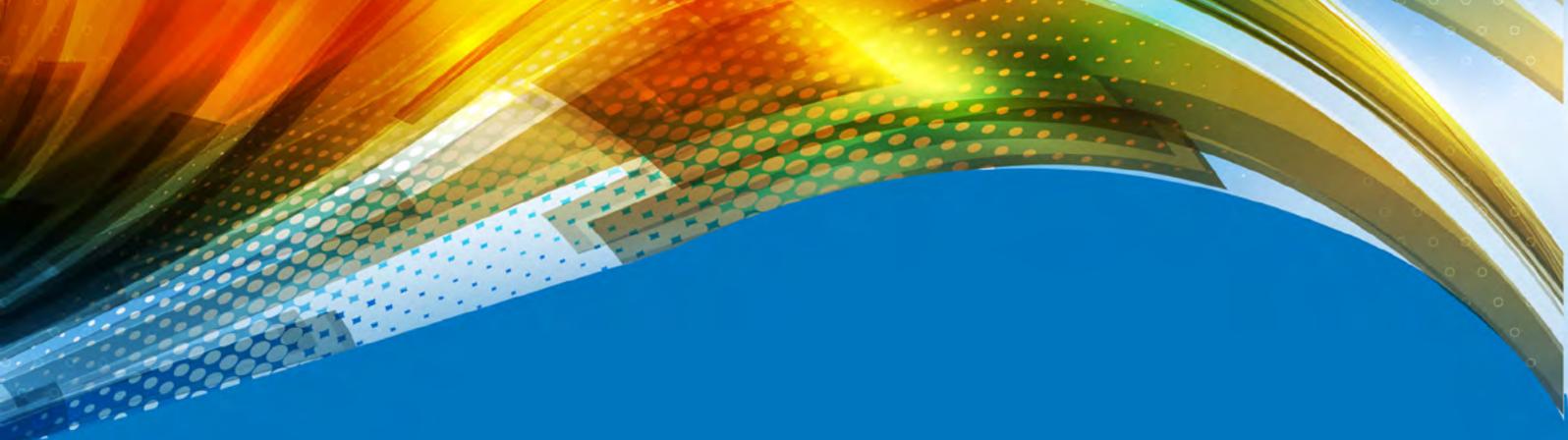


SUMMARY OF THE ANNUAL REPORT  
OF THE ACTIVITIES OF THE SEIMAS OMBUDSMEN'S  
OFFICE OF THE REPUBLIC OF LITHUANIA  
IN 2010



## CONTENTS

- 3 INTRODUCTION
- 3 SUMMARY OF APPLICANTS' COMPLAINTS SUBMITTED AND INVESTIGATED IN 2010
- 10 ACTIVITY REPORT OF SEIMAS OMBUDSMAN ROMAS VALENTUKEVIČIUS FOR 2010
- 15 ACTIVITY REPORT OF SEIMAS OMBUDSMAN AUGUSTINAS NORMANTAS FOR 2010
- 20 ACTIVITIES OF THE SEIMAS OMBUDSMEN'S OFFICE OF THE REPUBLIC OF LITHUANIA

## INTRODUCTION

The Constitution of the Republic of Lithuania embodies the institution of the Seimas' Ombudsmen – one of the instruments for the protection of fundamental non-judicial human rights and freedoms and control of the activities of institutions of the executive government in Lithuania.

The purpose of activities of the Seimas Ombudsmen is explicitly defined in Article 3 of the Law of the Republic of Lithuania on the Seimas Ombudsmen – to protect a person's right to good public administration securing human rights and freedoms, to supervise fulfilment by state authorities of their duty to properly serve the people. The Seimas Ombudsman is an independent official appointed by the Seimas of the Republic of Lithuania who defends human rights and freedoms, investigates applicants' complaints regarding the abuse of office by or bureaucracy of officers and seeks to improve public administration. The activities of the Seimas Ombudsmen's Office are intended to ensure that the State of Lithuania performs its duties arising out of the principles of a legal and social state, human dignity, freedom, equality and democracy. The effectiveness of democracy is closely related to the trust of citizens in public administration institutions. By providing proposals or comments to the respective institutions and agencies on how to improve public administration, the Seimas Ombudsmen seek to ensure that an individual's right to adequate public administration would become realistic.

The year 2010 was significant for the Seimas Ombudsmen's Office of the Republic of Lithuania – the fifteenth anniversary of the institution coincided with the end of the life cycle of the model of five Seimas Ombudsmen. On 21 January 2010, the Seimas of the Republic of Lithuania adopted the Law amending the Law on the Seimas Ombudsmen, under which the number of the Seimas Ombudsmen was reduced from five to two. The Law came into force on 16 February 2010.

Two Seimas Ombudsmen have been working since that date, namely, Romas Valentukevičius, who investigates applicants' complaints regarding abuse of office by or bureaucracy of public officials, and Augustinas Normantas, who is entrusted with the investigation of abuse of office by or bureaucracy of municipal officials.

## SUMMARY OF APPLICANTS' COMPLAINTS SUBMITTED AND INVESTIGATED IN 2010

In 2010, the Seimas Ombudsmen's Office received a total of 1,986 complaints from natural and legal persons, 1,282 of which were newly filed complaints; there were 2,587 problems that were raised in the complaints submitted by applicants.

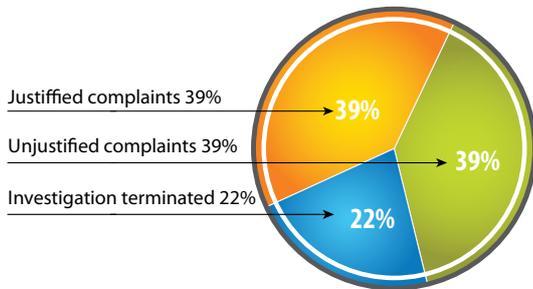
Complaints received	1,282
Complaints rejected	341
Problems investigated	2,587
Decisions made:	2,587
to recognise a complaint as justified	1,001
to dismiss a complaint	1,007
to terminate investigation	579
Investigations carried out on the initiative of the Seimas Ombudsmen	18
Problems investigated	79
Decisions made:	79
to recognise the problem as justified	65
to dismiss the issue	12
to terminate investigation	2
Recommendations made by the Seimas Ombudsmen	1,072
Replies to citizens' applications	135
Complaints handed over by the members of the Seimas	112

In 2010, after a thorough investigation of the complaints submitted by applicants to the Seimas Ombudsmen's Office had been performed, 2,587 problems were identified; they were dealt with in substance, and a decision was made in respect of each of them. 39% out of this number of decisions were recognised to be justified, i.e. the conducted investigation established the facts of abuse of office, bureaucracy of officers or inappropriate public administration. 39% of complaints were recognised to be unjustified (the described facts of inappropriate administration were not confirmed). In the case of 22% of complaints, the investigation was terminated because of the elimination of the circumstances of the complaint or withdrawal of the complaint by the complainant, or because the complaint was being, had been or had to be investigated in court, etc.

Investigation of a complaint is also terminated if, under the mediation of the Seimas Ombudsman, the problems raised in the complaint are resolved in good will. In 2010, there were 66 cases where the investigation was terminated because the Seimas Ombudsmen helped both parties reach an agreement on the solution to their problems. Mediation of the Seimas Ombudsmen between the public and state institutions opens a number of possibilities to settle disputes in a flexible manner. In addition, mediation of the Ombudsman helps accelerate the dispute settlement process, increase the efficiency of decision made and create conditions for achieving social peace quickly and expeditiously.

Therefore, it is sought at the Seimas Ombudsmen's Office that as many disputes between individuals and public administration officials are resolved by mutual agreement as possible.

