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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 40 OF THE COVENANT**

**Second periodic report**

**LITHUANIA\***

[11 February 2003]

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\* This report is issued unedited, in compliance with the wish expressed by the Human Rights Committee at its sixty-sixth session in July 1999.

## 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 United Nations Committee on Human Rights considered the report on 30 October 1997.
2. This Second Report covers the period from the consideration of the First Report by the Committee on Human Rights to 1 September 2002. The Report has been drawn up in accordance with the Guidelines for the regular reports of the State Parties of the Covenant (CCPR/C/Rev.2).
3. It is noteworthy that the *Concluding Observations* of the United Nations Committee on Human Rights (see doc. CCPR/79/Add.87) were brought to the attention of all the competent public authorities of the Republic of Lithuania immediately after the consideration of the First Report of the Republic of Lithuania under the Covenant on Civil and Political Rights. The public authorities were asked to submit information on the measures taken with regard to the problems indicated.
4. The present Report includes information on the essential amendments to the legislation of the Republic of Lithuania and changes in the actual situation which have taken place since the presentation of the First Report to the United Nations. The information presented in the First Report remains valid with regard to articles 1, 5, 11, 18, 20 and 21 of the Covenant.
5. This Report endeavours to give answers to the additional questions raised during the consideration of the First Report concerning various aspects of the legal provisions enshrined in the legislation of Lithuania (see doc. CCPR/C/SR.16340, CCPR/C/SR.1635, CCPR/C/78/Add.87).
6. The reporting period was marked by an intensive development of legal acts and very important changes in the legal framework of the Republic of Lithuania. The process was largely influenced by the absence of firmly established policies in the implementation of the legal framework and the wish to get rid of the Soviet model of legal regulation as soon as possible.
7. In the period from 1998 to 2002 the following new codes were approved: the Civil Code, the Criminal Code, the Code of Criminal Procedure, the Code of Civil Procedure, the Labour Code and the Code of the Enforcement of Sentences. The period also witnessed the emergence of the system of administrative courts; the abolition of death penalty; the transfer of the system of the enforcement of criminal penalties from the Ministry of the Interior to the institutions subordinate to the Ministry of Justice.
8. The Constitutional Court, active since 1993, has been an important guarantor of the Constitution of the Republic of Lithuania, its supremacy in the legal framework and 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 of the Republic of Lithuania. From 1993 to July 2002, the Constitutional Court received over 1500 requests and inquiries raising doubts as to the constitutionality of one or another legal act.

9. Since the First Report the Republic of Lithuania has acceded to the following very important international documents related to the protection of human rights:

(a) Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the Abolition of the Death Penalty (signed on 18 January 1999, ratified on 22 June 1999);

(b) Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances (signed on 3 May 2002, submitted to the Seimas for ratification);

(c) 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty (signed on 8 September 2000, ratified on 2 August 2001);

(d) Council of Europe Framework Convention for the Protection of National Minorities (signed on 1 February 1995, ratified on 17 February 2000);

(e) European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (signed on 14 September 1995, ratified on 15 September 1998);

(f) International Convention on the Elimination of all Forms of Racial Discrimination (signed on 8 June 1998, ratified on 10 November 1998);

(g) Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (signed on 8 September 2000).

10. On 10 December 1998, the Republic of Lithuania signed the Statute of the International Criminal Court. The Statute is to be ratified by the Seimas of the Republic of Lithuania in the near future.

11. In compliance with its obligations under 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 the obligation assumed:

(a) Under the International Convention on the Elimination of all Forms of Discrimination against Women (see doc. CEDAW/C/LTU/1). The report was considered by the Committee on the Elimination of Discrimination against Women on 16 - 22 June 2002 (see CEDAW/C/SR.475, CEDAW/C/SR.473, A/55/38/paras. 118-165);

(b) Under the International Convention on the Elimination of all Forms of Racial Discrimination (CERD/C/SR.Add.2). The report was considered by the Committee on the Elimination of Racial Discrimination on 5-6 March 2002 (see CERD/C/SR.1497, CERD/C/SR.1498, CERD/C/SR.1506, CERD/C/SR.1507, CERD/C/SR.1520);

(c) Under the Convention on the Rights of the Child (CRC/C/11/Add.21). This report was considered by the Committee on the Rights of the Child on 17 January 2001 (CRC/CSR.683, CRC/C/SR.697, CRC/C/15/Add.146);

(d) Under the International Covenant on Economic, Social and Cultural Rights. This report was submitted to the Committee on Economic, Social and Cultural Rights on 22 July 2002.

12. The report under the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to the United Nations has been completed. The Government approved the report by Resolution No. 1287 on 13 August 2002. Recently, it was submitted to the Committee against Torture.

13. In accordance with article 25.1 of the Council of Europe Framework Convention for the Protection of National Minorities, the Republic of Lithuania submitted its report on the implementation of the Convention to the Council of Europe in October 2001. The report is under consideration by a special Council of Europe committee of independent experts.

14. On 2 April 2001, the Chairman of the Seimas of the Republic of Lithuania and a duly authorised representative of the UNDP signed a draft action plan on human rights. The Action Plan, the aim of which is to develop a plan for the protection and promotion of human rights in Lithuania, will be implemented in accordance with the outline of the global HURIST Programme launched by UNDP and the United Nations High Commissioner for Human Rights in April 1999. The draft action plan on human rights was developed on the basis of a prior report on the situation of human rights in Lithuania.

15. In pursuing the objective of strengthening the protection of human rights, the Republic of Lithuania established the institutions of the Ombudsman for Equal Opportunities and the Ombudsman for the Rights of the Child.

16. In 1999, the Republic of Lithuania started an intensive process of harmonisation of its legislation with the European Union *acquis communautaire*. All new draft laws and regulations of the Republic of Lithuania must be harmonised with the respective provisions of the EU legislation.

## **Article 2**

17. The laws of the Republic of Lithuania ensure to all individuals within its territory and subject to its jurisdiction the rights recognised by the International Covenant on Civil and Political Rights without distinction of any kind. Lithuania has created a legal framework for giving effect to those provisions of the Covenant. The laws of the Republic of Lithuania prohibit any discriminatory conduct of judicial or any other competent authorities as well as the passage of discriminatory legislation or any other legal acts.

18. By way of supplementing its first report (CCPR/C/81/Add.10, paras. 17-19) concerning the implementation of the provisions of article 2 of the Covenant, the Republic of Lithuania presents the following information on the changes in its legal framework.

19. In the period since the presentation of its first report, the Republic of Lithuania has continued the development and improvement of its legal framework.

20. On 14 January 1999, the Seimas of the Republic of Lithuania passed the Law on the Establishment of Administrative Tribunals, the Law on Administrative Proceedings and other related laws, which laid the foundations for the system of administrative tribunals that has been functioning since 1 May 1999.

21. The administrative judicial system of the Republic of Lithuania consists of five District Administrative Tribunals and the High Administrative Tribunal. The Law on Administrative Proceedings provides that every interested person shall be entitled to seek judicial protection of his rights or lawful interests that have been violated or disputed. Furthermore, the Law stipulates that justice in administrative cases shall be administered exclusively by courts on the principle of the equality of all persons before law and the judiciary without distinction of any kind, such as sex, race, nationality, language, origin, social status, religion, political or other opinion, occupation, place of residence or any other circumstance.

22. The Law on the Establishment of Administrative Tribunals provides for the establishment specialised administrative courts for the examination of (complaints) petitions concerning acts, actions or omissions by subjects of public or internal administration. In 2001, Administrative tribunals received 14,121 petitions; in the same year they examined 13,171 cases.

23. Administrative tribunals adjudicate in cases concerning:

(a) The legality of legal act adopted and actions performed by the entities of state and municipal administration, also the lawfulness and justifiability of the entities' refusal to act within their remit or their delay in the performance thereof;

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

(c) Payment, reimbursement, enforcement of taxes and other mandatory levies; application of fines; tax disputes;

(d) Applications concerning employment-related disputes where one of the parties is a civil servant or a municipal employee with administrative powers (including officials and heads of institutions);

(e) The decisions of the Chief Commission on Professional Ethics and its recommendations for the termination of employment of civil servants;

(f) Disputes between entities of public administration which are not subordinate to each other concerning violations of their remit or breach of law, except for civil disputes under the jurisdiction of general courts;

(g) Violations of the election or referendum laws;

(h) Appeals against the judgement on a case of administrative violation of law;

(i) Legality of the decisions or actions of public agencies, enterprises or non-governmental organizations with administrative powers in the area of public administration, as well as the legality and validity of their refusal or delay to perform actions within their competence;

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

(k) Complaints of aliens concerning the refusal to issue a residence or work permit or the withdrawal thereof as well as complaints concerning the refugee status.

24. The institution of Ombudsmen was introduced on 31 March 1995. Ombudsmen are appointed by the Seimas of the Republic of Lithuania for a term of four years, so that at present the institution of five ombudsmen is in its second term. Ombudsmen investigate complaints about abuses of office or red tape by state or municipal officials. Every citizen has a right to lodge a complaint about the abuses of power or red tape committed by an official of a state or municipal institution within the jurisdiction of the respective Ombudsman. Ombudsmen also investigate complaints of the citizens of the Republic of Lithuania referred to them by Members of Parliament; they may also investigate complaints lodged by the citizens of other States or stateless persons.

25. On 1 December 1998, the Seimas passed the Law on Equal Opportunities, which came into force on 1 March 1999. On 20 April 1999, the Seimas appointed the Ombudsman for Equal Opportunities; on April 25, it established the Office of the Ombudsman for Equal Opportunities and approved the Statutes of the Office (for greater detail, see Points 32, 37-41 hereof on the implementation of article 3 of the Covenant in Lithuania).

26. On 14 March 1996, the Seimas passed the Framework Law on the Protection of the Rights of the Child, which transposed all the essential 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 obligation enshrined in the Constitution and other legislation of the Republic of Lithuania as well as in international agreements, the Seimas adopted the Law on the Ombudsman for the Protection of the Rights of the Child, on the basis of which it passed the Resolution on the Office of the Ombudsman for the Rights of the Child. The Resolution specified the functions of the Ombudsman for the Protection of the Rights of the Child and the legal basis for the work of his/her office. The Office of the Ombudsman for the Protection of the Rights of the Child was established on 1 September 2000. The Ombudsman was appointed by a resolution of the Seimas on 1 November 2000 (for greater detail, see Points 284-293 hereof on the implementation of article 24 of the Covenant in Lithuania).

27. The amended version of the Law on Courts was adopted on 24 January 2002; it came into force on 1 May 2002. Invoking the amended Law on Courts, the Seimas adopted the Law on the National Administration of Courts on 14 March 2002. Under the latter Law, the Department of Courts under the Ministry of Justice was transformed into the *National Administration of Courts*, which became functional on 1 May 2002. It has taken over the functions of the former Department of Courts under the Ministry of Justice and exercises the functions of the founder of courts. The founder of the National Administration of Courts is the Supreme Court of the Republic of Lithuania. The National Administration of Courts performs

the following functions: prepares materials for the General Meeting of Judges and the meetings of the Judiciary Council; conducts investigations, analyses and surveys at their instruction and draws up drafts of their decisions, resolutions and other legal acts; provides technical services to self-government judiciary institutions; collects information on the implementation of the decisions or resolutions taken by the General Meeting of Judges, the Judiciary Council or the Professional Judiciary Tribunal and submits it to the Judiciary Council or, on its instruction, to the General Meeting of Judges; analyses the work of the courts except for their administration of justice, submits proposals concerning the conditions for the work of the courts; organises and ensures centralised supplies of consumables and services to courts; prepares a consolidated statement on the budgetary expenditure of the National Administration of Courts, local courts, district courts and district administrative courts; accumulates, analyses and summarises the statistics related to the work of courts and presents it to the Judiciary Council, courts and the Ministry of Justice; manages the list and personal files of the applicants for judiciary vacancies in local courts; manages the personal files of judges and the register of aspirants to positions of career judges; considers applications, complaints and proposals falling within the competence of the National Administration of Courts and takes steps for the resolution of the problems raised; performs other assignments of the judiciary self-government institutions and some other functions provided for by law.

### Article 3

28. As indicated in the First Report of the Republic of Lithuania (CCPR/C/81/Add.10, paras. 20-21), the principle of equal opportunities is enshrined in the Constitution and guaranteed by a number of laws of the Republic of Lithuania.

29. The Constitution guarantees the equal rights of men and women to work, education, social and health protection, etc. The principle of equality is based on the equal rights of both genders, their responsibilities and opportunities in all the areas of life – public authorities, professional activities, business. Article 29 of the Constitution reads: “A person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions.”

30. It is noteworthy that Lithuania has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Convention on the Elimination of all Forms of Discrimination against Women (On 16-22 June 2000, Lithuania presented successfully its first and second reports under the Convention on the Elimination of all Forms of Discrimination against Women.) On 8 September 2000, Lithuania signed the Optional Protocol to that Convention. The Republic of Lithuania has also acceded to a number of conventions of the International Labour Organization and UNESCO prohibiting discrimination.

31. The principle of equal opportunities is also enshrined in a number of laws such as the Law on Elections, Law on Referendum, Law on Employment Contract, Law on Civil Service, Law on Safety and Health at Work, Law on Support to the Unemployed, and many other laws and codes.

32. In accordance with the Law on Equal Opportunities adopted on 1 December 1998, the institution of the Ombudsman for Equal Opportunities was established in 1999 to investigate complaints about the violations of this Law and to impose administrative sanctions for them.

The aim of the Law on Equal Opportunities is to ensure the implementation of the principle of equal opportunities enshrined in the Constitution of the Republic of Lithuania. The Law also defines the duties of public authorities, education, research and studies institutions and employers in the implementation of equal opportunities.

33. The analysis of the legislation of the Republic of Lithuania from the point of view of equal opportunities, conducted in 1999, showed that the main laws of the Republic of Lithuania are consistent with the principle of equal opportunities as it is defined in international legal acts.

34. In order to facilitate the practical implementation of the respective legal provisions, the Plan of the Implementation Measures of the Programme of the Government of the Republic of Lithuania for 2001-2004 provides for the development of a State Programme for Equal Opportunities by the end of 2002 and its implementation by the end of 2004. The Programme is to identify existing problems in various spheres and to provide for measures for their resolution. The problems causing greatest concern in this respect include the economic and social situation of women, women's health, violence against women, prevention of trafficking in women, etc.

35. The institutional mechanism for the implementation of equal opportunities, the development of which started as early as 1994, consists of several tiers - parliamentary, governmental, private and public. The Seimas of the Republic of Lithuania has a standing Commission on Family and Children's Affairs, and a parliamentary group of women members of the Seimas. At the governmental level, the Ministry of Labour and Social Security coordinates the formation and implementation of policies ensuring equal opportunities.

36. On 7 March 2000, the Government established the Commission on Equal Opportunities, which includes representatives of all the ministries and two State Departments (6 men and 12 women). Each commissioner is responsible for the implementation of the principle of equal opportunities within the jurisdiction of the institution he or she represents.

37. On 20 April 1999, the Seimas approved the Ombudsman for Equal Opportunities and on 25 May 1999 established the Ombudsman's Office for Equal Opportunities. Every natural or legal person has a right to lodge a complaint about a violation of equal opportunities. The officials of the Ombudsman's Office investigate complaints about discrimination, sexual harassment; they also carry out such investigations at their own initiative if they become aware of violations of the principle of equal opportunities from the media or other sources; present proposals within their competence to public and governmental authorities on the improvement of legal acts and priorities in the area of equal opportunities; perform the function of a watchdog on discriminatory advertisements in the media; examine cases of administrative violations and impose administrative penalties within their competence.

