



HUMAN RIGHTS MONITORING INSTITUTE

ACTIVITY REPORT
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ACTIVITY REPORT 2008

Human Rights Monitoring Institute (HRMI) 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; encouraging 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, publicly reacts to human rights abuses or potential violations, carries out research, prepares conclusions and recommendations, and initiates strategic litigation.

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Didžioji str. 5, LT-01228, Vilnius, Lithuania
Tel: +370 (5) 23 14 681
Fax: +370 (5) 23 14 679
E-mail: hrmi@hrmi.lt
Website: www.hrmi.lt

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INTRODUCTION

In 2008, the 60 years anniversary of the *Universal Declaration of Human Rights* – the first international document which proclaimed that all human beings have certain inalienable rights and freedoms – was commemorated. The provisions of the Declaration that recognised the principles of freedom, equality, security and respect for human rights and fundamental freedoms were more relevant than ever.

Unfortunately the year 2008 was not marked by compliance to the provisions of *the Declaration* and reinforcement of human rights. On the contrary, the year was marked by the unprecedented burst outs of intolerance towards various social groups in the virtual space and public speeches. The analysis carried out by the Human Rights Monitoring Institute, how electoral programmes of political parties reflect issues related to the promotion and protection of human rights, demonstrated that political parties treat the content of human rights fairly narrowly and do not consider social and economic issues in terms of social, economic and solidarity rights. No wonder that the public opinion poll carried out by the Market and Opinion Research Centre Vilmorus presented during *the Human Rights Awareness Month 2008* revealed that the confidence in the state institutions which should primarily serve the people and defend human rights has decreased.

An international conference on *Feasibility of Establishing a National Human Rights Institution* took place in Lithuania on 17th March, 2008. The foreign and Lithuanian human rights experts once again acknowledged that in order to improve the human rights situation in Lithuania, it is necessary to establish the National Human Rights Institution in accordance with the Paris Principles. The National Human Rights Institution would constantly monitor Lithuania's compliance with the international agreements to which it is the party, identify the problems related to human rights matters and make recommendations how to solve them. Unfortunately, as of late years the question was not incorporated in the political agenda.

In these circumstances, during 2008 the Human Rights Monitoring Institute together with partners through a range of activities related to monitoring, research, advocacy and education, and strategic litigation attempted to fill in the gap and perform some of the functions commonly ascribed to the national human rights institutions.

Besides yearly traditional campaigns such as – *the Week against Racism* and *the Human Rights Awareness Month*, Human Rights Monitoring Institute conducted a number of integrated programmes. In 2008, the implementation of the Programme of *Strengthening the Capacities of Supporting and defending Human Rights* was pursued. The aim of the programme is the strengthening of national capacities to defend and promote human rights and liberties in Lithuania. The programme covered the period of 2007-2008.

In these latter years the HRMI launched the implementation of the project *Closer view on multiple discrimination* supported by the PROGRESS, the EU's employment and social solidarity programme. Project partners: the Office of Equal Opportunities Ombudsperson and the Lithuanian Centre for Human Rights.

MONITORING AND ADVOCACY

Manifestations of discrimination and intolerance in the mass media

HRMI actively reacted to the majority of manifestations of intolerance in the Lithuanian mass media.

E.g., HRMI submitted a complaint to the *Ethics Commission for Journalists and Publishers* (ECJP) and the Ltd. „Lietuvos Rytas“ (a company owning one of the biggest national daily papers) regarding the comments that were published on the website www.lrytas.lt, that were inciting hatred and physical violence against homosexuals. Publicizing comments like this also affected the tension that existed because of prohibition to exercise the freedom of expression for the organisations that represent homosexuals.

HRMI asked ECJP to evaluate the publicized comments and take the necessary actions in order to remove the comments and prevent similar situations in the future. Nevertheless, after the mass media reported about a racist attack, daily electronic paper www.lrytas.lt was filled with a lot of comments urging hatred and inciting violence. HRMI submitted a request to Vilnius Regional Chief Prosecutor to commence pre-trial investigation. The Chief Editor of the daily paper „Lietuvos rytas“ was requested to remove the racist comments from the website www.lrytas.lt. Shortly, the Chief Editor informed that all the comments were removed.

Considering that most of the comments were offensive, urging hatred and inciting violence, the HRMI requested in their communications to the institutions:

1. The owners of internet websites were requested to remove the named offensive comments;
2. Vilnius Regional Prosecutor's Office was requested to commence a pre-trial investigation regarding the actions of those who commented, based on the Art. 170, part 1 of the *Criminal Code*;
3. The Office of the Inspector of Journalist Ethics and the Ethics Commission for Journalists and Publishers were requested to evaluate the comments published on the internet websites.

Public statements and complaints submitted to the Prosecutor General's Office regarding the comments inciting hatred:

1. 10/11/2008 regarding the comments inciting violence towards Chechen people;
2. 28/10/2008 regarding the speech given by public figure inciting racial discrimination;
3. 09/10/2008 regarding the comments urging hatred;
4. 22/09/2008 regarding the comments urging hatred towards Roma people;
5. 22/09/2008 regarding anti-Semitic comments;
6. 12/09/2008 regarding the comments in the daily electronic paper www.delfi.lt;
7. 09/09/2008 regarding the comments urging hatred towards Roma people;
8. 20/08/2008 regarding the assumed and real aims of the EU's "Tolerance truck";
9. 19/08/2008 Complaint regarding the article written by the „Lietuvos Rytas“ journalist Arūnas Karaliūnas;
10. 12/08/2008 Vilnius Yiddish Institute and Human Right Monitoring Institute condemned the emerging anti-Semitism and racism and urges to take the necessary actions;
11. 15/07/2008 regarding the comments in the daily electronic paper www.delfi.lt;
12. 12/06/2008 regarding the comments about homosexuals in the daily electronic paper www.delfi.lt;
- 02/06/2008 regarding the comments in the daily electronic paper www.delfi.lt;
13. 23/04/2008 regarding the comments publicized in the daily electronic paper www.lrytas.lt;
14. 22/04/2008 regarding the racist comments in the daily electronic paper www.lrytas.lt;
15. 17/04/2008 regarding the racist comments in the daily electronic paper www.lrytas.lt;
16. 17/04/2008 regarding the discriminative comments towards Roma minority in the daily electronic paper www.delfi.lt;
17. 10/04/2008 request to the Parliament Committee on Legal Affairs regarding the recognition of hatred crimes as an aggravating circumstance of criminal liability;
18. 03/04/2008 regarding a discriminative article and comments urging hatred;

19.03/04/2008 regarding the comments inciting hatred towards homosexuals.

HRMI appealed to the law enforcement authorities and the Ethics Commission for Journalists and Publishers not only regarding the comments inciting hatred, but regarding the articles written by journalists themselves, because they were potentially violating the law. E.g. HRMI appealed to the ECJP with a request to evaluate the article "The Sprouts of gypsy lifestyle started growing in Žirmūnai" (Žirmūnai – one of the Vilnius areas), published in the daily electronic paper www.lrytas.lt, written by the "Sostinė" (integrate part of the daily newspaper "Lietuvos Rytas" devoted to the life of the capital city) correspondent Arūnas Dumalakas. „Gypsy lifestyle” was described in the article as follows: „in the surroundings where gypsies establish themselves, the environment falls into disarray, the hills of rubbish start growing and suspicious people are hanging around”. The latter description is against the principal of anti-discrimination and the journalist’s ethics.

On 12th of August, 2009, HRMI in cooperation with other non-governmental organisations appealed to the Ethics Commission for Journalists and Publishers and the Office of the Inspector of Journalist Ethics in consideration of the article "Kaunas does not want to let the homosexuals to enter the city", published in the "Lietuvos Rytas", written by a journalist A. Karaliūnas. Organisations have indicated in their complaint that the „Tolerance truck” is a part of the EU campaign "For diversity. Against discrimination". The criticised article, which was the cause of the complaint, stated "It was intended to station in the very centre of the city the "Tolerance truck" that is travelling through European states". It was attempted to present as if in the coverage of the name of the "Tolerance truck", there was an effort to organise an event devoted only for homosexuals. The non-governmental organisations requested in their complaint to recognise the fact that the definition of the tolerance was discredited and the journalist violated a number of rules determined in the Code of Ethics of the Lithuanian Journalists and Publishers and other legal acts.

Research and Analytical reviews

Human rights in the electoral campaigns of the political parties: analytical review

Before the forthcoming elections the HRMI took an interest in how the political parties understand the human rights and how they are reflected in their electoral programmes. The outcome of the analysis has revealed that most of the parties were still unable to understand the meaning of human rights, its’ contents and scope, most of them promise to implement unfeasible and unnecessary measures, whereas serious problems, related with the implementation of human rights, remain behind the framework of their electoral programmes. In summary, it can be noted that Lithuanian political parties lack appreciation that human rights is an important constitutional element of a modern Lithuanian statehood and fundamental condition for the efficient democracy, therefore protection of human rights is interpreted fairly narrowly.

Human rights situation in society's opinion: public opinion poll

On 5th December, 2008 Human Rights Monitoring Institute presented the public opinion poll, conducted by the Public Opinion and Market Research Centre Vilmorus on 7-15th November, 2008. The public opinion poll aimed to assess the awareness of Lithuanian people of human rights issues, to ascertain what traditional social groups are perceived as the most discriminated against, what aspects of the private life people feel most sensitive about, and above all, to determine whether people trust the existing human rights protection mechanisms and if they are determined to protect their violated rights. It was a third public opinion poll carried out by "Vilmorus" as per order of the HRMI. The first two polls were carried out in 2004 and 2006. Reluctantly, the results of the poll demonstrated a paradox – despite the fact that the public awareness of human rights and their protection mechanisms is rising, the society does not believe that the state would protect their violated rights and the absolute majority does not even seek any assistance.

International Conference on Feasibility of Establishing a National Human Rights Institution in Lithuania

The Human Rights Monitoring Institute held an international conference on Feasibility of Establishing a National Human Rights Institution in Lithuania on 17th March, 2008. The foreign and Lithuanian human rights experts have arrived at a conclusion that the establishment of the National Human Rights Institution would be a timely and necessary step. The conference was opened by the President of the Republic of Lithuania Valdas Adamkus. Visiting experts and experienced specialists in national human rights institutions have shared their discourses and their reasoning on the most feasible model of the national human rights institution for Lithuania: Aine Ramonaitė, Associate Professor in the Institute of International Relations and Political Science; Santiago Martinez de Orense, Representative of the Office of the UN High Commissioner for Human Rights; Markus Jaeger, Deputy Director of the Office of the Council of Europe Commissioner for Human Rights; Edita Žiobienė, Associate Professor in the Mykolas Romeris University, and the Executive Director of the Lithuanian Centre for Human Rights; Robert Archer, Executive Director of the International Council on Human Rights Policy; William Binchy, a member of the Irish Human Rights Commission; Michel Forst, Secretary General of the French Human Rights Commission; Birgitte Koford Olsen, the National Department Director of the Danish Institute for Human Rights. Participants of the conference were examining various existing models of the national human rights institutions and searched for the most feasible elements for Lithuania, as well as discussed the possible distinctive features of the National Lithuanian Institution. The international conference was concluded by the proclamation and the signature of the Resolution on Establishment of the National Human Rights Institution in Lithuania.

