

# LITHUANIA 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Lithuania is a constitutional, multiparty, parliamentary democracy. Legislative authority resides in a unicameral parliament (Seimas), and executive authority resides in the Office of the President. Observers evaluated the 2014 presidential elections and the parliamentary elections in October 2016 as generally free and fair.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

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

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

### **Prison and Detention Center Conditions**

Some prison and detention center conditions did not meet international standards.

Physical Conditions: Prisoners complained of confined spaces, improper hygiene, inadequate medical care, poor food, substandard sanitary conditions, limited supplies of personal hygiene products, and overly limited hours of operation of shops located in prisons.

In September media reported that during the first half of the year the Vilnius Regional Administrative Court examined 1,022 complaints from prisoners about poor prison conditions and awarded inmates 284,876 euros (\$341,851) in compensation. During the same period, this court received 622 new complains about prison conditions.

On July 18, Malta rejected the government's request to extradite a wanted person, on the grounds of the risk of inhuman and degrading treatment in the country's detention centers.

In its 2014 report, the Council of Europe's Committee for the Prevention of Torture (CPT) noted that access to natural light in most detention facilities and prisons was inadequate, and in-cell toilets were partitioned only partly or not at all.

Administration: The Office of the Parliamentary Ombudsman generally investigated credible prisoner complaints and attempted to resolve them, usually by making recommendations to the institutions concerned and monitoring their implementation. The ombudsman's office reported that institutions were responsive to all of its interventions. The ombudsman's office found seven of 17 complaints investigated by September 1 to be justified. The parliamentary ombudsman visited prisons six times and detention facilities 46 times.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. As of year's end, the report of the CPT's visit to the country in September 2016 was not public.

Improvements: Between January and September, the government spent approximately 417,700 euros (\$501,200) to renovate prison facilities. The improvements included renovations of housing, medical units, and food services in facilities in Marijampole, Alytus, Vilnius, and Kaunas.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in courts. The government generally observed these requirements.

### **Role of the Police and Security Apparatus**

The police and the State Border Guards Service are subordinate to the Ministry of the Interior. The Special Investigative Service, the main anticorruption agency, reports to the president and parliament. Civilian authorities maintained effective control over the security forces. The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces.

### **Arrest Procedures and Treatment of Detainees**

Except for persons arrested during the commission of a crime, warrants are generally required for arrests, and judges may issue them only upon the presentation of reliable evidence of criminal activity. Police may detain suspects for up to 48 hours before formally charging them. Detainees have the right to be informed of the charges against them at the time of their arrest or their first interrogation, and there were no complaints of failure to comply with this requirement.

Bail is available and was widely used. The law provides for access to an attorney, and the government provides one to indigent persons. In its 2014 report, the CPT noted that, while most of the detainees interviewed claimed they had legal counsel at the first investigative interview, it appeared that police rarely granted access to an attorney at earlier stages of police custody. Some detainees who had appointed attorneys complained that they met their attorney for the first time at the court hearing, even in instances when they requested an attorney shortly after their arrest. Detainees had prompt access to family members.

Pretrial Detention: The law permits authorities to hold suspects under house arrest for up to six months, a period that a judge may extend at his discretion. A pretrial judge may order that a suspect facing felony charges be detained for up to three months, but only to prevent the accused from fleeing, committing new crimes, or hindering the investigation; or to comply with extradition requests. In many cases the law permits detention to be extended to 18 months (six months for juveniles), subject to appeal to a higher court. Judges frequently granted such extensions, often based on the allegation that the defendant would pose a danger to society or

influence witnesses. The maximum period authorities may detain a person charged with minor offenses is nine months and six months for juveniles.