38. Compared to the two previous years, the number of complaints and investigations conducted at the initiative of the Ombudsman for Equal Opportunities have increased considerably. While in the two previous periods, from 25 May 1999 to 14 March 2000 and from 15 March 2000 to 14 March 2001, 31 and 52 complaints were received respectively, and 4 and 5 investigations conducted at the initiative of the Ombudsman, the period from 15 March 2001 to 14 March 2002 saw 63 complaints and 10 investigations conducted at the initiative of the Ombudsman.



39. At the time when the Seimas passed the Law on Equal Opportunities and established the Ombudsman Office for Equal Opportunities to control the implementation of the Law, most people thought that the Office would be engaged in the protection of women's rights. It must be noted, however, that a considerable number of men have lodged complaints with the Office requesting that their rights be protected.

40. The Law on Equal Opportunities empowers the Ombudsman to take respective decisions. Most of such decisions are recommendations for state institutions to repeal certain legal acts which are in violation of equal rights. The Law also provides for a possibility to refer a case to law enforcement investigative institutions if the Ombudsman discerns elements of crime. The Ombudsman has used this possibility on several occasions (related to sexual harassment, degrading treatment at work).

41. It must be noted that the decisions taken by the Ombudsman are successfully implemented. Not a single of them has been appealed against in court and not a single institution in receipt of such a decision has disputed it. Some decisions recommending the repeal of a legal act in violation of equal opportunities have not been implemented yet due to objective reasons (such as the time factor, the necessary procedures, etc.), but all of them have been supported in principle. Therefore it can be said that the decisions of the Ombudsman for Equal Opportunities are effective.

42. The implementation of the policy in equal opportunities depends a great deal on the co-operation with non-governmental organizations. Lithuanian women's organizations (at present there over 70 such organizations) are very active both at the national and international levels. Four women's study centres are active in the education and publishing field. One of such active organizations is the Women's Information Centre, which initiates social surveys, accumulates statistical information on the employment rates of men and women, entrepreneurship, education, family problems, causes of violence against women and trafficking in women. It also organises education activities and promotes the implementation of the principle of equal opportunities.

43. There are changes in the representation of women both at the political and public administrative levels, which can be illustrated by the statistics of the participation of men and women in national elections.

#### **Candidates and elected Members of Seimas by gender**

	Candidates				Elected members			
	Men	%	Women	%	Men	%	Women	%
Seimas VII (1992)	732	88.2	98	11.8	131	92.9	10	7.1
Seimas VIII (1996)	1 071	79.4	278	20.6	113	81.9	25	18.1
Seimas IX (2000)	1 039	81.7	232	18.3	126	89.4	15	10.6

44. Participation of men and women in public administration (as of May 2001): the total number of civil servants was 20,025, including political appointees (284 women and 526 men), career civil servants (11,995 women and 7,220 men). In 2001, the Lithuanian police had 2,390 women police officers and 14,273 men officers. Two women were in charge of police city or region commissariats. The Lithuanian Army has 1,500 professional soldiers, including 1,065 women. Among its 2,186 military officers there are 231 women officers (holding the rank of lieutenant colonel - 1, major - 5, captain - 128). At the beginning of 2001, there were 342 women prosecutors and 478 men prosecutors, 322 women judges and 309 men judges, 330 women lawyers and 537 men lawyers, 181 women notaries public and 8 men notaries public.

45. Education is one of the areas where women have achieved the greatest results. Our State does not have any problems concerning women's illiteracy or lack of education opportunities. This statement can be substantiated both by the data of the Department of Statistics under the Government of the Republic of Lithuania for 1995-2001 and by the data of the surveys of education institutions conducted by the Ombudsman Office for Equal Opportunities. Since 1990, the proportion of women students in post-secondary and higher education institutions has been increasing rather steadily: in 1990, women studying in post-secondary institutions accounted for 50.8 per cent, in higher education institutions - for 51.9 per cent; in 2001 the percentages were 63 per cent and 60 per cent, respectively.

46. The purpose of the Law on Equal Opportunities is to ensure the implementation of the equality of men's and women's rights enshrined in the Constitution of the Republic of Lithuania and to prohibit any discrimination, direct or indirect, on the basis of a person's sex. Subject to the Law, vocational, post-secondary or higher education institutions must ensure equal enrolment opportunities for men and women and equal opportunities in the choice of teaching programmes and courses and equal treatment in the assessment of their knowledge.

47. Since 1999, having regard to that provision of the Law, the Ombudsman Office for Equal Opportunities has conducted annual surveys of the entrance rules to post-secondary and higher education institutions and the proportion of men and women actually enrolled. The only violation was disclosed in the Jonas Žemaitis Military Academy of Lithuania in 1999. After the investigation and presentation of recommendations, the Academy changed its entrance rules so that for the last three years women can successfully compete with men in entering the Academy.

48. The Law on Education and other legal acts related to it treat women and men equally. General education schools have approximately the same number of boys and girls - their proportion has not changed for the last decade.

49. From the point of view of gender representation among scientists and researchers, we find the following picture: in 2000, among the scientists and researchers there were 1,822 women (34 per cent) and 3,511 men (66 per cent); among habilitated doctors there were 110 women (14 per cent) and 685 men (86 per cent), including full professors (62 women (10 per cent) and 547 men (90 per cent)), docents (20 women (23 per cent) and 67 men (77 per cent)). The number of women holding a doctor's degree was 1664 (38 per cent), the respective figure among men was 2,683 (62 per cent), including full professors (6 women (14 per cent) and 37 men (86 per cent)), and docents (741 women (33 per cent) and 1,493 men (67 per cent)).

#### **Article 4**

50. As it was indicated in the First Report (CCPR/C/81/Add.10, para. 23), the Constitution provides for a possibility to declare martial law or a state of national emergency. However, martial law or a state of emergency has never been imposed in the Republic of Lithuania.

51. Article 144.3 of the Constitution stipulates that the state of national emergency shall be governed by law. The Law on the State of National Emergency was adopted on 6 June 2002. The Law regulates matters related to the introduction of a state of emergency (which human rights and freedoms may be restricted after the introduction of a state of emergency on the entire territory of the State or in some part of it, what subjects may do it, by what actions and under what circumstances). The restrictions on the exercise of human rights and freedoms and other extraordinary measures and their application under a state of emergency are defined in section IV of the Law. The Law also indicates the rights which may not be restricted. The general position is that the restrictions may not go counter the obligations of the Republic of Lithuania under international law.

52. Another law defining restrictions of human rights under extraordinary circumstances is the Law on Martial Law of the Republic of Lithuania adopted on 8 June 2000. Section III thereof lays down the rules governing the restriction of human rights and freedoms (when, what subjects, by what actions, which rights and freedoms). Subject to this Law (arts. 8-15), the following rights and freedoms may be restricted under martial law: the right to personal privacy, the privacy of one's home, expression of one's convictions, search of and access to information, the right to disseminate information, the freedom of movement, the right to unite in political parties, political organizations, non-governmental organizations or associations, the right of assembly.

53. Under martial law or a state of emergency, the Law allows a temporary restriction of those human rights and freedoms which are specified in article 145 of the Constitution of the Republic of Lithuania. It also specifies the rights and freedoms which may not be restricted under any state of emergency. Article 12 restricts the right of entry into the Republic of Lithuania during martial law, while article 13 restricts the right of return to the Republic of Lithuania and the right of settlement on the territory of Lithuania under martial law.

54. The legal provisions of the Republic of Lithuania are in line with the provisions of article 4 of the Covenant and articles 14 and 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms allowing a State to take measures derogating from its obligations under the Covenant (provided that such measures are not inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, colour, sex, language, religion or social origin).

#### **Article 6**

55. Since the presentation and consideration of the First Report, the Republic of Lithuania has made a step of exceptional importance - it abolished the death penalty in 1998. No death penalty had been executed since 1996. The last execution took place on 12 July 1995.

56. The legal basis for the abolition of the death penalty was the judgement of the Constitutional Court, delivered on 9 December 1998, which declared the death penalty as provided for in article 105 of the Criminal Code of the Republic of Lithuania to be contrary to articles 18, 19 and 21.3 of the Constitution of the Republic of Lithuania. On 21 December 1998, invoking this judgement of the Constitutional Court, the Seimas adopted the Law on the amendment of the Criminal Code by replacing the death penalty with life imprisonment.

57. Shortly after that, the obligations of the Republic of Lithuania concerning the abolition of the death penalty were transposed at the international level. On 22 June 1999, the Seimas ratified Protocol 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty, which came into force for the Republic of Lithuania on 1 August 1999.

58. On 2 August 2001, the Seimas ratified the 1989 Second Optional Protocol to 1966 International Covenant on Civil and Political Rights, concerning the abolition of the death penalty (it came into force for the Republic of Lithuania on 27 June 2002).

59. On 26 September 2000, the Seimas adopted the new Criminal Code of the Republic of Lithuania (to come into force on 3 May 2003) which does not provide for the death penalty.

60. On 3 May 2002 the Republic of Lithuania signed Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances. It has been submitted to the Seimas for ratification.

### **Article 7**

61. By way of supplementing the information supplied in its First Report (CCPR/C/81/Add.10, para. 32-33), the Republic of Lithuania presents the following information on the implementation of the provisions of article 7 of the Covenant in Lithuania.

62. Article 21 of the Criminal Code, currently in force, on penalties and their purpose provides that penalties may not be used to inflict physical pain or to subject a person to degrading treatment. Article 41 of the Criminal Code provides for higher penalties for aggravated crimes which involve special cruelty to or suffering of the victim. Cruelty as an aggravating circumstance is provided for in article 105 (intentional murder under aggravating circumstances), article 111 (intentional serious bodily injury, causing an illness), article 112 (causing intentional bodily injury or an illness graver and more serious than ordinary), article 117 (battery and cruel torturing).

63. In a similar way, the new Criminal Code stipulates that if a criminal act is committed by torturing the victim or subjecting him/her to degrading treatment, it is to be considered an aggravated criminal act.

64. The Republic of Lithuania is a State party to the 1984 United Nations Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which came into force for the Republic of Lithuania on 2 March 1996.

65. In March 1999, Lithuania acceded to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its two Protocols, which came into force for the Republic of Lithuania on 1 March 2002.

66. In February 2000, the European Committee for the Prevention of Torture (hereinafter referred to as "CPT"), set up under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, inspected detention facilities in the Republic of Lithuania such as police lock-ups, corrective labour facilities and the Centre for the Registration of Aliens.

67. On the basis of the information collected during the inspecting visits, the CPT drew up a report with recommendations to the Government of the Republic of Lithuania concerning the protection of the rights of the detainees in the detention facilities inspected. With the approval of the Government, the CPT report was made public on the Internet at [www.cpt.coe.int](http://www.cpt.coe.int). In response to the CPT recommendations, the Government presented a detailed report on the measures taken.

68. On 11 May 2000, the Seimas enacted the Law on the Ethics of Biomedical Research. The Law sets forth requirements and principles for ethics of biomedical research, the procedure for giving approval to conduct biomedical research, the procedure for control of conducting biomedical research and liability for infringement of the provisions of this Law. The Law stipulates that biomedical research must be conducted according to the principle whereby "the interests of the human being prevail over the interests of society and science".

69. Subject to the Law, biomedical research may be carried out only with an express written consent of the research subject. Human embryos may not be subjects of biomedical research, they may be subjects only of clinical observation. Cloning of human being is prohibited.

70. Article 5 of the Law on Ethics of Biomedical Research sets forth a list of vulnerable persons who can be subjected to biomedical research only with regard to the conditions enumerated in article 7 thereof: if this kind of biomedical research may be carried only on vulnerable persons; if the results of biomedical research have the potential to produce real and direct benefit to the health of research subjects; if a biomedical research shall not pose a risk to the health or life of the research subject.

71. Biomedical research may not be conducted on the inmates of prisons or other detention facilities.

72. The Law provides for the liability of the sponsor of research and the researcher for damage resulting from injury to the health of a research subject or his death as well as for research-related non-pecuniary (moral) damage caused by biomedical research.

73. In 1997, the Republic of Lithuania signed the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine and its additional protocol on the Prohibition of Cloning Human Beings, adopted on 12 January 1998.

## Article 8

74. By way of supplementing the information supplied in its First Report (CCPR/C/81/Add.10, para. 34), the Republic of Lithuania presents the following information on the implementation of the provisions of article 8 of the Covenant in Lithuania.

75. There is no slavery in the Republic of Lithuania in the true sense of the word. However, Lithuania, like a great number of other countries, faces the problem of trafficking in human beings, particularly women, and the problem of illegal immigrant trafficking.

76. One of the most important tasks of the Government in conducting the legal reform as well as law enforcement and internal policies is the implementation of radical measures of crime prevention (particularly organized crime) and crime control: the systematic elimination of the causes; modernization and strengthening of the institutional system of law enforcement and other institutions; support to the activities of non-governmental organizations; destruction of the networks of criminal enterprises engaged in trafficking in human beings and organization of prostitution, abuse and commercial exploitation of children.

77. The Government rallies the efforts of law enforcement institutions and other public and non-governmental organizations to implement the provisions of the legislation of the Republic of Lithuania and international agreements concerning trafficking in human beings. On 3 July 1995, Lithuania ratified the United Nations Convention on the Rights of the Child; on 10 September 1995, it ratified the United Nations Convention on the Elimination of all Forms of Discrimination against Women, article 6 whereof obligates to take all necessary measures to stop all forms of trafficking in women and their use for prostitution.

78. Trafficking in human beings and the related forms of organized crime such as illegal migration, smuggling, trafficking in weapons and narcotics has become one of the most serious threats to the national security of the country. The Seimas and the Government have taken legal and organizational measures for the containment and prevention of such processes and the development of the necessary mechanism of their control.

79. Having regard to the gravity of the problem of trafficking in human beings, the Government approved a Programme for the Control and Prevention of Trafficking in Human Beings and Prostitution for 2002-2004 as part of the implementation of the plans of measures for the harmonisation and implementation of the EU acquis under the National Programme for the Adoption and Implementation of the Acquis. Trafficking in human beings and prostitution is a social phenomenon, therefore the system of its control and prevention will include a complex of measures, inter alia educational, social, economic and medical measures, legal measures at national and international levels, scientific, organizational, tactical, informational, analytical, financial and a number of other measures.

80. After the implementation of the Programme, the combat with specialised criminal groups will become more effective. The Programme provides for the development of a social help system, which will act as a factor of containment of the involvement of new persons in prostitution; the creation of favourable conditions for social, psychological and legal support to the victims of prostitution and trafficking in human beings; the improvement of search for missing persons; the development of an information system facilitating the prevention,

investigation and discovery of cases of trafficking in human beings; expansion of international cooperation, support to non-governmental organizations. The Programme also provides for the implementation of a preventive educational programme in the schools of general education, the development, at the State Border Control Service under the Ministry of the Interior, of a computerised database of detained holders of fraudulent documents, persons suspected of procuring in prostitution, missing persons, persons deported from other countries and the Republic of Lithuania; the implementation of the recommendations of international legal acts and international organizations in the area of trafficking in human beings.

81. On 13 December 2000, the Republic of Lithuania signed the United Nations Convention against Transnational Organized Crime, ratified by the Seimas on 19 March 2002.

On 25 April 2002, the Republic of Lithuania signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.

82. Lithuania is also implementing the Recommendations of the Committee of Ministers of the Council of Europe and other international legal acts which served as the basis for the development of the Programme for the Control and Prevention of Trafficking in Human Beings and Prostitution for 2002-2004. The implementation measures of the Programme place a special emphasis on the implementation of the provisions of the aforementioned international treaties.