## THE DECISIONS OF THE COMPLAINTS INVESTIGATED AT THE SEIMAS OMBUDSMEN'S OFFICE IN 2010



## BREAKDOWN OF ALL COMPLAINTS INVESTIGATED IN 2010 BY SUBJECT MATTER:

Problem	complaints investigated (%)
Rights of citizens whose freedom was restricted	30
Right to good public administration	28
Right to ownership	11.5
Right to a secure and ecological environment	8
Right to personal and public security and assurance of public order	5
Consumer rights	5
Right to housing	3
Right to social security	2
Right to health care	2
Right to a fair trial	2
Other rights	3.5

In 2010, the Seimas Ombudsmen's Office examined 112 applications handed over by members of the Seimas of the Republic of Lithuania. During 2010, the Seimas Ombudsmen's Office replied in writing to 135 applications submitted by citizens, which contained no complaints regarding the actions of officials only requests to clarify or provide legal consulting or information, assist in obtaining documents, etc.

## RECOMMENDATIONS PROVIDED BY THE SEIMAS OMBUDSMEN AND IMPLEMENTATION THEREOF

Following the investigations of complaints in 2010, the Seimas Ombudsmen provided 1,072 recommendations to officials of state and municipal institutions. The most important recommendations are given in the table below.

Recommendation	Number of recommendations
Bring to the officials' attention the facts of negligence in office, non-compliance with laws or other legal acts, violation of professional ethics, abuse of office, and bureaucracy, and violations of human rights and freedoms, and suggest that the officials take measures in order to eliminate violations of laws or other legal acts, and the causes and conditions of such violations	555
To propose to a collegial institution or an official to repeal, suspend or amend, according to the procedure prescribed by the law, decisions that contradict the laws and other legal acts and propose to adopt decisions the adoption whereof has been precluded by abuse of office or bureaucracy	164
To make proposals to the Seimas, the Government, other state or municipal institutions and bodies to amend laws or other statutory acts that restrict human rights and freedoms	97
To inform the Seimas, the Government and other state institutions and bodies or the appropriate municipal council about gross violations of laws or deficiencies, contradictions of or gaps in laws or other legal acts	50
To propose to a collegial body, the head of an institution or a superior institution or agency to impose disciplinary sanctions on officials at fault	34
Without a detailed investigation of a complaint falling outside the jurisdiction of the Seimas Ombudsman, to give proposals or comments to appropriate institutions and agencies on the improvement of public administration in order to prevent violations of human rights and freedoms	16
To recommend to the prosecutor to apply to the court under the procedure prescribed by the law for the protection of public interest	5
To inform the Seimas, the President or the Prime Minister of the Republic about violations committed by ministers or other officials accountable to the Seimas, the President or the Government of the Republic	4
To hand over relevant material to a pre-trial investigation body or the prosecutor in cases where any signs of criminal activity have been detected	3

At the time of the drafting of the present report, it was known that 94% of the recommendations made by the Seimas Ombudsmen were taken into account. In the case of approx. one tenth of the recommendations provided, replies from the respective institutions have yet to be presented.

The Law of the Republic of Lithuania on the Seimas Ombudsmen embodies the principle of publicity as one of the fundamental principles observed in the activities of the Seimas Ombudsmen – they provide information to the public about their activities, abuse of office and bureaucracy of officials or any other violations of human rights and freedoms. Publicity is a vital aspect of the constitutional principle of the rule of law. For the Seimas Ombudsmen as human rights defenders, the possibility of making public inappropriate activities of officials provides additional means of action. It has been several years now that this authority has been publishing statements issued by the Ombudsmen on its website, even though the legal norms did not oblige the Seimas Ombudsmen to do so until the mid-2010.

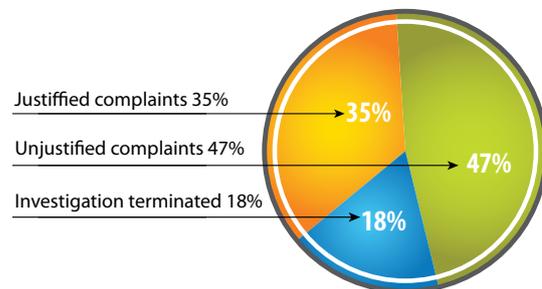
On 13 May 2010, the Seimas of the Republic of Lithuania adopted Law No. XI-808 amending Article 21 of the Law on the Seimas Ombudsmen, which imperatively obliged them to publish all statements issued by the Seimas Ombudsmen on the official website of the Seimas Ombudsmen's Office.

This amendment helps ensure the publicity of both the activities of the Seimas Ombudsmen and the works carried out and decisions of made by the state or municipal institution or agency to which a statement is issued. State or municipal institutions or agencies to which these statements are issued must also publish them on their own official Internet websites, indicating the actions taken by these institutions to ensure that recommendations provided by the Seimas Ombudsmen are implemented.

Information about the Seimas Ombudsman's statements, recommendations and implementation thereof helps the public to get acquainted with the objective condition of the respective institution and efficiency of its activities and decide on how the fundamental constitutional principle of public service providing that state institutions are to serve people is ensured.

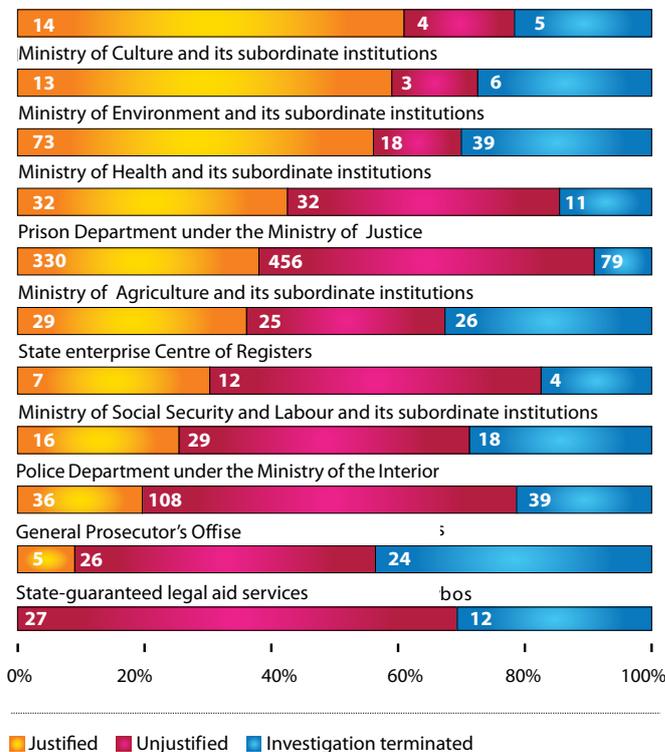
## COMPLAINTS CONCERNING THE ACTIONS OF OFFICIALS OF STATE INSTITUTIONS

In 2010, the Seimas Ombudsmen's Office received 787 complaints about the abuse of office by or bureaucracy of officials of state institutions and agencies. When examining these complaints, 1,701 problems were raised, and a decision was made in respect of each of them. A total of 35% was recognised to be justified, i.e. the conducted investigation revealed the facts of abuse of office, bureaucracy of officers or inappropriate public administration. 47% of complaints were recognised to be unjustified (information about the facts of inappropriate public administration was not confirmed); in the case of 18% of complaints, investigation was terminated after the establishment of certain circumstances.



## Breakdown of Investigated Complaints by State Institutions

Institutions subordinate to the Government



The diagram above includes only those state institutions where at least 20 complaints about the actions of its officials were investigated. In 2010, a particularly large number of decisions (865) were made regarding the complaints against the actions of officers of correctional institutions subordinate to the Prison Department. This number exceeds the quantity of decisions (403) passed in 2009 by more than twofold. This increase was caused by the mass applications (by 65 persons) received from Pravenišškės Correction House No. 3, in which the convicts expressed their dissatisfaction with the hygiene of residential and general purpose premises, the hairdresser's shop, auxiliary premises, and rooms for long-term visits as well as non-compliance with the hygiene requirements. The investigation confirmed that the complaints regarding the non-compliance with the hygiene standards were justified; therefore, the total number of such applications

recognised as justified grew by more than fivefold. A total of 38% of such complaints were recognised to be justified in 2010, whereas, in 2009, the same type of complaints recognised as justified stood at 7%. According to the number of adopted decisions (183 decisions), the complaints about the actions of police officers subordinate to the Police Department rank second. Compared to 2009, the quantity of complaints falling in this category and recognised as justified dropped by 8%; approx. 20% of the total number of complaints regarding these issues were recognised as justified in 2010.

