



HUMAN RIGHTS MONITORING INSTITUTE

ANNUAL ACTIVITY REPORT
2011

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ANNUAL ACTIVITY REPORT 2011

Human Rights Monitoring Institute (HRMI) is a non-governmental organization based in Lithuania. It has been founded in 2003 with the mission to promote an open democratic society through the consolidation of human rights and freedoms. The strategic goals of the Institute are: to develop the capacity of the civil society to follow and influence the governmental human rights policy and practice, encourage Lithuanians to exercise their rights and, in certain cases, to assist in defending those rights, to develop a culture respectful of human rights in Lithuania by raising awareness of human rights violations, their causes and consequences, stimulating public discussions and dialogue between civil society and state institutions concerning human rights, motivating state institutions and officials to bring about tangible improvements in legislation, programmes and services, intended to ensure and consolidate the protection of human dignity and human rights and increasing governmental accountability in policies and practices affecting human rights.

HRMI conducts daily monitoring of public institutions' activities, reacts to human rights abuses or potential violations, carries out research, issues conclusions and recommendations, initiates strategic litigation, presents alternative reports to international human rights institutions, implements awareness-raising and educational campaigns.

HRMI is a member of the EU Fundamental Rights Platform, which is a network of NGO cooperation under the auspices of the EU Fundamental Rights Agency; UNITED - network of European NGOs against nationalism, racism, and fascism; EUROCHILD - network of organisations and individuals working in and across Europe to improve the quality of life of children and young people; Civic Solidarity Platform - an advocacy network of independent civic groups from across the OSCE region; and informal network JUSTICIA, aiming to improve quality of criminal justice in Europe.

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INTRODUCTION

The year of 2011 has been successful and inspiring for the Human Rights Monitoring Institute. The Institute not only extended its work on human rights areas of priority concern, such as the prohibition of discrimination, the right to privacy, and the right to a fair trial, but also, engaged in a more active advocacy addressing domestic violence, children's rights, freedom from torture and inhuman and degrading treatment, and freedom of information areas.

During the past year, HRMI published its sixth consecutive report on the human rights situation in Lithuania – *Human Rights in Lithuania 2009-2010: Overview*. The report covers the latest human rights challenges and developments, and issues recommendations for the improvement of human rights protection. The Institute also published three research reports, which reviewed and assessed the accessibility of state-guaranteed legal aid, legal child protection from violence, and the regulation of the usage of personal data, and issued informational guidelines for responding to hate crimes.

In 2011, HRMI initiated a strategic case before the European Court of Human Rights, concerning domestic violence, and launched freedom of information action in Lithuania, including freedom of information requests to Lithuanian authorities and litigation before domestic courts regarding unlawful authorities' refusals for information. HRMI also participated in the legislative process by submitting comments to the draft *Law on Assembly*, and by participating in the working groups on the establishment of the National Human Rights Institution, and Aid Centres for victims of domestic violence.

The Institute also actively worked on the international level by submitting alternative reports to international human rights monitoring bodies, providing consultations to international human rights protection agencies, and formulating joint public statements with international NGOs on violations of human rights and systemic human rights issues. The Institute also engaged in joint advocacy with foreign non-governmental organizations, such as Amnesty International, Interights, Reprieve, Open Society Justice Initiative, and others.

In 2011, HRMI continued its annual awareness-raising campaigns – *Action Week against Intolerance* in March, and *Human Rights Awareness Month* in December. During the campaigns the Institute organized online and live discussions, conferences, film screenings, and radio shows, as well as launched online courses on human rights, delivered human rights lessons to students and pupils, and organised social advertising campaigns.

All in all, the year of 2011 was full of new challenges for the Institute, but also presented opportunities both meaningful and interesting. Most of the past year's work will be continued in 2012, encouraging further developments toward better protection of human rights and greater accountability from the public authorities.

I. HUMAN RIGHTS MONITORING AND ADVOCACY

I.1. Human Rights in Lithuania 2009-2010: overview

On 26 May, HRMI issued its traditional independent assessment of human rights situation in Lithuania *Human Rights in Lithuania 2009-2010: overview*, which is based on in-house research, reports and other documents released by government institutions, Lithuanian and international NGOs and intergovernmental organizations, media monitoring, and consultations with experts. In the report, HRMI introduces the most pressing human rights issues in Lithuania and makes recommendations for the improvement of the human rights protection.

The Overview highlights the most serious violations of the prohibition of torture, inhuman and degrading treatment in the context of the CIA's extraordinary rendition and secret detention programme, as well as the issues related to effective implementation of the principles of equal opportunities and non-discrimination. Among other highlighted issues were: the non-improving situation of vulnerable groups – children and people with disabilities; the continuous violations of the right to respect for private and family life; the shortcomings of legal regulation and practical implementation of the right to freedom of assembly; the problems related to a fair trial guarantees – according to the public opinion polls, in the year 2009-2010, this right was violated most often.

The report was presented at the press conference by HRMI team, including Dainius Pūras, Chair of the Board, Dalia Fojgt-Norvaišienė, Member of the Board, Henrikas Mickevičius, Executive Director, and Dovilė Šakalienė, Programme Director, at the BNS Press Center.



In May, the report was presented to the President of the Republic of Lithuania Dalia Grybauskaitė. Attention of the State President was drawn to the fact that scepticism on human rights is growing and culture of intolerance is entrenching in Lithuania. HRMI representatives and the President had a fruitful discussion on possible measures to improve protection of human rights in Lithuania.

The report was also presented to the Prime Minister Andrius Kubilius. Discussion focused on ways and measures that the Government could contribute to

the improvement of the human rights protection in Lithuania. HRMI emphasized the importance of establishing a National Human Rights Institution in Lithuania and the need to reform the system of care for children and people with mental disabilities – moving away from institutional to community-based care system. The PM agreed with the comments and recommendations, and expressed his gratitude to HRMI for consistent work on human rights.

This year's report received special attention from both the state authorities and the public. The Overview was presented not only to the State leaders, but also members of Lithuanian Parliament, heads of public institutions, as well as representatives of the media. The Overview has also been discussed with Parliamentary committees and political groups, the Minister of Justice, as well as ambassadors of various countries and non-governmental organizations.

I.2. Alternative Report to the UN Committee on the Elimination of Racial Discrimination

In February 2011, HRMI submitted an alternative report to the UN Committee on the Elimination of Racial Discrimination on implementation of the *Convention for the Elimination of All Forms of Racial Discrimination* in Lithuania.

The Committee considered the official Lithuanian periodic reports (fourth and fifth) in March 2011. Submitted to the Committee in 2010, the reports cover the period from 2004 to 2010. According to the HRMI's assessment of the period, human rights issues were not attended to sufficiently – Government's motivation to strengthen human rights protection significantly decreased after Lithuania's accession to the European Union in 2004. In an alternative report HRMI *inter alia* commented on the problems related to ethnic minorities and the authorities' discriminatory position towards the right to peaceful assembly.

In March, having considered the periodic reports and the comments made by non-governmental organizations, the UN Committee on the Elimination of Racial Discrimination issued its conclusions and recommendations for Lithuania. The Committee expressed concern regarding cut-offs on the account of human rights – funding cuts in Parliamentary and Equal Opportunities Ombudspersons Offices. The Committee also regretted Lithuania's delay in establishing the National Human Rights Institution, and called for more effective prosecution and redress for victims of racist and xenophobic crimes.

Further, the Committee was highly critical of the Roma situation in Lithuania. Roma continue to be marginalized, live in inadequate and even dangerous housing conditions, and lack proper health care and employment opportunities. The Committee noted that Lithuania must take special measures to ensure the protection and integration of the Roma, and urged Lithuania to provide adequate resources to the Roma community programs, involving in the process the Roma community itself as well as non-governmental organizations.

I.3. Submissions to the UN Human Rights Council for the UPR

HRMI, in cooperation with other Lithuanian NGOs, submitted comments to the UN Human Rights Council on the implementation of human rights in Lithuania.