83. In its efforts to eliminate factors causing trafficking in persons, Lithuania has approved a Strategy for the Reduction of Poverty. A special programme of measures is under development. The Government has approved a Programme for Increasing Employment, which is now being implemented.

84. The legislation of the Republic of Lithuania provides for criminal responsibility for trafficking in persons and other related crimes such as procuring in prostitution, illegal trafficking of persons across the State border, etc.

85. The Law on the Amendment of the Criminal Code, adopted on 2 July 1998, inserted article 131<sup>3</sup> providing for criminal responsibility (imprisonment from 4 to 8 years) for trafficking in persons - the sale or purchase of a person with the aim of sexual exploitation, forcing him/her to engage in sex work or obtaining personal gain from him/her as well as criminal responsibility for taking a person into or out of Lithuania for prostitution (paragraph 1 of the same article). Criminal responsibility (imprisonment from 6 to 12 years) is provided for the same criminal acts committed repeatedly or in respect of a minor or by a group of persons by pre-arrangement or by a particularly dangerous recidivist (paragraph 2 of the same article). The same Law amended articles 8<sup>1</sup> and 35 by attributing trafficking in persons to especially grave crimes. By invoking article 131<sup>3</sup> of the Criminal Code 3 criminal cases were initiated in 1999, 4 in 2000, 14 in 2001, 7 in the first 8 months of 2002.

86. Criminal responsibility for trafficking in persons is also provided for in the new Criminal Code approved on 26 September 2000, which is to come into force from 1 May 2003.

87. Procuring in prostitution is punishable by up to 5 years of imprisonment under paragraph 3 article 239 of the Criminal Code. Enticing a minor or a person who is financially or otherwise dependent on another person into prostitution as well as the involvement of a person

in prostitution by blackmail, fraud or physical or psychological coercion is punishable by 3 to 7 years of imprisonment. While no criminal proceeding were instituted in 1995-97 by invoking paragraph 3 article 239 of the Criminal Code, 4 such criminal cases were brought in 1998, 15 in 1999, 9 in 2000, 2 in 2001.

88. Several articles of the Criminal Code provide for criminal responsibility for the illegal crossing of the state border or for the illegal transportation of persons across the state border. Illegal crossing of the State border is punishable under article 82 by up to 3 years of imprisonment, where this is done under aggravating circumstances - by up to 5 years of imprisonment. Illegal transportation of persons across the State border or the concealment of illegal immigrants is punishable under article 82<sup>1</sup> by up to 10 years of imprisonment, where this is done under aggravating circumstances - by up to 15 years of imprisonment.

89. As a measure of preventing trafficking in persons and reducing the growth of illegal labour related to it, the Criminal Code was supplemented with article 82<sup>2</sup>. It came into force on 1 July 1999. Article 82<sup>2</sup> establishes criminal responsibility for the transportation of a person to another country with the intention of asking for asylum, engaging in illegal labour or staying illegally in another country or by giving fraudulent promises of a legal status in another country. Such crimes are punishable by up to 6 years of imprisonment (under aggravating circumstances - from 4 to 8 years of imprisonment).

90. Victims of trafficking in persons are integrated or re-integrated in Lithuania at the initiative of governmental and non-governmental institutions. Within their respective competence, support and assistance is provided by the following institutions: the Ministry of Labour and Social Security - on social matters (employment, vocational guidance); the Police Department and the Ministry of the Interior - on legal matters and matters related to the protection of the victims, the Ministry of Health and the AIDS Centre of Lithuania - on health matters. Issues of re-integration are taken care of by the Centre for the Registration of Aliens of the State Border Control Service under the Ministry of the Interior.

91. At present, there is a number of non-governmental organizations - the Centre of Support to the Families of Missing Persons, the Women's Shelter in Vilnius, the Crises Centre and others, which give social, medical, psychological and other assistance to the victims of trafficking in persons.

92. Education occupies one of the most important places among the measures preventing trafficking in persons. All the international legal acts on the prevention of trafficking in persons emphasise education (provision of information) as one of the most effective preventive measures. Providing information on the dangers related to trafficking in persons and on the ways of avoiding such dangers helps to reduce the involvement of new persons (minors, unemployed, victims of violence and sexual abuse) in trafficking and forced prostitution as well as to encourage the victims to try escape from trafficking activities and prostitution.

93. Recognizing the importance of education (provision of information) as one of the most effective measures preventing trafficking in persons, Chapter II "Education" of Annex 1 to the Programme for the Control and Prevention of Trafficking in Human Beings and Prostitution for 2002-2004 includes a list of various specific measures to be taken in this respect.



94. The non-governmental organization Centre of Support to the Families of Missing Persons has a toll-free telephone line for potential victims of trafficking in persons. It has organized a number of lectures in various education institutions and to social workers who work with people belonging to high-risk groups; has published a number of information bulletins and posters warning of the dangers of trafficking in persons in Lithuania; organized 4 international and 2 national conferences on the problems victims of trafficking in persons face; published and disseminated a great number of information fliers warning of dangers of looking for illegal jobs abroad, etc.

95. In 2001, the International Migration Organization conducted an information campaign in Lithuania to warn young girls of possible dangers, suggesting safer ways for finding a job in another country and advising on the best tactics when in face with traffickers in persons. The International Migration Organization offers consultations on the telephone to those who have doubts about their decision to leave the country in search of a job. In January 2002, it started a second wave of information, which includes a video clip on TV. Very soon similar information will be broadcast on the radio, carried in the press and in public transport. Special information leaflets, brochures and fliers will be disseminated in schools, departments of the Labour Exchange, and in border crossing posts.

96. National cooperation, including exchange of information is going on between various institutions and organizations at various levels. Special police units of the Investigative Service of Organised Crime of the Criminal Police are involved in direct combat against trafficking in persons; they also conduct preventive measures.

97. Cooperation, including exchange of information in the area of control and prevention of trafficking in persons is conducted in the police system (among police units) and other law enforcement institutions (in accordance with the agreement made between the Prosecutor's Office, the police, the State Security Department, the Service of Special Investigations under the Ministry of the Interior, the State Border Control Service under the Ministry of the Interior, Customs and other institutions); also among law enforcement institutions and non-governmental organizations, various ministries and public authorities.

98. The Republic of Lithuania has signed agreements of intergovernmental cooperation in the area of crime control and prevention with 19 countries. The Ministry of the Interior has inter-agency agreements with law-enforcement institutions of 13 countries. The Police Department under the Ministry of the Interior cooperates with law-enforcement institutions of other countries in search for wanted criminals and missing persons via the channels of the Lithuanian Office of Interpol. In addition, contacts with other foreign countries with which Lithuania does not have agreements on legal assistance are maintained through the Consular Department of the Ministry of Foreign Affairs.

99. It has been noticed that for various reasons, mostly because they cannot accomplish their objectives in Lithuania, organized criminal groups, including those engaged in trafficking in persons, have transferred their criminal activities to other European countries. This calls for continued efforts to strengthen regional and international cooperation between law enforcement institutions. Therefore plans for the immediate future include the expansion of the network of officers, signing a cooperation agreement with the Interpol, strengthening bilateral relations on

the basis of cooperation agreements in combating organized crime (in 2000, a bilateral agreement like this was signed with Poland, in 2001 - with the German Federal Republic).

100. At present, the Investigative Service of Organised Crime of the Criminal Police of Lithuania is conducting a rather effective cooperation with the law enforcement institutions of the Russian Federation, mainly with the respective institutions of the Kaliningrad Region: the cooperation involves exchanges of operational information, joint operational activities, the formation of a quadrilateral task force for the coordination of further cooperation in the respective area.

101. Lithuania is very consistent in promoting cooperation with the neighbouring countries, first of all with the Baltic States - Latvia and Estonia. Trilateral cooperation is coordinated through the Baltic Council of Ministers, where practical activities are organized through standing committees of senior officers.

102. Another form of regional cooperation, introduced in 1996, is the Programme for Combating Organised Crime in the States of the Baltic Sea Region, referred to as Baltcom Task Force. It is a noteworthy fact that the Programme unites the successful and constructive efforts of member States of the European Union, candidate countries, Norway and the Russian Federation. The implementation of the Programme involves a number of projects coordinating joint law-enforcement actions of the Baltic countries against the dominating organized crimes, including trafficking in persons, and joint operations against organized criminal enterprises.

103. As indicated in the First Report (CCPR/C/81/Add.10, para. 34), the Constitution of the Republic of Lithuania prohibits forced labour and also identifies cases where labour is not to be considered forced labour.

104. The Republic of Lithuania has ratified the 1930 Convention No. 29 concerning the Abolition of Forced Labour of the International Labour Organization.

105. On 27 June 2002, the Seimas approved the Code of Enforcement of Sentences of the Republic of Lithuania, which is to replace the former Code of Corrective Labour. Chapter Two of the Code regulates the work of convicted prisoners. The Code includes provisions relating to the forced involvement of prisoners in work and their right to engage in individual work, research and artistic and other activities. The Code provides for an eight-hour working day. For convicted prisoners who are serving their sentences in medical treatment-correctional institutions the duration of the working day must be fixed individually for each prisoner by the medical commission. There must be a system of remuneration for the work of prisoners according to quantity and quality of work following the procedure established by the Government, including deductions from the prisoners' monthly earnings provided for by the Code. Convicted prisoners are entitled to an annual fortnight's leave without pay, the time being credited into the term of the sentence. It is noteworthy that convicted prisoners may be involved in unpaid work only for undertaking routine up-keep work in the penal institutions and the adjacent territories, also in work connected with improvement of cultural and every-day life conditions of the convicted prisoners. The above-mentioned work must be performed by rotation outside the working hours. No prisoner can be ordered to do work of the kind for more than two hours per day.

## Article 9

106. As it is indicated in the First Report (CCPR/C/81/Add.10, para. 35), the provisions of article 9 of the Covenant are guaranteed by article 20 of the Constitution.

107. In accordance with the national laws, pre-trial deprivation of liberty (detention) may be imposed only in cases where 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.

108. The procedure, conditions, grounds and terms of pre-trial detention are regulated by articles 104, 104<sup>1</sup>, 104<sup>2</sup>, 104<sup>3</sup>, 104<sup>4</sup>, 105 and 106 of the Code of Criminal Procedure currently in force.

109. The new Code of Criminal Procedure, adopted on 14 March 2002, will come into force on 1 May 2003. It includes essentially the same provisions on the grounds, procedures and conditions of pre-trial detention as the former Code of Criminal Procedure.

110. Article 122 of the new Code of Criminal Procedure regulates the grounds and conditions of detention. The grounds for applying detention is an assumption that a suspect might escape or go into hiding from pre-trial investigation officers, prosecutor or the court; might obstruct the course of the proceedings; might commit new crimes. In addition, the grounds for detention may be the request to extradite the person to another State or to transfer him to the International Criminal Court (para. 5, art. 122). The order for arrest must specify its grounds and motives (para. 6, art. 122).

111. Detention may be ordered only in cases where less severe pre-trial measures cannot achieve the purposes to be sought by pre-trial measures (para. 7, art. 123). Detention may be applied only in cases involving crimes which under criminal law are punishable by a penalty of deprivation of liberty for over a year (para. 8, art. 123).

112. Article 123 of the new Criminal Procedure Code provides for a detailed regulation of detention. If the prosecutor is of the opinion that a suspect, who is not in custody, must be detained, he must submit an application to the pre-trial judge of the local court where the investigation is conducted. The judge, having made a decision to grant the prosecutor's application, must issue an order of detention; if the judge rejects the prosecutor's application, he must issue an order of refusal of detention.

113. The person thus detained must be brought before the same pre-trial judge by the prosecutor within forty eight hours of the moment of detention; if there is no possibility of bringing the person before the same judge, he must be brought before any other pre-trial judge of the local court where the investigation is conducted. The judge must question the person brought to ascertain whether there are grounds for his detention. The prosecutor and the detainee's counsel may be present at such questioning. After questioning the suspect, the judge may order to uphold the order of detention (in such a case the judge must specify the term of detention) or modify or reverse the pre-trial measure.

114. In taking the decision to order detention or to uphold the previous order of detention, the judge may direct the prosecutor to collect additional material within the prescribed time. Upon receiving such additional material, the judge may uphold the order of detention and set a definite term of detention or he may change or reverse this pre-trial measure (para. 5, art. 123). After the case has been remitted to court, the extension of the detention term or its replacement by another pre-trial measure is exclusively within the power of the court of the respective jurisdiction (para. 6, art. 123).

115. If the detainee's counsel cannot be present at the questioning or the court does not receive all the material necessary to decide the matter of detention while the judge does not think that this pre-trial measure should be modified or reversed, he leaves the order of detention temporarily in effect and sets the time within which the detainee must be brought before a judge under article 123.3 to decide on the extension of the detention. Article 125 requires that the decision of the prosecutor and the order of the judge or the court on the pre-trial measure include the grounds and motives on which the decision or the order is based.

116. Article 127 of the new Code of Criminal Procedure defines the possible duration of pre-trial detention and its extension. Pre-trial detention may not be applied for more than six months. The term of detention shall be determined by the pre-trial judge in the order of detention. However, initially detention may not be imposed for a period longer than three months. Extension of detention for no longer than up to six months may be ordered by the same judge or another pre-trial investigation judge of the same or another district court (art. 127.1). Due to the complexity or the large scope of the case the county court judge may extend the term of pre-trial detention, but for no longer than three months. The extension may be repeated. However, during the pre-trial investigation, pre-trial detention may not last longer than for eighteen months, for minors - no longer than for twelve months (art. 127.2). The order for the extension or termination of pre-trial detention is made by the judge (art. 127.7).

117. Article 128 of the new Code provides that the prosecutor who is present when the detention is ordered must notify one of the relatives of the detainee indicated by him of his detention. If the detainee does not indicate any such person, the prosecutor must notify any such person at his own discretion if he manages to identify such a person. The prosecutor may refuse to make the notification if the detainee gives a reasoned explanation that such a notification may endanger the safety of his relatives. The detainee must also be given a possibility to inform his relatives himself of his detention.

118. If detention is imposed on a national of another state, the prosecutor must duly notify the Ministry of Foreign Affairs of the Republic of Lithuania and, if the detainee so requests, the diplomatic mission or the consular post of his State (art. 128.3).

119. Article 129 of the new Code of Criminal Procedure provides for cases where the detainee has children under 18 who are left without care. The Code requires that the prosecutor or the court should place them in the care of their next of kin or other relatives or institutions. The same article lays down that if the detainee has any property or a residence which are left without care, the prosecutor or the court must discuss measures to be taken for the protection of the property with the detainee and apply these measures.

120. By invoking the new Code of Criminal Procedure (art. 130), the detainee or his counsel may appeal to a higher court against the imposition or extension of detention. The appeal can be filed within twenty days of the issuance of the respective order. The appeal is filed through the judge (court) who imposed or extended the detention. The judge must communicate the appeal to a higher court without any undue delay. The judge of the higher court must consider the appeal within seven days of its receipt. The appeal against the imposition of detention must be heard at a hearing attended by the detainee and his counsel or the counsel alone. The presence of the prosecutor at such a hearing is obligatory. The prosecutor must submit to the higher court all the material of the pre-trial investigation necessary for the examination of the appeal. Where the appeal is filed during the proceedings in court, the court whose order of detention is appealed against must present to the higher court all the material necessary for the examination of the appeal (art. 130).

121. Compared to the previous version, the new Criminal Procedure Code sets the rules for the activities of law enforcement institutions in such a way that they can investigate and resolve a much greater number of criminal cases in a shorter period of time. The principle of speedier procedures, however, must not go counter the protection of the rights of the participants of the proceedings. Therefore the period of pre-trial detention should become shorter. It is noteworthy that in 2001 cases of pre-trial detention decreased by 8 per cent.