Compared to 2009 (73 decisions), the number of decisions regarding the activities of officials of the Ministry of Environment grew almost twofold – 130 decisions related to the activities of the institutions subordinate to the Ministry of Environment were adopted in 2010. This increase is associated with the abolishment of counties and the transfer of functions performed by them to the State Territorial Planning and Construction Inspectorate under the Ministry of Environment. It is noteworthy that as many as 65% of complaints regarding the actions of officials of the aforementioned Inspectorate were recognised as justified in 2010! Therefore, the total percentage of justified complaints regarding the actions of employees of the Ministry of Environment and its subordinate institutions grew more than twofold – up to 56%, compared to 2009 (25%).

The increase (by 2.5 times) in the number of decisions (32 in 2009 and 80 in 2010) regarding the actions of officials of the Ministry of Agriculture and its subordinate institutions is connected with the takeover of the land management divisions of the abolished county governor's administrations by the National Land Service under the Ministry of Agriculture.

In 2010, there were more cases where the actions (omission) of officials of the Ministry of Health (75 decisions) and of the Ministry of Social Security and Labour (63 decisions) had to be evaluated.

### BREAKDOWN OF INVESTIGATED COMPLAINTS REGARDING THE ACTIONS OF OFFICIALS OF STATE INSTITUTIONS BY SUBJECT MATTER:

Problem	complaints investigated (%)
Rights of citizens whose freedom was restricted	46
Right to good public administration	26.5
Right to personal and public security and assurance of public order	7
Consumer rights	5.5
Right to a secure and ecological environment	3
Right to ownership	3
Right to a fair trial	3
Right to health care	2

Right to social security	1.5
Other rights	2.5

Compared to 2009, the issues indicated in the complaints about the actions of state officials did not change in 2010; however, there was an evident change in the percentage of complaints regarding different problems.

Although there was a 6.5% drop in the total number of complaints regarding violations of the right to appropriate public administration in state institutions; however, there was a significant increase in the number of complaints recognised to be justified: 27% of complaints regarding violations of the right to good public administration were deemed to be justified in 2009, whereas, in 2010, there were 43% of such complaints!

Compared to 2009, the number of complaints regarding violations of the right to a secure and ecological environment decreased by 5%. As in 2009, the areas of public life such as environmental protection, protection of ownership rights and health care remained equally relevant in 2010 as they were in 2009 because approx. 3% of complaints were received in connection with violations of human rights committed by officials from these areas.

The total number of complaints regarding the violated right to social security remained almost the same.

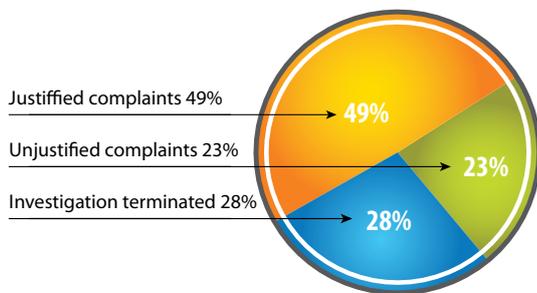
Individuals continue to be dissatisfied with violated consumer rights – the quantity of such complaints, which stood at 1.5% in 2009, grew to 5.5% in 2010. This growth was determined by the receipt of applications signed by many convicts regarding the non-supply of electricity in the daytime due to energy-saving purposes but these complaints were dismissed as unjustified.

The aforementioned mass letters of convicts caused an 8% increase in the number of complaints regarding violations of the rights of individuals whose freedom is restricted. In 2010, such complaints accounted for almost half of all the investigated complaints regarding the actions (omission) of officials of state institutions and agencies.

Having taken due account of the facts that the number of complaints submitted by detained individuals and that Lithuania ranks second in the European Union according to the largest number of arrested and convicted persons (information from the survey conducted by the International Centre for Prison Studies (Kings College, London); based on the data of 1 January 2011, there were 1,196 detainees in our country), and seeking to ensure that there would be as few violations and restrictions of the rights of these persons in closed institutions of restriction of liberty as possible, the Seimas Ombudsmen's Office intends to carry out monitoring of pre-trial detention (arrest) institutions in 2011. The plans for this year include visits to the Lukiškės Remand Prison, Kaunas Remand Prison, Kaunas Juvenile Remand Prison and Correction House, and the Šiauliai Remand Prison. Seeking to inspect the condition in the Kaunas Juvenile Remand Prison and Correction House, the plans are to cooperate with the Children's Rights Ombudsman's Office of the Republic of Lithuania.

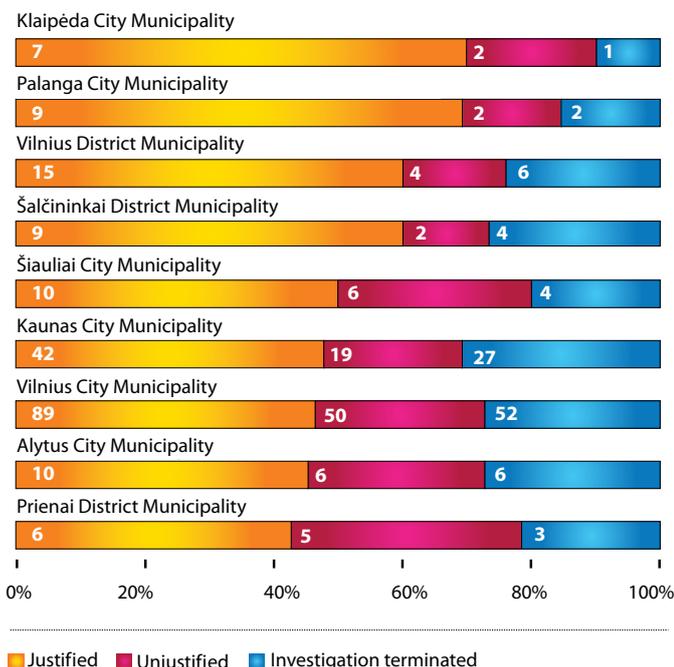
## COMPLAINTS REGARDING THE ACTIONS OF MUNICIPAL OFFICIALS

In 2010, the Seimas Ombudsman's Office received 391 complaints regarding the abuse of office by or bureaucracy of municipal officials. While investigating them, 540 problems were identified and a decision was made in respect of each of them. In total, 49% of complaints were recognised to be justified, i.e. the investigation established the facts of abuse of office, bureaucracy of officers or inappropriate public administration. 23% of complaints were recognised as unjustified (the described facts of inappropriate administration were not confirmed); in the case of 28% of complaints, the investigation was terminated after the establishment of certain circumstances.



Compared to 2009, many more complaints were recognised as justified last year; however, no obvious trend that there are received more and more justified applications every year has been noticed.

## BREAKDOWN OF INVESTIGATED COMPLAINTS BY MUNICIPALITY



The diagram includes only those municipalities where at least 10 complaints regarding the actions of officials were investigated. It should be emphasised that not a single complaint about the actions of municipal officials was received in Birštonas, Rietavas, Kalvarija, Kazlų Rūda, Pagėgiai, Pakruojis and Šakiai District municipalities.

## BREAKDOWN OF COMPLAINTS BY SUBJECT MATTER:

Problem	complaints investigated (%)
Right to good public administration	36
Right to a secure and ecological environment	21.5
Right to housing	12
Right to ownership	10
Consumer rights	6
Right to social security	5
Right to education	3
Right to health care	2
Other rights	4.5

By comparing data of 2009 and 2010, it has been concluded that the percentage of complaints about violations of the right of individuals to good public administration increased slightly (34.5% in 2009). Those were the claims regarding the service provided to citizens, application examination procedure, deadlines, violations of procedures, inappropriate investigation of a complaint or application, inappropriate enforcement of legal acts, non-compliance with legal acts, violation of the right to obtain information, infringements in the issuance of permissions, licences and statements, etc.