In October 2011, the UN Human Rights Council discussed Lithuania's first report within the framework of the *Universal Periodic Review*. The Universal Periodic Review is a unique procedure in which the UN Human Rights Council, responsible for the universal respect for human rights and the promotion of fundamental freedoms, every four years conducts an overview of the human rights situation in each of the 192 UN Member-States. NGOs are also invited to submit comments and suggestions to the Universal Periodic Review.

HRMI together with the Center for Equality Advancement and the Centre for Equal Rights and Social Development informed the UN Human Rights Council *inter alia* on developments related to the on-going discussion on the necessity of the National Human Rights Institution in Lithuania, certain factors impairing the efficiency of the right to a fair trial, including access to the state-guaranteed legal aid, stressed particular infringements of the right to respect for private life, and informed about inefficient investigation into Lithuania's participation in the CIA-run extraordinary rendition and secret detention programme.

Submission on the child's rights, drafted by HRMI, Children Support Centre and Caritas Lithuania, emphasized the lack of objective data on the violence against children, the structural problems related to provision of assistance to children-victims of abuse, including victims of human trafficking, and informed about challenges in protecting the rights of children in judicial process.

II. PROTECTION OF PARTICULAR HUMAN RIGHTS

II.1. Prohibition of Torture, Inhuman and Degrading Treatment

II.1.1. Calls to Investigate Lithuania's Participation in CIA's Extraordinary Renditions and Secret Detentions Programme

Back in 2009, HRMI appealed to the Prosecutor General with a request to undertake an investigation of allegations related to the U.S. Central Intelligence Agency's (CIA) activities in Lithuania including illegal transportation of persons suspected of terrorism across the state borders of the Republic of Lithuania, restriction of their freedom, and torture in secret detention sites in Lithuania. The pre-trial investigation, launched in the beginning of 2010, was prematurely terminated in January of 2011.

In September 2011, HRMI with other non-governmental organizations, specifically Amnesty International, Reprieve, and Interights, met with representatives of the Prosecutor General's Office and provided new information related to the CIA-chartered flight to Lithuania, which, as suspected, was transporting unlawfully detained persons. Non-governmental organizations called on the Prosecutor General's Office to thoroughly investigate this new information. However, despite the new evidence, on 21 October 2012 the Prosecutor General's Office announced that the pre-trial investigation will not be re-opened.

Prosecution argued that the information provided by the Amnesty International, Reprieve, and HRMI "was assessed in line of the circumstances established during the terminated pre-trial investigation, and it was found to be non-essential, and would not play a decisive role in the case." A couple days earlier, Darius Raulušaitis, the Deputy Prosecutor General, has announced in public that the information provided by NGOs was "big news" to the Prosecution. However, it remains unclear why the Prosecutor's Office, in announcing the decision not to re-open the investigation, regarded this same information as insignificant.

In an interview with the Baltic News Service, Henrikas Mickevičius, HRMI Executive Director, stated that "by not re-opening the investigation, the Prosecution revealed itself as a powerless structure. And because of this decision, made by the Prosecutor General's Office," he continued, "Lithuania will look bad in the eyes of the international community, in addition to undermining the public's confidence in the law enforcement agencies."



II.1.2. Public Display against the CIA's Extraordinary Renditions and Secret Detentions Programme and Press Conference

On 29 September, HRMI together with the international human rights organization Amnesty International (AI) and the representatives of London-based Reprieve and Interights held a press conference where new information was disclosed in relation to a CIA chartered flight from Morocco to Vilnius, which allegedly carried persons secretly detained by the CIA.

Nicola Duckworth, AI's Director for Europe and Central Asia, presented the report „Unlock the Truth in Lithuania“. The report critically assessed the ineffectiveness of the official investigations conducted in Lithuania and provided new information on the CIA chartered flight from Morocco to Vilnius.

Julia Hall, AI's expert on Counter-terrorism and Human Rights, claimed that the Prosecutor's Office were not only unwilling to seek new information, but also failed to thoroughly investigate the vast amount of information which was publicly available. She stressed the lack of cooperation on the Prosecutor's part with international organizations and the law enforcement institutions of other countries. Crofton Black, investigator from Reprieve,

disclosed new information and supporting documents related to the 17 February 2005 flight from Morocco to Vilnius.

Vesselina Vandova, Senior Lawyer of Security and the Rule of Law at Interights, emphasized that Abu Zubaydah, who could have been imprisoned and tortured in Lithuania, and who allegedly was brought to Lithuania from Morocco, is still detained in the Guantánamo Bay prison. Due to the torture suffered, Abu Zubaydah's health has seriously deteriorated. Vesselina Vandova announced that Abu Zubaydah has already filed an application against Lithuania with the European Court of Human Rights due to Lithuania's failure to comply with its obligation to effectively investigate allegations of his unlawful imprisonment and torture in Lithuania during the period from 2004 to 2006.

Henrikas Mickevičius, Executive Director of HRMI, claimed that the cause of serious concern is not only the unwillingness of the authorities to uncover the truth, but also the unwillingness to provide information to the public. The government and law enforcement agencies refuse to provide information without any legitimate grounds. Henrikas Mickevičius announced that HRMI filed FOI requests with a number of state institutions and agencies, seeking more information on Lithuania's involvement into CIA's rendition programme, but only two of the institutions dealt with the requests in accordance with the laws.



After the press conference, AI activists and local volunteers, with the help of HRMI, set up a display "Unlock the truth" in Kudirkos Square in central Vilnius. A big cage was displayed in front of the Government building with 2,000 locks attached to its bars, symbolizing illegal detention of persons by the CIA. Passers-by added their own names and messages to the padlocks on the personalized tags thus signing the petition urging the authorities to finally uncover the truth about Lithuania's participation in illegal CIA programme.

II.1.3. Abu Zubaydah v. Lithuania

On 27 October 2011, London-based human rights organization Interights filed a lawsuit against Lithuania in the European Court of Human Rights (ECHR) on behalf of Zayn al-Abidin Muhammad Husayn, also known as Abu Zubaydah. HRMI representatives cooperated with Interights, providing consultations during the preparation of the application.

Abu Zubaydah is one of the most well-known victims of the extraordinary renditions programme, initiated by G.W. Bush administration. He was secretly transferred across state borders, imprisoned, and tortured by the U.S. government. The U.S. carried out these illegal actions with the abetting and assistance from various other countries, including Lithuania.

In the complaint to the ECHR, representatives of Abu Zubaydah claim that in early 2005 Abu Zubaydah was rendered to Lithuania where he was held in a secret detention facility, constructed and equipped specifically for CIA detention, in accordance with prior authorisation from high level Lithuanian authorities. Lithuanian officials were responsible for the establishment of the secret detention facilities for use by the CIA. They participated in, and provided cover for the extraordinary rendition of individuals, including Abu Zubaydah, into and out of Lithuania, and their secret detention and torture on Lithuanian soil. They did this despite widely available information indicating the serious nature of human rights violations occurring within the CIA-led rendition programme. Abu Zubaydah was transferred by extraordinary rendition from Lithuanian territory to detention in an undisclosed facility, from where he was later transferred to Guantánamo Bay, Cuba, where he is being held indefinitely without charges or trial.

Complaint claims the failure of the Lithuanian government to account for the violations inflicted on Abu Zubaydah on Lithuanian territory. It states that Lithuania is bound by a legal obligation to carry out an effective investigation – a requirement which Lithuania failed to perform, despite strong insistence of European institutions, which have strongly condemned the CIA programme itself, and any cooperation or participation within it.

By submitting a complaint to the ECHR, Abu Zubaydah seeks to be recognized in the Court's decision as a victim of torture, secret detention, and forced disappearance under the jurisdiction of Lithuania. Abu Zubaydah cannot have a public defense case, since the CIA and the U.S. Department of Justice and the Department of Defense forbade him any right to public communication – each word spoken by the detainee is automatically classified as a top-level state secret. In this way, Abu Zubaydah is systematically denied any possibility to publicly reveal the facts of his case.

In light of this, the appeal to the ECHR is intended to give a voice to Abu Zubaydah, and thus, defend his rights. Abu Zubaydah's application asks the court to specify the measures which the state would have to take in order to prevent similar violations in the future. In the process, Abu Zubaydah will also seek for the Court to recognize that Lithuania must conduct an independent and thorough investigation of his complaints, during which he would either be involved directly or through a legal representative.

