



ŽMOGAUS TEISIŲ STEBĖJIMO INSTITUTAS
HUMAN RIGHTS MONITORING INSTITUTE

ACTIVITIES REPORT
2005

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Human Rights Monitoring Institute was established in 2003 with a mission to strengthen democratic good governance through the promotion and protection of fundamental rights and freedoms. HRMI works to enhance national capacity for monitoring and implementation of human rights policies, to build public understanding of fundamental rights and freedoms and a culture of human rights, and to facilitate relevant legislation, policy, programs and services. HRMI employs monitoring, policy advocacy, and strategic litigation to reach those aims. HRMI further provides technical assistance on capacity building initiatives.

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INTRODUCTION

When viewed as an instrument to promote good governance, EU Membership has failed to provide adequate protection for the fundamental rights and freedoms of Lithuanian citizens. Observers documented a rise in violations of civil and political liberties since 2004, when Lithuania joined the European Union and the European Commission subsequently withdrew. Momentum built to advance institutional and legal frameworks for promotion and protection of human rights now faces the prospect of stagnation.

With the downsizing of the United Nations Development Programme mission to Lithuania in December 2005, support ended for the development of a national human rights plan.

Lithuania enters 2006:

- ✦ unencumbered by political conditions to strengthen capacity and performance in human rights protection, policy analysis and education;
- ✦ unaccompanied by key facilitators in the formulation and implementation of the national human rights agenda as well as state obligations to international and European bodies;
- ✦ unaccountable to independent monitoring of legislation, policies and practices; and
- ✦ unmotivated to implement reforms, or introduce new measures, to safeguard human rights and build a culture respecting fundamental rights and freedoms.

Conventional wisdom held that entry into the European Union provided a panacea for most ailments of transition societies. Yet the need for independent monitoring, policy advocacy and education has never been more acute.

- ✦ The human rights situation in Lithuania has worsened since EU membership in 2004.

While Lithuania has achieved international recognition for improving the human rights situation overall since independence from the Soviet Union, Human Rights Monitoring Institute documented flagrant violations of international human rights standards in 2004 and 2005, particularly in the right to respect for private life, especially in electronic communication; right to political participation; right to fair trial; right to the inviolability of property; and cross-cutting violations concerning discrimination, particularly among Roma. National and European public opinion polls recorded a correspondingly significant level of intolerance within Lithuanian society, along with traces of xenophobia.

According to a poll carried out by Baltijos Tyrimai at the end of 2005, tolerance toward people of other cultures has weakened significantly. Thirty-one percent of Lithuanians said they would not like to have Jews in their neighbourhood, up 18 percent in 1990. Intolerance against Muslims increased from 31 percent to 51 percent, immigrants from 15 to 34 percent, and Roma from 59 to 70 percent.

A report by the European Commission against Discrimination and Intolerance (ECRI) confirmed that Roma continue to face disadvantage, prejudice and discrimination across a wide range of areas. Anti-Semitic acts continue to be a cause for concern. Provisions in force to combat racist expression have not been adequately applied. ECRI affirmed consistent HRMI findings of a lack of awareness within society of discrimination and its manifestation and of some media creating an atmosphere of hostility towards members of minority groups.

Entry into the European Union resulted in the withdrawal of an important political leverage tool: European Commission monitoring and publication of Regular Reports on state compliance with

Copenhagen political criteria. Human Rights Monitoring Institute became the first and only organisation to fill the gap in monitoring the human rights field. To date, no government institution has been tasked with human rights policy monitoring, analysis and formation, or human rights education, in general.

- ✦ Lithuania remains characterized by a low level of human rights awareness among the decision-makers, public servants, judiciary and population, in general.

Basic human rights education is not incorporated into university or professional training curricula. The public remains unaware of the broad majority of opinions and recommendations by human rights actors. Public understanding of obvious human rights violations has not been fully developed, while national capacity to discern—and act on—potential human rights violations requires strengthening. Overall, public awareness of individual rights and corresponding citizens' obligations warrants immediate action.

Human Rights Monitoring Institute is the leading provider of expertise and technical assistance in human rights education. Working in partnership with civil society and governmental institutions, HRMI raises public awareness of widespread human rights issues through briefings, seminars, roundtables, conferences, special events and media appearances.

- ✦ Lithuania lacks effectively-functioning instruments to ensure compliance with international human rights standards, judgments by the European Court of Human Rights, and follow-up on the concluding observations of UN Committees set up under the UN human rights treaties.