122. It is also noteworthy that the latest figures available at the Department of Prisons show that the average period of pre-trial detention is five months. Furthermore, the Ministry of Justice has requested the Prosecutor General's Office to ensure that the investigation of cases involving pre-trial detention should be under more strict control.

123. The dynamics of the number of cases involving pre-trial detention reveal a definite trend of decreasing. As of 1 January 1998, there were 2,576 persons in pre-trial detention, as of 1 January 1999 - 2,421, as of 1 January 2000 - 1,587, as of 1 January 2002 - 1,508.

### **Article 10**

124. Lithuania is making very active efforts to develop more effective and progressive procedures of enforcement of sentences, which are brought in line with the requirements of international instruments and national legislation, taking into account the experience of other states in this area.

125. On 27 June 2000, the Seimas approved the new Code of the Enforcement of Sentences, which is to come into effect on 1 May 2003.

126. On 18 April 2000, the Seimas approved the Statute of the Service at the Department of Prisons under the Ministry of Justice and the Law on the Implementation of the Statute. Since 1 September 2000, in accordance with the legal acts mentioned above, the system of the enforcement of sentences in criminal cases has been transferred from the remit of the Ministry of the Interior to that of the Ministry of Justice.

127. Year 2000 also saw the approval of the new Internal Regulations of Correctional Labour Facilities, Instructions on the Protection and Surveillance of Pre-trial Detention Centres and Prisons, Regulations of the Prison Department, new regulations of every incarceration facility. Those legal acts were drawn up in accordance with the European regulations of detention centres and the recommendations of the experts of the Council of Europe who inspected places of incarceration in Lithuania in 1995 and 1999.

128. The new Code of the Enforcement of Sentences (2002) regulates the principles, procedures and conditions of the enforcement of criminal penalties provided for in the new Criminal Code.

129. The new Code of the Enforcement of Sentences has discarded a number of unnecessary restrictions of rights and freedoms; it also provides for more positive obligations, which will permit the convicted to influence their legal status during the service of their sentences. In addition, the new Code provides for a more exact regulation of the rights of the convicted and the mechanism of the protection of their freedoms by establishing procedures for filing and considering appeals against judgements.

130. In accordance with the new Code of the Enforcement of Sentences, convicted prisoners in correctional centres will be assigned to one of the three groups - regular, minimum security or disciplinary group. The groups differ in the scope of their rights, freedoms and duties, i.e. in the minimum security group the legal regime is the most lenient, while in the disciplinary group it is the strictest. The serving of a sentence of deprivation of liberty starts in the regular group. Later, having regard to the prisoner's conduct, work, attitude to learning, social rehabilitation measures during the term, the prisoner may be transferred either to the minimum security group as a measure of encouragement, or to the disciplinary group as a measure of punishment.

131. The Code of the Enforcement of Sentences lays down the main principles of the enforcement of sentences such as legality; equality of the convicted prisoners before the laws on the enforcement of sentences, which provide that the procedure and conditions of the enforcement of sentences shall not depend upon the origin, sex, social or property status, national origin or race, political opinion, party affiliation, education, language, religious or other convictions, genetic characteristics, disability, sexual orientation, type and character of occupation, domicile or other circumstances which are not provided for in the laws of the Republic of Lithuania; humanness; individualisation during the enforcement of sentence; justice and progressive service of sentences.

132. Article 12 of the Law on Pre-trial Detention lays down that in pre-trial detention centres minors must be kept separately from adult detainees. Minors must be allocated in cells with due regard to their age, physical and mental development and moral characteristics. Adults may be kept in the same cells as minors only in exceptional cases with the approval of the prosecutor.

133. The Government reacted very seriously to the report of the experts of the European Committee against Torture (CPT) inspecting centres of detention in Lithuania in February 2000 and their recommendations on the improvement of the situation in the prisons and pre-trial detention centres of the Republic of Lithuania.

134. The Plan of the Implementation Measures of the Programme of the Government for 2001-2004 provides for the development of a specific programme on the renovation of police lock-ups and the humanisation of conditions in detention centres. The programme should be ready and presented to the Government by the end of 2002.

135. As part of the implementation of the recommendations of the CPT concerning the urgent measures to be taken to improve the conditions and supplies for persons detained in police lock-ups, the Police Department under the Ministry of the Interior appropriated funds to police commissariats for the acquisition of the necessary equipment.

136. The commissars of the police commissariats have been obligated to ensure that all the detainees kept in police lock-ups should have mattresses and bedding, a possibility to wash themselves, receive personal care and hygiene products necessary to maintain the cells clean, should be taken for a walk in fresh air, should receive adequate food and drinking water. Instructions have been issued to improve the lighting in the cells and install partitions (if there are none) for the toilets in the cells.

137. New rules have been adopted on catering for the inmates of police lock-ups. The rules require that detainees should receive food for free three times a day in accordance with the physiological-nutritional standards. Minor detainees must be given meals four times a day in accordance with the physiological-nutritional standards of teenagers.

138. In addition, the Police Department under the Ministry of the Interior has developed a draft concept of the renovation of police lock-ups. The draft concept gives a realistic characterisation of the current state of the lock-ups and draws up the main outlines and priorities of their renovation.

139. Invoking Order No. 6 of the Minister of the Interior issued on 8 January 2001, Point 116 of the Regulations of Police Lock-ups has been amended by indicating that persons under administrative arrest may be used for physical work. Their use for work will be organised by the executive institutions of local government. If the executive institutions of local government give their consent, such persons may be placed in employment.

140. In 2001 the assignments from the State Budget for police commissariats (other expenses) exceeded those for 2000 by 4 million litas. It could also be mentioned that the amount assigned for food for detainees in police lock-ups in 2000 stood at 929 thousand litas, whereas the respective amount in 2001 was increased to 1065 thousand litas.

141. On 11 April 2000, by way of the implementation of CPT recommendations concerning the reduction of overcrowding in detention centres, the Seimas enacted the Law on the Amnesty Act. The implementation of the Law resulted in the release of 2,271 convicted prisoners and the reduction of the imprisonment term for 4,851 prisoners. Before the Amnesty Law (as of 1 April 2000) the number of convicted prisoners in various detention centres stood at 13,214, after the application of the Amnesty Law (as of 1 August 2000) the number of prison inmates went down to 8,764 persons, or by one third. There were 236.4 prisoners per 100,000 population. This produced a considerable improvement in the conditions within the prisons.

142. On 17 February 2000, the Seimas of the Republic of Lithuania enacted the Law on the Amendment of the Criminal Law by introducing new and lighter conditions for release on parole. After the Law comes into effect, the institution in charge of the enforcement of the sentence must recommend to the court that a person who has served a certain established part of the term and gives his/her consent should be released on parole. This amendment creates legal conditions for a greater number of convicted prisoners to avail themselves of the possibility for parole.

143. In the period from 1997-2000, the President of the Republic of Lithuania granted clemency to 380 imprisoned persons by pardoning them and releasing them from serving the remaining part of their terms.

144. The President's clemency commission has put forward a proposal that in the future presidential clemency for prisoners convicted of not very serious offences should be granted on a vaster scale.

145. The new Criminal Code, as compared to the previous one, has been supplemented with the concept of a dangerous criminal act - misdemeanour punishable by penalties which do not involve deprivation of freedom or involve a short-term deprivation of freedom (up to 45 days) - arrest. The Code provides for possibilities of a wider application of penalties that are not related to deprivation of freedom. The Code defines certain new kinds of penalties, such as disenfranchisement, restriction of liberty, arrest (short-term deprivation of liberty from 15 to 90 days).

146. Under the new Criminal Code, the penalty of deprivation of liberty will be applied to minors only for grave or very grave offences or where there is reason to believe that other kinds of penalties are inadequate for changing the criminal proclivities of a minor.

147. The new Internal Regulations of Correctional Labour Facilities, approved in 2000, provide for new norms of floor space per prisoner. Respective amendments have been made in the Code of Correctional Labour as well. The new minimum norms of floor space per prisoner are the following:

(a) in the dormitories of correctional and educational labour colonies: no less than 3 m<sup>2</sup> per prisoner;

(b) in the dormitories of medical treatment and correctional labour colonies: no less than 4 m<sup>2</sup> per prisoner;

(c) in the living rooms of blocks of flats in settlement-type correctional labour colonies: no less than 6 m<sup>2</sup> per prisoner;

(d) in cells of penal and disciplinary centres: no less than 5 m<sup>2</sup> per prisoner;

(e) in a hospital ward at a penal institution: not less than 7 m<sup>2</sup> per prisoner;

(f) in a prison cell: no less than 5 m<sup>2</sup> per prisoner;

(g) in a punishment cell of a prison: no less than 4.5 m<sup>2</sup> per prisoner.



148. At present, however, certain facilities of incarceration do not have any possibilities of complying strictly with the officially established allowable number of prisoners. The average number of prisoners in various facilities of incarceration is the following: Lukiškės interrogation centre-prison - 1,500 (at the beginning of 2000 the number of prisoners there was 1,712); Pravieniškės second correctional labour colony of strict security - 1,500 (at the beginning of 2000 - 2,171), the interrogation centre in Šiauliai - 800 (the established allowable number of prisoners - 454). So far, the other facilities of incarceration have not been overcrowded, for example, the women's colony in Panevėžys is suitable for 540 prisoners, but usually there are about 260, the juvenile interrogation centre-colony of correctional labour in Kaunas has officially 398 places, but the average number of minors incarcerated there is 170.

149. At present, 6 new incarceration facilities are under construction or reconstruction by adapting buildings intended for other purposes, including a new colony of correctional labour of strict security in Vilnius, the reconstruction of interrogation centre for 232 prisoners in Kaunas and a closed-type prison for 320 inmates in Pravieniškės.

150. A new amendment of the Criminal Code has been drawn up providing for a possibility for convicts sentenced to life imprisonment (at present, there are 72 such convicts) to serve their sentence not only in prisons but also in correctional labour colonies. It is expected that the approval of the amendment will alleviate the problem of overcrowding in the Lukiškės interrogation centre-prison and make the legal situation of such convicts less stringent (by providing for the right to longer visits, telephone conversations, to longer walks in the fresh air, larger floor space norms, etc.).

## **Article 12**

151. As it was indicated in the First Report (CCPR/C/81/Add.10, para. 53), the Constitution of the Republic of Lithuania guarantees its citizens the right to freedom of movement and choice of one's residence place in Lithuania or free departure from Lithuania. This right may be restricted only by law if that is necessary for state security, the protection of human health and also in the administration of justice. The Constitution guarantees the right of the citizen to return to Lithuania.

152. The right of aliens to come to Lithuania, to choose a residence place, change it, to leave the Republic of Lithuania and come back again is governed by the Law on the Legal Status of Aliens, enacted on 17 December 1998. Chapter II (arts. 4-8) of the Law establishes the procedure and requirements for the entry and departure of aliens in or from the Republic of Lithuania. Aliens may enter the territory of the Republic of Lithuania or depart from it only through the border check points, where the alien must present a valid travel document. An alien coming to the Republic of Lithuania must have a visa of the Republic of Lithuania in the valid travel document unless a resolution of the Government of the Republic of Lithuania or international agreement provides otherwise. Children under 18 years of age shall have the right to come to the Republic of Lithuania together with their parents, with one of the parents or other lawful representative, or on their own, when travelling to join the parents, one of the parents or other lawful representative.

153. An alien is refused admission to the Republic of Lithuania if:

(a) he/she is not in possession of a valid travel document and a visa when it is obligatory to have it;

(b) he/she declines to produce to the border police the proof of identity and state the purpose of the visit;

(c) he/she is unable to produce proof of sufficient funds for the stay in the Republic of Lithuania, a return trip to his country or proceed to another country which he has the right to enter;

(d) he/she has been prohibited from entry into the Republic of Lithuania;

(e) his/her presence in the Republic of Lithuania would pose a threat to national security, public order, the health and morals of its population;

(f) if it transpires that when applying for entry the alien misrepresented his/her personal information;

(g) he/she has committed crimes against humanity or the crime of genocide.

154. A decision on the ineligibility of an alien for admission to the territory of the Republic of Lithuania in the cases specified in this article is made by the Ministry of the Interior or a body authorised by it.

155. An alien must depart from the Republic of Lithuania before the expiry of the visa or a temporary residence permit. If an alien arrived from the country with a visa-free regime, he must depart from the Republic of Lithuania before the expiry of the term of his stay in the Republic of Lithuania prescribed by an international agreement to which the Republic of Lithuania is a party or by a resolution of the Government of the Republic of Lithuania.

156. In 2001, aliens were issued 190,908 visas of the Republic of Lithuania (in 2000 - 124,801). At the end of 2001, citizens of 45 foreign countries could enter the Republic of Lithuania without visas, while the citizens of the Republic of Lithuania could travel to 46 countries without visas. Lithuania has signed agreements on visa-free regime for holders of diplomatic or passports of officials with 6 countries.

157. Compared to 2000, fewer aliens were deported from the Republic of Lithuania in 2001. The total number of such aliens stood at 441, including mostly citizens of the Russian Federation (162), Belarus (81), Ukraine (40), and Armenia (19).

158. Under article 15 of the Law, a residence permit in the Republic of Lithuania entitles the alien to choose a place of residence in the country, to change it, to depart from and re-enter the Republic of Lithuania during the period of validity of the permit. An alien's freedom of movement may be restricted only in the interests of state security or public order in the cases specified by law.

159. As of 1 January 2002, according to the figures released by the Migration Department under the Ministry of the Interior, the population of the Republic of Lithuania was 3,482.3 thousand. In 2001, due to the considerable negative natural increase (-8.9 thousand) and the migration processes the population decreased by 11.5 thousand. The decreasing trend has been noted for the past few years. At the end of 2000, there were 23,285 permanent resident aliens (in 2000, the figure was 26,414). The number does not include persons under 18. The largest alien groups consist of the citizens of the Russian Federation (11.5 thousand, in 2000 - 12.4 thousand), Belarus (1.5 thousand, in 2000 - 1.7 thousand), Ukraine (1.1 thousand, in 2000 - 1.2 thousand) and stateless persons (7.8 thousand, in 2000 - 9.8 thousand). The citizens of the countries of the European Union account for 0.4 per cent (in 2000 - 0.3 per cent) of the permanent resident aliens. Since the introduction of temporary residence permits in the Republic of Lithuania, the number of aliens of this category has been increasing each year. In 2001, there were 4.8 thousand aliens in possession of temporary residence permits (in 2000 - 3.8 thousand) including 1.2 thousand citizens of the Russian Federation (in 2000 - 0.9 thousand), 0.6 thousand citizens of Ukraine (in 2000 - 0.5 thousand), 0.5 thousand citizens of Belarus (in 2000 - 0.4 thousand), 0.3 thousand citizens of the USA (in 2000 - 0.3 thousand). Citizens of the countries of the European Union accounted for 15.0 per cent of the temporary resident aliens in the Republic of Lithuania (in 2000 they accounted for 14.8 per cent).

160. The adoption of the Law on the Legal Status of Aliens on 17 December 1998 and the Law on the Implementation of the Law on the Legal Status of Aliens made the former Law on the Legal Status of Aliens and the Law on Immigration ineffective.

161. In addition, the Law on Emigration was repealed on 6 June 2000, which meant the elimination of all restrictions on the freedom of movement of Lithuanian citizens - those wishing to leave Lithuania to reside in other countries are no longer required to have the permission of the authorities of the Republic of Lithuania.