II.1.4. Freedom of Information Action

On 4 July 2011, HRMI, in partnership with the Open Society Justice Initiative (OSJI), submitted freedom of information requests (FOI) to seven state institutions and agencies: Parliamentary Committee on National Security and Defence (CNSD), Ministry of Foreign Affairs, State Security Department (SSD), State Border Guard Service under the Ministry of Internal Affairs, Customs Department under the Ministry of Finance, state enterprise Air Navigation (Air Navigation) and Civil Aviation Administration.

In order to protect public interest, HRMI and OSJI requested information related to the CIA's secret detention and extraordinary rendition programme's operation in Lithuania, including copies of documents related to the parliamentary inquiry, CIA-related aircraft flights, equipment and operation of secret detention facilities (Project No. 1 and Project No. 2), and documents confirming cooperation between CIA and Lithuanian secret services.

Only two institutions provided the requested information and documents – the Ministry of Foreign Affairs and the State Border Guard Service. Customs Department, Air Navigation and Civil Aviation Administration refused to provide requested information without giving any legitimate grounds for the refusal. CNSD supplied only part of the requested information, claiming that the rest of it is classified and is therefore exempt from freedom of information act (*Law on the Right to Obtain Information from State and Municipal Institutions and Agencies*). SSD refused to provide any information in principle, arguing that all the requested information is classified.

HRMI appealed to Vilnius regional administrative court against the three institutions and bodies that refused to provide the requested information – Air Navigation, Civil Aviation Administration and the Customs Department. The Court partially upheld the complaints against the Air Navigation and the Customs Department, ordering those agencies to re-examine HRMI requests for information. The Court dismissed the complaint against the decision of the Civil Aviation Administration, but the Institute appealed the decision to the Supreme Administrative Court.

II.1.5. Submission to the United Nations Human Rights Committee

The Open Society Justice Initiative and HRMI turned to the United Nations Human Rights Committee, urging for a critical evaluation of the Lithuanian State's reluctance to investigate Lithuania's participation in the CIA's illegal extraordinary renditions and secret detentions programme. Failing to carry out a thorough and comprehensive investigation, Lithuania

breached the *International Covenant on Civil and Political Rights*, specifically Articles 7, 9 and 10 of the treaty.

The appeal points out that Paragraph 1 of Article 2 of the Covenant establishes obligation for States Parties to ensure all the rights guaranteed by the Covenant to all persons within their jurisdiction. By not carrying out a thorough investigation and depriving the victims of human rights violations of the opportunity to seek redress, Lithuania failed to fulfil its positive obligation, and thus, breached Article 7 of the Covenant, which prohibits torture and cruel, inhuman, and degrading treatment.

Furthermore, cooperating with the CIA, Lithuania has allowed for the illegal secret detention of persons, thus, violating Article 9 of the Covenant, which prohibits illegal deprivation of person's liberty. At the same time Lithuania violated Paragraph 1 of Article 10, which stipulates that every person, whose liberty has been restricted, shall be treated humanely and with respect for their inherent dignity.

The United Nations Human Rights Committee will consider and evaluate the periodic report of the Lithuanian Government in 2012.

II.1.6. Comments and Recommendations Presented to the European Union regarding Green Paper on Detention

On 25 November, HRMI together with five other non-governmental organizations submitted observations and comments to the European Commission and European Parliament, concerning the European Commission's *Green Paper on the Application of EU Criminal Justice Legislation in the Field of Detention*.

In their observations, the non-governmental organizations reviewed the alternatives to pre-trial detention that would not involve deprivation of liberty, discussed the statutory maximum period of pre-trial detention, and the need to establish and regulate judicial review of pre-trial detention. Submitted alongside were recommendations on detention of juveniles, and monitoring of places of detention, especially those where persons are held during pre-trial detention.

On 15 December, having considered the non-governmental organizations' comments, the European Parliament adopted a resolution which called for urgent measures to improve the alarming conditions in the places of detention throughout the EU, and urged to take action to ensure the protection of fundamental rights of detainees, and to establish the basic standards for detention conditions in all EU Member States.

Members of the European Parliament particularly noted the European Commission's 14 June 2011 *Green Paper*, which highlighted the disturbing practice of prison overcrowding, high numbers of pre-trial detainees and arrestees, as well as people with mental disorders in places of detention, and cases of deaths and suicides in prisons.

EP noted that detention conditions should not be degrading and should not violate the rights of suspects or accused or the prohibition of inhuman or degrading treatment. Detention must remain an exceptional measure applied only for a limited period of time and subject to strict conditions. Members of EP noted that in order to reduce the likelihood of repeated offenses it is necessary to create appropriate conditions for prisoners, and opportunities to prepare for their reintegration into society.

Member States often point out that additional funding is needed to improve prison conditions, thus the European Parliament urged the EU to create a separate budget line in order to oblige Member States to comply with established standards. The EP also called for the implementation of EU-level measures, which would allow for members of national parliaments and the EP to visit prisons across the entire EU. In 2009-2010 the number of prisoners in the European Union amounted to almost 634,000.

II.1.7. Valiulienė v. Lithuania

In 2011, HRMI got involved in a domestic violence case *Valiulienė v. Lithuania*, arguing that domestic violence is not only a violation of the applicant's right to privacy, but also amounts to degrading and inhuman treatment, prohibited by Article 3 of *the European Convention on Human Rights*. The complaint stated that Lithuania did not fulfil its positive obligation to investigate allegations of inhuman and degrading treatment.

The applicant became a victim of domestic violence in 2001 – her partner used physical and psychological violence. The applicant reported the instances of physical violence to the law enforcement institutions. In 2002, charges were brought against her partner, but the pre-trial investigation was repeatedly discontinued because the authorities were unable to locate the suspect. In 2005, Prosecutor's Office closed the investigation on the basis that under the new Criminal Code, which came into force in 2003, the pre-trial investigation on suspicion for light health impairment could not be continued under the general procedure, and advised the applicant to apply to the court for initiating private prosecution.

After unsuccessful attempts to challenge this decision in court, the applicant applied to the court under private prosecution clause, requesting to initiate a pre-trial investigation regarding the abuse she suffered, but the court dismissed the complaint on the grounds that the statute of limitations for her claim had already expired. Although the applicant's appeal was upheld by the Panevėžys regional court, Panevėžys district court once again issued a decision unfavourable to the applicant. In 2007, the Panevėžys regional court upheld this decision by a final ruling.

The applicant submitted a complaint against Lithuania to the ECHR regarding violation of Article 6 of the Convention, which guarantees the right to a fair trial, and Article 13, guaranteeing the right to effective domestic remedies. ECHR presented further questions to the parties, whether Articles 3 and 8, ensuring freedom from torture and cruel, inhuman, and degrading treatment, and the right to respect for private life, were not violated in the applicant's case.

In its response to the Court, the Government recognized violation Article 8 of the Convention, however, disagreed that there had been any violations of Article 3. The applicant did not accept the government's position and with the help of HRMI submitted a response to the Court. The response sets out the applicant's arguments that her partner's use of physical and psychological violence amounted to inhuman and degrading treatment and that the State failed to fulfil its positive obligation to investigate allegations and administer justice.

II.2. Fighting Incitement to Hatred and Discrimination

II.2.1. Information Guide Hate Incitement: frequently asked questions

In July 2011, HRMI released an information guide *Hate Incitement in Lithuania: frequently asked questions*.

In recent years, public discussions on incitement of hatred have intensified. The prohibition in *the Criminal Code* to publicly deny the genocide and the acts of aggression by the Soviet Union against Lithuania and the first cases brought under these amendments were met with mixed reactions. The media regularly reports on criminal charges brought against online commentators – such articles are often followed by a new wave of hatred and discontent with the restrictions on freedom of speech.

The goal of HRMI information guide was to answer the questions that a number of journalists and other persons ask on the phenomenon of intolerance and hatred. The guide provides the definition of hate speech and explains its forms of expression, as well as provides an overview of the case-law in Lithuania, in other states, and international courts. The guide also provides information about where to report incidents of hatred and violence.

