania.

340. Roma children attending Vilnius schools are provided with free meals and free textbooks. They are also given the necessary treatment for speech disorders, and psychological and social assistance at schools. Schools are establishing a position of a social pedagogue for working with Roma children. In the reporting period, such positions were established in three secondary schools with the largest numbers of Roma children in Vilnius.

341. In 2009, under the Roma Integration Programme for 2008–2010, two Roma students demonstrating good results of studies at a higher school were awarded one-off grants of LTL 1000.

342. It must be noted that Lithuanian Roma people have not only preserved their native Romani language and use it in their daily life, but have also kept dialects of the language. Some of the Roma living in Lithuania need to know the Lithuanian language so that they can more successfully integrate in the public life of the country. To respond to this need, the Roma Community Centre organises Lithuanian language courses every year, which are attended by 10–15 Roma adults. Special teaching methodology and language learning tools (CD ‘Afternoon with the Lithuanian Language’, visual tools) have been developed to facilitate learning the official language.

343. Since 2007, the Roma Community Centre has been offering distance learning courses for Roma adults. The number of learners has been increasing year after year; in the 2009/2010 academic year, 22 Roma adults sought basic and secondary education through such distance courses. Target-oriented organisation of after-school activities for Roma children and adolescents (educational events, activities at the Day-Care Centre) fosters Roma involvement in non-formal education aimed at changing Roma attitude to education. The Centre employs a lawyer who helps to write documents and provides legal consultations on criminal law and other issues. Up to 150 consultations are provided every year. The Centre also arranges meetings with police officers to handle law-and-order issues, organises consultations on the promotion of women participation in public activities, on Roma education and on social and economic issues, arranges discussions on how to start a business and on the key principles of economic activity.

344. To familiarise the Lithuanian society with Roma customs and traditions and to foster public tolerance and trust in Roma, two radio programmes were produced, an article on this issues was published in the daily ‘Lietuvos žinios’ (Lithuanian News), and a periodic information bulletin about Roma, ‘Romano čiapien’, was released (four numbers of the

bulletin were released in 2008, and six in 2009). Moreover, relevant information in the Lithuanian, English and Russian languages was made available in the new website www.roma.lt.

345. In 2008, seeking to promote tolerance to Roma people and improve their image, the Department of National Minorities and Lithuanians Living Abroad organised five one-day seminars on antidiscrimination for 118 police officers. The seminars sought to provide information on the sources and genesis of racial discrimination, the existing legal frameworks, the skinhead sub-culture, the Roma national minority and their culture and customs. The seminars took place in Vilnius, Kaunas, Klaipėda and Šiauliai counties. In 2008, the Lithuanian Police School together with the Department of National Minorities and Lithuanians Living Abroad organised a training seminar 'Roma Integration into the Lithuanian Society'; the seminar was attended by 20 police officers from the Chief Police Commissariat of Vilnius. Also, the Office of the Ombudsman for Equal Opportunities organised 3 seminars 'Discrimination. Enforcement of the Principle of Equal Opportunities' in 2008; the seminar was attended by 67 police officers. The seminar 'Discrimination. Enforcement of the Principle of Equal Opportunities' was organised again in 2009. This time, it was attended by 24 police officers. Another seminar organised in the same year, 'Strategy and Tactics of Special Police Operations to Prevent and Suppress Riots and Disturbance of Public Order Committed by a Group of Persons', covered anti-discrimination issues, causes and consequences of discrimination, application of the EU and Lithuanian national anti-discrimination legislation, and other issues.

346. In 2008–2009, the Lithuanian National Radio and Television broadcasted a series of programmes and talk-shows aimed at combating xenophobia and discrimination and at promoting tolerance.