In the first half of the year, the average length of pretrial detention was approximately 13 months. As of September 1, approximately 52 percent of incarcerated persons were pretrial detainees. The law allows defense attorneys access to the evidence prosecutors use to justify pretrial detention.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution provides the right to challenge the validity of a detention before a court and subsequent compensation for any damages resulting from the unlawful deprivation of liberty. Authorities respected this right.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

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

Defendants have the rights to a presumption of innocence, prompt and detailed information about the charges against them, a fair and public trial without undue delay and to be present at their trial. Defendants have the rights to communicate with an attorney of their choice (or have one provided at public expense), adequate time and facilities to prepare a defense, and free assistance of an interpreter as necessary from the moment charged through all appeals. They are entitled to confront witnesses against them, to present witnesses and evidence in their defense, and to be free of compulsion to testify or confess guilt. They enjoy the right of appeal.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

#### **Civil Judicial Procedures and Remedies**

Plaintiffs may sue for legal relief or temporary protection measures from human rights violations. Persons alleging human rights abuses may also appeal to the parliamentary ombudsman for a determination of the merits of their claims. Although the ombudsman may only make recommendations to an offending institution, such institutions generally implemented the ombudsman's recommendations. Individuals alleging that the government violated the European Convention on Human Rights can, after exhausting domestic legal remedies, appeal to the European Court of Human Rights (ECHR).

### **Property Restitution**

The government has laws and mechanisms in place, and nongovernmental organizations (NGOs) and advocacy groups reported that the government made some progress on resolution of Holocaust-era claims, including for foreign citizens. A philanthropic foundation created in 2011 to receive government compensation for Communist and Nazi seizures of Jewish community-owned property distributed funds to individuals and to Jewish educational, cultural, scientific, and religious projects. According to an agreement between the government and the Jewish community, the foundation was to disburse the equivalent of 128 million litas (then the national currency--\$44 million) by 2023. The foundation distributed a one-time payment of three million litas (\$1 million) to individual survivors in 2013 and 2014. The remaining funds were allocated to support Jewish educational, cultural, scientific, and religious projects, as decided by the foundation board. As in the previous year, the foundation received 3.62 million euros (\$4.34 million) for this purpose, which brought the total received since 2011 to 19 million euros (\$23 million). Jewish and ethnic Polish communities continued to advocate for private property restitution because there has been no opportunity to submit individual claims since 2001.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, but there were reports that the government failed to respect these prohibitions.

The law requires authorities to obtain a judge's authorization before searching an individual's premises. It prohibits indiscriminate monitoring, including email, text messages, or other digital communications intended to remain private. Domestic human rights groups alleged that the government did not properly enforce the law. In the first nine months of the year, the State Data Protection Inspectorate

investigated 435 allegations of privacy violations, compared with 189 such allegations in the first six months of 2016. Most complaints involved claims by individuals that their personal information, such as identity numbers, was collected without a legal justification.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

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

Freedom of Expression: The constitutional definition of freedom of expression does not include slander; disinformation; or incitement to violence, discrimination, or national, racial, religious, or social hatred. Inciting hatred against a group of persons is punishable by imprisonment for up to two years. Inciting violence against a group of persons is punishable by imprisonment for up to three years.

It is a crime to deny or “grossly to trivialize” Soviet or Nazi German crimes against the country or its citizens, or to deny genocide, crimes against humanity, or war crimes.

In the first eight months of the year, according to the Ministry of the Interior, authorities initiated investigations into 18 allegations of incitement of hatred, mostly involving the internet. In the same period, investigators forwarded 28 incitement cases (some from previous years) to the courts for trial and closed 14 for lack of evidence. A number of other investigations continued. Most such allegations involved racist or anti-Semitic expression or hostility based on sexual orientation, gender identity, or nationality.

Press and Media Freedom: Independent media were active and expressed a wide variety of views. They were subject to the same laws that prohibit hate speech and criminalize speech that grossly trivializes international and war crimes.

Censorship or Content Restrictions: On August 21, the Radio and Television Commission of Lithuania decided that the Russian-language channel TVCI disseminated content inciting war and hatred. On October 2, the Vilnius Regional Administrative Court approved a six-month suspension of the channel.

The law makes insulting or defaming the president of the country in the mass media a crime punishable by a fine. Authorities did not invoke it during the year.

It is illegal to publish material that is “detrimental to minors’ bodies” or thought processes; or that promotes the sexual abuse and harassment of minors, sexual relations among minors, or “sexual relations.” Human rights observers continued to criticize this law. LGBTI groups claimed that it served as a rationale for limiting LGBTI awareness-raising efforts and that agencies overseeing publishing and broadcast media took prejudicial action against the coverage of stories with LGBTI themes.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. For example, on March 6, the Klaipeda District Court sentenced one person for instigating hatred against Jews, homosexuals, and politicians on the internet.

According to the Statistics Department, during the first quarter of the year, 75 percent of the country’s households had internet access.