The number of complaints regarding violations of the right to a secure and ecological environment increased by 1.5% in 2010. In most cases, dissatisfaction was voiced in respect of detailed territory planning, ongoing construction, reconstruction and repair works, road building, state supervision of construction, and waste management.

Although there had been an obvious increase in the number of complaints regarding the violated right to housing over the past few years, the quantity of such complaints decreased by 3% in 2010. Most frequently, individuals were dissatisfied with state support to acquire or rent housing, rental of social housing in municipalities, and administration of objects for common use in multi-apartment buildings.

There were also no changes in the trend established over last few years – the number of infringements of the right to ownership is decreasing. The rate of complaints in this category, compared to 2009, decreased by 4%. Those were mainly applications regarding the issues of restoration of ownership to existing real estate, or more specifically, the restoration of ownership to urban land or buildings. Quite a large share of complaints was received in respect of the management, use

and disposal of municipal property, purchase and sale of state-owned land, determination of limits of land plots, etc.

Compared to the previous year, there was a 2% increase in the number of complaints about violations of consumer rights in 2010. Those were mostly related to poor-quality services in the fields of heat and drinking water supply, incorrectly calculated remuneration for provided services and taxes, imposition of fines, and calculation of penalties. There were almost no changes in the subject matter of complaints about infringements of the right to social security. In most cases, individuals were dissatisfied with social support for families and children.

There was an obvious increase in the number of complaints regarding violations of the right to education. In most cases, those included applications regarding the activities of general education (primary, basic and secondary) and informal education schools.

## MONITORING OF HUMAN RIGHTS SITUATION IN CLOSED DETENTION INSTITUTIONS

Seeking to ensure the protection of rights of individuals placed in imprisonment and mental institutions and other similar establishments, the Monitoring Group of Human Rights Situation in Closed Detention Institutions further continued its activities in 2010. Last year visits were paid to Pravieniškės Correction House No. 3, the Šiauliai Remand Prison, Lukiškės Remand Prison, and Hospital of Imprisonment Institutions.

To sum up information collected during the visits paid to the closed detention institutions, it must be stated that the problems related to the detention conditions, provision of catering and medical service are still very sore points.

Recommendations were made to take measures in order to ensure the living conditions for detainees and convicts that would comply with the legal acts regulating the requirements for provision of catering. This recommendation provided by the Ombudsman was taken into consideration. The Director of the Hospital of Imprisonment Institutions informed the Seimas Ombudsman that catering for detainees and convicts will be provided in strict compliance with the provisions of the Rules for Provision of Catering, and a dry food ration will be given to persons who have arrived in hospital under convoy at their written request, when there is no possibility to ensure catering for them according to the established regime.

During the reporting period, the Seimas Ombudsman received a number of complaints from detainees and convicts regarding the availability and quality of health care services provided in imprisonment and pre-trial detention institutions. Taking due account of the material collected during the investigation of complaints about the diagnosing and treatment of hepatitis B, hepatitis C and hepatic steatosis (fatty liver) in imprisonment institutions, the Seimas Ombudsman conducted an investigation on his own initiative into the potential violation of the rights of detainees and convicts to health care.

The Seimas Ombudsman proposed to the Ministry of Health and the Ministry of Justice to analyse the identified problem and take measures to ensure that medical examinations, consultations and treatment would be available to detainees and convicts who have hepatitis B, hepatitis C and hepatic steatosis and other hazardous diseases the way they are available to individuals outside imprisonment institutions. Implementing the monitoring of human rights situation in mental health institutions, Seimas Ombudsman Romas Valentukevičius conducted an investigation into the right to defence of persons with mental disabilities, when the issues related to their compulsory hospitalization and treatment are considered, in eleven mental institutions. The investigation examined how the right to effective and efficient judicial remedy is ensured for compulsorily hospitalised individuals, what is the procedure of hospitalisation, how the individual, his/her representative and family members are informed about this, how the individual's right to be heard by the administration of the mental institutions is ensured, and what is the procedure for application for the provision of secondary legal assistance to individuals, etc.

The investigation revealed that, even if the Law on Mental Health Care embodies the patient's right to be heard and participate in legal proceedings where the issues related to his or her compulsory hospitalization and treatment extension, in reality, there has been no mechanism indicating how this should be done designed yet.

The Seimas Ombudsman applied to the Ministry of Health of the Republic of Lithuania with the proposal to draft and approve a detailed procedure regulating compulsory hospitalisation and treatment as well as to define the content and form of information to be provided to the patient and/or his/her representative. The Ministry of Justice was proposed to consider potential efficient measures ensuring the right for compulsorily hospitalised individuals to effective and efficient use of state-guaranteed secondary legal assistance. The aforementioned ministries were proposed to cooperate in considering the possibility of improving the legal acts governing the procedure of compulsory hospitalisation applicable in mental institutions in order to ensure the right of individuals whose compulsory hospitalisation and compulsory treatment are being resolved and/or their representatives to participate in legal proceedings where these issues are considered and be heard in person.

Almost all of the recommendations provided by the Seimas Ombudsman were taken into account. A draft description of the compulsory hospitalisation procedure was prepared and is being coordinated with the Ministry of the Interior of the Republic of Lithuania and the Ministry of Justice of the Republic of Lithuania, the possibilities of improvement of the Law of the Republic of Lithuania on Mental Health Care and the measures ensuring the right to effectively use state-guaranteed secondary legal assistance are being considered.

Physicians psychiatrists working in mental institutions were acquainted with the statement issued by the Seimas Ombudsman, the internal procedure rules of mental institutions were improved in order to ensure the provision of detailed information about compulsory hospitalisation and treatment, conditions were created for each

and every patient or his/her representative to exercise the right to state-guaranteed secondary legal assistance, and contact details of state-guaranteed legal assistance services are published on notice-boards of the respective divisions of these institutions.

## RECEPTION OF CITIZENS IN THE SEIMAS OMBUDSMEN'S OFFICE

The main function of the Reception Office is to efficiently provide applicants with information and assistance necessary for resolving issues that are relevant to them. The Reception Office is visited on a daily basis by people who have lost their hope while attempting to resolve issues that are relevant to them. The Reception Office is visited on a daily basis by people who have lost their hope to clarify problems that are of concern to them in other institutions.

Irrespectively of the fact that the state provides free legal assistance, there are individuals to whom this assistance should not be provided but they cannot afford paying for it to the lawyer. In this case, the Reception Office of the Seimas Ombudsmen's Office remains the last resort in terms of legal assistance for many low-income individuals. In 2010, the Seimas Ombudsmen's Office provided legal consulting to 1,038 persons.

Sometimes it is sufficient to provide information to a person where he or she should apply in order to have his or her problem resolved; specialists of the Reception Office often help applicants to understand better one or another provision of the legal act – then the problem is resolved in the very institution. Applicants often apply to the Reception Office after having received dissatisfactory replies from the respective institution, or where they are unable to understand the content of such replies due to excessively complicated legal language. In cases where such a problem has arisen, the content of the received letter is explained to the person in simple and easily understandable terms. Information is often provided on the procedure for lodging complaints against decisions made by the respective institutions. At the Reception Office, the applicant who is incapable of expressing his or her thoughts in writing, or is unable to describe the circumstances of the complaint due to certain reasons always receives assistance in writing a complaint.

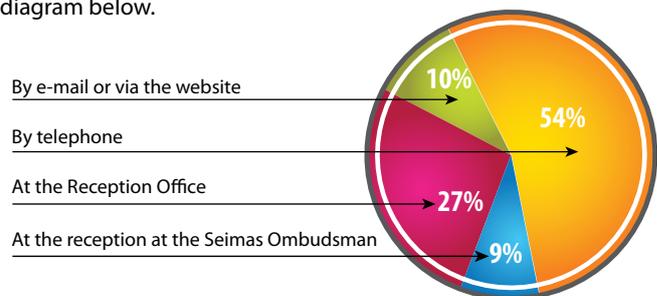
Frequently, one has to give brief and understandable explanations on whether the Seimas Ombudsmen are competent to resolve issues that are of concern to a particular person. If it is determined that it would be better to resolve the applicant's problem in any other institution, explanation is given to which other institution the person should apply, the address and telephone number of that institution are indicated, and, according to possibility, information on which documents should be submitted is provided.