347. Three broadcasts of the LTV programme 'Forum' were dedicated to Roma integration and the rights of national minorities in Lithuania. Producers of the programmes 'Santara' and 'Laida rusų kalba' (Programme in the Russian Language) dedicated to national minorities produced nine reportages on Roma integration, education, and employment. Roma integration into cultural and musical life in Lithuania is addressed in the programmes 'Muzikinis pastišas' (Musical Pastiche) and 'Muzikinis vidudienis' (Musical Meridian). Listeners of the radio shows 'Ryto garsai' (Morning Sounds) and 'Lietuvos diena' (Lithuania's Day) were offered reportages about the Roma Tabor in Vilnius and 'Romai naujoje Europoje' (Roma in the New Europe). In 2009, a film about Roma people living in Vilnius, 'Vilniaus getas 2006' (Vilnius Ghetto 2009) was produced (author A. Lelkaitis).

348. In 2008, the Department of National Minorities and Lithuanians Living Abroad organised a seminar 'Management of Cultural Projects: from Idea to Report', for leaders of Roma NGOs; members of Roma NGOs also participated in seminars organised by the Ministry of Social Security and Labour, where programmes administered by the European Social Fund were presented.

349. As part of the Task 'To Create Conditions for Roma People to Preserve Their Language, Customs and Traditions and Create Tangible Heritage', the Department of National Minorities and Lithuanians Living Abroad allocated LTL 40,700 for cultural and cognitive activities of Roma NGOs in 2008. The financing was allocated for the production of the compact disc 'Žalios akys' (Green Eyes) by the Roma folk group 'Sare roma', for the International Roma Day, which enjoyed great interest on the part of the general public, and for collecting information on Roma Holocaust in 1941–1945, which will be used for the purpose of erecting a monument for victims of the Holocaust. General education schools are regularly implementing projects aimed at preservation of Roma identity and presentation of Roma culture to their respective school communities. Cultural and cognitive activities of Roma NGOs were financed by the state every year.

350. In 2009, the first commemoration of victims of Roma Holocaust was organised in Lithuania.

2. Training given to judicial personnel

351. In 2006, judges, assistant judges and court consultants were offered the following training courses on human rights: *Training on the European Union law* — 4 October 2006 — Protection of Human Rights under the European Convention on Human Rights; 11 October and 6, 13, 20 December 2006 – Protection of Human Rights under the European Convention on Human Rights. Relevant Aspects of Application. In 2007, the Training Centre organised the following training courses on human rights for judges, assistant judges and court consultants: *Training on the European Union law* — 23 February, 2 March, and 3 and 12 April 2007 — The European Convention on Human Rights as General Principles of the EU Law. Relevant Aspects of Application; 6–7 December 2007 – international seminar ‘The Right of Recourse to Courts’. The seminar focused on Article 6 of the European Convention on Human Rights and on the duties and responsibility of the national judge vis-à-vis a person exercising his right of recourse to courts. In 2008, the Training Centre organised the following training courses on human rights for judges, assistant judges and court consultants: *Training on the European Union substantive law* — 2 February and 9 April 2008 — Relevant Aspects of Application of the European Convention on Human Rights. *Training on family law and inheritance law* — 19 February, 18 March, and 4 November 2008 — Interpretation of the European Convention on Human Rights and Its Application in Family Cases. *Training on mass media law* — 28 April and 17 September 2008 — The Concept of Privacy. Protection of the Right to Privacy and the Right to an Image. The Concepts of the Public and Private Person. Differences in the Limits of Privacy of a Public Person and a Private Person. Case-Law of the European Court of Human Rights and Lithuanian Courts in Protecting the Right to Privacy. Case-Law of the European Court of Human Rights and Lithuanian Courts in Protecting Honour and Dignity and the Right to an Image. On 29 September 2008, as part of application of the International Convention on the Elimination of All Forms of Racial Discrimination and implementation of the instruction of the Government to enhance qualification of judges, judges were given a lecture ‘Accession to International Instruments. Key Human Rights’ Agencies. Role of Government Institutions in the Fight against Racism and Intolerance. Non-Governmental Organisations in the Fight against Racism and Intolerance’.