### **Academic Freedom and Cultural Events**

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

### **b. Freedoms of Peaceful Assembly and Association**

The government limited the freedom of association.

#### **Freedom of Peaceful Assembly**

The law and constitution provide for freedom of assembly, and the government generally respected this right.

#### **Freedom of Association**

Although the law provides for this freedom and the government generally respected it, the government continued to ban the Communist Party and other organizations associated with the Soviet period.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit: As a matter of policy and under the EU's Dublin III Regulation, authorities barred asylum seekers coming from safe countries of origin or transit and returned them to such countries without reviewing the substantive merits of their applications. The government's participation in the EU's effort to address high levels of migration into Europe was an exception to this policy.

Durable Solutions: The country began accepting individuals in need of international protection under the EU's refugee resettlement program. The Ministry of Social Security and Labor reduces financial support to asylum seekers and refugees by up to 50 percent following their first six months of residence. NGOs and independent experts criticized this policy, asserting that refugees required full support for longer than six months and would be at risk of poverty and homelessness. On October 12, the government announced a new one-time subsidy of 315 euros (\$378) for asylum beneficiaries.

Temporary Protection: The government could grant “temporary protection” to groups of persons, not individuals, in the event of a mass influx of foreigners. Authorities could also grant “subsidiary protection” to individuals who may not qualify as refugees, and during the first half of the year provided it to one person.

### **Stateless Persons**

According to UNHCR as of December 2016, 3,466 stateless persons lived in the country. The law permits persons born on the territory or legally residing there for 10 years who are not citizens of any other country to apply for citizenship. Applicants must possess an unlimited residence permit, knowledge of the Lithuanian language and constitution, and the ability to support themselves.

There was a modest decline in statelessness, due primarily to high emigration rates driven more by economic imperatives than naturalization considerations; only a few hundred persons obtained citizenship each year. Most persons classified as stateless were residents of the country at the time of the dissolution of the Soviet Union who did not take advantage of their right to qualify for citizenship.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: Presidential elections, including a runoff between the top two candidates, took place in 2014. Parliamentary elections took place in October 2016. Observers evaluated these elections as generally free and fair.

Political Parties and Political Participation: The government continued to prohibit the Communist Party.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Officials sometimes engaged in corrupt practices with impunity. There were isolated reports of government corruption during the year. In June parliament enacted a law providing for criminal liability of legal persons in corruption crimes.

Corruption: Authorities opened investigations of corruption against two parties represented in parliament and of a possible conflict of interest of one member of parliament's energy interests.

The Office of the Parliamentary Ombudsman investigated allegations of corruption and issued 29 recommendations to impose penalties for official abuse of office.

Financial Disclosure: The law requires appointed and elected officials to declare their assets and incomes annually. The declarations were available to the public. There were administrative sanctions for noncompliance.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: The Parliamentary Ombudsman's Office has three mandates: to investigate complaints about abuse of office or other violations of human rights involving public administration; to implement the national prevention of torture mechanism under the Optional Protocol to the Convention against Torture; and, as of March 23, to serve as the accredited national human rights institution responsible for reporting and monitoring on human rights problems, cooperating with international and domestic human rights organizations, and increasing human rights awareness and education. The equal opportunities ombudsman heads an independent public institution with responsibility for implementing and enforcing rights under the law and for investigating individual complaints. A children's rights ombudsman has responsibility for overseeing observance of children's rights and their legal interests and can initiate investigations of possible violations of such rights, either upon receipt of a complaint or on its own initiative. Some human rights observers questioned the effectiveness and independence of all the ombudsman institutions.

Parliament's human rights committee prepares and reviews draft laws and other legal acts related to civil rights and presents recommendations to government institutions and other organizations about problems related to the protection of civil rights. It also receives reports from the Office of the Parliamentary Ombudsman.

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

### **Women**

Rape and Domestic Violence: Rape and domestic violence are criminal offenses. Penalties for domestic violence depend on the level of injury to the victim, ranging from required public service to life imprisonment. In the first eight months of the year, authorities received 100 reports of rape, compared with 74 during the same period in 2016. Convicted rapists generally received prison sentences of three to five years. NGOs reported that sexual violence against women, including from intimate partners, remained a problem. No law specifically criminalizes spousal rape, and no data on spousal rape was available.