There is no consultation mechanism to incorporate independent viewpoints and no independent evaluation of state compliance to international treaty obligations. Moreover, no national mechanism exists to implement decisions of the European Court of Human Rights and concluding observations of bodies created under international human rights treaties. There is no original domestic mechanism to contribute to the elaboration of a human rights policy, which would enable Lithuanian bodies to cooperate efficiently among national institutions or with EU institutions. Moreover, there is no institution encouraging the ratification of international human rights instruments, accordingly making certain that the relevant documents are translated and easily accessible to the public and the process is done in a timely manner.

Human Rights Monitoring Institute is the only human rights NGO in Lithuania which successfully employs a dual function as watchdog and expert body in the initiation, facilitation and execution of the human rights agenda. HRMI employs a systematic, comprehensive approach, carried out by a network of civil society partners and human rights actors. HRMI regularly issues public statements, thematic reports, annual reviews, and occasional papers. HRMI is an active facilitator and coordinator of dialogue and participatory policy recommendations across sectors and interests.

- ✦ Since the end of 2005, Lithuania is without a general national human rights plan.

Lithuania adopted in 2002 its first National Action Plan for the Protection and Promotion of Human Rights, as recommended by the Vienna Declaration and Programme of Action of 1993. Implementation of the plan was supported over the next three years by the United Nations Development Programme in Lithuania. The plan contributed clarity and focus in the national understanding of individual rights and freedoms.

Nevertheless, implementation of the plan was obstructed by a number of conceptual inconsistencies; a flawed understanding of human rights principles, in general, and protection mechanisms, in particular; and lack of political will to sustain a substantive outcome at the national and regional levels. The plan expired at the end of 2005, with no replacement planned.

Human Rights Monitoring Institute supports the establishment of a continuous and systematic framework for monitoring human rights and the development of a sustainable mechanism for continuous dialogue between authorities and civil society. HRMI operates in all principal areas of the human rights field as a watchdog and expert body; it is the only NGO which produces annual assessments of the human rights situation in preparation for the formation of a recommended policy agenda for the protection of civil and political liberties.

HRMI's substantive engagement has led to legal reforms and policy enhancements, particularly in the areas of court bailiff activities and regulations concerning protection of personal data in 2005. HRMI became a focal point for media, government institutions and parliament members in search of expert counsel on or evaluation of a wide range of human rights issues. HRMI further exported Lithuanian expertise in 2005 through technical assistance on legal reform and human rights education in Commonwealth of Independent States and Central Asia.

- ✦ Observers increasingly have begun to wonder whether Lithuania has sufficient capacity to fully promote and protect fundamental rights and freedoms.

In 2006 HRMI contributes toward capacity development among government institutions and civil society through monitoring, policy advocacy, education and technical assistance.

HRMI supports the further strengthening of effectively-functioning national human rights institutions in compliance with Principles on the Status of National Institutions ("Paris Principles") and international benchmarks and criteria, which can help citizens attain adequate protection for individual freedom, equality, security, and justice; reach remedies provided for in the promotion and protection of human rights; and prevent future grievances through systematic monitoring, comprehensive education, facilitation of dialogue, and cooperation and coordination with relevant national, European and international bodies.

Henrikas Mickevičius
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MONITORING

Human Rights in Lithuania: 2004 Overview

HRMI prepared its second annual report on human rights implementation in Lithuania. The overview focused on problematic areas and formulated recommendations for improvements in legislation, policies and practices across sectors.

Working in consultation with an expert network, HRMI drew upon information and data from the following sources: experiences of long-term projects; daily monitoring, including media monitoring, reports of international and national governmental and non-governmental organizations, and public opinion surveys; and participation in national and European fora.

HRMI documented substantive human rights violations in 2004, concerning: the right to political participation; the right to respect for private life; the right to fair trial; human rights in police activities; the rights of crime victims; prisoners' rights; discrimination, racism, anti-Semitism and other forms of intolerance; and rights of vulnerable social groups (patients, children, women, disabled and elderly).

In May 2005, HRMI initiated a series of briefings, public discussions and media appearances on the main findings and recommendations. HRMI advocacy led to the formulation and implementation of legal reforms and policy enhancements, particularly in the areas of court bailiff activities and regulations concerning protection of personal data. HRMI became a focal point for media, government institutions, parliament members and foreign diplomatic missions in search of expert counsel on or evaluation of a wide range of human rights issues.