II.2.2. Appeals to the Prosecutor General

In 2011, HRMI continued to actively respond to manifestations of hatred in the comments from the readers of online media articles. HRMI submitted 6 appeals to the General Prosecutor's Office to initiate pre-trial investigations under Article 170, Paragraphs 2 and 3, of *the Criminal Code*, against the authors of the online comments, who, as in previous years, were usually hostile to ethnic, religious and sexual minorities.

On 15 February, HRMI together with a group of Lithuanian non-governmental organizations addressed the General Prosecutor's Office asking to open an investigation into actions of the political party "Jaunoji Lietuva" ("Young Lithuania"), and to ask the court for a provisional measure – restrict the party's activities.

During the municipal election campaign the party "Young Lithuania" used an electoral slogan *For Lithuania without Blue, Black, Red, and Encampment Gypsies*, thus inciting discrimination and hatred against sexual and ethnic minorities, stigmatizing them and promoting violations of human rights and freedoms. However, neither Kaunas district public prosecutor's office and Kaunas City district court, nor Kaunas regional court, recognized any elements of criminality in the election campaign, thus the pre-trial investigation was terminated.

On 21 April, HRMI together with a group of Lithuanian non-governmental organizations addressed the Prosecutor General's Office asking to initiate an investigation into a number of incidents that occurred in Vilnius, Kaunas, and Panevėžys on 20 April 2011. In commemoration of Adolf Hitler's 122nd birth anniversary, four incidents were reported in the three largest cities in Lithuania, designated to honour German Nazi leader, and to express solidarity with Nazi Germany's crimes. The appealing NGOs deemed such actions criminal under *the Criminal Code*, which criminalizes public mockery of a group of people because of their nationality and religion, or any public expression of support for the crimes of Nazi Germany.

On 3 May, the Prosecutor General's Office informed HRMI that four pre-trial investigations have been initiated, under the control of Panevėžys, Kaunas, and Vilnius district prosecutor's offices.

II.2.3. Human Rights Coalition

In July 2011, non-governmental organizations working in the area of human rights and non-discrimination, decided to join forces and advocate together for human rights and freedoms, as well as promote the principles of equality and non-discrimination in Lithuania, and thus formed the Human Rights Coalition.

The need to form a coalition, according to the Executive Director of HRMI Henrikas Mickevičius, came about as a result of the fact that the human rights situation in Lithuania is deteriorating, and instead of a concern for human rights, the prevailing attitude among public actors is that of a poorly concealed or even proudly displayed hostility towards human rights. This has encouraged the organisations to combine forces and work together for the extension of the human rights dimension in the political agenda, and establishment of a coherent and effective human rights policy.

"The values of ensuring the quality of democracy for every citizen, the reinforcement of human rights, the reduction of exclusion of socially vulnerable people, and the protection of these values were stressed by the President of the Republic of Lithuania as one of the core priorities of her work. These are precisely the values by which non-governmental organisations working in the field of human rights and forming the Human Rights Coalition are guided," stressed Dovilė Juodkaitė, the director of the Global Initiative on Psychiatry.

The Coalition brings together the following organizations: the Global Initiative on Psychiatry, Lithuanian Gay League, the Jewish Association of Lithuania, the Lithuanian Centre for Human

Rights, the Center for Equality Advancement, the Equal Rights and Social Development Center, the Roma Community Center, and the Human Rights Monitoring Institute.

II.3. Rights of Socially Vulnerable Groups

II.3.1. Implementation of the United Nations Convention on the Rights of the Child: roundtable discussion on opportunities and challenges

On 14 January, HRMI hosted a round-table discussion with a number of non-governmental organizations working in the field of children's rights.

The discussion moderated by Dainius Pūras, Member of the UN Committee on the Rights of the Child and Chair of the HRMI Board, offered an opportunity to evaluate the quality of implementation of *the UN Convention on the Rights of the Child* and the recommendations of UN Committee on the Rights of the Child in Lithuania, and explore the possibilities for concerted action to influence the State policy-setting and decision-making in the area.

Participants emphasized, in particular, the need for fundamental changes in the system of institutional care for children and in the prevention of child abuse. They considered an independent monitoring of child's rights policies and of their implementation as an instrument to affect positive changes. Discussion touched upon other issues relevant to the effective and efficient protection of children's rights.

Representatives of participating organisations agreed to cooperate on drafting and submitting an alternative report for the upcoming session of the UN Committee on the Rights of the Child, for which Lithuania is scheduled to present the report on implementation of *the UN Convention on the Rights of the Child*.

II.3.2. Problems of Integration of Socially Vulnerable Groups: forum on children, and persons with physical and intellectual disabilities

On 10 June, at the forum called to discuss problems hindering social integration of children and disabled persons, organized by the Office of the State President, the head of the State Dalia Grybauskaitė asserted that strengthening protection of human rights and counteracting social exclusion of vulnerable people is one of the core priorities of her work.

Dainius Pūras, Chair of HRMI Board, urged more efficient use of funding allocated for social care of persons with disabilities. In particular, he criticized allocation of significant funds for social care homes, which operate on the principle of social exclusion. Robertas Povilaitis, director of the Child Line offering psychological support to youth in crisis, stressed the need for the prevention of domestic violence as it harms children, and may carry repercussions throughout the life.

Dovilė Šakalienė, HRMI Program Director, pointed out the gaps of the legal framework protecting children from violence, and argued for the need for comprehensive action plan for the protection of children against all forms of violence, including physical punishment.

Edita Žiobienė, Ombudsperson for Children's Rights, and Henrikas Mickevičius, Executive Director of HRMI, emphasized the importance of a comprehensive and proactive institutional policy in the promotion and protection of human rights, and advocated for the establishment of a National Human Rights Institution.

II.3.3. Rights of Vulnerable Children: study

On 22 November, the United Nations Office of the High Commissioner for Human Rights, in collaboration with UNICEF, organized a sub-regional meeting in Prague on 0-3 year old child's rights protection. Dainius Pūras, the key speaker at the event, presented a study on the rights of infants who, in our region, are often placed in care institutions.

In the course of the meeting, discussions addressed growing opportunities for the transformation of the care system by developing family and community services for children and families at-risk, including children with disabilities, particularly in the context of an expanded European Union. It was also pointed out that a number of European countries, including Lithuania, still lack political will to change the priorities of childhood policy and continue to invest in the residential institutions for infants and children.

II.3.4. Legal Protection of Children from Violence: assessment

In the spring of 2011, HRMI prepared a review of the legal framework for the protection of children from violence, which showed that current mechanisms are fragmentary and do not guarantee child's protection from all kinds and forms of violence, including physical punishment. HRMI experts, having evaluated the "failure story" of attempts to regulate child's protection from violence and the latest legislative initiatives, proposed concrete steps towards a prompt establishment of comprehensive legal protection of the children of Lithuania.

On 27 May, the study was presented in Lithuanian Parliament during a round-table discussion *Child's Rights Protection: the search for more effective solutions*.

II.4. Right to Private and Family Life

II.4.1. Discussion: What is a Family?

On 12 May, HRMI held a discussion *What is a Family?* "The recent upsurge in legislation aimed at protecting traditional family values, and strong public reaction to these measures show a need to discuss the concept of a family and related issues. Only an open and constructive dialogue can lead to rational and reasonable solutions that are useful to the public," – said Dovilė Šakalienė, moderator of the discussion.



The panel of discussants included experts and activists: Dainius Pūras, psychiatrist and Chair of HRMI Board, Nomeda Marčėnaitė, artist and Goodwill Ambassador of Human Rights, Vytautas Mizaras, Professor of Vilnius University, Tomas Šalkauskas, President of National Family and Parents' Association, and family policy specialists from the Ministry of Social Security and Labour.

II.4.2. Collection and Storage of Biometric Data: petition to the Council of Europe

On 25 February, together with other members of the alliance *Hands off Biometrics*, HRMI signed an appeal to the Council of Europe (CoE), which was meant to draw the attention of the CoE Secretary General to the use of biometric data, which often infringes the right to respect for private life, and to request him making inquiries in the Member States on what measures they take to prevent violations.