The law permits rapid government action in domestic violence cases. For example, police and other law enforcement officials may, with court approval, require perpetrators to live apart from their victims, avoid all contact with them, and surrender any weapons they may possess.

Domestic violence remained a pervasive problem. In the first eight months of the year, police received 23,026 domestic violence calls and started 6,150 pretrial investigations, 30 of which were for killings, including of three infants.

The country has a 24/7 national hotline and 29 crisis centers for victims of domestic violence. On April 18, the Ministry of Social Security and Labor approved an Action Plan for Domestic Violence Prevention and Assistance to Victims for 2017-2020 and allocated 928,750 euros (\$1.1 million) for the year.

Sexual Harassment: The law prohibits sexual harassment, but observers claimed that such cases were rarely investigated. On May 11, parliament amended the Law on Equal Opportunities for Women and Men to strengthen protection from harassment, including sexual harassment, for a person seeking employment.

As of September 28, the equal opportunities ombudsman received one complaint of sexual harassment, by an actress against a theater director, and determined it to

be well founded, despite initial inaction by police. After the media reported the ombudsman's finding in May, the Ministry of Culture fired the theater director.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Men and women have the same legal status and rights. Women nevertheless continued to face discrimination.

## **Children**

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

Child Abuse: Child abuse continued to be a significant problem. The Department of Statistics stated that 2,474 children allegedly suffered violence in 2016. The children's rights ombudsman reported receiving 201 complaints in the first eight months of the year.

On January 24, a four-year-old boy was beaten to death by his mother and her partner in the town of Kedainiai. Following the incident, on February 14 parliament met in a special session devoted to the protection of children's rights. During the session it banned all forms of violence against children, including corporal punishment.

The ombudsman for children's rights reported that government efforts to combat child abuse and aid abused children were ineffective. In the first eight months of the year, Child Line (a hotline for children and youth) received 235,471 telephone calls from children but, because of limited human and financial resources, could respond to only 121,259 calls. Child Line also answered 838 letters from children, whose concerns ranged from relations with their parents and friends to family violence and sexual abuse.

Sexual abuse of children remained a problem despite prison sentences of up to 13 years for the crime. In the first eight months of the year, the Ministry of the Interior recorded 47 cases of child rape and 135 cases involving other forms of

child sexual abuse. The government operated a children's support center to provide special care for children who suffered from violence, including sexual violence. It also operated a center in Vilnius to provide legal, psychological, and medical assistance to sexually abused children and their families.

Early and Forced Marriage: The minimum age for marriages for girls and boys is 18.

Sexual Exploitation of Children: Individuals involving a child in pornographic events or using a child in the production of pornographic material are subject to imprisonment for up to five years. The Office of the Ombudsman for Children's Rights reported receiving four complaints of alleged sexual exploitation of children. According to the Ministry of the Interior, officials opened five criminal cases involving child pornography during the first eight months of the year. The age of consent is 16.

Displaced Children: Street children were widely scattered among the country's cities. Most were runaways or from dysfunctional families. According to the Statistics Department, 2,209 children were missing in 2016.

A number of free, government-sponsored programs assisted displaced children. Government bodies and numerous NGOs administered 60 agencies protecting children's rights to aid vulnerable children.

Institutionalized Children: As of January 1, temporary guardianship of a child (foster care) may not last longer than 12 months, and guardianship of a child under three years of age may take place in a child care institution only in exceptional cases and for no longer than three months.

In 2016 approximately 3,000 orphans and other children in need of care resided in the country's 95 orphanages, including 17 operated by NGOs and 54 large-family foster homes. There were five boarding schools for children with disabilities. As of September 1, the children's rights ombudsman received seven complaints and started three investigations regarding children's rights violations in these institutions.

Under the law children under the age of three are sent to guardianship institutions only in exceptional cases when they need specialized health care, nursing, or when the family or municipality cannot provide a child with proper care. To speed up the adoption process, the law also limits a child's stay in an orphanage to 12

months as opposed to the longstanding pattern of temporary care in orphanages lasting five years or longer, representing one of the main obstacles to children's adoption by new families.