Public Statements and Appeals to the Public Authorities

Concerning the Draft Law Supplementing Article 60 of the Criminal Code

On 7th April, 2008 HRMI addressed an appeal to the Parliaments Committee on Legal Affairs, as the principal committee in consideration of the above mentioned law. The appeal was addressed after getting acquainted with the negative conclusions that were drawn up by the Legal Department of the Office of the Seimas concerning the Draft Law Supplementing the Article 60 of the Criminal Code (No. XP-2825, 04/02/2008).

The Draft Law was aiming to impose a more severe criminal liability for the hate crimes. HRMI was encouraging to adopt the Draft Law Supplementing the Article 60 of the Criminal Code, which would recognise the racist motives of the crime as one of the aggravating circumstances. The Institute pointed out that due to the lack of legal regulation, most of the criminal acts committed for racist reasons, are recognised as violations of public order or hooliganism. Besides that, HRMI have reminded that international institutions such as the European Commission against Racism and Intolerance (ECRI) and the United Nations Committee on the Elimination of Racial Discrimination (CERD) were encouraging Lithuania to recognize racist motives as aggravating circumstances.

On the Draft Law Amending the Law on Equal Treatment, No. XP-2384

On 9th June, 2008 HRMI together with other non-governmental organisations submitted an appeal to the Speaker of the Seimas, the Seimas Committee on Human Rights and the Political Groups in the Parliament concerning the Draft Law Amending the *Law on Equal Treatment*, No. XP-2384 (6).

Non-governmental organisations expressed their disapproval to the Draft Law, that was approved by the Seimas and according to which the grounds of discrimination set in the Law on Equal Treatment were changed with those established in the Article 29 of the Constitution of the Republic of Lithuania. Hereby the grounds of discrimination - such as age, disability and sexual orientation, were expunged from the Law. In consideration that the Draft Law Amending the Law on Equal Treatment was initiated in order to fully implement the EU directives, the following paradox has to be addressed - theoretically the amendments were aiming to correct the shortcomings of implementation, but the outcome produced was the opposite: the Draft Law removed the discrimination grounds that are set in the

Article 13 of the Treaty Establishing the European Community and the Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

Encouragement of public authorities to take the adequate steps in the struggle against the wave of anti-Semitism

On 12th August, 2008 the Human Rights Monitoring Institute and Vilnius Yiddish Institute condemned the emerging wave of anti-Semitism and racism and encouraged the public authorities to take the adequate steps. HRMI have alleged that "the recent act of vandalism committed attacking the Jewish Community building, the increased number of anti-Semitic and racist attacks and pseudo-patriotic publications became a matter of great concern between the non-governmental organisations, academics and cultural representatives. The hot atmosphere of discord indicates the inability to comply with traditional Lithuanian moral and cultural values and international political and legal commitments to promote tolerance and ensure the protection of human rights".

Participation in Working Groups and Commissions

In 2008, HRMI employees, board members and experts participated in the following working groups:

- Judicial Selection Committee - Henrikas Mickevičius, Executive Director of HRMI;
- National Council of the State guaranteed legal aid system (Inga Abromavičiūtė, as a delegated expert);
- Working group to prepare a new draft of the Law on the Citizenship, in November, 2007 – March, 2008 – Jolanta Samuolytė, HRMI Research Director;
- Working group designed to reduce the incitement of ethnic and racial discord - Henrikas Mickevičius, Executive Director of HRMI.

STRATEGIC LITIGATION

In 2008, Human Rights Monitoring Institute continued strategic litigation, seeking to protect interests of vulnerable groups or resolve structural problems.

L v. Lithuania (Application No. 27527/03)

On September 11th, 2007 the Court concluded that there had been a violation of Article 8 of the Convention – right to respect for private and family life – in respect of L and obliged the State of Lithuania to pay the applicant's litigation expenses. ECHR decided that in order to meet applicant's claim for pecuniary damages the State should adopt the subsidiary legislation regarding gender reassignment provided in the Article 2.27 of the Civil Code within three months of the judgment becoming final. In the absence of the said subsidiary legislation, Lithuania will have to pay to the applicant EUR 40,000 in pecuniary damage.

On the 31st March 2008, a panel of five judges of the Court's Grand Chamber did not accept the request by Lithuanian Government to refer the case *L. v. Lithuania* to the Grand Chamber for reconsideration. *Ipsa facto* judgment passed in this case on September 11th, 2007 became final according to the provisions set out in Article 44 § 2 of the Human Rights Convention.

Lithuania compensated the pecuniary and non-pecuniary damage to the applicant after the Court's decision came into force, but did not adopt the necessary Law on Gender-reassignment. HRMI carries out the monitoring of further implementation of the decision.

Erica v. Lithuania (Civil Case No. 2-1450-553/2008)

As the Law on Gender-reassignment was not adopted persons that came back to Lithuania after full gender-reassignment that could not have their identity documents changed.

In the case of *Erika v. Lithuania* the applicant could not change the necessary identity documents after the gender-reassignment procedure abroad, so he applied to the court with the help of HRMI with the request to oblige the public authorities to issue the necessary identity documents. In order to ensure the personal privacy the case was tried behind closed doors.

On 20th March, 2008, Vilnius 2nd District Court fully satisfied the application and obliged the relevant public authorities to change the following entries in the applicant's identity documents: personal code, gender entry from female to male and the name and surname. Public authorities fully fulfilled its' obligations and changed all the necessary identity documents.