Ongoing monitoring and public engagement on the principle findings of the overview gave way to an expansion of HRMI activities addressing the most widely violated human right of 2004.

Monitoring the Right to Respect for Private Life

Like in many post-Soviet countries, Lithuanian understanding of the importance of and need for privacy is still rather novel. This situation is reflected in the absence of laws protecting individuals' right to privacy or, conversely, in a tendency for the legislature to adopt laws which infringe unabashedly on personal privacy. In general, Lithuanian society appeared ambivalent about the need to respect private life, thus establishing preconditions which allowed human rights violations to continue unchallenged.

Globally, the tendency is to curtail the right to privacy in the name of fighting terrorism. Lithuania is no exception. The rapid use of modern technologies is on the rise, accompanied by wide discretion given to law enforcement and intelligence agencies without clear legal frameworks governing implementation.

With the support of the embassy of Canada in Vilnius, HRMI launched a series of monitoring and advocacy to address the causes and consequences of violations in the area of respect for private life.

Privacy in Electronic Communications: Crime Prevention and Criminal Investigations

HRMI undertook an in-depth analysis of the legal framework and formulated recommendations for government institutions on how to ensure that respect to private life would be guaranteed in electronic communications. In response, Prime Minister Algirdas Brazauskas created a working group to follow-up on the key findings and recommendations of the HRMI analysis.

As a public education tool, HRMI formed a partnership with telephone surveillance system supplier to conduct a demonstration for journalists, which illustrated the ease with which telephone conversations and electronic communications can be tapped and altered by anyone possessing rudimentary knowledge in the field.

Video Surveillance and Human Rights

Recent years brought on a rapid proliferation of video surveillance systems in Lithuania. HRMI published an analysis exposing inadequate and inefficient regulation governing the use of video surveillance systems in the country, incorporating specific recommendations to government institutions for the adoption of international standards in the regulation and use of these technologies. HRMI engaged in weekly media appearances, briefings and national fora to advocate for tighter controls on video surveillance. As a result, authorities in Kaunas, the second largest city, and Palanga halted the proliferation of video surveillance systems on the ground that legal basis for their use were insufficiently prepared. Moreover, parliament members prepared amendments to the Law on Legal Protection of Personal Data following HRMI's recommendations.

Biometric Passports

Following EU Council regulation 2252/2004, Lithuania intends to introduce passports which contain biometric information in 2006 without sufficient safeguards to protect personal data. HRMI undertook a legal comparative analysis of the use of biometric data in Lithuania and other EU countries, which led to further recommendations to ensure the respect for privacy. HRMI engaged media, expert bodies and government institutions in open discussion of the use of biometric data and requisite enhancements to personal data protection laws. HRMI findings in this area have been regularly cited by media, academics and NGOs.

National Regulation and Funding of Abortion Remedies

HRMI prepared comparative legal analysis of abortion laws in EU countries, in light of European Court of Human Rights case law, to oppose a draft Lithuanian law which essentially banned abortion. Due to the divisiveness of the subject matter in Lithuania, the findings were disseminated via Internet media, where HRMI encouraged anonymous and constructive debate on the balance of the right to life and right to respect for bodily integrity. The draft law failed to pass the legislature as a result.

Human Rights in Mental Health Care Institutions

The project aimed to empower individuals detained in mental health care institutions by ensuring respect for their human dignity and observation of their human rights.

With support from the US Embassy Democracy Commission, the project was the first of its kind, implemented by a nationwide NGO coalition, initiated and facilitated by HRMI. In promoting institutional compliance with international human rights standards, prevention of human rights violations, and improved human conditions, the NGO coalition, consisting of a team of mental health care experts and lawyers, carried out the following activities:

- ✦ Analysis of existing normative framework, organizational structure and budgeting of mental health care institutions;
- ✦ On-site visits to all psychiatric hospitals and social care homes for mentally disabled – 14 institutions altogether – to gather information on patient conditions, quality of services and human rights violations;
- ✦ Publication and dissemination of a report on patient condition and human rights in mental health care institutions;
- ✦ Follow-up activities geared toward stimulation of dialogue on recommended policy enhancements.

A comprehensive report identifying problematic areas, and violations of human rights with a set of specific recommendations for improvement was published and presented at a press conference in May 2005. The research and publication phase was followed by implementation of public campaign that aimed to raise awareness of human rights standards for mental health care institutions; reduce the stigma of accepting mental treatment; and inform mental health professionals, government officials, users of mental health services, advocates of their rights, relatives of the mentally ill, general public, media, and international community of actual conditions and problems related the effective enjoyment of human rights by individuals placed in these institutions. Report recommendations were largely incorporated into the 2005-2010 Mental Health Policy of the Ministry of Health.