NGOs, child welfare experts, and psychologists contended that the country's orphanages were detrimental to child development and led to a wide range of social problems, such as delinquency, social exclusion, and vulnerability to trafficking and prostitution. During the year courts issued decisions on abuse allegations in two institutions. The court sentenced the former director of the Viesvile orphanage to three years and 10 months, with a postponement for three years for sexually exploiting boys in his care. The court sentenced four men from the Sveksna residential institution to from two to 4.5 years in prison for sex with minors.

The Ministry of Social Security and Labor began the reorganization of institutional care, financed with 77.4 million euros (\$92.3 million) until 2020. As part of this process, the ministry reorganized or closed childcare homes in eight municipalities and provided funding to increase the number of foster parents and improve services to children and families.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html)*.

### **Anti-Semitism**

The Jewish community consisted of approximately 3,000 persons. There were reports of anti-Semitic expression, especially on the internet.

Police had instructions to take preemptive measures against illegal activities, giving special attention to maintaining order on specific historical dates and certain religious or cultural holidays.

On February 16, the Lithuanian Nationalist Union held its annual march in Kaunas. Media estimated that 150 participants marched, fewer than in 2016. Police were present to monitor the event, and there were no reports of violence. As in past years, participants chanted the slogan "Lithuania for Lithuanians."

Following a year of more open public conversations about the country's participation in the Holocaust, the annual Lithuanian Shrovetide festival or Carnival, "Uzgavenes," received more media scrutiny than in prior years regarding the tradition of including anti-Semitic and anti-Roma stereotypes among various masked characters depicted during the celebration. For instance, organizers of an Uzgavenes event in Naisiai village published on social media illustrations reminiscent of anti-Semitic propaganda used by the Nazis. On February 24, the media reported that the chairman of the Parliamentary Culture Committee shared the post, drawing strong public rebukes from the Jewish community.

In January actress Asta Baukute gave a Nazi salute during a song contest, sparking concerns. The Jewish community criticized Baukute's actions as inappropriate, and the Lithuanian National Radio and Television LRT subsequently cancelled the show.

The law enables Jews of Lithuanian descent and others to obtain citizenship. The law reduces bureaucratic obstacles by making it easier for applicants to prove their departure from the country prior to World War II.

On September 11, Prime Minister Saulius Skvernelis highlighted to American Jewish Congress International Relations director Rabbi Andy Baker his government's support for Holocaust education and the need to preserve Jewish heritage.

Throughout the year, Lithuanian officials and citizens took part in ceremonies around the country to honor the memory of the victims of the Holocaust. On April 26, the March of the Living took place at the Paneriai Memorial in Vilnius. The march retraced the route of residents of the Vilnius ghetto to the site of their massacre in the Paneriai Forest. In September the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in cooperation with tolerance education centers organized commemoration marches to mark the National Holocaust Remembrance day in Paneriai and 120 other places in the country. Prime Minister Skvernelis participated in both the April and September marches at Paneriai, together with other senior officials. During the September march, the prime minister stressed the need for increased Holocaust awareness in all areas of the country. On September 27, President Dalia Grybauskaite awarded Life Saving Crosses to 43 Lithuanians who rescued Jews during the Holocaust.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities. There was no proactive enforcement of these requirements. By September 28, the equal opportunities ombudsman investigated 31 cases of alleged discrimination based on disability (see section 7.d.).

Although the law mandates that buildings be accessible to persons with disabilities, according to the Lithuanian Disability Forum, approximately 50 percent of public buildings were not accessible for persons with disabilities.

On January 3, the equal opportunity ombudsperson found that 65 percent of voting stations were not accessible for persons with disabilities.

According to the Council of Europe, there were an estimated 15,000 persons under 18 with disabilities in the country. The law requires that all schools that provide compulsory and universally accessible education make available education to students with disabilities. The country has a tradition of separate schools for children with various disabilities, and the majority of children attended separate schools segregated from the mainstream educational facilities and system. According to the Lithuanian Disability Forum, only 16.5 percent of 109 schools inspected in the 2011-2015 period were accessible to persons with disabilities, with 31.2 percent having limited accessibility and 52.3 percent being completely inaccessible. The inspection also found only 40 percent of the buildings of establishments of higher education adapted to the needs of students with reduced mobility.

The law prohibits persons with disabilities who have been deprived of their legal capacity from voting or standing for election.