D.D. v. Lithuania (Application No. 13469/06)

In the case of D.D. v. Lithuania in the European Court of Human Rights HRMI represents rights and interests of the person that was admitted as legally incapable. The case mainly raises the questions related to the legal institution of legal incapability, such as, lack of the safeguarding the guarantees of the right to a fair trial while depriving a person of legal capacity; disproportionate restraint of freedoms and rights of the person with mental disorders since the institution of limited liability is not established. The applicant complained about the violation of the Articles 5, 6, 8, 13 and 14 of the European Convention on Human Rights.

Considering the importance of the questions raised by this case, the third party positions was presented by the Harvard Project on Disability, USA and the European Group of National Human Rights Institutions.

In the preparation of the reaction to the Government's position, the applicant's representative was assisted by INTERIGHTS (the International Centre for the Legal Protection of Human Rights), established in London.

By the end of 2008 the case of D.D. v. Lithuania was pending.

Saicha Marcinkevič v. Ltd. „Disona“ (Civil Case No. 2A-1020-464/2008)

HRMI carried out the strategic litigation during which it attempted to establish legal standards to recognise the discrimination of Roma people in the labour market.

In autumn, 2007, Saicha Marcinkevič tried to apply for a vacancy of dish cleaner in the restaurant belonging to the Ltd. „Disona“ following the recommendation received from the Lithuanian Labour Exchange. She did not receive the position, despite the fact that she was assured that the position was still vacant over the phone. During the job interview Saicha Marcinkevič was told that the vacancy was filled. After unsuccessful job interview on HRMI request the court bailiff called the restaurant to inquire whether the same position was vacant and received a confirmation. HRMI employed an innovative method widespread in European states to test the fact of discrimination and asked a Lithuanian woman to apply for the same job. The agreement to accept this person for the job was granted. During the job interview, the Restaurant Administrator let drop that there was a woman who was sent by the Lithuanian Labour Exchange on the same day, but she was a "gypsy", and the restaurant staff did not want to work with the "gypsy", so they could not recruit her.

On 30th June, 2008 Vilnius District Court recognized the fact of direct discrimination on grounds of ethnic origin on attempt to get employed and awarded the defendant to pay 864 Lt of pecuniary damage and 2000 Lt of non-pecuniary damage to the applicant. The defendant appealed to the Vilnius Regional Court as the court of appeal, however on 10th December, 2008 the Court did not meet the defendant's appeal and hold the decision adopted by the court of the first instance, it only specified the litigation expenses.

Case of Gataevs

In autumn, 2007, Malik and Chadizat Gataev were arrested suspected of the violations of the rights of the children under their guardianship. HRMI is following the examination of the case in Kaunas District Court that attracted the attention of the mass media and human rights activists.

AWARENESS RAISING AND HUMAN RIGHTS EDUCATION

Week against Racism 2008

On 14-21st March 2007, the Human Rights Monitoring Institute joined the international community in a series of events organized in Lithuania within the annual European-wide Action Week to actively engage Lithuanians in promotion of tolerance, equal rights and a celebration of diversity.

Press conference / discussion with journalists on racism. On 14th March a press-conference and a discussion on "Racial discrimination in Lithuania: recent incidents and tendencies" was held in the BNS news agency. This event continued the round of discussions on relevant human rights issues.

Concert bus and the Living Library. On 14th March, City sightseeing bus, marked with the symbols of the Action Week against Racism, drove through the streets of Vilnius. The popular music bands performed on the open platform during the ride, such as Maksas Melmanas and Biplan, and Julija Ritčik and 4Fun. After making the circle the bus returned to the Municipal Square on Gedimino avenue, where the Living Library took place and an information about the Week was distributed.

Social Advertising. The special video clip, aiming at the attracting attention to the problem of racism and advertising the Week against Racism, 2008, was broadcasted in the public transport in the main cities of Lithuania.

However, large *Clear Channels* posters encouraging tolerance and confronting racism and ethnic discrimination that were posted in public places around the main cities caused some violent reactions. Some Lithuanians appeared to be eminently racist and damaged some of the posters in Klaipėda. On the other hand, the society actively reacted to these vandal acts and the posters were shortly re-adjusted. A pre-trial investigation was initiated to examine the matter.

Virtual Exhibition of Photographs "Another Culture: searches and discoveries". A virtual photography gallery was present on the www.alfa.lt, which became an official informational supporter of *the Week against Racism 2008*. Readers had an opportunity to visit the virtual photography gallery with was comprised of three parts: photos of individuals belonging to national minorities in Lithuania, Lithuanian Roma and refugees in Lithuania. Through language of photography four artists - Giedrė Valaitė, Gintaras Česonis, Gvidas Kovėra and Juozas Kamenskaskas narrated a story about the traditions and culture of Jewish, Roma people, Armenians and Tartars living in Lithuania. The exhibition was also available in the shopping centre „Europa“, Vilnius. Initiators of the Exhibition: Lithuanian Centre for Human Rights and Human Rights Monitoring Institute.

Discussion „Racial discrimination in Lithuania: myth or reality?“. On 18th March, ELSA Vilnius (European Law Students' Association) and HRMI organised a discussion „Racial discrimination in Lithuania: myth or reality?“. The discussion was attended by Henrikas Mickevičius HRMI Executive

Director, Jolanta Samuolytė, HRMI Research Director, Rimvydas Valentukevicius, Senior Prosecutor of the Special Investigations Department at the General Prosecutor's Office, Stanislav Vidtmann, Deputy Director General of the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania. A renowned journalist Aurimas Perednis moderated the discussion.