Project partners included: Vilnius Center for Psychological and Social Rehabilitation; Global Initiative on Psychiatry (formerly known as Geneva Initiative on Psychiatry); Lithuanian Welfare Society for Persons with Mental Disability "Viltis"; and Mental Disability Advocacy Center in Budapest.

Roma Rights: Legal Defence Programme

Racism, discrimination, xenophobia and other forms of intolerance have manifested primarily against Roma living in Lithuania. The problems of this community, and specific measures to address them, are the source of constant social tension and a poorly-understood phenomenon among policy-makers, media and the general public.

With the support of the The Netherlands MATRA Programme, the project aimed:

- ✦ To raise awareness of exclusionary and discriminatory practices against Roma.
- ✦ To motivate government to bring about tangible improvements in legislation, programs and services for Roma rights protection.
- ✦ To strengthen capacity for Roma to access justice in defence of their rights.
- ✦ To contribute to Roma integration and elimination of discrimination

HRMI launched monitoring activities, which produced a Situation Analysis and two thematic reports on Roma Discrimination in the Labour Market and Recommendations for State Policy on Roma Access to Housing.

Lawyers working within the framework of the project provided numerous Roma with free legal aid, which proved essential to their adequate defence in court. The project registered complaints within appropriate institutions. Moreover, the project raised awareness among Roma of their rights as well as the procedures to claim and them.

The project had a strong advocacy component. HRMI engaged in regular public appearances on national television and radio in support of main findings and recommendations and briefings for Members of Parliament, Heads of Concerned Institutions, Lawyers, Advocates, Media and foreign diplomatic missions on the situation of Roma in Lithuania. Roma issues were a regular feature of Human Rights Awareness Month in December, as part of International Human Rights Day on December 10th, and during the annual European Week against Racism, Discrimination and other forms of Intolerance in March.

Partners included the European Roma Rights Center in Budapest, working in collaboration with the Roma Cultural Centre, Institute of Social Research, Open Society Fund Lithuania Public Health Program, Center for Education Initiatives, and NGO Gypsy Fire.

Right to Fair Trial

Although a number of concerns arose within this area, events of 2004-2005 warranted continued focus on criminal court proceedings and activities of court bailiffs.

Trial Observation: Evaluation of Judicial Independence and Impartiality, and Quality of Legal Defence

The project evaluates implementation of the right to fair trial through regular, ongoing assessment of judicial independence and impartiality, and quality of legal defence. A trained team of court observers follows randomly-selected criminal trials in courts located in Vilnius, Kaunas and Šalčininkai. Observers evaluate completed trials on the basis of an original methodology. The summary report is due in spring 2006, which will enable HRMI to make recommendations for improvements in standards for criminal prosecution.

Activities of Court Bailiffs: Situation Analysis

In reaction to numerous complaints and media reports about the activities of court bailiffs, HRMI, in cooperation with the Centre for Legal Research, conducted an analysis of the relevant legal framework and its practical implementation. Among the main findings: numerous contradictions between statutory law and understatutory legal acts which place debtors at a disadvantage, disproportionate fines compared to debts and the amount of work needed to execute judicial and administrative decisions and remunerations levied, and insufficient public control over the daily activities of court bailiffs. The report emphasised that court bailiffs perform a public function and are subject to legal regulations of a higher rank, as well as to the same ethical standards which hold public officials accountable. The report recommended specific legal changes and stressed the necessity to strengthen public control over daily activities of court bailiffs. Among the beneficiary institutions: Chamber of Court Bailiffs, Ministry of Justice, Vilnius Police Department, and Parliamentary Committees on Human Rights and Legal Affairs.

HRMI activities contributed to significant changes in the legal framework regulating court bailiff activities whereby the Minister of Justice adopted and implemented an under-statutory legal act to address problematic areas. To date, HRMI findings and recommendations continue to dominate discussion on the topic in parliament and within relevant government institutions.

Legal Guardianship: Monitoring and Litigation

Human Rights Monitoring Institute collected significant amount of information about the violations of the rights of people under legal guardianship. They concerned the procedure according to which people are stripped of their legal capacity and consequently put under guardianship, as well as their legal standing after they have been declared legally incapable.