On January 1, amendments to the civil code and the code of civil procedure to afford persons with mental disabilities greater rights during competency hearings and to address shortcomings found by the ECHR in a 2012 decision came into effect. The government continued implementation of the National Strategy for Social Integration of Persons with Disabilities for 2013-19. During the year the Department for the Affairs of the Disabled obligated 16 million euros (\$19 million)

as part of this strategy, which provided support to social care institutions for persons with disabilities and funding for civil society organizations to improve services for persons with disabilities.

### **National/Racial/Ethnic Minorities**

The law prohibits discrimination against ethnic or national minorities, but intolerance and societal discrimination persisted. According to the 2011 census, approximately 14 percent of the population were members of minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, Karaites, and Jews.

According to a former Vilnius County prosecutor, judges and other law enforcement officials seldom prosecuted discrimination and incitement of racial, ethnic, religious, or other hatred on the internet, giving priority to “real-life” crimes with identifiable victims.

In April 2016 the Vilnius City Council began a Romani integration plan to move residents from their settlement to government housing in other parts of the city. As of October 11, it moved nine families.

Representatives of the Polish minority, approximately 200,000 persons according to the 2011 census, continued to raise concerns about education for ethnic minorities in the country. They also complained about a legal requirement that all students, whether native Lithuanian speakers or not, complete a single, uniform Lithuanian-language examination at the end of their studies. Restrictions on the use of Polish in street signs and on official documents, particularly passports, remained contentious.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The antidiscrimination laws apply to LGBTI persons, however societal attitudes toward LGBTI persons remained largely negative.

On June 16, the ECHR informed the government that it would consider a petition by Pijus Beizaras and Mangirdas Levickas regarding authorities’ refusal to investigate instances of homophobic hate speech online. The complainants claimed that the prosecutor’s office and the national courts unlawfully refused to open a pretrial investigation regarding homophobic online comments in response

to a 2014 picture on a personal Facebook profile. The picture engendered more than 800 comments on the social network, with the majority of comments inciting violence against the two men pictured and the LGBTI community in general.

The law permits individuals to go through gender reassignment procedure, but civil authorities refused to register gender reassignment, since there was no corresponding legislation to enable gender reassignment procedures. On April 7 and May 2, the Vilnius City District Court ordered the Vilnius Civil Registry to change the personal identification documents of two transgender men.

### **HIV and AIDS Social Stigma**

The NGO community reported that individuals with HIV/AIDS were often subject to discrimination, including in employment, and treated with fear and aversion.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

A new labor code implemented on July 1 provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits employer discrimination against union organizers and members and requires reinstatement of workers fired for union activity. These provisions also apply to migrant workers.

There were some specific legal limits to these rights. The law prohibits law enforcement officials, first aid medical workers, and other security-related personnel from collective bargaining and striking, although they may join unions. The law does not afford workers in essential services, whose right to strike is restricted or prohibited, alternative procedures for impartial and rapid settlement of their claims or a voice in developing such procedures.

In the event of a disagreement between management and labor, any such disputes are to be settled by a labor arbitration board formed under the jurisdiction of the district court where the registered office of the enterprise or entity involved in the collective dispute is located. Labor-code procedures make it difficult for some workers to exercise the right to strike. The law prohibits sympathy strikes and allows an employer to hire replacement workers in certain sectors to provide for minimum services during strikes.

Penalties ranged from fines to imprisonment and were insufficient to deter violations. According to the International Trade Union Confederation, the judicial system was slow to respond to cases of unfair dismissal, and no employer ever faced the penal sanctions for antiunion discrimination envisaged in the law. No courts or judges specialized in labor disputes.

The government generally respected freedom of association but did not enforce the previous labor code effectively. Employers did not always respect collective bargaining rights, and managers often determined wages without regard to union preferences except in large factories with well-organized unions.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, and the government generally enforced the law effectively. Penalties ranged from a fine to imprisonment, which were sufficient to deter violations.

There were instances of forced labor, most of which involved Lithuanian men who were subjected to forced labor abroad.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for most employment at 16 but allows the employment of children as young as 14 for light labor with the written consent of the child's parents and school. The law mandates reduced work hours for children, allowing up to two hours per day or 12 hours per week during the school year and up to seven hours per day or 32 hours per week when school is not in session. According to the law, hazardous work is any environment that may cause disease or pose a danger to the employee's life, such as heavy construction or working with industrial chemicals.