The Seimas Ombudsmen receive citizens at the Reception Office once per month. In 2010, they received more 100 persons who submitted various complaints.

The majority of applicants contact the Reception Office by telephone. In 2010, consultations over the phone were given to 620 applicants. Furthermore, specialists of the Reception Office also provide consultations and information by replying to letters or enquiries sent

by applicants by electronic mail. More and more people contact the Seimas Ombudsmen's Office in an electronic way or request advice on the website of the Office at [www.lrski.lt](http://www.lrski.lt). In 2010, consultations via such media were provided to 114 persons.

The most popular methods of enquiries in 2010 are provided in the diagram below.



## THE ISSUES MOST FREQUENTLY RAISED BY APPLICANTS IN THE RECEPTION OFFICE OF THE SEIMAS OMBUDSMEN'S OFFICE INCLUDE VIOLATIONS OF RIGHTS IN THE FIELD OF PUBLIC ADMINISTRATION:

Problem	number of times contacted
Right to good public administration	318
Right to ownership	300
Regarding progress and results in investigating complaints	152
Consumer rights	88
Right to a secure and ecological environment	87
Right to social security	87
Right to housing	76
Right to personal and public security and assurance of public order	60
Right to a fair trial	47
Right to health care	24
Rights of persons whose freedom is restricted	23
Other rights	40

## SOLUTIONS TO THE ISSUES OF CONCERN TO APPLICANTS AT THE RECEPTION OFFICE OF THE SEIMAS OMBUDSMEN'S OFFICE:

Measures	number of times contacted
Information provided	418
Legal consultation provided	221
Explanation, advice	161
Referral to another institution	87
Complaint accepted	83
Problem resolved on the spot	18



## ACTIVITY REPORT OF SEIMAS OMBUDSMAN

### Romas Valentukevičius

#### FOR 2010

### INTRODUCTION

The purpose of activities of the Seimas Ombudsmen of the Republic of Lithuania is to protect a person's right to good public administration securing human rights and freedoms, to supervise fulfilment by state authorities of their duty to properly serve the people. The Seimas Ombudsman seeks to achieve this objective by investigating complaints submitted by applicants regarding alleged abuse of office, bureaucracy or other violations of human rights in the field of public administration as well as by acting as an intermediary between citizens or legal entities and state institutions and agencies and resolving problems encountered by Lithuania's citizens, residents or legal entities in communication with Lithuanian public administration institutions.

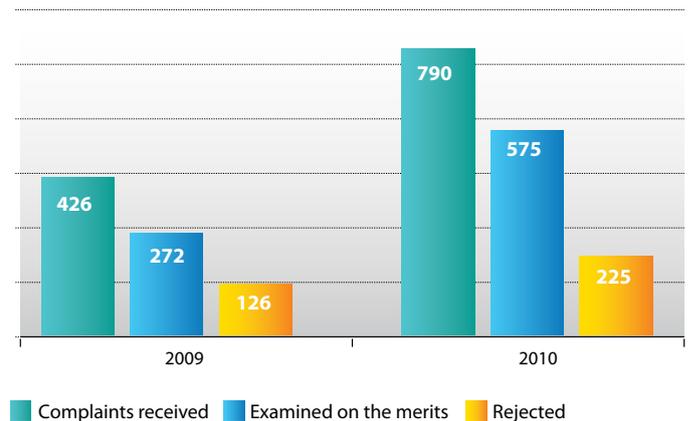
The Seimas Ombudsman is a certain alternative to courts. When applicants come across a problem related to public administration, they decide on where to seek help – to apply to the Seimas Ombudsman, or to court. The applicant has such a right because both of these measures are effective; however, the application to the Seimas Ombudsman is simpler and there are no strict and rigid rules set for this purpose and, which is particularly relevant and not less important – through mediation of the Seimas Ombudsman, identified problems may be resolved in good will within, as mentioned above, a very short period of time

at no cost to the applicant. Having observed a violation of the rights in the field of public administration, the Seimas Ombudsman may stop it quickly and efficiently and restore the violated rights of public entities by commencing an investigation on his or her own initiative.

### STATISTICS

The year 2010 was particularly significant for the Seimas Ombudsman. During last year, not only the role and authority of the Office was strengthened among the public, state institutions and agencies but also equally good results were achieved in performing direct functions assigned to the Seimas Ombudsman – to investigate complaints regarding abuse of office and bureaucracy of officials of state institutions and agencies or otherwise violated human rights and freedoms in the field of public administration.

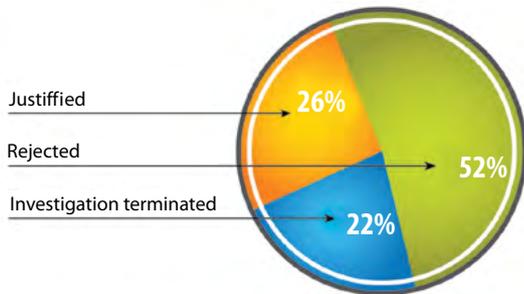
#### Complaints Received/Investigated



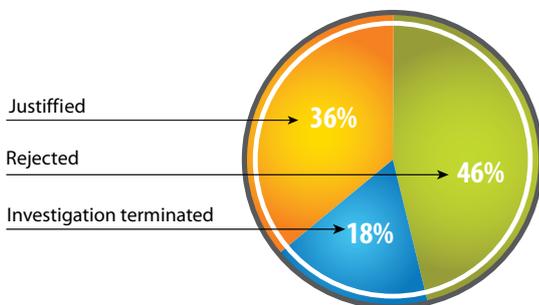
As it can be seen from the column diagram given above, the Seimas Ombudsman received 790 complaints during the 2010 reporting period. As of 1 January 2010, there were 92 uninvestigated complaints received in 2009; meanwhile, as of 31 December 2010, the number of complaints being investigated was only 82. Based on the grounds provided by the law, the Seimas Ombudsman dismissed only 225 complaints by providing detailed explanations to applicants regarding the most effective remedies, whereas 575 complaints were examined on their merits. Having compared these data with those of the previous reporting year, i.e. 2009, there is a significant increase in the number of complaints.

However, growth can be observed not only in the number of complaints received but also in the number of complaints investigated on their merits. If one looked at percentage diagrams of decisions made in 2009 and 2010, it could be seen that the number of dismissed complaints decreased by 6%, the number of justified complaints grew by 10%, and there was a 4% drop in the application of investigation.

## Decisions made in 2009

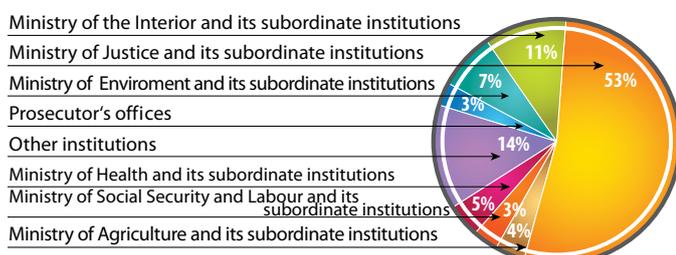


## Decisions made in 2010



## Breakdown of Complaints Investigated on Their Merits by Institution

It can be seen from the percentage diagram showing the breakdown of complaints investigated on their merits by institution that the Ministry of Justice and its subordinate institutions take the leading position and account for 53%. However, it is noteworthy that this situation was determined by the large number of complaints received in relation to the actions of officers of the Prison Department and pre-trial detention and correctional institutions subordinate to it. The Prison Department is subordinate to the Ministry of Justice. Obviously, in this case applicants were persons whose freedoms were restricted, and the main reasons for their complaints were the inappropriate living and care conditions. In this context, the Ministry of the Interior and its subordinate institutions, which are in the position that is identical to that of the Ministry of Justice, should be mentioned as well. The Police Department with its subordinate territorial police commissariats falls within the jurisdiction of the Ministry of the Interior; therefore, the Ministry of the Interior is among the institutions that are relatively frequently complained about.