### **Article 13**

162. Differently from what was indicated in the First Report (CCPR/C/81/Add.10, paras. 59-60), the basic rules of departure or expulsion of aliens in or from the Republic of Lithuania is established by the new Law on the Legal Status of Aliens (arts. 32 and 34), adopted in 1998.

163. Expulsion of foreigners from the Republic of Lithuania is regulated by Chapter VII of the Law on the Legal Status of Aliens. An alien whose visa or a residence permit in the Republic of Lithuania were rescinded or who continues to reside in the Republic of Lithuania with an invalid visa or temporary residence permit is required to leave the Republic of Lithuania (art. 32.1). In the event of a visa-free entry into the Republic of Lithuania an alien is required to depart from the state if he has stayed here for a period longer than provided for by an international agreement to which the Republic of Lithuania is a party or by a resolution of the Government of the Republic of Lithuania (art. 32.2).

164. An order requiring an alien to depart from the Republic of Lithuania must be enforced within ten days of the date of service of the order (art. 33.1). An order for the deportation of an alien from the Republic of Lithuania must be enforced within ten days of the date of handing down the order provided that there are no objective circumstances impeding its enforcement (art. 33.2).

165. Grounds for the deportation of an alien are defined in article 34. An alien is deported from the Republic of Lithuania if:

(a) He/she has failed to comply with the requirement to depart from the Republic of Lithuania within a specified time;

(b) He/she has unlawfully entered into the Republic of Lithuania or unlawfully resides therein.

166. Orders requiring an alien to depart or be deported from the Republic of Lithuania, with the exception of aliens in possession of a permanent residence permit in the Republic of Lithuania, are handed down by the Ministry of the Interior or an institution authorised by it (art. 35.1).

167. Orders with regard to the deportation of aliens in possession of permanent residence permits in the Republic of Lithuania shall be handed down by a court on the recommendation of the Ministry of the Interior (art. 35.2).

168. Article 36.1 defines the following circumstances to be taken into account when considering the deportation of an alien from the country: the time limit of his lawful stay in the country; his social, economic and other relations in the country; consequences of the deportation to the members of his family who are in lawful residence in the Republic of Lithuania. Article 36.2 defines circumstances under which the deportation of an alien from the Republic of Lithuania is postponed: if there may be a real threat to his life or health in the country to which an alien is being deported or where he may be subject to prosecution for his political convictions or any other reasons; if the country to which an alien may be deported refuses to accept him; if the order for the deportation of an alien from the Republic of Lithuania is appealed against in court; if the alien is in need of urgent medical aid. In such a case the alien's state of health must be confirmed by a consulting panel of a health care institution.

169. Article 37 regulates the procedures of appeal against the order to deport an alien from the Republic of Lithuania. An order of the Ministry of the Interior or an institution authorised by it to deport an alien from the Republic of Lithuania may be appealed against in court within seven days of the date of the service of the order to the alien. The court will hand down a decision within ten days after the date of filing the appeal.

170. An alien who has been deported from the Republic of Lithuania pursuant to article 34 of the Law on the Legal Status of Aliens may be prohibited from re-entry into the Republic of Lithuania for a definite or an indefinite period (art. 41.1). An order prohibiting an alien from re-entry into the Republic of Lithuania is handed down or rescinded by the Ministry of the Interior or an institution authorised by it (art. 41.2).

171. According to the figures released by the Migration Department under the Ministry of the Interior, 342 aliens were deported from Lithuania in 2001 (in 2000 - 345), including 91 citizens of the Russian Federation, 60 of Belarus, 32 of Vietnam, 27 of Latvia, etc.

#### **Article 14**

172. The legislation currently in force provides guarantees of the rights and legal principles provided for in article 14 of the Covenant.

173. As indicated in the First Report of Lithuania on the measures taken to implement the provisions of article 14 of the Covenant (see CCPR/C/81/Add.10, paras. 61-77), the laws of the Republic of Lithuania guarantee the equality of all persons before law, court and other public authorities or officials and the entitlement of any person whose rights or freedoms have been violated to a fair and public hearing in court (see para. 61 of the First Report).

174. The new Code of Criminal Procedure of the Republic of Lithuania, the new Law on Courts, adopted on 24 January 2002, and the new Code of Civil Procedure guarantee the rights and principles of article 14 of the Covenant, which had been included in the earlier legislation of the Republic of Lithuania as well: the right of a person whose constitutional rights or freedoms have been violated to seek justice in court (see Point 62 of the First Report); fair examination of cases in accordance with law by an independent and impartial court; administration of justice exclusively by courts (Point 63 of the First Report); conviction of crime exclusively by the decision of court and strictly in accordance with law; administration of justice on the basis of the equality of citizens before law and court irrespective of the person's origin, social or property status, national origin or race, sex, education, language, religious or other convictions, type and character of occupation, domicile or other circumstances; public hearing in court (see Point 64 of the First Report).

175. The new Law on Courts includes provisions which had been included in the previous legislation as well: the duty of the courts to examine cases by adhering to the principle of the equality of the parties; the right to legal aid; the right to the proper, speedy and efficient proceedings; the right to be heard; the adversarial principle, presumption of innocence, impartiality of the court, public hearing of cases, direct representation in court and prohibition from abusing procedural rights.

176. The new Code of Criminal Procedure also includes provisions from the former Code of Criminal Procedure on the presumption of innocence; grounds for detention or arrest, the right of everyone who is arrested or detained to be informed promptly in a language which he understands of the reasons for his arrest or detention and of the grounds for and the nature of the charges presented; the right to take proceedings against unlawful detention or arrest; the right to defence; the right to a fair and public hearing within a reasonable time by an independent and impartial court.

177. A number of other rights and guarantees have been transferred from the old to the new Code of Criminal Procedure: the right of the defendant to know what he is charged with; the right to obtain the transcript of the indictment; to have access to the case file; to have copies and transcripts made of relevant documents in the established order; to have a counsel for the defence; to lodge challenge pleas; to produce evidence and participate in the investigation of the

evidence; to ask question at the trial; to give explanations concerning the circumstances of the cases and express his views on the motions and requests of the other participants of the trial; in the absence of defence to participate in the final pleadings; to address the court with the last plea; to appeal against the rulings of the court and the sentence; the right of the defendant to defend himself in person or through legal counsel for defence of his own choosing or, if he has no sufficient means to pay for the defence counsel, to be given legal aid free in accordance with the procedure guaranteed by the State.

178. The questioning of minor witnesses and victims are regulated by separate articles of the new Code of Criminal Procedure. The Code lays down that the presence of the counsel is obligatory in the examination of cases where the suspect or the defendant is a minor. In addition, at the initiative of the participants of the court hearing or the judge a representative of the state institution for the protection of the child's rights or a psychologist may be asked to be present to help in the questioning of a minor with due regard to his social and psychological maturity.

179. Under article 312 of the new Code of Criminal Procedure, appeals against the court judgement which has not yet become effective may be filed by the prosecutor, the private prosecutor, the accused person, his counsel or legal representative, the victim or his representative on any grounds and for any reason. In addition, article 367 of the Code provides for the right of the prosecutor, the victim or his representative, the convicted, his counsel or legal representative, the acquitted, his counsel or legal representative to file an appeal against an effective court judgement in accordance with the rules of the Code.

180. Article 3 of the new Code of the Criminal Procedure of the Republic of Lithuania lays down that a criminal procedure 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.

181. Article 6.272 provides for liability for damage caused by the unlawful actions of pre-trial investigation officials, prosecutors, judges and the court. Damage resulting from the unlawful conviction, or unlawful arrest as a pre-trial measure, or unlawful detention or application of other procedural measures of suppression or the unlawful imposition of administrative penalty - arrest - must be compensated fully by the State irrespective of the fault of the officials of pre-trial investigation, prosecution or court. The State is liable for full compensation for the damage caused by the unlawful actions of a judge or the court examining a civil case where the damage has been caused through the fault of the judge or of any other court official. In addition to pecuniary damage, the aggrieved person is entitled to the compensation for non-pecuniary damage. Where the damage arises from the intentional actions of the pre-trial investigation officials, prosecution, court officials or judges the State, after it has compensated for the damage inflicted, acquires the right of recourse against the officials concerned for the recovery of amounts provided by law.

182. On 21 May 2002, the Seimas of the Republic of Lithuania enacted the Law on the Compensation of Damage Caused by the Unlawful Actions of Public Authorities. The Law regulates the use of the appropriations for the out-of-court compensation for damage caused by the unlawful actions of public authorities through unlawful conviction, unlawful pre-trial detention, unlawful arrest, unlawful application of suppressive procedural measures, unlawful

application of the administrative penalty of arrest. It also establishes the procedure for exercising the State's right of recourse against the person who has caused the damage.

### **Article 15**

183. By way of updating the information presented in the First Report (CCPR/C/81/Add.10, para. 78), on the implementation of the provisions of article 15 of the Covenant in Lithuania, the Republic of Lithuania presents the following information.

184. Article 3 of the new Criminal Code lays down that the criminality of an act and the punishability of a person must be determined by the criminal laws effective at the time of the commission of the act. The time of the commission of a criminal act is to be considered the time of the commission (or omission) of the act or the time of the occurrence of the consequence of the act provided for under criminal law where the occurrence of those consequences was desired at a different time.

185. A criminal statute which nullifies the criminality of an act, reduces a penalty or in any other way mitigates the legal circumstances of the person who has committed a criminal act shall have a retroactive effect, i.e. it shall be applicable to persons who committed the act prior to the effective date of the statute including those serving a sentence and those with previous convictions.

186. Article 3.3 of the new Criminal Code provides that a criminal statute under which an act is made criminal, or a heavier punishment is prescribed or, in some other way, a heavier burden is placed on the person guilty of the commission of a criminal act shall have no retroactive effect.

187. Exceptions include criminal responsibility for genocide, treatment of humans prohibited by international law, the killing of persons protected by international humanitarian law, deportation of the civilians of an occupied country, mutilation of persons protected by international humanitarian law, their torture or inhuman treatment, forced exploitation of civilians or prisoners of war in the enemy's armed forces or prohibited war attacks.

188. Under article 7 of the new Criminal Code, persons who commit the following crimes, specified in international agreements, abroad shall be criminally responsible under the Criminal Code of the Republic of Lithuania regardless of their citizenship, their place of residence, the place of commission of the crime, or the punishability of the committed act under the laws of the place where the crime was committed:

- (a) Crimes against humanity and war crimes (Arts. 99 to 113);
- (b) Trafficking in persons (art. 147);
- (c) Purchase or sale of a child (art. 157);
- (d) Counterfeiting of money or securities, or possessing or using thereof (art. 213);
- (e) Money laundering (art. 216);

- (f) Act of terrorism (art. 250);
- (g) Hijacking of an aircraft (art. 251);
- (h) Taking of hostages (art. 252);
- (i) Unlawful handling of radioactive materials (Arts 256 and 257);
- (j) Crimes related to narcotic or psychotropic, toxic or powerful drugs or controlled substances (arts. 259-269).

### Article 16

189. By way of supplementing and updating the information presented in the First Report on the implementation of article 16 of the Covenant in Lithuania (see CCPR/C/81/Add. 10, para. 79), the Republic of Lithuania presents the following information.

190. Article 2.1 of the new Civil Code guarantees every natural person the full enjoyment of civil rights (passive civil capacity). Passive civil capacity of a natural person begins at the moment of his birth and ends at the moment of his death (art. 2.2). Article 2.3 defines the moment of birth and death of a natural person.

191. 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, acts of public or municipal 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 (para. 2, art. 2.6).

192. Under article 2.5 of the Civil Code, a natural person attains full civil rights and assumes full civil obligation at the age of 18. Where the law provides for the possibility of a natural person to enter into marriage before he is eighteen, the person, who has not yet come of this age, acquires full active civil capacity at the moment of entering into marriage. If at a later date this marriage is dissolved or nullity of marriage is declared for reasons not related to the age of the parties to marriage, a minor does not lose his full active civil capacity.

193. Articles 2.7-2.9 define civil capacity of minors under fourteen and minors from 14 to 18 years of age.

194. 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 the court. The incapable person must 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 provisions of 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 recognises his capacity. After the court judgement becomes *res judicata*, guardianship to the said person is revoked. The right to request the declaration of a person's incapacity may be exercised by the person's spouse, parents, adult



children, care institution or a public prosecutor by filing a request to this effect. They also have a right to apply to the court requesting the declaration of such a person's capacity. Article 2.11 provides for detailed rules on the limitation of a persons 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).

195. The Civil Code provides for the same civil capacity of aliens and stateless persons as that of the citizens of the Republic of Lithuania. Exceptions to the rule may be established only by law (art. 1.15).

### **Article 17**

196. By way of supplementing and updating the information presented in the First Report on the implementation of article 16 of the Covenant in Lithuania (see CCPR/C/81/Add. 10, para. 80-102), the Republic of Lithuania presents the following information.

197. First, it should be noted that the Republic of Lithuania acceded to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data in 2001. The Convention aims at the protection of human rights in gathering and processing personal data on individuals.

198. The protection of personal rights during criminal proceedings is regulated by the new Code of Criminal Procedure of the Republic of Lithuania.

199. Article 44 of the Code provides that no one may be deprived of his liberty save in the cases and in accordance with the procedures prescribed by this Code (para. 1, art. 44). Everyone who is arrested or detained must be informed promptly, in a language which he understands, of the reasons for his arrest or detention (para. 2, art. 44). Everyone who is deprived of his liberty by arrest or detention is entitled to take proceedings against his unlawful arrest or detention (para. 3, art. 44). Everyone who has been a victim of unlawful arrest or detention has a right to compensation in the manner prescribed by law (para. 4, art. 44). Everyone must have the right to respect for his private and family life, his home, confidentiality of his correspondence, telephone conversations, telegraph and other messages. These rights of the individual may be subject to limitations only in the cases and in accordance with the procedure provided by this Code (para. 9, art. 44).

200. According to criminal laws, 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.

201. Protection of individuals against unlawful interference in their personal or family life, privacy of home, confidentiality of correspondence, unlawful attempts on their honour and dignity is guaranteed by a number of specific legal provisions.

202. The Law on Police Activities, enacted on 17 October 2000, obligates police officers to respect and protect human dignity, to ensure and protect human rights and freedoms (subpara. 1, para. 1, art. 21).

203. The new Law on Operational Activities, enacted on 20 June 2002, prohibits the violation of human and civil rights and freedoms during an operational activity. The supervision of operational activities has been vested in the standing Parliamentary Oversight Commission on Operational Activities consisting of the members of Parliament.

204. The Law on the Post, enacted on 15 April 1999, obligates the providers of postal services to guarantee the confidentiality of correspondence, except in cases provided for by law.

205. The legislation of the Republic of Lithuania includes very strict provisions regulating cases where law enforcement officers are granted the right to tap and record telephone conversations. A pre-trial investigation officer may intercept telephone conversations, monitor and record other information transmitted via telecommunications networks based on an order issued by the pre-trial judge on a prosecutor's request if there are grounds to believe that in this way information may be obtained about a very serious or serious crime planned, committed or being committed, or if there is danger that violence, coercion or other illegal actions may be used against the victim, a witness, other parties to the proceedings or their family members. In cases of extreme urgency, these actions may also be applied by a decision of the prosecutor; however, if this is the case, consent of the pre-trial judge must be obtained within three days of the start of such actions. If no such consent is obtained, the actions that have been initiated must be cancelled and all the recordings destroyed without any delay. The Law limits the time during which interception of telephone conversations or other information transmitted via telecommunications networks may continue (such a measure may not last longer than six months, in exceptional cases - to 9 months) (para. 2, art. 154).

### **Article 19**

206. As indicated in the First Report (CCPR/C/81/Add.10, para. 116), the Constitution of the Republic of Lithuania guarantees the right to hold opinions and have the freedom of expression without interference.