Virtual Conference: After neo-Nazi march in the centre of Vilnius on the 11th March, when the whole Lithuania is celebrating its' Independence Day, the major news portal www.delfi.lt organised a virtual conference. HRMI Research Director Jolanta Samuolytė attended the conference and communicated with hundreds of people interested in the latter issue or other human rights matters. She emphasized that the tolerance could not turn against the society itself, because the essence of it is to tread every human being in the equal manner.

Civil actions in all regions of Lithuania. Civil actions directed against racism were organised by the local youth organisations in all the regions of Lithuania. They took place together with the discussions on racial discrimination. Civil actions were coordinated by the youth campaign "All different – all equal".

Organisers of International Week Against Racism, 2008: the Council of Europe Campaign "All different - All Equal", Human Rights Monitoring Institute (HRMI), International Commission for the Evaluation of the Crimes of Nazi and Soviet Occupation Regimes in Lithuania, The Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania, the Office of Equal Opportunities Ombudsperson, the Tolerance Center of the Vilnius Gaon Lithuanian State Jewish Museum, Roma Community Centre, European Law Students' Association (ELSA), Lithuanian Branch, Lithuanian Centre for Human Rights and Lithuanian Football Federation.

International Human Rights Summer School

The first International Human Rights Summer school was organised on 23rd July – 1st August, 2008. HRMI organised the Summer school in cooperation with the Mykolas Romeris University (Lithuania), Elon University (USA), European Humanities University (Belarusian University in Exile, Vilnius, Lithuania) and an American non-governmental organisation Bring Human Rights Home, USA. The Patron of the Summer school was Česlovas Juršėnas, Speaker of the Seimas (Lithuanian Parliament).

The Summer school that took place in the Mykolas Romeris University was designated for the Belarusian, Lithuanian and American graduate and postgraduate students.

Lectures were provided by the practitioners, professors and experts in the fields of international and human rights law from Switzerland, Great Britain, USA, Lithuania and Belarus. Besides it, there was a moot court practice organised. After the lectures and practical workshops, participants of the Summer school could get acquainted with the field work and the working principals of the institutions, ensuring the protection of human rights in Lithuania. Among the institutions visited were: the Office of Equal Opportunities Ombudsperson, the Children's Rights Ombudsperson Institution of the Republic of Lithuania, the European Commission Delegation to Lithuania and State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania. Besides the above mentioned institutions, students and lecturers have visited the Museum of Genocide Victims and Museum of the Ninth Fort of Kaunas.

Human Rights Awareness Month 2008: 60th Anniversary of the Universal Declaration of Human Rights

Like every year, Human Rights Monitoring Institute announced December as Human Rights Awareness Month and organised a number of related events. *Human Rights Awareness Month 2008* was devoted to commemoration of the 60th Anniversary of the Universal Declaration of Human Rights. 10th of December, 2008 was exactly 60 years since the United Nations General Assembly adopted the Universal Declaration of Human Rights – one of the most important international documents of the XXth century that had a significant impact for the development of the world and separate states after the 2nd World War.

The Human Rights Monitoring Institute joined the international community in organising a campaign to commemorate the anniversary of the Declaration and organised series of discussions, seminars, competitions, exhibitions together with its' partners. The HRMI also produced the occasional publication, a number of national and regional newspapers published the text of the Declaration on the 10th of December and some of the public institutions agreed to distribute the text of the Declaration on its' anniversary.

Among the commemorative events organised in cooperation with government institutions and non-governmental organisations were:

Exhibition in the Seimas of the Republic of Lithuania. An exhibition was opened on the 10th December, organised by the HRMI and United Nations Development Programme Office in Lithuania. During the opening ceremony, the Office of Equal Opportunities Ombudsperson presented the publication „Free and equal“ and the Lithuanian Centre for Human Rights screened the films from the human rights film festival „Uncomfortable cinema“. The event was attended by Arūnas Valinskas, the Speaker of Seimas, Arminas Lydeka, Member of the Seimas Committee on Human Rights, Lyra Jakulevičienė, Head of the United Nations Development Programme Office in Lithuania, Aušrinė Burneikienė, Equal Opportunities Ombudsperson, Edita Žiobienė, Director of the Lithuanian Centre for Human Rights, Henrikas Mickevičius, Executive Director of the Human Rights Monitoring Institute and representatives of other public institutions and non-governmental organisations.

Exhibition, Launch of Publication and Reception at the Ministry of Foreign Affairs. On December 10, the Ministry of Foreign Affairs hosted a reception to commemorate the anniversary of the Declaration. It featured opening of the UDHR exhibition and launch of publication, prepared in cooperation with the Ministry of Foreign Affairs incorporating main human rights documents and their commentaries. The exhibition lasted until 24 December. Among the guests of the reception were the Members of Seimas, representatives of different public institutions, Judges of the Constitutional Court of the Republic of Lithuania, diplomats and members of human rights community.

Declaration at schools. The exhibition opened at the Ministry of the Foreign Affairs started travelling around all the schools in Lithuania in December, 2008. Thirty six schools from Vilnius, Kaunas, Šiauliai, Telšiai, Prienai district, Panevėžys district and other towns had an opportunity to display the exhibition and get acquainted with the essential document, establishing human rights. The exhibition will continue travelling in the year 2009.

Declaration for every citizen. As part of this campaign every citizen of the Republic of Lithuania received a copy of the Universal Declaration of Human Rights while collecting their documents, such as passport, ID card, driving license or birth certificate. The copies of the Declaration were distributed by the public authorities. Campaign partners: the Migration Department under the Ministry of the Interior of the Republic of Lithuania, State Enterprise Regitra and Municipal Bureaus for Civil Registration.