## BREAKDOWN OF COMPLAINTS INVESTIGATED ON THEIR MERITS BY SUBJECT MATTER

Problem	number of times contacted
Rights of citizens whose freedom was restricted	44
Right to good public administration	26
Right to personal and public security and assurance of public order complaints	7
Consumer rights	6
Right to ownership	3
Right to a secure and ecological environment	3
Right to a fair trial	3
Right to health care	3
Other rights	5

## Recommendations Provided by the Seimas Ombudsman and Implement Thereof

Having completed the investigation of a complaint, the Seimas Ombudsman has the right to submit to the respective institution one or several proposals (recommendations) as provided in the Law on the Seimas Ombudsmen. It can be seen from the table of recommendations that, during the 2010 reporting period, the Seimas Ombudsman made 350 recommendations of different types. As in the previous year, the largest number of recommendations was provided in order to draw the attention of officials to issues and propose to take certain measures. However, the Seimas Ombudsman submitted a number of proposals to the Seimas, the Government and other institutions so that laws or other legal acts restricting human rights and freedoms are amended.

Whether an institution takes into consideration a proposal (recommendation) of the Seimas Ombudsman depends on both the legal arguments provided in the Seimas Ombudsman's statement and his or her ability to persuade as well as on the ability of the institution to admit that it has not done everything that it had to do according to its competence and the purpose of that particular institution.

Recommendations provided by the Seimas Ombudsman are not binding; however, they are implemented and this shows that the legal arguments presented by the Seimas Ombudsman are persuasive and entities of public administration perceive the necessity of implementation of the Seimas Ombudsman's proposals in order to eliminate the identified problems.

Statistics show that even 92% of the recommendations provided by the Seimas Ombudsman were taken into account. Due account was not taken of 1% of the recommendations; however, it is noteworthy that the respective institutions or officials did not take into consideration the recommendations by the Seimas Ombudsman due to the hard economic condition of the country, which triggered off

reductions in financing provided to various institutions as they had no financial possibilities to react adequately to the recommendations provided by the Seimas Ombudsman.

## OVERVIEW OF MAJOR INVESTIGATIONS CONDUCTED BY THE SEIMAS OMBUDSMAN BY SUBJECT MATTER

The success of the activities of institutions of democratic government depends on public support. Therefore, it is vital that governmental institutions work for public interests, foster commonly accepted values in society, respect the rights of citizens, and take into account their expectations. Sometimes the fairness and honesty of civil servants is valued more than their competence. For this reason, it is very important that entities of public administration adopt decisions in compliance with the provisions of the legal acts, respect human rights and freedoms, and behave in a non-bureaucratic manner.

In the Seimas Ombudsman's opinion, cooperation, decentralisation and problem prevention tend to become more relevant in the field of public administration than traditional hierarchy, centralisation, and control. The Seimas Ombudsman always invites governmental institutions to cooperate and resolve together any issues that have arisen, if they are not certain themselves regarding the justice of the decision made, and is open to everyone who seeks to ensure that human rights are not violated.

### RIGHT TO GOOD PUBLIC ADMINISTRATION

The Law of the Republic of Lithuania on Public Administration contains the definition of public administration and sets forth the principles of public administration. In order for public administration to be deemed appropriate, entities of public administration must carry out their activities in compliance with the following principles of public administration: supremacy of law; objectivity; proportionality; absence of abuse of power; institutional assistance; efficiency, subsidiarity, and "one-desk".

Good public administration is associated with public trust in government and its individual institutions, democracy, and even the state itself. Entities of public administration form an intermediate link between citizens and political government. When dealing with various matters, citizens first of all face not the supreme government but entities of public administration, which perform the respective functions, and which, while being between political government and citizens, must feel great responsibility. They must duly represent the interests of citizens and together with them implement the scheduled policy. The public administration system and civil servants must guarantee the right of citizens and other persons to a fair and objective examination of their applications in public administration institutions and reasonable resolution thereof as well as the possibility of lodging a complaint against an adopted decision.

It is noteworthy that, in 2010, the largest number of violations were violations of the right to good public administration, namely, inappropriate investigation of a complaint or an application, violation of the right to obtain information, violation of deadlines set for the investigation of complaints, failure to comply with legal acts, conflicts with the applicable legal acts, and contradictions, faults, etc. of legal acts.

### RIGHT TO A SAFE AND ECOLOGICAL ENVIRONMENT

During the reporting period, the Seimas Ombudsman found a number of violations of the right to a safe and ecological environment. Those include the violations committed by the actions (omission) of an entity of public administration mainly in the area of territory planning and construction supervision.

The main reasons, which, in the Seimas Ombudsman's opinion, determined the occurrence of these violations in 2010 were as follows:

- the transfer of functions from the county governor's administrations (the non-awareness of employees of what will be next hindered the performance of their direct functions, not all documents, including complaints and applications submitted by applicants, were handed over to the institution taking over the rights and duties);
- increased workload;
- ignorance of applicable legal acts, lack of competence;
- potential external influence, insufficient internal administration.

Since 1 January 2010 the functions of territorial planning and state supervision of construction, which had been performed by the county governor's administrations until 31 December 2009, were handed over to the State Territorial Planning and Construction Inspectorate under the Ministry of Environment (hereinafter referred to as the "Inspectorate"). It should be mentioned that the majority of employees who were employed in county governor's administrations and performed the functions of territorial planning or state supervision of construction, were transferred by way of rotation to the Inspectorate.

It should be emphasised that most often officials, who failed to comply with the provisions of the legal acts regulating state supervision of construction and this infringed the right of applicants to a secure and ecological environment, received the respective orders while still working in county governor's administrations, even though the violations were detected while they were working in the Inspectorate already.

The Seimas Ombudsman favourably evaluates cooperation with the management of the Inspectorate, which efficiently and adequately responds to critical comments, proposals (recommendations) and takes any measures to ensure that officials who were transferred from county governor's administrations to the jurisdiction of the Inspectorate, improve their qualifications and comply with the legal acts securing the performance of functions.

## RIGHT TO HEALTH CARE

Article 53 of the Constitution of the Republic of Lithuania declares: "The State shall take care of people's health and shall guarantee medical aid and services for the human being in the event of sickness. The procedure for providing medical aid to citizens free of charge at State medical establishments shall be established by law. The State shall promote physical culture of society and shall support sport. The State and each person must protect the environment from harmful influences."

The Seimas Ombudsman pays special attention to violations of citizens' rights in one of the most sensitive areas – in the fields of health care and the right to a secure and ecological environment, i.e. it is not restricted to the investigation of citizens' complaints received at the Office. During the 2010 reporting period, the Seimas Ombudsman initiated a number of investigations on his own initiative based on information about potential violations of human rights presented in the media. In the opinion of the Seimas Ombudsman, activities of state institutions must be oriented towards the needs for the protection and implementation of human rights.

The mission of the Ministry of Health is to form and implement health policy ensuring public health, the high quality of wellness activity and rational use of resources. To ensure accessible and high-quality health care – one of the strategic objectives of this institution.

However, the Seimas Ombudsman lacks the overall understanding that the purpose of activities of our health care system is a healthy person who is one of the most important evaluators of results of the work of medical treatment institutions.

During the reporting period, the largest number of violations was related to the non-provision or inadequate provision of health care services. It is believed that these changes were conditioned by:

- the lack of funds;
- insufficient legal regulation;
- the lack of qualified physicians;
- workload, indifference, and negligence.

## LAND REFORM

Since 1 July 2010, the Seimas Ombudsman's workload has grown even more as he had to examine complaints submitted by applicants regarding the restoration of ownership rights to land and other land management issues. It should be mentioned that complaints falling in this category are usually complex, encompassing several areas, i.e. restoration of ownership rights, determination of land plot limits, control of cadastral surveys of land plots, control over the use of land, etc.; therefore, they require a lot of work.