Therefore, in 2005 Human Rights Monitoring Institute undertook to analyse the current legal system of legal guardianship in Lithuania. Preliminary findings show that the legal guardianship laws in Lithuania are not in conformity with the fundamental human rights standards – there is no possibility of periodic reviews of legal incapacity as well as there is no partial legal guardianship. People under legal guardianship are stripped of their right to effective legal remedy, as they cannot in any circumstances refer to the court, they have no right to control and change their guardians, they also lose the right to work, despite their actual capabilities, and cannot marry or vote in the elections.

Project partners include Mental Disability Advocacy Center in Budapest. A study will be published in 2006 together with the extensive list of recommendations to Lithuanian legislators. Simultaneously,

Human Rights Monitoring Institute is preparing strategic litigation challenging the legal guardianship regulation in Lithuania.

Penitentiary Reforms

HRMI monitored the implementation of a proposed package of amendments to the Penal Code. Research on a planned ban on food parcels raised a number of questions, among them, whether this measure complies with the right to correspondence. The monitoring enabled HRMI recommendations and generated a flurry of public statements during public debate on the issue. HRMI continues to monitor the situation following the entry into force of amendments to the Penal Code. A follow-up evaluation is scheduled for 2006.

Consumers' rights

The real estate and construction sector in Lithuania outpaced growth in other sectors by as much as 300% since EU membership in 2004. Incidences of illegal activity and unfair market competition were reported widely, which prompted HRMI to participate in ongoing investigations centered on consumer protection. An October 2005 report identified systemic violations of consumers' rights through gaps in legal regulations and incidences of fraud, bribery and corruption.

HRMI organised a round table discussion involving key actors in the booming construction market: government institutions, Ministry of Environment, the Anti-Corruption Commission of Parliament, the Consumers' Association, the Institute of Labor and Social Research, representatives of community districts in Vilnius, and media. The follow up advocacy contributed to close parliamentary scrutiny and new proposals introduced to combat corruption in housing.

ADVOCACY & EDUCATION

Policy advocacy is an integral component of monitoring, and HRMI employs a wide range of tools to facilitate needed enhancements and reforms. Each monitoring activity is accompanied by public statements, briefings and media appearances to introduce key ideas into public discourse. HRMI also organises seminars, roundtable discussions, special events or conferences to facilitate action on its main recommendations and support human rights education curriculum development. Further, experts and staff consistently publish articles and opinions on human rights topics in electronic media.

In 2005, HRMI devoted particular attention to the following advocacy projects. Awareness activities for Roma are covered in the previous section.

Civic Alliance against Corruption

With support from the UK embassy, the initiative aimed to form a civil society consensus on approaches to combat corruption in Lithuania, with special emphasis on the formulation of specific proposals for government action. Activities included:

- March 4: Civil society organizations (HRMI, Transparency International Lithuanian Chapter, Civil Society Institute, Lithuanian Free Market Institute) formed the Civic Alliance against Corruption, issued joint statement to propose recommendations to end a crisis of public trust in politicians.
- March 30: The Alliance briefed the Chair of Parliament, Artūras Paulauskas on main findings and recommendations on monitoring public trust in government.
- Sept. 30: The Alliance organised a public discussion for expert groups, government institutions, media and NGOs: "How many more laws are needed to stamp corruption?"
- Dec. 8: The Alliance organised a final conference on "Is Civic Participation the Only Cure against Corruption?" to persuade Members of Parliament, government, special investigation services and media to form a comprehensive approach to tackle the problem of corruption.

Proposals put forth by the Alliance are included in legislative drafts currently being discussed in parliamentary committees.

Civic Action against Public Surveillance

The street action aimed to address widespread lack of awareness on the use of video surveillance in public areas. A team of advocates placed signs clearly labeling the location of surveillance cameras in Vilnius, along with the reassurance to "Feel Safe: Big Brother is Watching You". This was followed by a series of public discussions based on previous HRMI research, which targeted government officials, NGOs and media. HRMI complemented the approach with a series of published articles and media appearances examining the use and impact of public surveillance cameras. As a result, parliament drafted an amendment to the Law on Data Protection, which is currently under discussion.

Coalition to Protect Human Rights of Drug Addicts and HIV/AIDS Patients

HRMI participated in a broadly-based coalition to protect the rights of drug addicts and HIV/AIDS patients, as well as to facilitate their ingegration into society. Activities included: research, public

debates, legislative drafting and integrated social programmes. HRMI is preparing a court case to combat the negative consequences of state policy mandating registration of drug addicts who seek treatment.