Publication of the Declaration in mass media. On 10th December a number of Lithuanian newspapers and electronic papers published the text of the UDHR and articles concerning the anniversary of the Declaration. This is the list of all the electronic papers and newspapers that joined the campaign: Delfi.lt, Alfa.lt, Balsas.lt, Infolex.lt, Bernardinai.lt, Lrytas.lt, regional newspapers „Šilutės naujienos“, „Merkio kraštas“, „Gyvenimas“, „Krašto vitrina“, „Naujasis Gėlupis“, „Banga“, „Vakarų ekspresas“, „Šilo karčema“, „Kalvarijos kronika“, „Kazlų Rūdos kronika“, „Santakos laikraštis“, „Šiaurės Rytai“, „Kupiškėnų mintys“, „Panevėžio balsas“, „Sekundė“, „Sidabrės laikraščio redakcija“, „Bičiulis“, „Vienybės redakcija“, „Auksinė varpa“, „Šiaulių kraštas“, „Mūsų Ignalina“, „Molėtų vilnis“, „Molėtų žinios“, „Utenis“, „Šviesa“, „Šilalės žinios“, „Tauragiškių balsas“, „Žemaičių būdas“, „Santarvės laikraštis“, „Plungė“, „Kalvotoji Žemaitija“, „Širvintų kraštas“, „Švenčionių kraštas“, „Gimtoji žemė“, „Karštas Komentaras“, weekly newspapers „Dialogas“, „Savivaldybių žinios“.

Human Rights Champion of the Year Award. Annual award is given to a person, who has contributed the most to the promotion and protection of human rights during the current year. The Selection Committee selected the 2008 winner and the award was presented during one of the commemorative events. The Human Rights Champion Award was given to the lawyer Liudvika Meškauskaitė, who is successfully representing the interests of people in the human rights cases in Lithuania and the European Court of Human Rights and who is constantly contributing to the establishment of human rights standards in Lithuania. In 2008, two Lithuanian citizens represented by Liudvika Meškauskaitė

won two ECHR cases against Lithuania concerning the violations of privacy in the Lithuanian mass media.

Nation-wide graffiti project "Screaming Walls". This project gave an opportunity to young artists to express their perception of human rights and public spirit. It also promoted the dissemination of human rights in all the regions of Lithuania. 10 best works were selected and performed in public places specially assigned by the local municipalities. The concluding event was organised on the 17th December, when the best graffiti artists received their awards and the discussion on the Limitations of Freedom of expression was organised. Graffiti art works were demonstrated on the website Balsas.lt. Project partners: youth campaign "All different – all equal" and the National Association for Coordination of Youth Affairs.

Living library. Living library has become a traditional event organised during the Human Rights Awareness Month. The aim of the Library is to fight the stereotypes and prejudices, raise awareness and deepen the knowledge in human rights. Traditionally, this event was coordinated by the youth campaign „All different – all equal“. The Living Library was organised in a few cities and towns. The biggest Living Library event took place in the coffee-bar „Coffee Inn“ (Vilnius) on 10th December.

Training for young journalists. Young journalists who wanted to deepen their knowledge on human rights issues were invited to participate in the trainings. Target group: young people preparing articles for regional and youth newspapers and blogs. They were familiarised with the human rights situation and problems in Lithuania. Trainings were conducted by Jolanta Samuolytė, HRMI Research Director, Erika Leonaitė, Lecturer at the Institute of International Relations and Political Science, Romas Sakadolskis, lecturer at the Institute of Journalism in Vilnius and formerly radio journalist at the Voice of America, Deividas Velkas, Advisor to the Inspector of Journalist Ethics, Džina Donauskaitė, journalist of independent newspaper "Atgimimas", etc. Training took place in Zarasai. Training partner – youth campaign "All different – all equal".

Training for peer educators. Trainings were devoted for active young people, who could use their knowledge in organising events in their own municipalities and involve their peers in them. Participants were introduced to the methodology of the Living Library in the context of human rights. One of the subjects was the youth motivation to solve local human rights disputes. Training took place in Zarasai. Training partner – youth campaign "All different – all equal".

Trainings for coordinators of youth affairs in the municipalities. The first stage of the training took place on 18th December, in Vilnius. Seminar activities: discussion on relevant human rights problems in Lithuania, presentation of results of the most recent sociological survey, evaluation of the multiple discrimination and a need for civil responsibility in our society. Special attention was paid to the development of new ideas and initiatives in their work with the youth and the promotion of cooperation between non-governmental organisations. The seminar was conducted by Henrikas Mickevicius, HRMI Executive Director, Dovilė Šakalienė, HRMI Project Manager, Margarita Jankauskaitė, Project Manager, Centre of Equality Advancement, and Mindaugas Reinikis, Director of Civic Responsibility Foundation.

Social interventions on the topic of human rights. On 10th December, HRMI together with the youth Theatre group "Žvilgsnis" from the Youth centre "Babilonas" organised theatre performances in the streets of Vilnius Old Town. Both actors and spectators were involved in the creation of mini theatre plays and social experiment on the topic of human rights. Project partners: Theatre group "Žvilgsnis" and Delti.lt TV from the daily electronic paper Delfi.lt.