According to the Article 52 of the *European Convention on Human Rights*, on receipt of a request from Secretary General of the CoE, each contracting State has to furnish an explanation of a manner in which their domestic law ensures the effective implementation of any of the provisions of the Convention.

II.4.3. Appeal to the State's Data Protection Inspectorate

On 13 April, HRMI addressed the State Data Protection Inspectorate requesting to evaluate and determine whether the measures of the project *My Neighbourhood is the Safest* do not infringe the right to respect for private life in the area of personal data collection and management.



The project *My Neighbourhood is the Safest* was initiated by the Police Department and a private company *Acta Iuventus*. The project promised to use modern CCTV cameras to monitor 20 areas belonging to the Vilnius apartment owners' associations 24 hours per day. In the framework of the project, each of the areas was to be monitored by 22 individual video cameras.

Video surveillance can be used to ensure public safety, public order, protection of person's life, health, property, and other persons' rights and freedoms. However, the use of video surveillance has to be proportional, i.e. it should be used only when other measures are not sufficient for the intended purposes. The burden of proof of the legality and proportionality of limiting the right to private life falls on the limiting subjects, in this case – the Police Department and the business entity.

HRMI submitted an exemplary list of questions to be asked in order to determine whether the project complies with the above standards.

II.4.4. On Arbitrary Actions of the Secret Service and the Law Enforcement: press conference

On 20 May, Leonidas Donskis, MEP, Darius Kuolys, Executive Director of the Civil Society Institute, and Henrikas Mickevičius, Executive Director of HRMI, held a press conference to raise public awareness about the arbitrary nature of the actions of the Lithuanian secret services and law enforcement authorities. It was emphasized that in certain cases the methods of operation employed by the secret services and law enforcement are balancing on the threshold of legality or are, arguably, overstepping it.



Conference participants drew public attention to a worrisome tendency of ever increasing reliance on secret surveillance. According to the statistics provided by the European Commission, Lithuanian special services and law enforcement authorities requested operators of electronic communications to provide information on individual's private communications several times more frequently than their counterparts in other EU states.

II.4.5. Discussion on Public Control of Special Services

On 20 June, Arvydas Anušauskas, Chair of the Parliamentary Committee on National Security and Defence, moderated a discussion on how to ensure public control over operations of secret services so that covert operations do not infringe human rights and freedoms.

"Intelligence activities are currently in the grey zone, because our legal framework, and particularly, the *Law on Operational Activities* allows for measures that are not defined as either intelligence or counter-intelligence activities, or as actions of pre-trial investigation, by which evidence is collected for the purpose of prosecution. The broad and vague definitions remaining in this grey zone create conditions for abuse and violations of human rights, which, in turn, negatively affects the public trust in secret services and law enforcement agencies" stated Henrikas Mickevičius during the discussion. Executive Director of HRMI also recalled a number of cases lost by Lithuania at the European Court of Human Rights for an application of entrapment.

Darius Kuolys reminded about the recent scandalous case of covert surveillance of Lithuanian journalists which caused a public backlash but no explanations were provided.

Discussants recognized that the secret services lack public trust, that the shortcomings in the control mechanisms of these services are obvious, and that the frameworks of their activities and their control are not sufficiently clear and defined. Reportedly, special measures are not always used appropriately and with sufficient respect for human rights.

Among participants were Petras Ancelis and Darius Urbonas, academics from Mykolas Romeris University, Liudvikas Jakimavičius, journalist, Rimantas Smetona, MP, Arminas Lydeka, MP, Agnė Bilotaitė, MP, as well as officers from law enforcement and intelligence agencies.

II.4.6. Analysis of Legal Regulation and Use of Personal Identity Codes

In 2004-2005 HRMI conducted a series of studies covering a variety of areas concerning the right to respect for private life: on the use of personal identity codes, video surveillance, e-workplace control, intelligence surveillance and other. In 2011, HRMI sought to collect information on whether any changes in this area occurred and, if so, to evaluate those changes. Study *Right to Respect for Private Life: use of personal identity code* intended to review legal regulation and practical use of personal identity code.

In comparison with the 2004 research findings, progress can be traced – currently, the law prohibits collection, storage and processing of personal identity codes for direct marketing purposes; requirements to disclose personal identity codes have decreased in comparison with 2004, although unjustified disclosure of the codes still happens, e.g. when purchasing foreign currency in the bank, returning purchased items in stores or using auto services.

A number of problems identified in 2004 remain: use of personal identity codes is still widely regulated by sub-statutory legislation, even though under the *Law on Personal Data Protection* the usage of this private data can only be regulated by statutory law. The practice of processing personal identification numbers without consent of their owner is still widespread. So far no action has been taken to change the structure of personal codes so that they do not reveal the person's gender and date of birth. The risky practice of using personal identity codes as usernames or passwords in various information systems persists.

The study recommends introduction in the *Law on Personal Data Protection* of the minimization principle which means that only the minimum amount of data which is essential for the pursued objective should to be collected and disclosed. The study also includes recommendations to reform the way personal codes are construed so as to avoid disclosure of excessive information about person's gender and age, to prohibit the regulation of personal code usage by the sub-statutory legislation, to simplify the procedure for changing personal code, when a person goes through gender reassignment, to introduce deterrent sanctions for illegal acquisition and processing of personal identity codes. Most importantly, relevant State institutions should embark on educating the public about the meaning and the content of the right to respect for private life, and about the importance and the measures of its protection.

II.4.7. L. Case

L. was registered as a female at birth, and was given a female name. However, since an early age, L. began to perceive his gender as male.

Back in 2007, in the case *L. v. Lithuania*, in which the applicant was represented by HRMI, the European Court of Human Rights recognized that Lithuania had breached the applicant's right to respect for private and family life and ordered the State to compensate for the damages to the applicant by adopting a law regulating gender reassignment. By 2011, Lithuania has not adopted such law. Meanwhile, L. underwent a complete gender reassignment surgery abroad, but the civil registry office, which handles the registration and replacement of personal documents in Lithuania, refused to make the necessary changes in L.'s personal documents. Assisted by HRMI, L. appealed this decision to the court.

In 2011, the court held that the applicant's rights had been violated, and ordered the civil registry office to change the birth certificate records, and make changes in the Population Registry – to change his personal identity code.

II.5. Right to a Fair Trial

II.5.1. Research on Accessibility of State Guaranteed Legal Aid

During the conference *Justice in Lithuania: Right or Privilege?*, held at the Presidential Palace, HRMI presented a research report *Accessibility of State Guaranteed Legal Aid: primary and secondary legal aid*. The report reviewed and evaluated the state guaranteed legal aid (SGLA) system, while paying particular attention to the accessibility of legal aid services. The report included conclusions and recommendations for the improvement of the system.

One of the conclusions – dissemination of the information on the availability of state guaranteed legal aid and on the conditions for receiving it, is not sufficient; therefore the Ministry of Justice, municipal authorities, and SGLA services should inform the public more. The research revealed that websites of two municipalities contained no information about the primary legal aid, and websites of nine municipalities contained no information about secondary legal aid. Of the five SGLA agencies only one had a webpage, specifying the conditions for receiving secondary legal aid, a list of attorneys and their schedules of availability.

Furthermore, information about the state guaranteed legal aid is not available to persons who do not know the Lithuanian language. More than half of the municipalities' websites and the SGLA website www.teisinepagalba.lt have no special access mode for people with vision impairments. Detention institutions also do not guarantee dissemination of information about the SGLA to inmates.

As a result, more than one-third of Lithuania's population is still unaware of the primary legal aid, and more than half – about the availability of the secondary legal aid. Vulnerable groups of the population, such as senior citizens, impoverished persons, persons with low levels of education, are informed even less.

Respondents, interviewed by HRMI, claimed that it would be most convenient for them to receive information on SGLA – whether primary or secondary – on the internet, via television and/or newspapers.

The law provides that a person, who has not declared the place of residence, has nevertheless the right to receive legal aid at the municipality in which the person actually lives. In practice, however, the person is required to produce a proof of residence to a given municipality. This is a groundless restriction of access to primary legal aid.