After having investigated complaints assigned to this category for only six months, it is complicated to make deeper summaries and conclusions about the problems existing in this field; however, following the examination of the problems related to the restoration

of ownership rights to land as previously identified by the Seimas Ombudsman and after having evaluated the complaints that were investigated during this short period, it can be stated that irrespectively of the fact that the restoration of ownership rights is nearing completion, the problems in this field remained similar:

1. Poor-quality designing at the time of restoring the ownership rights. The problem usually manifests itself where, after cadastral surveys of returned land plots, the lack of area is established according to the measurements; the incorrectly determined limits of land plots and land plots cover each other and land plots are designed without access roads.
2. The incorrect accounting for the stock of unoccupied state-owned land. Land plots attributed to the land redeemed by the state are included into land plots to be returned or transferred free-of-charge into the ownership.
3. Supplements to land management projects under the land reform are rarely published, and the preparation and implementation thereof are time-consuming. Currently, this problem could be identified as financial due to the lack of funds for the designing and implementation works.
4. Inappropriate application of legal acts.
5. Public administration problems, where citizens are not provided or are provided with inappropriate information in the process of restoration of ownership rights.

## COMPLAINTS REGARDING THE ACTIONS OF OFFICIALS OF THE MINISTRY OF JUSTICE AND ITS SUBORDINATE INSTITUTIONS

As it can be seen from the aforementioned statistical data given above, the largest number of complaints was submitted in relation to the Ministry of Justice. However, it is noteworthy that this Ministry, just like the Ministry of the Interior, took the leading position only because it is responsible for activities of the Prison Department and its subordinate institutions. Thus, the largest quantity of complaints was received in relation to the rights of convicts and detainees.

The complaints submitted by detained and convicted persons placed into remand prisons and imprisonment institutions accounted for a significant share of the complaints investigated by the Seimas Ombudsman. It should be noted that Seimas Ombudsman Valentukevičius has been investigating these complaints since the beginning of 2010, when the number of the Seimas Ombudsmen was reduced so that there were only two Seimas Ombudsmen left instead of the five ones working previously.

Upon comparison of the subject matter of complaints falling into this category with the subject matter of complaints received during the reporting period, it should be stated that there were almost no changes. The complaints that were most frequently submitted and recognised as justified were those of persons whose freedom was restricted and the complaints regarding the conditions in detention

and imprisonment institutions. The main problem is that the buildings of many imprisonment institutions and remand prisons were constructed during the Soviet times and they do not conform to the modern construction technical requirements and hygiene norms. Seeking to ensure that the buildings of imprisonment institutions meet modern requirements, they must undergo a complex reorganisation, or new ones have to be built.

On a number of occasions, the Seimas Ombudsman stressed that the detention of convicts under the conditions that do not meet the requirements of standard legal acts may cause negative physical and psychological experiences and trigger off inhuman or degrading treatment or punishment and thus result in a violation of Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

However, seeking to modernise imprisonment institutions within the shortest possible period of time at as little cost as possible so that they meet the requirements of Lithuanian hygiene norms and other legal acts as well as effective implementation of tasks entrusted to imprisonment institutions, sufficient funding will be necessary. Having perceived that the problem of insufficient financing is relevant, particularly, during the hard times, I have drawn the attention of the respective institutions to this problem.

In addition, it should be noted that various saving measures were applied during the hard times, and this caused an increase in the complaints falling within this category as they were directly influencing both convicts and detainees and, in a certain sense, restricted their rights. The aforementioned measures include the decision to impose a charge on electric appliances used by the persons in imprisonment institutions; the restriction on the supply of electricity to imprisonment institutions in the daytime, etc.

## COMPLAINTS REGARDING THE ACTIONS OF OFFICIALS OF THE MINISTRY OF THE INTERIOR AND ITS SUBORDINATE INSTITUTIONS

As in the previous year, the Seimas Ombudsman received a significant number of complaints regarding the actions of officials of the Ministry of the Interior and its subordinate institutions in 2010. It is noteworthy that the majority of these complaints were the complaints regarding the actions of officers of the Police Department and its subordinate territorial police institutions. Compared to the previous year, the subject matter of complaints falling into this category did not undergo any major changes. The total number of complaints was dominated by the complaints regarding allegedly illegal actions of police officers, potential use of physical and psychological violence, delay in pre-trial investigations, and detention conditions in the country's police commissariats.

### SUMMARY

In 2010, the Seimas Ombudsman's workload increased significantly as his activities covered a number of fields which were supervised by

other Seimas Ombudsmen. As it can be seen from the information provided in the Activity Report of the Seimas Ombudsman in 2010, good results were achieved in examining applicants' complaints, irrespective of the significant increase in the workload.

During the next year of the Seimas Ombudsman's activities, it will be sought to shorten the time-limits set for the investigation of complaints. Every year the time-limits set for the investigation of complaints were shortened, which shows the achievement of the set targets, and even in the 2010 reporting year, when the number of complaints doubled, the time-limits set for investigation became shorter. Thus, the Seimas Ombudsman will further continue to keep up the pace of implementation of the set tasks.

The Seimas Ombudsman paid major attention to cooperation with state institutions and agencies. During the reporting period, meetings were held with officials from the State Territorial Planning and Construction Inspectorate under the Ministry of Environment, the Ministry of Social Security and Labour, the Disability and Working Capacity Assessment Office under this Ministry, the National Paying Agency under the Ministry of Agriculture, some correction houses and the Hospital of Imprisonment Institutions. All of this encouraged a better mutual understanding and compatibility of attitudes towards violations of human rights and freedoms in the area of public administration and improved interinstitutional cooperation and public administration in Lithuania; therefore, the programme for cooperation between the Seimas Ombudsman and state institutions and agencies will be further continued. The main target of such cooperation is to reduce bureaucracy and abuse of office to the minimum and to maximally improve the overall public administration.

In the 2010 reporting year, a new type of complaints, i.e. complaints related to renewable energy resources, reached the Seimas Ombudsman. As the use of renewable energy resources is one of the main objectives of the independent energy policy of the Republic of Lithuania but legal regulation has not been properly prepared yet, there is no systematic and assured cooperation between state and municipal institutions and agencies in this field, the Seimas Ombudsman will have to pay a lot of attention to this particular field and related complaints next year.

One of the main goals next year will be to strengthen even more the authority of the institution and to seek that the public would be more aware of the Seimas Ombudsmen and that ordinary citizens could and knew where they should apply in cases where entities of public administration infringe their rights. Furthermore, it will be actively sought to ensure that not only natural persons but also legal entities would apply to the Seimas Ombudsman, as in market economy healthy business and the possibility of attracting as many foreign investors as possible are very important, and for this purpose entities of public administration must be very flexible and particularly transparent. All of this would ensure a larger number of investors and growing business, which would have a positive impact on the recovery and growth of the economy. Therefore, the Seimas Ombudsman will continue to make every effort to help legal entities which come across inappropriate work of state officials.



## ACTIVITY REPORT OF SEIMAS OMBUDSMAN Augustinas Normantas FOR 2010

During the reporting period, Seimas Ombudsman Augustinas Normantas investigated complaints regarding the activities of all municipal institutions and officials of the Republic of Lithuania.

The major investigations conducted in 2010 can be divided into the following fields:

1. Land management and administration.
2. Restoration of ownership rights to land.
3. Public administration.
4. State support to acquire or rent housing.
5. Provision of high-quality services.
6. Social support.
7. Supervision and control of the activity of administration of common use objects of multi-apartment buildings.
8. Territorial planning.
9. Construction.
10. Local charge for the collection and management of municipal waste.
11. Reorganisation of the general education school network.
12. Improvement of the legal situation of the disabled.

### 1. LAND MANAGEMENT AND ADMINISTRATION

To sum up the investigations conducted in relation to land management and administration, the following main problems could be distinguished:

1. Inadequate designing of general-purpose roads of local significance.
2. Delay in changing the boundary of administrative territorial division.
3. Inappropriate performance of the function of state control over land use.

Violations of the deadlines for the verification and coordination of land plot cadastre data.

A specific example related to these problems is provided below. The Seimas Ombudsman was contacted by the sole proprietorship M, the owner of which explained that the officials of the Tauragė District Municipality refused to resolve the issue related to the formation of a land plot necessary for the use of the buildings owned by that proprietorship.