Partners and supporters of the *Human Rights Awareness Month 2008*: Human Rights Monitoring Institute, the Council of Europe Youth Campaign "All Different – All Equal", Seimas' Chancellery, United Nations Development Programme, European Law Student's Association, Vilnius Branch, Lithuanian Centre for Human Rights, International Commission for the Evaluation of Crimes of Nazi and Soviet Occupation Regimes in Lithuania, Migration Department under the Ministry of Internal Affairs, Public Institution „Regitra“, Municipal Bureaus for Civil Registration, the Centre of Ethnic Studies of the Institute for Social Research, the Office of Equal Opportunities Ombudsperson, Association of Tolerant Youth, Theatre group "Žvilgsnis" from the Youth centre "Babilonas" and Roma Community Center.

Trainings and Discussions

Continuation of the series of seminars for journalists

In the framework of the *Programme of Enhancing the Culture Respecting Human Rights* (funded by the Ministry of Foreign Affairs of the Kingdom of Netherlands), in cooperation with the Lithuanian Journalism Center, HRMI continued the round of seminars for journalists (5 seminars were held in 2007, q.v. the HRMI Activity Report, 2007).

The 6th seminar: Racism in Lithuania is a Reality. Moderator of the discussion – Henrikas Mickevičius, HRMI Executive Director, noted that rapidly growing xenophobic disposition and increasing racist attacks may lead to the weakening or even disintegration of democracy in Lithuania and encouraged to review the present situation in Lithuania, analysing the causes of above mentioned problems and the application of law. The seminar was attended by Tadas Leončikas, the Acting Director of Ethnic Research Centre at the Social Research Institute and Rimvydas Valentukevičius, Senior Prosecutor of the Special Investigations Department at the General Prosecutor's Office.

The issue of racism and xenophobia have recently been addressed in mass media and public discussions after the attack against Berneen, the Lithuanian TV star of Afro-Eastern origin, and the skinheads' march over the streets of Vilnius on the Independence Day when slogans reflecting racial hatred, such as "Lithuania for Lithuanians" and "Juden raus" ("Get out, Jews") were waved around.

12 journalists representing various mass media outlets (press, radio and television) attended the seminar.

International seminar "Integration of Roma People into the Labour Market: tools and obstacles"

On 31 of March 2008, Human Rights Monitoring Institute and SOPA (public body providing social assistance) hosted an international seminar on good practices in integration of Roma into labour market. The seminar analysed extremely relevant questions for the Lithuanian society, as the Roma ethnic minority is one of the least appreciated in Lithuania and constantly face discrimination in the labour market. The aim of the seminar was to get acquainted with the experience of national schemes developed in other countries for integration of Roma people into labour market and to discuss the effective models of social inclusion. It provided a unique possibility to learn of the experience of representatives of various foreign organisations, as well as discuss possible solutions of the problem, aiming to lessen the gap of social exclusion. The experts from Spain, Netherlands, Slovakia and Lithuania attended the seminar. The organisation of the event was supported by the European Commission, the Ministry of Foreign Affairs and Cooperation of Spain and the Vilnius Municipality.

Discussion "Rinau family dispute: Legal aspects"

On 17th November, 2008, HRMI in cooperation with its' permanent partner ELSA Vilnius (European Law Students Association, Vilnius branch) organised a discussion "Rinau family dispute: Legal aspects". The dispute between the two ex-spouses concerning the place of residence of their daughter was closely followed by the mass media and has even reached the European Court of Justice. The following matters were discussed during the event organised: peculiarities of the implementation of court decision in the cases of similar nature, future perspectives of the dispute between Inga and Michael Rinau, taking into account that the father took away the child without waiting for the transfer realized by the court bailiff.

The discussion was attended by the Inga Juozapavičienė, Advisor to the Children's Rights Ombudsperson, Valdas Čeglikas, a member of the Presidium of the Lithuanian Chamber of Bailiffs,

other lawyers, law students, representatives of non-governmental organisation and mass media. Jolanta Samuolytė, HRMI Research Director moderated the discussion.

Info Bulletin

HRMI continued to distribute Info Bulletin on important human rights issues. The info bulletin reaches over 2000 registered recipients.

Among the addressed human rights issues were: HRMI position on the Draft Law on the Protection of Life in the Prenatal Phase, that does not comply with the international human rights standards; principal areas of concern and recommendations provided by the *United Nations* Committee on the Elimination of Discrimination against Women (CEDAW) regarding the Periodic Report on Lithuania's Progress in Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women submitted by the Government; analysis of the electoral programmes of political parties from human rights perspective; and others.

HRMI and Mass Media

HRMI regularly provides its opinion on the relevant human rights issues in the national media and consults both Lithuanian and foreign journalists. In 2008, HRMI staff members attended radio and television programmes – 56 times, they were quoted by media in over 100 instances. Numerous of HRMI statements were noted and prompted further publication of supporting or opposing articles or production of TV and radio programmes.

Media that quoted HRMI staff members or invited them to give their opinion included, among others, National TV and Radio, TV Channels: LNK, Lietuvos Rytas television, 5th Channel, Polish TV Polonia, Pervyj baltijskij kanal, Radio Channels: News Radio, M-1 Plius, Radiocentras, French Radio, national and regional daily papers: Lietuvos Rytas, Kauno diena, Lietuvos Žinios, Vakarų ekspresas, Klaipėda, XXI Amžius, Sekundė, Daily L.T.; weekly papers: Veidas, Laikas, Kontrastai, national news agency BNS, news portals: Delfi.lt, Balsas.lt, Bernardinai.lt, LRT.lt, Lrytas.lt, INFOLEX.lt, Alfa.lt, 15min.lt, etc.