Even more difficult situations arise with regards to requesting a secondary legal aid. The request form is quite complicated – in order to complete it, an applicant has to be familiar with certain legislation. In most of the cases, prospective recipients of a secondary legal aid request primary legal aid to fill in the requests. The report concludes that this is an example of poor public administration.

Both primary and secondary legal aid is not easily accessible to people with reduced mobility, and legal aid via telephone is not offered. The majority of municipalities are not prepared to provide sign language interpreting services for customers with hearing disabilities.

II.5.2. Secondary Legal Aid Case

On 3 May, the Supreme Administrative Court of Lithuania upheld decision of the Panevėžys regional administrative court which concluded that individuals who formally possess but

actually do not have free disposition of their property are entitled to obtain free secondary legal aid.

In 2010, Panevėžys state guaranteed legal aid (SGLA) service refused to provide free of charge secondary legal aid to the applicant, whose actual monthly income, after bailiffs' deductions, was 130 Litas. The applicant was asked to cover 50 per cent of the legal aid costs.

SGLA service failed to consider evidence submitted by the applicant, which showed that 85 per cent of her monthly income was allocated to debt payment. The Service based its decision on the interpretative statement by the Board of the State Guaranteed Legal Aid of 19 January 2010 that funds deductible from the applicant's income towards debt payment should be considered her income.

HRMI provided legal assistance to the applicant during the proceedings.

II.5.3. Meeting with the Nominees to the Constitutional Court of the Republic of Lithuania

In March, Lithuanian Parliament voted on the appointment of three new Constitutional Court judges. Before the vote, Human Rights Monitoring Institute held an unprecedented meeting with the candidates – Egidijus Bieliūnas, Gediminas Mesonis, and Dainius Žalimas.

Nominees presented their profiles, legal philosophies, views on a number of issues relevant to constitutional jurisprudence, and answered numerous questions posed by the participants – representatives of State institutions, academia, non-governmental organisations and the media.

II.6. Right to Freedom of Assembly

II.6.1. Proposals to Improve the Law on Assembly

In 2011, HRMI submitted a number of proposals to amend the *Law on Assembly*.

The list of proposals suggests, *inter alia*, to expand the list of subjects that can be the organizers and participants of peaceful assemblies, to reduce the age limit, from which a person can be an assembly organizer, and to change the procedure for consideration of notifications regarding the time, place and form of a planned assembly.

II.6.2. The "March 11" Case

On 10 March 2009, Vilnius municipality refused to issue a certificate for a peaceful assembly organized by the Human Rights Monitoring Institute and the Center for Equality Advancement. Organizers planned a peaceful procession under the slogan "Against racism and xenophobia – for tolerance and acceptance," to publicly express their support for a free, democratic and tolerant Lithuania without discrimination on ethnic, religious, gender or other grounds.

After more than two years, on 4 April 2011, the Supreme Court of Lithuania concluded that the lower courts – Vilnius district court and Vilnius regional court – had incorrectly interpreted and applied the substantive and procedural law provisions of the *Law on Assembly* and quashed their rulings.

III. AWARENESS RAISING

III.1. Action Week Against Racism and Other Forms of Intolerance

In March, HRMI organized the traditional *Action Week against Racism and Other Forms of Intolerance*.

The main events of the campaign:

- On 15 March, the panel consisting of Darius Kuolys, director of Civil Society Institute, Vladimiras Laučius, publicist, and Šarūnas Liekis, dean of the Department of Political Science and Diplomacy at Vytautas Magnus University, discussed the meaning and the content of freedom and democracy, and explored the opportunities and obligations that come with them. The open discussion entitled the *Meaning of Independence: then and now* was moderated by Vykintas Pugačiauskas, foreign news editor of Lithuanian Public Television.
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- On 21 March, Human Rights Monitoring Institute together with the Office of Equal Opportunities Ombudsperson and Vilnius Chapter of the European Law Students' Association (ELSA) hosted a discussion on the limits of interpretation of historic events. The panel – Petras Stankeras, historian, Ronaldas Račinskas, director of the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania, and Justinas Žilinskas, professor of Humanitarian Law – looked into this issue from the perspective of freedom of speech. The discussion was moderated by Dainius Radzevičius, president of Lithuanian Journalists' Union.
 - On 11-21 March, radio listeners were invited to share their experiences in dealing with people from different cultures, religions, faiths and express their views and how to build and maintain free, open and secure communities in a series of interactive radio programs throughout Lithuania.
 - Encouraged by HRMI, a number Lithuanian schools conducted interactive classes on how to build mutual understanding and tolerance among different individuals and communities. HRMI collected and drafted relevant materials for the classes.
 - In cooperation with the Danish Cultural Institute, HRMI organized a national contest entitled *the Book of Cinema* aiming to explore the relationship between film and literature in a modern and youth attractive way. High school students of 8-12 grades were invited to participate.
 - Human Rights Monitoring Institute continued the tradition of organizing free screenings of documentaries and feature movies on human rights related topics. Film screenings were followed by the open discussions with the audiences. Screenings and discussions took place in the cities of Vilnius, Kaunas, Klaipėda, Telšiai, Plungė, Utena, Ukmergė, Jurbarkas, Biržai, Elektrėnai and Joniškis.
 - On 22 March, public library in Plungė hosted premiere of the documentary *Barzakh* directed by Mantas Kvedaravičius. Screening was followed by a discussion with the author and HRMI representative. Officially released half-a-year later, the film made headlines throughout the world and was awarded with a number of prizes.
 - Conference on *Media Ethics* analyzed the role of journalists in times of globalisation, explored ethical dilemmas in search for professionalism and objectivity.

Among the partners of the campaign were the Royal Dutch Embassy in Lithuania, the Ministry of Culture, the French Cultural Centre, the Lithuanian Union of Persons with Disabilities, the Lithuanian Journalists' Union, the Lithuanian National UNESCO Commission, the Lithuanian Chapter of European Law Students' Association, the National Institute for Social Integration, the Office of the Nordic Council of Ministers in Lithuania, the Institute for Ethnic Studies, the Center for Equality Advancement, the Roma Community Center, a number of schools, public libraries and radio stations.

III.2. Human Rights Summer School

Since 2008, the Elon University (USA), the non-governmental organization *Bring Human Rights Home* (USA), the Mykolas Romeris University, the European Humanities University (Belarus), and the Human Rights Monitoring Institute have been organizing an International Summer School on Human Rights. 2011 Human Rights Summer School took place on 11-19 July at the premises of Mykolas Romeris University, and its final stage – a moot court – at the Court of Appeal of Lithuania.

Summer School is an intensive program, which comprehensively presents international human rights standards and is intended for students coming from Belarus, Georgia, France, Lithuania and the United States. Lectures, seminars and practical assignments were conducted by practitioners and academics from France, Great Britain, USA, Lithuania and Belarus.

III.3. Human Rights Awareness Month

For the seventh consecutive year Human Rights Monitoring Institute organized a series of events around the 10th December – International Human Rights Day. During the course of the *Human Rights Awareness Month 2011* HRMI together with partners organized the following events and actions:

- Online *Human Rights Course at e-Academy*: in cooperation with the *Open Society and its Friends* HRMI conducted a two-week long online human rights course. Participants were provided with learning materials and participated in virtual discussions on a number of human rights topics, including the concept of universality of human rights, and the concept and content of economic, social and cultural rights.
- Conference *Implementation of the UN Convention on the Rights of Persons with Disability* organised in cooperation with the Lithuanian Welfare Society for Persons with Mental Disability "Viltis" discussed the steps necessary for effective implementation of the *UN Convention on the Rights of Persons with Disability*.
- Discussion *Relationship between Church and State in Lithuania* organised by HRMI in cooperation with the Lithuanian Humanists' Association explored the principle of secularism enshrined in the Constitution, and the role of the Catholic Church in public life.
- Conference *Justice in Lithuania: right or privilege?* was held in the Presidential Palace. During the conference a number of politicians, lawyers, academics and representatives of public institutions and non-governmental organizations discussed the accessibility and effectiveness of legal aid to those in need. The event was dedicated to Kęstutis Čilinskas, human rights activist and attorney, founding chair of the HRMI Board.
- Social advertising campaign *You Can Help*, spanned across 12 cities and towns of Lithuania on outdoor advertising billboards, informed the public about the new *Law on Protection from Violence in Close Environment*, which came into force on 15 December 2011. The advertisements invited



people to act, and when encountering violence in one's close environment, immediately notify the police.