The State Labor Inspectorate is responsible for receiving complaints related to employment of persons younger than 18. In the first eight months of the year, the inspectorate identified eight instances in which children were working illegally, without work contracts, in the wholesale, retail, agriculture, forestry, fishery, and construction sectors.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits employment discrimination but does not address HIV-positive or other communicable disease status, or gender identity. The new labor code, which entered into force on January 1, obliges the employer to implement the principles of gender equality and nondiscrimination, which prohibit direct and indirect discrimination, and psychological and sexual harassment. The employer must apply the same selection criteria and conditions when hiring new employees; provide equal working conditions, opportunities for professional development, and benefits; apply equal and uniform criteria for dismissal; pay equal wages for the same work and for work of equal value; and take measures to prevent psychological and sexual harassment in the workplace.

The government effectively enforced the law, issuing penalties adequate to deter violations.

The law stipulates that discrimination on the basis of sex should also cover discrimination on the basis of pregnancy and maternity (childbirth and breastfeeding). In 2016 women occupied 56.2 percent of senior administrative positions at government institutions. According to the Department of Statistics, the pay gap between men and women in 2016 was 13.4 percent, compared with 14.7 percent in 2015. The Council of Europe's human rights commissioner, Nils Muiznieks, noted in particular discrimination against women in academic fields, where men occupied the highest positions and women the lowest.

The EOO monitored the implementation of discrimination laws. As of September 28, the EOO received 190 complaints. To address gender equality problems, in December 2016, the EOO in cooperation with the Association of Municipalities and the Lithuanian Women's Lobby Organization started a three-year project to visit all 60 municipalities to give presentations on discrimination and gender equality problems.

NGOs reported that workers in the Romani, LGBTI, and HIV-positive communities faced social and employment discrimination (see section 6). Non-Lithuanian speakers and persons with disabilities faced discrimination in employment and workplace access.

#### **e. Acceptable Conditions of Work**

According to the National Department of Statistics, the minimum monthly wage remained the same as the previous year at 380 euros (\$456). The official “poverty risk level” in 2016 was 282 euros (\$338) per person per month in comparison with 259 euros (\$311) in 2015.

The new labor code incorporates the principle of respect of the employee’s family commitments (work-life balance) and obliges the employer to take measures to help the employee fulfill his or her family commitments. The new law also simplifies dismissal procedures, increases annual maximum overtime hours from 120 to 180, and establishes different categories of work contracts, such as permanent, fixed-term, temporary agency, apprenticeship, project work, job sharing, employee sharing, and seasonal work. The occupational safety and health standards are current and appropriate for the main industries. The labor laws apply to both national and foreign workers. According to the law, employees can refuse unsafe work without fear of discrimination or retaliation.

The government enforced standards effectively across all sectors including the informal economy, which included an estimated 25 percent of the economy. The State Labor Inspectorate, which is responsible for implementing labor laws, had a staff sufficient to enforce compliance. In the first eight months of the year under the previous labor law, the inspectorate received 4,231 complaints, mostly related to labor-contract violations and wages in arrears, and conducted 6,543 inspections at companies and other institutions. The most numerous abuses it found were violations of work contracts, underpayment or late payment of wages, and worker safety. Workers dissatisfied with the results of an investigation can appeal to the court system. The State Labor Inspectorate continued to conduct seminars for managers of companies, local communities, and persons looking for work. The seminars dealt with preventing and combating illegal employment, the administration of labor contracts, and worker’s rights.

According to the State Labor Inspectorate, violations of wage, overtime, safety, and health standards occurred primarily in the construction, retail, and manufacturing sectors. The inspectorate received complaints about hazardous conditions from workers in the construction and manufacturing sectors. As of September 1, the State Labor Inspectorate recorded 28 fatal accidents at work and 93 severe work-related injuries, compared with 28 and 92, respectively, in 2016. Most accidents occurred in the transport, construction, processing, and agricultural sectors. To address the problem, the inspectorate continued conducting a series of training seminars for inspectors on technical labor inspection. The law protects the rights of workers to remove themselves from work situations that endanger their

health or safety without jeopardy to their continued employment. Workers did not regularly exercise this right. Workers also have the legal right to request compensation for health concerns arising from dangerous working conditions.