International Human Rights Day - Human Rights Awareness Month

In the run-up to International Human Rights Day on 10 December 2005, HRMI launched a series of events and activities to raise awareness of the cause and consequences of human rights violations and to build support for its protection.

Under the slogan, "All People are Equal", HRMI launched a media campaign and series of activities with support from the US Embassy (within the framework of the "Promoting Human Rights and Tolerance in Lithuania" project), which included:

Dec. 5: Launch of Mobile Exhibition of Articles of the European Convention of Human Rights featured at library institutions nationwide through 2006

Dec. 7: Public Discussion for experts, NGOs and academic community on "Why do we need to defend human rights in a democracy?"

Dec. 9: Announcement of the 2005 "National League of Human Rights Violators"

Dec. 12: Public Online Consultation: Legal Defence of Human Rights

Dec.13-14: Mini Film Festival featuring screenings of "Lilija Forever" and "Take My Eyes", preceded by introductory remarks addressing human rights' aspect of the movies.

Dec. 6-13: Human Rights and Local Communities: Public Discussions in Birštonas, Rokiškis, Utena and settlements of the greater Vilnius municipality.

European Week against Racism

March 21st was declared International Day for the Elimination of All Forms of Racial Discrimination by the General Assembly of the United Nations as a reaction to the murder of 70 anti-apartheid demonstrators in Sharpeville, South-Africa, in 1960.

Since then, thousands of citizens have taken part in actions across Europe during the week of March 21st to promote tolerance, equal rights and combat discrimination. This year, activities organised by a wide variety of organisations in EU Member States will seek to address common problems and solutions to racism.

European Union membership obliges Lithuania to respect the rights of diverse cultures and groups. Yet ethnic, religious, sexual minorities and other socially disadvantaged groups continue to face discrimination, particularly Roma.

During the European Week against Race Discrimination, HRMI aims to raise awareness on key issues in Lithuania through the following activities:

20-26 March: Photography Exhibition "One World". An exhibition of photographs made by Andrew Mikšys and Mirjam Wirz in the Kirtimai Roma settlement, Vilnius, and Pabradė Refugee Centre.

21 March: Presentation of Report "Housing Issue of Vilnius Roma", which analyses possible legal solutions to secure housing rights of Roma population in Vilnius.

21 March: Presentation of the film "Monsieur Ibrahim et les fleurs du Coran" (Drama, France, 2003, directed by Francois Dupeyron).

23 March: Premiere of a documentary "We, Lithuanian Roma" introduced by director Saulius Beržinis.

Media Advocacy

HRMI is a permanent, regular participant in Lithuanian media and regular expert consultant to international media based in Vilnius. HRMI staff made 260 unique media appearances in 2005. Moreover, HRMI and human rights received numerous unique hits daily, often at peak hours, in multiple media sources as well as visits to the website. HRMI held prominent positions in weekly media discourse at the launch of each advocacy initiative throughout the year. These figures far exceeded the estimated audience impact of Lithuanian NGOs.

HRMI channelled main findings and recommendations to every region, most frequently through national media outlets:

National Television and Radio Discussion Programs:

Lithuanian National Television (LRT); LNK; BTV, Channel 5; Lithuanian National Radio (LRI); News Radio; M-I Radio

National Daily Press: Lietuvos Rytas; Respublika, Kauno Diena, Lietuvos Zinios

National News Agencies: Baltic News Service; ELTA

Internet: Delfi.lt; Omni.lt; Bernardinai.lt; LRT.lt; INFOLEX; Politika.lt

Magazine: Veidas, Laikas

HRMI became established as an expert resource for Lithuanian-, English-, Russian- and Polish-speaking audiences.

Citations

HRMI reports have been cited, *inter alia*,

In reporting by European Commission expert reports, EU Network of Independent Experts on Fundamental Rights, European Working Group on Data Protection, Nordic Council of Ministers, U.S. State Department Country Report on Human Rights Practices, Freedom House, Public Interest Law Initiative in Central and Eastern Europe, Minnesota Advocates for Human Rights, and MINELRES;

In discussion papers by policy research discussion institutions in Lithuania, Latvia, Estonia, Hungary;

In working papers and legislative explanatory notes of the Lithuanian parliament, government, ministries and other executive agencies.

International fora

HRMI staff members are regular participants in international fora, which included in 2005: European Forum on Access to Justice, Hungary; "Charter of Fundamental Rights in the Treaty establishing a

Constitution for Europe”, Estonia; and “Evolution of Mentalities in Eastern Europe and the Future of the European Project”, Romania.