- Three radio shows on station *News Radio* entitled *Human to Human* discussed pressing human rights topics: domestic violence, the relationship between the Lithuanian Catholic Church and the State, the practice of *pro bono* legal aid and the State guaranteed legal aid system.
- *Human Rights Class* organized together with the *School of Success* in a high-school in Rokiškis town. HRMI staff members conducted a class on human rights to seventh and eighth-grade students. Screening of the documentary *Vilnius Ghetto 2009* about the life of Roma in Vilnius and the follow-up discussion was a centrepiece of the lesson.
- *Human Rights Champion 2011*: yearly award of Human Rights Champion went to Dana Migaliova, president of Lithuanian Welfare Society for Persons with Mental Disability "Viltis". Annual Human Rights Champion award goes to individuals for their outstanding contribution to the development and protection of human rights and freedoms in Lithuania.



III.4. Infobulletin

Human Rights Monitoring Institute's electronic newsletter *Infobulletin* continued to reach more than 2,500 registered users. Among introduced documents were the yearly reports of the Human Rights Watch and Amnesty International, findings and conclusions of public opinion survey on the public perception of human rights in Lithuania, the guide on the admissibility criteria of individual petitions at the European Court of Human Rights, General Comment No. 34 on the freedom of opinion and expression by the UN Human Rights Committee, a number of reports and publications by other UN bodies and agencies, and the European Union Agency for Fundamental Rights.

III.5. Radio Broadcasting

During 2011, Dovilė Šakalienė, HRMI Program Director, hosted a radio show called *Human to Human* on *News Radio*. The topics of the radio program included domestic violence, life in social care homes, family policy problems, expressions of patriotism, restriction on freedom of assembly, problems faced by persons with disabilities, human trafficking, portrayal of Roma in the media, universal surveillance trends, and the quest for a fair trial. Among the program guests were Egidijus Kūris, Law professor and former Chair of the Constitutional Court, Dainius Pūras, HRMI Chair of Board, Darius Kuolys, executive director of the Civil Society Institute, Tomas Baranovas, advisor to the Minister of Justice, Aušra Kurienė, child psychologist, Audrius Lelkaitis, TV producer, Vida Beresnevičiūtė, social researcher.

Broadcast records of the radio programs can be found at <http://www.hrmi.lt/musudarbai/svietimo-kampanijos/radijo-laidu-ciklas/>.

III.6. HRMI in the News

In 2011, HRMI continued to actively express its position on the most pressing human rights issues in the Lithuanian and foreign media. HRMI representatives took part in more than 30 radio and TV programs, and were quoted more than 50 times in news portals and newspapers.

The media, which invited HRMI representatives to comment, include: National television and radio, TV channel LNK, TV channel TV3, Lietuvos Rytas television, Baltijos television, Polish TV Polonia, TV channel Pervyj Baltijskij kanal, BBC, News Radio, radio M-1, radio Znad Willii, European Radio Network, Deutsche Welle, Deutschland Radio, Radiocentras; national, regional

and foreign newspapers: Lietuvos Rytas, Kauno diena, Lietuvos Žinios, Vakarų ekspresas, Klaipėda, Sekundė, Dienraštis L.T., Berliner Zeitung, Litnews; weeklies: Veidas, Laikas, Kontrastai; national news agency BNS; online news portals: Delfi.lt, Balsas.lt, Lrytas.lt, Bernardinai.lt, LRT.lt, Infolex.lt, Alfa.lt, 15min.lt.

IV. INTERNATIONAL COOPERATION

IV.1. Complaint against George W. Bush

On 3 February, just before the former U.S. President George W. Bush's scheduled visit to Geneva, Switzerland, Human Rights Monitoring Institute joined an initiative by a number of NGOs to lodge a complaint with the Swiss authorities against George W. Bush for alleged acts of torture.

Under Article 5 of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* State parties are under obligation to prosecute torture offences in cases where the alleged offender is present in the territory under its jurisdiction.

Upon the delivery of the complaint to Swiss authorities, George W. Bush cancelled his visit.

IV.2. Discussions on CIA's Secret Prisons

On 9 February, Henrikas Mickevičius, upon invitation by the British MP Andrew Tyrie and Amnesty International UK, attended discussions addressing the execution of CIA's extraordinary renditions and secret detentions programme in Europe. His visit to London included a meeting with the members of the United Kingdom Parliament's Committee on Human Rights.

Discussions in a London-based law firm and the UK Parliament were also attended by Juan Mendez, UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mikolaj Pietrzak, legal counsel for Guantanamo inmate Abu Zubaydah, Nicola Piacente, Milan prosecutor of counter-terrorism, Paul Cavalluzzo, Canadian attorney, who successfully defended a suspected terrorist Maher Arar, and Ashley Underwood, a British lawyer specializing in human rights cases. Among the participants were members of the Public Inquiry Commission, which was going to open an investigation into the role of various UK government agencies and officials in the execution of the CIA programme.

IV.3. Cooperation of Lithuania and the Nordic Countries: presentation at the conference

On 23 February, Dovilė Šakalienė took part at the international conference *Cooperation of Lithuania and the Nordic Countries: experience of continuous learning and shared values*. The conference, held at the Presidential Palace, sought to review the experience of past cooperation of the Nordic countries and Lithuania, and contribute towards forming of future direction.

In her presentation, HRMI Programme Director stressed the importance of the role of civil society in the cooperation of the Nordic and Baltic countries. "The cooperation started with a support to the civil society, unified by the significant idea of freedom. Political support and civil assistance were virtually inseparable, they gave the feeling of affinity – Nordic countries people stood together with the Baltic countries people. However, now the peoples' element has somewhat discreetly vanished" – she noted.

IV.4. Meeting with the UN Deputy High Commissioner for Human Rights

On 30 June, Dainius Pūras and Henrikas Mickevičius met the UN Deputy High Commissioner for Human Rights Kyung-wha Kang. Chair of HRMI Board and Executive Director of HRMI briefed the Deputy High Commissioner on human rights situation in Lithuania and the region, and discussed the prospects of establishing a National Human Rights Institution in Lithuania.

IV.5. Discussion with the Regional Representative of the UN High Commissioner for Human Rights

On 1 July, HRMI organized and hosted a meeting and exchange of views between Jan Jarab, regional representative of the United Nations High Commissioner for Human Rights, and representatives of Lithuanian non-governmental human rights organizations and ombudspersons' offices. Discussion paid particular attention to children's rights; rights of persons with mental disabilities; rights of minorities, in particular, Roma and LGBT rights; and gender equality issues.

IV.6. EU-China Human Rights Seminar: presentation

On 6-7 September, Dainius Pūras delivered a presentation entitled *Healthcare, Drug Use and Human Rights* at the fourth EU-China Human Rights Seminar held in Beijing.

EU-China human rights seminars operate as a platform for discussions on human rights issues between the European and Chinese officials and human rights activists.

IV.7. Discussion with the UN Special Rapporteur on Human Rights and Counter-Terrorism

In early October, Henrikas Mickevičius met the newly appointed UN Special Rapporteur on Human Rights and Counter-Terrorism in London. In his intervention, HRMI Executive Director emphasized the failures of Eastern European law enforcement authorities to effectively investigate allegations of grave human rights violations, perpetrated in the name of combating terrorism, and the inability of parliaments and courts to ensure an effective democratic control over special services. Mr Mickevičius regretted that a number of States failed to ensure fair trials to suspects of terrorism, and regularly used the guise of state secrets to withhold information of public interest.

IV.8. Merging Parallel Societies: toolkit to unite

On 15-20 October, Human Rights Monitoring Institute in cooperation with several non-governmental organizations from Macedonia, Spain and Russia organized an international UNITED conference *Merging Parallel Societies: toolkit to unite*, which took place in Macedonia.