207. These guarantees are spelled out in greater detail in the Law on the Provision of Information to the Public (the new version of 2000) as well as in the following legal acts: the Civil Code, the Law on the Legal Protection of Personal Data, the Law on the Right to Obtain Information from State and Municipal Authorities, The Law on State Secrets and Official Secrets, the Law on Public Administration and others.

208. One of the most important laws regulating the freedom of expression is the Law on the Provision of Information to the Public (the new amended version adopted on 29 August 2000).

209. The principles of the provision of information and its protection are formulated in Chapter II of the Law on the Provision of Information. Article 4 guarantees each individual the right to freely express his ideas and convictions. This right encompasses freedom to maintain one's opinion, to seek, obtain and disseminate information and ideas according to conditions and procedure established by law.

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

211. Seeking to ensure freedom of information, it is prohibited to exert influence on the producer, disseminator or owner of public information or journalist by compelling them to present incorrect information regarding some events or facts through mass media (art. 7).

212. Every person has the right to publicly criticise the activities of State and local government institutions and agencies as well as the activities of their officers. Persecution of criticism is prohibited in the Republic of Lithuania (art. 9).

213. Central and local authorities and agencies as well as institutions regulating the activities of public information producers and/or disseminators are prohibited from restricting the freedom of information guaranteed by law by issuing their own legal acts (para. 1, art. 10).

214. Censorship of public information and any actions to control the content of information in mass media before its publication are prohibited in the Republic of Lithuania (para. 2, art. 10).

215. Every person has the right to appeal in court against the decisions and actions of the officers of central and local authorities and agencies if they violate or restrict a person's right to obtain, collect or disseminate information (para. 1, art. 11).

216. Foreign journalists accredited in the Republic of Lithuania in the procedure established by law have the same rights with Lithuanian journalists to collect and publish information.

217. Chapter III provides detailed regulation of matters related to the protection of individual, public and state interests in the provision of information to the public.

218. In striving to avoid 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 closed 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 consent of the person (art. 13). These prohibitions are not applicable in cases where there is sufficient reason to assume that breaches of law are being fixed.

219. The Law on Provision of Information to the Public guarantees the protection of personal privacy. Article 14 requires that a person's right to have his personal and family life respected should be ensured in the production and dissemination of public information (para. 1). Information about a person's private life may be published only with the consent of the person provided that the publication of such information does not cause him any damage (para. 2). Information concerning a person's private life may be published without the consent of the person if the publication of the information does not cause the person any damage or if the information helps to disclose violations of law or a crime, also if the information has been submitted at an open court hearing. In addition, information concerning the private life of a

public figure (state political figure, civil servant, leader and head of a political party or public organization as well as any other person participating in public or political activities) may be made public without the person's consent if this information discloses certain circumstances in the person's private life or his personal traits which have public significance (para. 3).

220. In accordance with the Law, every natural persons whose honour and dignity have been degraded by the publication of false information has a right under law to receive compensation for the moral harm inflicted (para. 1, art. 16).

221. The Law on Provision of Information to the Public includes special provisions on the protection of minors against public information which may have negative influence on them. Under article 18, minors must be protected against information detrimental to their physical, intellectual and moral development, particularly that which is linked to pornography and/or intentional demonstration of violence as it is required by the laws on the fundamentals of the protection of the rights of the child and other laws, the United Nations Convention on the Rights of the Child and other international agreements of the Republic of Lithuania (para. 1). Programmes and broadcasts which may have a negative effect on the physical, intellectual or moral development of minors, may be broadcast only from 11 p.m. to 6 a.m. or by using technologies which enable the parents to ensure that their children will not be able to see or to hear such a programme (para. 3). If broadcasts of violent or erotic nature are not encrypted, an audio warning of their nature must be sounded before such a radio broadcast and a visible message must be shown before such a television broadcast and a visible symbol must be shown throughout the entire viewing (para. 4, art. 18). In addition, it must be noted that on 10 September 2002, the Seimas enacted the Law on the Protection of Minors against the Negative Influence of Public Information. The Law came into force on 18 September 2002. It establishes the criteria of attribution of information to the category of information which produces a negative effect on the physical, intellectual and moral development of minors, the procedures for the publication and dissemination of such information as well as the rights, duties and responsibilities of the producers, disseminators, owners and journalists of such information and authorities regulating their activities.

222. The Law on Provision of Information to the Public establishes cases when the information is not to be made public. The Law prohibits the publication, in mass media, of information which incites to change the constitutional order of the Republic of Lithuania through the use of force; instigates attempts against the sovereignty and territorial integrity of the Republic of Lithuania; instigates war, ethnic, racial, religious and gender hatred; disseminates, propagates or advertises pornography, sexual services, sexual perversion; propagates and/or advertises narcotic or psychotropic substances (para. 1, art. 20). The Law prohibits dissemination of disinformation and information of slanderous and insulting nature, degrading the honour and dignity of a person (para. 2, art. 20); information violating the presumption of innocence or information which may obstruct the impartiality of judiciary institutions. In instances and in the procedures determined by law the court may restrict the dissemination, in mass media, of opinions or comments related to a case pending before court, which may have an effect on the impartiality and independence of the court (para. 3, art. 20).

223. It is to be noted that the supervision and control of the implementation of the Law on Provision of Information to the Public is vested in the Inspector of Journalist Ethics. In accordance with article 50, the Inspector 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 (para. 6, art. 50). The decisions of the Inspector of Journalist Ethics may be appealed against in court within 30 days of its publication (para. 7, art. 50). The Inspector of Journalist Ethics examines the complaints of the persons concerned regarding the violations of their honour and dignity and of their right to privacy in the mass media; assesses the adherence to the principles of provision of information to the public as defined in the Law on Provision of Information to the Public and other laws; submits proposals to public authorities for the improvement of their implementation; etc. (para. 1, art. 51).

224. In performing his functions, the Inspector of Journalist Ethics have a right to notify the producers and disseminators of public information of violations of laws on the provision of information to the public and demand their elimination; to request that the producer or disseminator retract false information or information degrading the honour and dignity of a person or information detrimental to the legal interests of a person, or to create a possibility for the person himself to respond to or deny such information; to address competent public authorities and the Ethics Commission of Journalists and Publishers in connection with the violations of the Law on Provision of Information to the Public and other laws that have been discovered (para. 2, art. 51).

225. In accordance with the Law on Provision of Information to the Public, the Inspector of Journalist Ethics was appointed on 20 February 2001. Since his appointment the Inspector has received 126 complaints and applications and has issued 13 decisions. Within his competence defined in articles 50 and 51 of the Law on Provision of Information to the Public, the Inspector of Journalist Ethics considers complaints and applications concerning violations related to honour and dignity and the right to privacy; performs the function of an out-of-court intermediary in the settlement of disputes and suggests ways and methods of resolving conflicts. In addition to natural persons, the Inspector is approached by a large number of various non-governmental organizations and associations with a variety of suggestions and proposals. Only eight complaints have been found groundless. Complaints concern mostly dissemination of false or insulting information, violations of the Code of Journalist Ethics prohibiting the publication of false facts, unverified information, statements which are not based on facts, groundless and biased criticism, publication of photographs without the consent of the person, etc. Remedies mostly include the request to retract the information published, which is provided for in article 15 of the Law on Provision of Information to the Public. Such retractions are printed in easy-to-find editorial columns.

226. The Inspector of Journalist Ethics maintains regular contacts and co-operates with the Ombudsman for the Rights of the Child, other institutions, teachers and the representatives of general public.

227. Another important legal act regulating the right to receive information is the Law on the Right to Receive Information from State Agencies and Local Authorities. The Law also regulates the procedures of the implementation of this right. According to the Law, state agencies and local authorities are obliged to provide information on their activities. Refusal of such information is possible only in cases where it is necessary for the protection of democratic

society and when such refusal is more important than a person's right to receive information (art. 2). In accordance with article 7, an individual is entitled to receive personal information about himself, except in cases where such information is not be provided under the laws of the Republic of Lithuania.

228. It is noteworthy that since the time the Law on the Right to Receive Information from State Agencies and Local Authorities came into force, the citizens of Lithuania have availed themselves very actively of the rights provided for by the Law. A clear indication of this is the activities of the Chief Commission on Administrative Disputes.

229. Certain provisions of the new Civil Code are also very important from the point of view of the right to receive information. Such provisions include 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.

230. The laws of the Republic of Lithuania also provide for the restriction of the right to receive information. The Law on the Right to Receive Information from State Agencies and Local Authorities provides that information which is, under law, a state, official, commercial, banking or private secret is not to be provided except in the case provided for in article 7. The applicant must be notified of the refusal to provide information indicating the reasons for the refusal. Information is not to be provided if its provision is prohibited by other laws because it would affect adversely the interests of state security and defence, the interests of foreign policy, criminal prosecution or would violate the territorial integrity of the State or public order, the rights and lawful interests of other persons or the refusal to provide information would prevent other serious violations of law or would be essential in the protection of human health and morality (para. 1, art. 13). In cases where the provision of information is denied, the applicant must be informed of the fact together with the reason for denial and the indication of the possibility of appeal (para. 3, art. 13).

231. Another law - the Law on State Secrets and Official Secrets - provides that the right of access to information which is a state secret may be exercised by persons having an appropriate national personnel security clearance and only in accordance with the need-to-know principle (para. 1, art. 11).

232. The right to receive information and the accessibility of information is limited by other laws as well such as the Law on the Rights of Patients and Compensation of the Damage to their Health, the Law on Mental Health Care, the Law on Ethics of Biomedical Research, etc. The Criminal Code includes provisions on certain matters of criminal responsibility related to the disclosure of a state secret, etc.

## **Article 22**

233. As indicated in the First Report (CCPR/C/81/Add.10, paras. 137-156), the Constitution of the Republic of Lithuania guarantees each individual the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests, the right to hold convictions and the right to freedom of expression without interference.

234. The Law on the Amendment of articles 8, 13 and 12 of the Law on Trade Unions was enacted and came into force in March 2001. The amendments provide that the statutes of trade unions which do not join territorial or national trade union associations and function within the territory of one municipality must be registered with the executive institution of the municipality. This provision simplifies the procedure of registration of statutes of organizations representing employees and, consequently, stimulates the process of their joining trade unions; in the procedures defined in collective agreements some part of the funds from the payroll fund may be allocated for the education of trade union members; the amended law provides that at the request of an employee and his trade union the employer is obliged to give unpaid leave of up to three days per year for education and learning purposes.

235. The statutes of trade unions or their associations which in accordance with their Statutes are active on the territory of more than one municipality and have their headquarters in the seat of county government or in another location within the county - urban or rural settlement, must be registered with the Governor of the county. The Statutes of trade unions or their associations which are active on the territory of more than one county must be registered with the Ministry of Justice of the Republic of Lithuania. By this time the Ministry of Justice has registered 131 trade unions.

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

237. At present, new amendments to the Law on Trade Unions are under development, the aim being to provide for a possibility for aliens lawfully working in the Republic of Lithuania to join trade unions and participate in their activities.

238. On 14 March 1996, the Seimas enacted the Law on Associations. Article 2 of the Law defines an association as a voluntary union of legal or natural persons, which performs managerial, economic, social, cultural, educational, research tasks and functions determined by the association members. The objectives, main functions and tasks of an association must be related to the activities and needs of the association members and must be defined in the statutes of the association. Legal and natural persons may unite in associations on the basis of the characteristics of their activities, consumption, functions and the territory of their activities.

239. On 11 June 1998, the Seimas enacted the new version of the Law on Public Organizations. Article 2 of the Law defines a public organization as a voluntary association of citizens of the Republic of Lithuania and/or foreigners permanently residing in the Republic of Lithuania formed to meet the common needs and goals of its members, compatible with the Constitution and laws of the Republic of Lithuania. Article 3 of the Law prohibits the establishment and activities of public organizations the objectives or the manner of action of which aim at overthrowing or changing the constitutional order of the Republic of Lithuania by force or violating the territorial integrity of the Republic of Lithuania, propagating war and violence, authoritarian or totalitarian rule, inciting racial, religious, social discord, restricting human rights and freedoms, performing actions contrary to the laws of the Republic of Lithuania and universally recognised norms of international law, acting in the interests of other States if those interests run counter the interests of the Lithuanian State.

240. The Law prohibits the establishment of public organizations on the basis of organization that have been active against the independence and territorial integrity of the Republic of Lithuania. In accordance with article 4 of the Law on Public Organizations, citizens of the Republic of Lithuania and/or permanent alien residents on the territory of the Republic of Lithuania may act as the founders of public organizations.

241. Article 8 of the Law on Public Organizations provides that public organizations may consist of citizens of the Republic of Lithuania and/or aliens permanently residing on the territory of Lithuania having attained the age of 18 and above. Organizations intended to meet the needs of children and youth may consist of persons under 18.

242. The Law on Public Organizations provides for the mandatory registration of public organizations. In accordance with article 17, public organizations active on the territory of more than one county and Lithuanian branches of international public organizations must register their statutes with the Ministry of Justice of the Republic of Lithuania. Public organizations which are active on the territory of more than one municipality and have their head quarters in the seat of the county or in another location within the county - urban or rural settlement, must register their statutes with the Governor of the county. Public organizations which are active within a district or a city must register their statutes with the executive institution of the municipality. By this time the Ministry of Justice has registered 1433 public organizations. In addition, the Ministry of Justice of the Republic of Lithuania has registered 35 political parties.

243. Article 19 of the Law on Public Organizations determines grounds on the basis of which a public organization may be refused registration. The statutes of a public organization may not be registered if its objectives and modes of activity are inconsistent with the Constitution of the Republic of Lithuania, the Law on Public Organizations, any other legislation or resolutions of the Government; if the statute of another organization has been registered under the same name; if there have been violations in the procedure of establishing the organization or of the requirements for registering its statutes provided for in the Law on Public Organizations; if the information provided in the documents are inconsistent with the reality. Upon refusal to register the statute, the applicant must be notified in writing within five days of the decision including the motives for the refusal. Refusal to register the statute of a public organization may be appealed against in court within a month of the receipt of the refusal.

### **Article 23**

244. As it is indicated in the First Report (CCPR/C/81/Add.10. para. 157), the Constitution of the Republic of Lithuania provides that the family is the basis of society and the State (para. 1, art. 38).

245. The implementation of these provisions of the Constitution is insured by the Civil Code effective since 1 July 2001. Prior to that date, the matters of marriage and the family had been regulated by the 1969 Code of Marriage and Family.



246. Book Three of the Civil Code, *Family Law*, establishes the general principles of the legal regulation of family relations and governs 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 as well as other family members, the basic provisions on adoption, guardianship, curatorship and on the procedures of registering Acts of Civil Status.

247. In the Republic of Lithuania the legal regulation of family relationships are 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 significance in the society, the mutual responsibility of family members for the preservation of the family and the education of the children, the possibility for each member of the family to exercise his or her rights in an appropriate manner and to protect the children of minor age from the undue influence of the other members of the family or other persons or any other such factor.

248. 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 from a family right or its implementation does not abolish the right except in 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 as well as 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 as would violate or restrict other persons' rights or interests protected by law, or would inflict harm on other persons. If a person abuses a family right, the court may refuse to protect it. Family rights are protected by courts, institutions of guardianship and curatorship, governmental or non-governmental organizations in the ways provided for herein. Courts and other institutions must seek that the parties to a dispute resolve their dispute peacefully by mutual agreement, and must help the parties in every possible way to reach such an agreement.

249. Marriage is a voluntary agreement between a man and a woman to create legal family relations executed in the procedure provided for by law. Marriage may be contracted only with a person of the opposite gender.