LITIGATION

Working in cooperation with Mental Disability Advocacy Centre in Budapest and a nationwide public health coalition, HRMI engaged in litigation which sought to establish acceptable standards for the rights of legally incapacitated individuals.

HRMI is further engaged in an ongoing case at the European Court of Human Rights (*L vs. Lithuania*) regarding the right for respect to private life.

A number of other cases are being prepared for litigation in 2006. They include legal guardianship of mentally disabled patients, discrimination within the state system established for treatment of drug addiction, coercive abortion among mental patients, and discrimination against Roma.

TECHNICAL ASSISTANCE

HRMI provides assessments, evaluations and guidelines to NGOs and government institutions in Lithuania broadly focused on a human rights approach to good governance.

HRMI's experience has been incorporated into seminars for training Russian lawyers on the European Convention on Human Rights and into the formation of expert opinion on the independence of the legal profession in Central Asia.

HRMI serves as an adviser to NGOs in the Commonwealth of Independent States and Central Asia on human rights monitoring, policy and education.

CIVIL SOCIETY PARTNERSHIPS

HRMI works in close collaboration and cooperation with civil society partners within and outside the country to advocate for mainstreaming human rights into legislation, policies and practices at national and European levels. In doing so, HRMI frequently issues public statements to rapidly address specific concerns. Joint civil society statements have become an effective means to stimulate and guide public discourse. An example from the Civic Alliance against Corruption is shown here.

PUBLIC STATEMENT

04 March 2005

Three Proposals to Lithuanian Policy-makers

(Translated from Lithuanian)

The trust rate among Lithuanians in politicians and officials has reached a critical level – and threatens democracy. Judging by the results of a recent EuroBarometer poll, conducted by VILMORUS Market and Opinion Research Centre in December 2004, as many as 81% of Lithuanian residents hold the opinion that the majority or almost all civil servants and officials are corrupted. Nearly every third respondent believed that transparency in the parliament and the government might help to restore public trust in authorities. Twenty-nine per cent of the respondents maintain that the fight against corruption should be the main priority of government activities. The public disappointment with policy-makers and politicians has been further aggravated by political corruption scandals initiated by the Special Investigation Service (SIS) and inappropriate conduct of concerned politicians during these scandals.

Resolute political decisions must be made immediately to restore dialogue between the public and authorities and the trust of Lithuanian citizens in their state. Therefore, we hereby propose three solutions for policy-makers which could partially help them to break the deadlock:

1. Ethical supervision of politicians and civil servants should be fundamentally expanded.
2. Decisive measures should be taken for the development of a modern state service accountable to the public.
3. Mandatory conditions should be ensured for the professional operation of the Special Investigation Service and other law enforcement institutions.

1. Fundamental extension of ethical supervision of politicians and civil servants

Politicians should apply more stringent ethical requirements for themselves and keep to them steadfastly in order to provide any preconditions for the restoration of trust between policy-makers and the public. Corruption of politicians and officials could most effectively be curbed by actual enactment of the Governmental Code of Ethics and State Servants' Code of Ethics. Existing draft codes have to be made public immediately, to be discussed with the public, to be improved, to be drafted anew and to be adopted as soon as possible. Actual sanctions should be provided for the breaches of the Codes of Ethics to the extent of dismissal from work or reduction of state servant's retirement pension. Our country may not be fully civilised as long as our policy-makers and officials fail to adhere to the principle "innocent until proven otherwise". The possibility of subjecting state servants to "integrity tests" used throughout Western world must also be considered. Giving notice beforehand, special services could test the honesty of civil servants. The knowledge that the tests might occur could act as a deterrent. Those who fail to pass an "integrity test" should be dismissed from their posts. Officers of state and municipalities should be obliged to declare not only income, but also expenditures. They should be regularly inspected to see whether their living standards correspond to declared expenses.

2. *Employment of decisive measures for the development of a modern state service accountable to the public*

Already forgotten programmes promising a bureaucracy “sunset” should be re-initiated and consistently implemented. That would prove to be the most effective measure for the fight against corruption. Besides, it would be cheaper and more forceful than penal measures. Further, initiatives for deregulation policy (removal of unnecessary restrictions) and a reduced bureaucracy should be continued, while the “one contact” principle should be actually introduced to the relationships between institutions and the citizenry. The genuine publicity, transparency and honesty of recruitment procedures to the state service positions should be ensured, thus, providing the opportunities for competent people with contemporary educational qualifications. The possibilities of authorities to adopt decisions and initiate actions discreetly should be limited. The authorities should make decision-making more transparent by engaging public figures into this process more actively. All information that is not deemed sensitive should be copied to electronic media, managed in integrated manner and made accessible to public.