INTERNATIONAL COOPERATION

On Extradition – Birnberg Peirce Law Firm, London

In November, 2008, HRMI delivered a report on imprisonment conditions of women with mental disorders in penal institutions upon the request of Birnberg Peirce Law Firm in London. The provided information was required in order to answer the question that was raised in the case of extradition of a Lithuanian citizen, tried in the Great Britain. The question was whether the imprisonment conditions in Lukiškės Pre-Trial and Closed Prison and other penal institutions, where women with mental disorders are imprisoned, do not violate the prohibition of torture established in the Article 3 of the *European Convention on Human Rights*. HRMI independent report was found upon the visits to the Lukiškės Pre-Trial and Closed Prison and Panevėžys Women's Corrective Institution, international standards, ECHR case-law and other relevant material.

Preparation of the information on the protection of the right to private life and submission for the Electronic Privacy Information Centre

The HRMI submitted the information regarding the implementation of the right to respect for private life in 2007 and 2008 to the Electronic Privacy Information Centre, established in Washington DC, USA. The submitted information mainly concentrated on the legal amendments, related to the private life, and the adopted decisions in the institutions carrying out judicial and pre-trial investigations.

HRMI Board Member continued his activities in the UN Committee on the Rights of the child

On 21 February, 2007 Dainius Pūras, a Board Member of Human Rights Monitoring Institute, was elected as one of the 9 new members of the UN Committee on the Rights of the Child during the 11th meeting of the State Parties to the UN Convention on the Rights of a Child. Dainius Pūras is the first representative from Lithuania elected to one of the UN expert committees, monitoring the implementation of human rights conventions. Mr. Dainius Pūras was elected for the term of 3 years, since the entry of Lithuania into the UN in 1991.

Provision of information in the framework of the project Victims in Europe

In September, 2008, HRMI in cooperation with the Portuguese Association for Victim Support, answered to the questions of the survey, related to the protection of the victims of crimes and safeguarding their rights in criminal proceedings.

The aim of the survey was to identify the legal provisions of the state and receive invaluable information on the organisational practice and effectiveness of measures designed to provide the support for the crime victims and to implement the European Union Framework Decision on the standing of victims in criminal proceedings, adopted on 15th March, 2001. The main aspects of the survey were: the definition of a victim; respect and recognition; implementation of the a possibility to be heard; performance of questioning; implementation of the right to receive information; mechanisms of communication safeguards; provision of special legal aid and assistance to the victims; victim's expenses in the criminal proceedings; implementation of the right to protection compensation; penal mediation and victims resident in another state.

Expert activities abroad

During 2007, HRMI Executive Director Henrikas Mickevičius, in his capacity of an expert of the Council of Europe, conducted the training courses on the application of the European Convention on Human Rights for Russian, Belarusian and Georgian lawyers such as judges, pleaders and prosecutors.

Upon invitation by the Council of Europe Commissioner for Human Rights and the President of the Irish Human Rights Commission (IHRC), Henrikas Mickevicius, HRMI Executive Director, acted as the rapporteur of the 5th Round Table discussion, organised by the Council of Europe Commissioner for Human Rights in Dublin, Ireland.

STRUCTURE

HRMI Board

Dainius Pūras – Chair of the Board

Senior lecturer of the Faculty of Medicine, Vilnius University, Member of the UN Committee on the rights of the Child

Henrikas Mickevičius
HRMI Executive Director

Arūnas Pemkus
Chairman of the Board of the PR Company „Integrity“

Tadas Vizgirda
Executive Vice President of the Air Baltic Corporation and the General Manager of its' Agency in Lithuania

Employees:

Till August, 2008:

Henrikas Mickevičius, Director

Jolanta Samuolytė, Research Director

Aina Damkutė, Project Coordinator

Dovilė Šakalienė, HRMI Representative in Geneva

From August till November, 2008:

Henrikas Mickevičius, Director

Jolanta Samuolytė, Research Director

Dovilė Šakalienė, Project Manager

Aina Damkutė, Project Coordinator

From November, 2008:

Henrikas Mickevičius, Director

Jolanta Samuolytė, Research Director

Dovilė Šakalienė, Project Manager

Natalija Bitiukova, Project Coordinator

Experts and consultants

Daiva Brogienė, PhD at Vilnius University

Deividas Velkas, Advisor to the Inspector of Journalist Ethics

Diana Gumbrevičiūtė, Lawyer

Dovilė Juodkaitė, Director of „Global initiative in psychiatry“

Gintautas Sakalauskas, Institute of Law

Inga Abromavičiūtė, Lawyer

Laura Ūselė, Institute of Law

Liudvika Meškauskaitė, Lawyer

Margarita Jankauskaitė, Project Manager, Centre of Equality Advancement

Morta Vidūnaitė, Lecturer at the Institute of International Relations and Political Science, Vilnius University

Otilija Gabrėnaitė, Centre for Legal Projects and Research

Petras Ragauskas, Vice-Chairman of Institute of Law

Raimonda Vengrytė, Global initiative in psychiatry

Tadas Leončikas, The Acting Director of the Ethnic Research Centre at the Institute for Social Research

Vida Beresnevičiūtė, Researcher, Centre of Ethnic Studies of the Institute for Social Research

Vita Petrušauskaitė, Researcher, Centre of Ethnic Studies of the Institute for Social Research

Volunteers and interns

Eglė Jackevičiūtė

Natalija Bitiukova

Jevgenija Nesterova

Rita Griguolaitė

Michal Juhás

Vitalij Levičev

Mažena Lavrynovič

Miglė Poškutė

Vaiva Martinonytė

Julija Šlekonytė

Sigita Rukšėnaitė

Nerijus Kliukas

Michal Adam Lewandowski

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- Certain percentage of funds used for HRMI activities were donated during the Midsummer Charity Event „Classics Under Stars“ organised at the Capitals Golf Club on 23rd June, 2008.