250. The Civil Code recognises both civil and religious marriages (religious marriages do not have to be registered repeatedly in the civil procedure (art. 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; the marriage has been formed according to the procedures established by the canons of a religious organization registered in and recognised by the Republic of Lithuania; the formation of a marriage in the procedure established by the Church (confessions) has been recorded at the Register Office in the procedure provided for herein.

251. 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 intends 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 three years. In the case of a

pregnancy, the court may allow the person to marry before the age of 15 (para. 3, art. 3.14). 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 reasons why the person's legal age of consent to marriage should be reduced.

252. The Civil Code prohibits a person who has been declared by a *res judicata* court judgement to be legally incapacitated to contract a marriage; it also prohibits marriage between close relatives. Under the Civil Code, a married person who has not terminated his or her marital bond in accordance with the procedures laid down by the law may not enter into a second marriage.

253. A marriage may be declared null and void if the conditions for the formation of a valid marriage have not been observed. A marriage may be annulled only by the court.

254. The Constitution of the Republic of Lithuania stipulates that marriage may be contracted only on the basis of voluntary consent of a man and a woman. Article 3.8 of the Civil Code provides that agreement to marry may not be enforced by force, while article 3.13 says that marriage shall be contracted by a man and a woman of their own free will and any threat, coercion, deceit or any other lack of free will shall provide the grounds on which the marriage must be declared null and void.

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

256. 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 measures for the reconciliation of the spouses. The court must decide on the dispute of the spouses by taking account of the interests of their children of minor age and the interests of the family as a whole.

257. Neither spouse may, without the consent of the other spouse, alienate, pledge or lease movable property used in the household or encumber the right to it in any other way. A spouse having neither consented to nor ratified such a transaction may apply to have it annulled.

258. 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 a right to determine their matrimonial regime as they think fit. Provisions of a marriage contract inconsistent with good morality or public order shall be null and void. Joint community property 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. Departure from the principle of the equality of the shares of the spouses in joint community property shall be permitted only in cases provided for herein.

259. A marriage is dissolved by the death of one of the spouses or in the procedure prescribed by law. A marriage may be dissolved by the mutual consent of the spouses, on the application of one of the spouses, on the basis of the fault of one or both of the spouses. The court grants a judgement of divorce if it is satisfied that the marriage has broken down irretrievably. A marriage is considered to have broken down irretrievably if the spouses no longer live together and it is not likely they will live together again. While granting a divorce decree, the court must approve the contract of the spouses as to the consequences of divorce providing for the maintenance payments for the children of minor age and each other, the residence of their minor children, their participation in the education of their children and their other property rights and duties. Where the contract as to the 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 contract. If the spouses fail to comply with the directions of the court within six months of the suspension of the proceedings, the court shall not resume the consideration of the application for divorce.

260. While considering the application of one of the spouses to dissolve a marriage, the court, having regard to the age of one of the spouses, the duration of marriage, the interests of the minor children of the family, may refuse to grant a divorce decree if the divorce may cause significant harm to the property and non-property interests of one of the spouses or their children.

261. In granting a divorce the court must resolve matters relating to the residence and maintenance of the minor children, the maintenance of one of the spouses, adjustment of the community property of the spouses, except in cases where the property has been adjusted by the 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 spouse in need of maintenance unless the matters of maintenance are settled in the agreement of the spouses concerning the consequences of divorce. A spouse shall have no right to maintenance if his or her assets or income are sufficient to fully support him or her. Maintenance shall be presumed to be necessary if he or she is bringing up a minor child of the marriage or is incapacitated for employment because of his or her age or state of health. The spouse responsible for the breakdown of the marriage shall have no right to maintenance.

262. While making a maintenance order and deciding on its amount, the court shall take into account the duration of the marriage, the need for maintenance, the assets owned by the former spouses, their state of health, age, capacity for employment, the possibility of the unemployed spouse of finding employment and other important circumstances. In all cases when the court considers family matters (dissolution of marriage, partitioning of property, ordering maintenance, etc.) where the spouses have children of minor age, a representative of the state institution for the protection of the child's rights must participate in the proceedings and present his conclusion on the possible violation of the children's rights in taking decisions on separation matters. The main rules on the protection of the child's rights are enshrined 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 dispose of the property owned by the child only upon securing findings issued by an institution for the protection of the rights of the child that such transactions are not contrary to the interests of the child; in dividing joint community property of spouses (parents), the rights of the property interests of the children 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, mortgaging, sale or giving away the home where the child resides requires the opinion of the institution for the protection of the rights of the child that such transactions are not contrary to the interests of the child.

## Article 24

263. The information presented below supplements or replaces the information on article 24 of the Covenant contained in the First Report (CCPR/C/81/Add.10, paras. 178-211).

264. The Republic of Lithuania has acceded to a number of international agreements on the protection of the rights of the child. In 1997 the Republic of Lithuania acceded to the 1993 Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption; in 2001 - to the Convention concerning the Powers of Authorities and the Law Applicable in respect of the Protection of Minors, and the Convention on the Law Applicable to Maintenance Obligations; in 2002 - to the Convention concerning the Recognition and Enforcement of Decisions relating to Maintenance Obligations in respect of Children, and the Convention on the Civil Aspects of International Child Abduction. On 13 February 2002, the Republic of Lithuania signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts.

265. The rights of the child are enshrined in the Civil Code of the Republic of Lithuania (chapter XI, *Parental Rights and Duties in respect of their Children*).

266. Every child is guaranteed the right to life, healthy development and a name and surname from birth (para. 1, art. 3.161). A child has a right to know his or her parents unless that prejudices his or her interests or the law provides for otherwise (para. 2, art. 3.161). A child has a right to live with his or her parents, be brought up and cared for in his or her parents' family, have contact with his or her parents no matter whether the parents live together or separately, have contact with his or her relatives, unless that is prejudicial to the child's interests (para. 3, art. 3.161).

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

268. In considering any question related to a child, the child, if capable of formulating his or her views, must be heard directly or, where that is impossible, through a representative. Any decisions on such a question must be taken with regard to the child's wishes unless they are contrary to the child's interests. 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 (para. 1, art. 3.164).

269. If a child considers that his or her parents abuse his or her 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 (para. 2, art. 3.164).

270. Parents have a right and 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 (para. 2, art. 3.165). All questions related to the education of their children parents must decide by mutual agreement. In the event of the lack of agreement, the disputed matter must be resolved by the court (para. 3, art. 3.165).

271. Chapter XXI of the Civil Code regulates the registration of the birth of a child and establishes the procedures of such registration. In accordance with the Civil Code, the birth of a child shall be registered with the register office of the child's residence place or one of the parents' residence place. 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 from the time of its birth (para. 1, art. 3.291). An application for the registration of the birth of a foundling must be submitted within three days of the time the baby was found (para. 2, art. 3.291). The registration of the child's birth is followed by the issuance of the birth certificate (para. 4, art. 3.292).

272. Every child must be given a name by his or her 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 whose parents' identity is not known, the child is given a name by the state institution for the protection of the child's rights. Every child is given his or her parents' surname (art. 3.167). Where the surnames of the child's parents are different, the child is given 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 whose parents' identity is not known, the child is given a surname by the state institution for the protection of the child's rights.

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

274. Article 3.155 enshrines the rule that children must be cared for by their parents until they attain majority or emancipation. Parents have a right and a duty to properly educate and bring up their children, care for their health and, having regard to their physical and mental state, to create favourable conditions for their full and harmonious development so that the child should be ready 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 by their children irrespective of whether the child was born to a married or unmarried couple, after divorce or judicial nullity of the marriage or separation.

275. A child whose parents are separated must have a right to have constant and direct contact with both the parents irrespective of their residence (para. 2, art. 3.170).

276. In order to protect minor children from the 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 the court has to decide 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 and bring up the child, the child shall be separated only from that parent. The child separated from the parents shall retain all the 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 the return of the child from other persons. The parents may exercise their other rights in so far as that is possible without living together with the child.

277. In addition, article 3.180 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).

278. Chapter XVIII of the Civil Code regulates guardianship and curatorship of minors. According to the Civil Code, guardianship is applied to children under 14, 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.

279. In accordance with articles 8 and 9 of the Law on Citizenship, a child both of whose parents at the moment of his birth were citizens of the Republic of Lithuania, shall be a citizen of the Republic of Lithuania regardless of whether he was born on the territory of the Republic of Lithuania or beyond its borders. If the parents of a child hold citizenship of different states and at the moment of the child's birth one of the parents was a citizen of the Republic of Lithuania, the child shall be a citizen of the Republic of Lithuania if he was born on the territory of the Republic of Lithuania or if he was born beyond the borders of Lithuania, but one of the child's parents had his/her domicile on the territory of the Republic of Lithuania. If the parents of a child hold citizenship of different States and at the moments of the child's birth one of them was a citizen of the Republic of Lithuania, but the domicile of both parents was beyond the boundaries of the Republic of Lithuania, the citizenship of the child born beyond the boundaries of the Republic of Lithuania, until he is 18 years of age, is determined by agreement between the parents.

280. 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.

281. 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 are disclosed whereunder the child would acquire a different status.

282. A child, one of whose parents at the moment of his birth was a citizen of the Republic of Lithuania 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.

283. Criminal juvenile responsibility is regulated by the legislation of the Republic of Lithuania, notably, by a special Chapter in the Criminal Code, *Criminal Liability of Juvenile Offenders*. The provisions of that chapter are applied to persons who, at the time of the

commission of an offence, were under 18. Some of the provisions of that chapter may be applied to a person who, at the time of the commission of an offence, was over 18 but under 21 provided the court, having regard to the nature, motives and other circumstances of the offence and, if necessary, to the explanations of an expert, decides that such a person by his/her social maturity is to be treated as a minor and the application of the specific criminal responsibility to him/her would be consistent with the purposes of the Code.

284. On 25 May 2000, the Seimas passed the Law on the Ombudsman for the Protection of the Rights of the Child, the aim of which is to lay down legal provisions which would ensure the implementation of the United Nations Convention on the Rights of the Child and other legal acts related to the protection of the rights of a child in Lithuania and would also make it possible to control the activities of the State, municipal authorities, non-governmental institutions, organizations and individuals that may be prejudicial to the rights of the child and his legitimate interests.

285. The Law on the Ombudsman for the Protection of the Rights of the Child established the principles, legal foundations, competence, rights and duties of the Office of the Ombudsman for the Protection of the Rights of the Child. This Office is an independent institution (accountable only to the Seimas) financed from the State budget.

286. On 18 July 2000, invoking the Constitution and the Law on the Ombudsman for the Protection of the Rights of the Child, the Seimas passed the Resolution on the Office of the Ombudsman for the Protection of the Rights of the Child. The Resolution specified the functions of the Ombudsman, the legal foundations of the activities of the Office of the Ombudsman, and provided for the establishment of the Office of the Ombudsman for the Protection of the Rights of the Child, which came into existence on 1 September 2000.

287. To protect the rights of minor children, the Ombudsman for the Protection of the Rights of the Child requests various public institutions to take account of the rights of children guaranteed by legal acts in taking their decisions. For example, the Office of the Ombudsman often receives requests to protect the rights of minors to housing. There are numerous cases where the interference of the Ombudsman helps a family with minor children to regain or stay in their residence place. Very often such cases are related to judicial decisions to evict a family with minor children because the parents fail to pay the rent or for the utilities. In such cases in requesting the respective institution to take into consideration the rights of the child guaranteed in legal acts so that during the enforcement of the judicial decision to avoid the violation of the rights and legitimate interests of the child, the Ombudsman for the Protection of the Rights of the Child can hope only for the good will of the institution in trying to find a solution to the problem.

288. The Ombudsman always points out to services for the protection of the rights of the child that in settling differences between adults the child's interests must be given the first priority.

289. After considering complaints about the actions of various services and institutions, the Ombudsman presents suggestions to the heads of such services and institutions that they should review the decisions of their employees and apply disciplinary action against them if they are found guilty of violating the rights of the child.

290. There have been cases where on the interference of the Ombudsman an institution for the protection of the rights of child refused to grant permission for a transaction in real estate, protecting in such a way the rights of a minor.

291. The Ombudsman for the Protection of the Rights of the Child is often approached in connection with violence against children. In such cases the Ombudsman co-operates with interrogation, investigation and other law enforcement institutions to speed up the investigation of offences or violations of administrative law. The main function of the Ombudsman for the Protection of the Rights of the Child is to establish if the actions of a person are prejudicial to the rights of the child.

292. In 2001, the Office of the Ombudsman for the Protection of the Rights of the Child received 106 complaints in writing about the violation of the rights and legitimate interests of the child; 18 of these complaints were referred to the Office by other public institutions.

293. In 2001, the Ombudsman received 250 oral complaints (on the telephone, in conversations or various meetings). On the basis of such complaints and also on the basis of publications in the press concerning the abuse of the rights and legitimate interests of the child, the Office of the Ombudsman for the Protection of the Rights of the Child started 14 investigations at its own initiative. Where the complaint was outside the competence of the Ombudsman for the Protection of the Rights of the Child, the complaint was referred to other competent institutions or a solution to the problems raised was found in some other way.

### **Article 25**

294. As it was indicated in the First report (CCPR/C/81/Add.10, para. 212-215), the provisions of article 25 of the Covenant are guaranteed by the Constitution of the Republic of Lithuania; their detailed regulation is laid down in special laws (The Law on Parliamentary Elections, the latest version adopted on 18 July 2000), the Law on Municipal Elections (the latest version adopted on 19 October 1999), the Law on Presidential Elections.

295. In accordance with article 33 of the Constitution of the Republic of Lithuania, the 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 Public Service.

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

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

298. The table below presents information on the participation of the political parties and organizations of ethnic minorities in parliamentary elections.



**Parties and political organizations of ethnic minorities (1992-2000)**

Party/organization	Founded	Registered	Membership	Representation in Parliament			
				1990	1992	1996	2000
Polish Union	1989.05.05	1992.08.10	10 000	8	4	-	-
Polish electoral action	1994.08.28	1994.10.21	1 000	-	-	2	2
Alliance of Lithuanian Citizens	1996.07.29	1997.02.06	800	-	-	-	-
	Alliance of National Minorities						
Union of Lithuanian Russians	1995.10.28	1995.12.28	500	-	-	-	2

**Composition of the Seimas of the Republic of Lithuania by nationality**

Nationality	1992	1996	2000
Lithuanians	131	127	127
Poles	6	3	6
Russians	3	2	8
Jews	1	1	-

**Article 26**

299. As it was indicated in the First report (CCPR/C/81/Add.10, paras. 227-228), the laws of the Republic of Lithuania fully guarantee equality before law and the rights without any discrimination to the equal protection by law.

300. These principles are enshrined in all the laws of the Republic of Lithuania. All the new laws and the new amendments of the laws adopted after the First Report to the United Nations prohibit any discrimination on any grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

301. The equality of individuals before the law is guaranteed in the new Code of Criminal Procedure adopted on 14 March 2002 (it will become effective from 1 May 2003). Paragraph 2, article 6 of this Code says: "Administration of justice in criminal cases shall be based on the principle of equality of persons before the law and court irrespective of their origin, social and financial position, nationality, race, sex, education, language, religious or public views, type or character of activity, place of residence and other circumstances." Paragraph 3, article 6 prohibits "to grant anyone privileges, or make restrictions on the basis of any circumstances, personal traits, social or financial position."

302. The new Labour Code of the Republic of Lithuania (adopted on 4 June 2002 to become effective on 1 January 2003), guarantees the equality of the subjects of labour relations irrespective of their gender, sexual orientation, race, nationality, language, origin, citizenship, social status, belief, marital or family status, age, convictions or views, political affiliation, circumstances not related to their skills (art. 2).