Today Europe faces the challenges of multiculturalism – while cultural diversity is economically, socially and politically useful, many countries question the benefits of diversity and newcomers' integration into their societies. New hurdles are also faced: rising intolerance, stereotyping, racism, xenophobia, discrimination and even violence intensify and threaten peaceful coexistence. The conference aimed at developing strategies and tools to promote interaction in divided communities, cooperation and integration.

The conference was attended by more than 70 NGO activists from across Europe.

IV.9. Imprisonment of Ales Bialiatski: public condemnation

On 24 November, Ales Bialiatski, a prominent Belarusian human rights defender, was sentenced to 4.5 years of imprisonment. He was charged with tax evasion however the

accusations were politicized; therefore the court's decision was merely a way for the Belarusian regime to dispose of a political opponent. Lithuania's officials contributed to this grave miscarriage of justice by rendering information on Mr Bialiatski to Belarusian authorities.

Human Rights Monitoring Institute has monitored and commented on Mr Bialiatski's case and issued a public statement condemning the judgment of the Belarusian court and urging the Lithuanian Government to accept its responsibility in the case. HRMI also joined a number of other human rights organizations in prompting the release of Mr Bialiatski.

IV.10. Civic Solidarity Platform

In order to increase solidarity and cooperation among human rights NGOs in Europe and Eurasia, reinvigorate human rights advocacy, combat the growing trend towards authoritarianism and human rights violations in the countries of former Soviet Union, and fight xenophobia and intolerance throughout Europe, HRMI in December became one of the founders of the international NGO platform *Civic Solidarity*.

Platform founders in the founding declaration expressed their concern over the trends in the OSCE region and around the world, when national security interests prevail over the principles of human rights and democratic values. This in turn leads to the strengthening of authoritarian trends and ever growing cynicism towards democratic institutions.

IV.11. OSCE Parallel Conference

On 4-5 December, Henrikas Mickevičius participated at the parallel OSCE conference of non-governmental organisations, addressing issues related to freedom of expression and assembly, protection of human rights defenders, democratic institutions and freedom of movement.

On 5 December, Audronius Ažubalis, OSCE Chairman, was presented with conclusions and recommendations of the parallel conference. The main concern expressed in the document was that grave and systematic human rights violations continue in a number of OSCE states, and OSCE has not taken any active steps in this area.

V. HRMI ORGANIZATION STRUCTURE AND PEOPLE

V.1. HRMI Board

Dainius Pūras – Chair
Professor of Vilnius University, Member of UN Committee on the Rights of the Child

Dalia Foigt-Norvaišienė – Member
Partner at law firm *Borenius*

Arūnas Pemkus – Member
Chair of the Board at the public relations firm *Integrity*

Henrikas Mickevičius – Member
HRMI Executive Director

V.2. Staff

Until July, 2011:

Henrikas Mickevičius, Executive Director

Dovilė Šakalienė, Programme Director

Natalija Bitiukova, Legal Programme Director

Jūratė Guzevičiūtė, Programme Coordinator

Since July, 2011:

Henrikas Mickevičius, Executive Director

Dovilė Šakalienė, Programme Director

Jūratė Guzevičiūtė, Legal Programme Director

Mėta Adušavičiūtė, Legal Programme Coordinator

Jolanta Samuolytė, Legal Aid Coordinator

Karolis Liutkevičius, Lawyer

V.3. Experts and Consultants

Daiva Brogienė, Vilnius University

Deividas Velkas, Advisor to the Inspector of Journalists' Ethics

Dovilė Juodkaitė, Director of Global Initiative on Psychiatry

Gintautas Sakalauskas, Fellow at the Law Institute

Liudvika Meškauskaitė, Attorney

Inga Abramavičiūtė, Attorney

Eglė Kavoliūnaitė-Ragauskienė, Head of Legal System Research Department at Law Institute

Margarita Jankauskaitė, Project Manager at Center for Equality Advancement

Vida Beresnevičiūtė, Director of Institute for Ethnic Studies, Lithuanian Social Research Centre

Vita Petrušauskaitė, Junior Researcher at Institute for Ethnic Studies, Lithuanian Social Research Centre

Laima Vengalė, Advisor at the Office of Equal Opportunities Ombudsperson

Vladimiras Simonko, President of Lithuanian Gay League

Dainius Radzevičius, President of Lithuanian Journalists' Union

Regina Valutytė, Vice-Dean at Mykolas Romeris University

Indrė Isokaitė, Lecturer at Vilnius University

Dainius Žalimas, Head of the Institute of International and EU Law, Vilnius University

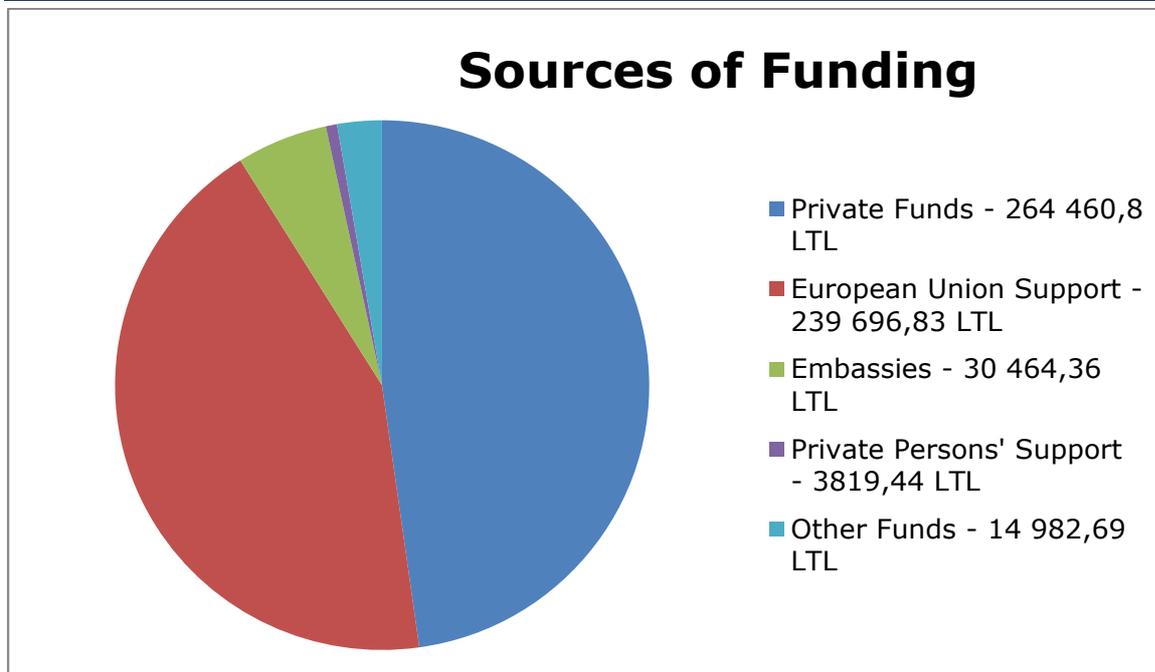
Algimantas Čepas, Director of the Law Institute

V.4. Interns and Volunteers

Eglė Šleiniotaitė

Monika Stonkutė
 Kristina Čiurlytė
 Elzė Račkaitytė
 Indrė Audenytė
 Sandra Mickevičiūtė
 Karolis Banys
 Toma Ševaliovaitė
 Karolina Strelcovaitė
 Minara Matulionytė
 Deimantė Valčiukaitė
 Miglė Markušaitė
 Milda Dirsytė
 Darja Lyzenko
 Rūta Šatrovaitė
 Ieva Kunevičiūtė
 Šarūnas Sodonis
 Jonas Mikalauskas
 Ieva Sujetaitė
 Aistė Lukošiuūtė
 Agnė Jomantaitė

VI. FINANCIAL RESOURCES



Sources of Funding	Suma, LTL
Private Funds	264 460.80
European Union Support	239 696.83
Embassies	30 464.36
Private Persons' Support	3819.44

Other Funds	14 982.69
Total:	553 424.12