3. *Security of mandatory conditions for the professional operation of the Special Investigation Service and other law enforcement institutions*

An ongoing public relations war between the SIS and politicians calls for immediate termination today. Meanwhile, more favourable conditions should be ensured for cooperation between the public and law enforcement officers and for the legality and professionalism of the operations conducted by the officers. Politicians should cease criticising the SIS in public, while the officers of the SIS should abstain from public discussions about the quality of their work and from disseminating any rumours about the corruption of politicians.

The SIS is to take care of the legality of its actions and to improve the professional qualifications of its officers. Intentions of certain policy-makers to vest other law enforcement institutions with the duty to fight against corruption pursuant to the Law may justify the reduction of the funding allocation to the SIS and even further weaken this institution as a penal persecution measure against corruption. Double subordination of the Special Investigation Service to the President and the Parliament makes this institution sufficiently independent. International experts note that the best results in curbing corruption are attained by, namely, independent law enforcement institutions. It would be indeed erroneous to change the current independent status of this service just because of the mistakes it has committed. Politicians should also ensure appropriate funding of the SIS, since from 1999 to 2002 the funding allocations for this service gradually diminished, while it stayed the same during the recent years.

To avoid accusations of politicking, the SIS should forward the collected evidence to the Public Prosecutor’s Office right away, while the very case should reach the court as soon as possible, so that the judges could evaluate the evidence. The officers should abstain from public comments on the case before trial. *Criminal Code* should be amended so that one of the two persons who have committed an offence of corruption-like nature would neither be deemed as an offender nor prosecuted provided he/she has confessed to the officers. The *Law on the Protection of Offence Reporters* has to be adopted for the protection of persons who reported criminal offences and observed cases of corruption in their institution or service. The persecutor of the offence reporter should be prosecuted by law, while the state should assist in securing the reporter’s work place for him/her.

We kindly invite politicians to refrain from procrastinating the adoption of decisions required by the Lithuanian state and its public.

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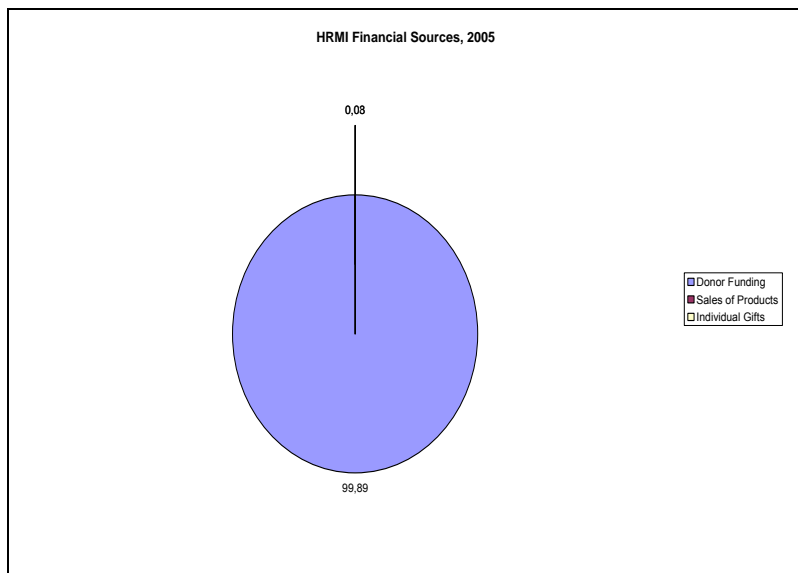
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FINANCIAL SOURCES

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In the near future, HRMI seeks to diversify its investment portfolio projection to include the following financial arrangements sought for 2007-2010:

2007-2010 PROJECTED INVESTMENT PORTFOLIO	
Donor Funding	60%
Institutional Partnerships	25%
Income Generation	7%
Corporate Gifts	5%
Individual Gifts	2%
Investment	1%



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HUMAN RIGHTS MONITORING INSTITUTE

The Human Rights Monitoring Institute (HRMI) seeks to promote the development of an open democratic society based on human rights principles. Its office is in Vilnius, Lithuania.

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