303. Article 5 of the new Code of Civil Procedure, adopted on 28 February 2002 (to become effective on 1 January 2003), provides that any interested person shall have a right to seek in court, in the procedure provided for by law, the protection of his violated or disputed rights or interests protected by law. Article 6 of this Code stipulates that justice in civil actions shall be administered only by courts on the basis of everyone's equality before law irrespective of one's gender, race, nationality, language, origin, social status, beliefs, convictions or views, occupation or other circumstances.

304. The new Law on the Legal Status of Aliens of the Republic of Lithuania was adopted on 17 December 1998. Article 3 of the Law stipulates that "In the Republic of Lithuania aliens shall be equal before the law without distinction as to race, sex, colour, religion, political or other opinions, national and social origin, ethnic origin, property status, the place of birth or any other status."

305. Article 4 of the new Law on Police Activities of the Republic of Lithuania, adopted on 17 October 2000, stipulates: "The police shall, in compliance with laws and other legal acts, impartially protect all persons who are on the territory of the Republic of Lithuania, regardless of their nationality, race, sex, language, origin, social status, religious beliefs, convictions or views."

306. In accordance with the recent amendment of article 119 of the Constitution of the Republic of Lithuania (20 June 2002), the right to elect and be elected has been granted to all the permanent residents of the respective territorial administrative unit (i.e. not only to the citizens of the Republic of Lithuania).

### **Article 27**

307. As it was indicated in the First Report (CCPR/C/81/Add.10, para. 235), the Constitution of the Republic of Lithuania guarantees the right of persons belonging to ethnic minorities to foster their culture, manifest and practice their religion and use their mother tongue. Provisions have been made for state support to be granted to ethnic minorities.

308. In 2000, the Republic of Lithuania acceded to the Council of Europe Framework Convention for the Protection of National Minorities. In October 2001, in accordance with the requirements of the Convention, Lithuania presented a report on the measures taken to implement the provisions of the Convention in the Republic of Lithuania.

309. At present 121 nationalities are represented in Lithuania among its population. The number of persons representing different nationalities is rather different, from several hundred thousand, for example Russians and Poles, to several hundred or even scores, for example, Armenians, Bulgarians, Greeks, and some others.

310. In 2002, in accordance with the information released by the Department of Statistics under the Government of the Republic of Lithuania, nationalities represented most numerously included Lithuanians (2,907,293, or 83.45 per cent of the population), Poles (234,989, or 6.74 per cent), Russians (219,789, or 6.31 per cent), Belarussians (42,866, or 1.23 per cent),

Ukrainians (22,488, or 0.65 per cent), Jews (4,007, or 0.12 per cent), Germans (3,243, or 0.09 per cent), Tartars (3,235, or 0.09 per cent), Latvians (2,955, or 0.08 per cent), Roma (2,571, or 0.07 per cent), Armenians (1,477, or 0.04 per cent). Other nationalities included 6,138 persons, or 0.07 per cent). 32,921 persons did not indicate any nationality, which accounts for 0.94 per cent.

311. Lithuania is making efforts to create favourable conditions for the development of the ethnic awareness and culture of its ethnic minorities. On 14 May 2001, in order to have the aims, principles, objectives and their implementation methods defined, the Government approved the provisions of the Lithuanian Cultural Policy. One of the most important tasks of the cultural policy is to give support to the culture and education of the ethnic communities residing in Lithuania. The provisions of the Lithuanian Cultural Policy emphasise that the tradition, cultural heritage, customs and life style of the ethnic minorities are a valuable source for the enrichment of the culture of the country. By supporting the culture of the ethnic minorities, the State seeks to consolidate the cultural rights of the Lithuanian citizens who belong to ethnic minorities, to create favourable conditions for their participation in public life and for fostering their own cultural traditions and heritage. The Lithuanian Cultural Policy indicates the following measures to be applied in supporting the culture of ethnic minorities: support to the cultural programmes of ethnic minorities, creation of favourable conditions for the participation of the ethnic minorities in the cultural life of the country, fostering the cultural relations among the ethnic minorities residing in Lithuania.

312. In its Programme for 2001-2004, the Government undertook “to ensure the State support to the cultural development of the communities of ethnic minorities in Lithuania; to guarantee the freedom and independence of the activities of cultural, regional and ethnic communities.”

313. To meet the cultural needs of the ethnic minorities of Lithuania, the Department of Ethnic Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania is conducting a programme for the support of the cultural activities of ethnic minorities. The programme is funded from the State budget.

314. In accordance with the Law on Public Organizations amended in 1998, membership of public organizations may include not only the citizens of the Republic of Lithuania, but also aliens over 18 whose permanent place of residence in the Republic of Lithuania.

315. In accordance with the data released for 2002, there were 266 non-governmental organizations established by 21 ethnic minorities. The most active among them were “Macierz szkolna”, a society of the teachers of Polish schools, the Centre of Russian Culture, the Russian Folklore Centre in Vilnius, the Ukrainian Community of Vilnius, the Community of Lithuanian Jews, “Bonfire of the Gypsies”, a Community of Lithuanian Roma, and others.

316. In accordance with the data released by the Department of Statistics, there were 842 religious communities and 838 houses of worship in 2001, including 690 Roman Catholic religious communities and 701 functional houses of worship, 54 communities and 41 houses of worship of Evangelic Lutherans, 12 Reformed Evangelic communities and 4 houses of worship, 4 communities and 1 house of worship of Catholic Greek rites, 3 Judaic religious communities and 2 houses of worship, 1 Karaite community and 2 houses of worship, 5 Muslim communities and 5 houses of worship, 27 communities and 30 houses of worship of

Old Orthodox believers, 46 Orthodox communities and 47 houses of worship. Religious rites are conducted in Lithuanian, Russian, Polish, Belarussian, Ukrainian, Latvian, German, Hebrew or Romanian. State support for the traditional religious communities comes from the State budget.

317. Article 20 of the Law on Education (adopted on 25 June 1991; the latest version of 2 July 1998) provides: "Upon the wish of the parents (or the guardians), children may have religious instruction (in the traditional confessions recognised by the State) in state or municipal schools taught by individuals authorised by church dignitaries of the chosen denomination. Children who do not attend lessons in religious instruction shall have lessons in ethics instead. Upon the wish of the parents, in schools founded by two founders - the State or the municipality and any of the traditional religious communities recognised by the State - the children may attend lessons in ethics instead of lessons in religious instruction."

318. The Regulations on the Education of National Minorities, effective since 26 January 2002, reflect the State policies seeking to preserve the rights of ethnic minorities to their ethnic cultural identity, to define the institutional structure of the education system of ethnic minorities, the characteristics of the curricula and the instruction process as well as the main principles of financing the education of ethnic minorities. These Regulations provide for non-formal education of ethnic minorities and their needs to learn or to improve their skills in their mother tongue, to learn their history, traditions, cultural heritage and customs. It has been recognised that the best form of non-formal education of ethnic minorities is through Saturday/Sunday schools. The Regulations provide for the financing of the non-formal education programmes of ethnic minorities, the procedures of which should be established by the Government.

319. In 2001-2002, there were 1953 schools of general education in Lithuania with Lithuanian as the instruction language; 206 general education schools in eight cities and sixteen regions, where the language of instruction was one of the languages of national minorities, including 61 schools with Russian as the language of instruction, 80 schools with Polish as the language of instruction, 1 Belarussian school and 62 mixed schools, which have separate classes taught in one of the languages of ethnic minorities.

320. In the school year of 2001-2002, the total number of pupils in schools of general education was 576,377, including 509,812 pupils in schools where the language of instruction was Lithuanian, 10,479 pupils in mixed schools with Lithuanian as the main language of instruction; 30,531 pupils in Russian schools; 6950 pupils in mixed schools with Russian as the main language of instruction; 14,629 pupils in Polish schools, 176 pupils in Belarussian schools; 32 pupils in mixed schools including classes with Belarussian as the main language of instruction.

321. Less numerous or dispersed ethnic communities have a possibility to learn and improve their mother tongue in special or optional classes in general education schools or at Sunday schools. At present, there are 40 Sunday schools in Lithuania: 3 Armenian, 2 Belarussian, 2 Greek, 1 Karaite, 2 Latvian, 6 Polish, 1 Roma, 2 Russian, 8 Tartar, 6 Ukrainian, 4 German and 3 Jewish. These schools teach the mother tongue of the national minorities, their history,

religion and ethnic culture. National minorities have various possibilities to educate their children in their mother tongue - they can set up pre-school institutions, general education schools, or have groups or classes within general schools in which the main language of instruction is another language.

322. The Lithuanian Radio has a daily ten-minute news broadcast *Večerniy vestnik* in Russian, a weekly fifteen-minute broadcast in Russian, *Russkaya ulica*, a Polish programme, *Rozmowy Wilenskie*, a Ukrainian programme, *Trembita*, a Belarussian programme, *Vilenskiy Šytok*, a bi-monthly programme for Jews, *Menora*, a monthly programme for various other, less numerous ethnic minorities, *Labas*, and a programme for Orthodox believers, *Krikščionio žodis* ("A Christian's Word").

323. A number of private television stations broadcasting in areas densely populated by a national minority, have special broadcasts in the language of that minority: the regional television of Vilnius has a special programme in Russian, *Nedelia*. Other television stations (11<sup>th</sup> channel, Vilsat, Sugardas) have news broadcasts in Russian or Polish, they also re-broadcast television programmes from Russia and the Polonia TV programme from Poland. Cable television operators rebroadcast programmes from Russia, Belarus, Poland, Ukraine and other countries.

324. In accordance with article 4 of the Law on National Radio and Television, the national broadcaster is obliged to ensure that its programmes are geared to different public groups of various age, various nationalities and various convictions. The Lithuanian Radio has a special department, The Editorial Board of National Minorities, which is in charge of programmes for ethnic minorities or the general public on issues related to ethnic minorities. Programme One of the Lithuanian Radio has a daily 30-minute information broadcast in Russian. Programme Two of the Lithuanian Radio has a 30-minute programme, *Santara*, intended to foster the culture, language and education of various ethnic minorities of Lithuania, it also addresses everyday issues arising in the life of ethnic communities. The interviews and discussions in this programme are broadcast in Lithuanian, Russian, Polish, Belarussian, Ukrainian. There are bi-monthly special programmes for Jews and Ukrainians. Those programmes are prepared by journalists who belong to ethnic minorities.

325. Lithuania has the following private radio stations that broadcast in the languages of national minorities: *Russkoye Radio* (twenty-four-hour broadcast in Russian), *Znad Wilii* (twenty-four-hour broadcast in Polish) and the radio station *Baltic Waves*, which broadcasts a number of programmes in Belarussian. Visagin and Klaipėda have local radio stations that broadcast programmes in Russian.

326. A lot of attention at the State level currently goes to the social, economic and cultural problems of the Roma community. At present, there are 2500 persons belonging to Roma communities. They are dispersed all over the territory of Lithuania but most are settled in Vilnius, Kaunas, Panevėžys, Šiauliai and in some other localities. There are 13 Roma non-governmental organizations: 4 in Vilnius, 4 in Kaunas, and one in each of the following towns - Panevėžys, Pasvalys, Šalčininkai, Ukmergė and Prienai. These non-governmental organizations try to attend to the social and cultural needs of their communities to the extent

possible. Vilnius, Kaunas and Panevėžys have Roma folklore groups. The activities of Roma non-governmental organizations are supported by the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania as well as by the Ministry of Culture and the local government departments of culture.

327. Taking into consideration the particular ethnic identity and culture of the Roma and also with a view of creating conditions for the Roma communities to integrate into the public life of Lithuania, the Government of the Republic of Lithuania approved the Programme for the Integration of the Roma into the society of Lithuania for 2000-2004, which is co-ordinated by the Department of National Minorities and Lithuanians Living Abroad. The Programme provides for measures addressing the educational, social and health problems of Roma and also preserving their particular culture and traditions. A lot has already been done under the Programme - September 2001 saw the opening of a Roma community centre, which includes two pre-school classes attended by 26 children, a number of art, music and dance groups, also training courses in the official language of Lithuania, computer skills and dress-making for teenagers and adults. The Centre is the venue for a variety of lectures and seminars on the development and adaptation of vocational training curricula, education in health and hygiene habits, development of measures for the prevention of drug-addiction, counselling on legal, educational, social and economic issues and initiation of women's voluntary public activities, addressing problems related to personal identity documents, police actions and the protection of human rights, social security and labour, basics of business activities and establishment of legal businesses, etc. The development of the activities of the Roma Community Centre is a very realistic way in effecting changes in the Roma family attitudes to education and labour and in encouraging them to be more active in these areas. Great care is taken that this work should include experts in Roma culture and the Roma themselves so as not to prejudice their ethnic identity. The experience of the last two years shows that thanks to the Programme the public interest in the culture and history of the Roma community has increased, the public attitude to the Roma community has been changing and the Roma themselves have become more active in looking for ways how to solve various problems of their communities.

328. In the efforts of finding solutions to the rather difficult problems of the Roma communities, the contribution of non-governmental organizations is quite considerable. The Open Society - Lithuania Foundation has initiated a number of projects intended to teach skills in voluntary work, has organised summer camps for children and teenagers, held seminars for teachers on the special teaching methods most suited to the Roma, their customs and culture as well as on human rights. Since 1994, the Children's Fund of Lithuania has been supplying food and clothes to the Roma children in Vilnius.

329. The existing stereotype opinion about the unwillingness of the Roma to integrate and their natural preference for isolation and patriarchal communal life style has been refuted by the sociological research carried out in 2001 at the initiative of the Department of National Minorities and Lithuanians Living Abroad. The research has shown certain important trends among the Roma communities in respect of their integration into the public life of Lithuania. It has shown that Roma people are not predominantly traditional in their isolation. For example, one fourth of the respondents indicated that they would agree to rent a municipal flat, only 40 per cent of the respondents would definitely reject, the others would consider such a possibility. These findings refute the opinion that Roma are unwilling to live in flats in separate families. The research has shown that 90 per cent of the Roma in Vilnius hold an identity

document, the others have a migration document. Over 90 per cent of the respondents indicated that they and their spouses were registered in Vilnius. This information refutes the opinion that Roma are deprived of the possibility to avail themselves of health and other services because they are not registered. The research provides a ground for the conclusion that the integration of the Roma into the public life of Lithuania can be effected through the creation of favourable conditions for the education of Roma children and for enhancing their motivation to acquire education.

330. In the efforts to increase the employment rates among the Roma communities and their participation in the measures of the labour market policies, state institutions are encouraged to co-operate more closely with the Roma communities, while the Roma communities are encouraged to take a more active part in analysing and tackling problems related to their situation. A project of training for labour and employment is under development as part of the Programme for the Integration of the Roma. Students of social sciences of Vilnius University are involved in collecting and processing information on the willingness of the Roma themselves to participate in the project, on their attitude to labour and the offers of the Labour Exchange. A lot of effort goes to the preservation of the unique cultural and linguistic heritage of the Roma communities. Since September 2001 the Romani language has been taught by a representative of the Roma at the Centre of Cultural Communities of Vilnius University. The Ministry of Education and Science is working on a textbook of the Romani language together with the representatives of the Roma communities. The textbook is intended to lay the foundation for the written Romani language in Lithuania. The anthropologists of Vilnius University have collected valuable material consisting of various stories from the life of the Roma communities, which are going to be published in the near future. All that shows that the active dialogue between the Roma communities and the general public helps to foster their social ties and mutual trust, to eliminate dominating stereotypes and to enhance mutual positive images.

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