The investigation conducted by the Seimas Ombudsman revealed that the imperative requirement of the legal acts that the territorial boundaries of residential areas may not run through a building is violated. In the case in question, it was established that the boundary of the Tauragė town runs through the building owned by the applicant and, as a result of this, officials refuse to form a land plot for the use of this building.

With a view to resolve the problem raised in the applicant's letter, a meeting of responsible institutions was organised at the Ministry of the Interior. It was stated that, first of all, the boundary of the Tauragė town running through that particular building should be changed. Only after the procedures for the change of the administrative boundary of the town have been completed, the formation of the land plot which is necessary for the use of the building is possible. Taking due account of these conclusions, the Seimas Ombudsman recommended to the Mayor of the municipality to initiate the consideration of the issue related to the change of the boundary of the town. Implementing the recommendation provided by the Seimas Ombudsman, the municipal council adopted the decision to change the boundary of the Tauragė town.

### 2. RESTORATION OF OWNERSHIP RIGHTS TO LAND

To sum up the completed investigations into the restoration of ownership rights to land, the following main problems could be distinguished:

1. Inappropriate restoration of ownership rights to land in rural areas.
2. Inappropriate restoration of ownership rights to land in urban areas.

### 3. PUBLIC ADMINISTRATION

The largest number of complaints investigated by the Seimas Ombudsman during the reporting period was comprised of complaints regarding violations of individuals' rights to good public administration.

Investigating complaints submitted by individuals regarding the violation of the right to good public administration, the Seimas Ombudsman seeks to formulate certain examples of good practice, i.e. the Seimas Ombudsman draws the attention of officials to inappropriate practice of examination of applications practically in each statement, whether it is directly related to the violation of an individual's right to public administration or not, and seeks to ensure that officials would learn from each statement issued by the Seimas Ombudsman to examine applications submitted by individuals in the most appropriate manner.

It should be emphasised that, while carrying out his activities, the Seimas Ombudsman places a particular focus on compliance with the requirements set in the Law on Public Administration, the Law on the Right to Obtain Information from State and Municipal Institutions and Agencies, and the Rules for Examination of Applications Submitted by Individuals and Their Service in Public Administration Institutions, Agencies and Other Entities of Public Administration (hereinafter referred to as the "Rules").

To sum up the completed investigations into public administration, the following main problems can be distinguished:

1. Examination of applications that do not fall within the competence of the Office.
2. Ungrounded refusal to provide information.
3. Non-compliance with the requirements set for an individual administrative act.
4. Violations of the time-limits set for the investigation of applications.
5. Non-compliance with the public consultation procedure.

Specific examples related to these problems and the most important recommendations regarding amendments to certain provisions of the legal acts regulating public administration are provided below.

The Law on the Right to Obtain Information from State and Municipal Institutions and Agencies requires that an individual must be provided with all information corresponding to the contents of the applications that must be provided under the legal acts, and if the institution refuses to provide information (for instance, the content of the application is not concrete, the same applicant asks repeatedly for the same information, etc.), the reason for the refusal to provide information and the procedure for lodging a complaint against this decision must be indicated to the applicant.

It is noteworthy that sometimes the requested information is not provided even to the members of the Seimas who are interested in the problems raised by the electors. The Seimas Ombudsman has established that the Administration of the Alytus District Municipality

unreasonably refused to provide the requested information to Member of the Seimas Antanas Nedzinskas regarding the termination of heating in the premises of the school, library and cultural centre; in addition, after it had decided not to provide the requested information, the aforementioned authority failed to indicate all of its motives in an appropriate and detailed manner (Report No. 4D-2010/4-46 of 6 June 2010 on the investigation conducted by the Seimas Ombudsman on his own initiative). The Mayor of the Alytus District Municipality was proposed to ensure that all enquiries submitted by members of the Seimas to the Alytus District Municipality would be properly examined by providing as detailed requested information as possible, and any misunderstandings that might have arisen would be resolved through communication with the member of the Seimas who has submitted an application.

#### *The Most Important Recommendations to Improve the Legal Acts Regulating Public Administration*

- The Seimas Ombudsman applied to the Human Rights Committee of the Seimas of the Republic of Lithuania and the Ministry of the Interior by proposing to supplement the draft Law amending the Law on Public Administration with the provision regarding the establishment of the criterion (principle) of completeness, i.e. the requirement that entities of public administration provide as complete responses to individuals as possible and reply to all the questions raised in the applications of individuals (Statement No. 4D-2009/4-1502 of 12 May 2010). The Ministry of the Interior was also recommended that it should consider the possibility of providing for the obligation of the entity of public administration which has received the application in the respective legal act to determine whether the enquiry received should be considered to be an application or a complaint. The Ministry of the Interior approved these proposals by the Seimas Ombudsman;
- The Seimas Ombudsman drew the attention of the Government to the fact that the Rules provide that in such cases where a person's application is not satisfied, the reasons for this must be indicated but they do not provide for the duty to inform the person about the procedure for lodging a complaint against the refusal to satisfy the application. Having emphasised that the embodiment of such requirement (to inform about the procedure for lodging a complaint) would contribute to the improvement of public administration, the Seimas Ombudsman proposed to resolve the issue related to improvement of the legal acts (Statement No. 4D-2010/4-99 of 22 April 2010). The recommendation of the Seimas Ombudsman was approved.

### 4. STATE SUPPORT TO ACQUIRE OR RENT HOUSING

Within this category of investigations, the investigation during which a recommendation was provided regarding the amendment to the

respective provisions of the Law on State Support to Acquire or Rent Housing and Renovate (Modernize) Multi-Apartment Buildings (hereinafter referred to as the "Law on State Support") could be distinguished.

Under the provision of Article 8(1) (effective until 23 October 2010) of the Law on State Support *the right to municipal social housing was enjoyed by families and persons whose income and property of the calendar year for a year before the application to include into the respective list of families and persons entitled to social housing and for a year before the provision of municipal social housing are lower than the income and property, the maximum amounts of which are established by the Government.*

Having investigated the complaint submitted by D. M. (Statement No. 4D-2010/4-740 of 7 October 2010) regarding the allegedly ungrounded requirement to move out from the rented social housing, the Seimas Ombudsman established that the Vilnius City Municipality did not approve the right of D. M. to the rent of social housing because her family's income exceeded the amount set by the Government by LTL 11,270. This decision was made by the municipal officials in compliance with the provision of Article 8(1) (effective until 23 October 2010) of the Law on State Support. In the conclusions of the investigation of the complaint, the Seimas Ombudsman drew attention to the fact that, in compliance with the current legal regulation, the temporary increase in the income of the individual entitled to social housing may result in the eviction of the person from the rented social housing, even though the individual's actual income (calculated for the past twelve months) does not exceed the amounts set by the Government. Thus, the situation where a person to whom social housing was rented is evicted despite the fact that the increase in his or her income is temporary and, upon eviction of the person, he or she must be included into the queue to rent social housing because his or her income does not exceed the amounts set by the Government. Taking due account of the fact, the Seimas Ombudsman noted that the respective amendment to the Law on State Support would increase the possibility of the needy to rent social housing and the persons renting such housing would not be evicted in case of a temporary increase in their income. Therefore, the Seimas Ombudsman proposed to the Chairperson of the Seimas to take measures in order to adopt the respective amendment to Article 8 of the Law on State Support to Acquire or Rent Housing and Renovate (Modernize) Multi-Apartment Buildings as soon as possible.

## 5. PROVISION OF HIGH-QUALITY SERVICES

To sum up the investigations conducted into the provision of high-quality services, the following main problems could be distinguished:

1. Inappropriate solution to applications regarding the withdrawal from the district heating system.
2. Inappropriate organisation of the supply of drinking water.

Specific examples related to these problems are given below.

Having examined the complaint by V. B. (Statement No. 4D-2010/4-461 of 22 November 2010) regarding the actions of officials of the Kaunas City Municipality in resolving issues related to the change of the method of heating of the multi-apartment building, the Seimas Ombudsman established that the solutions contained in the Heat Supply Special Plan approved by the municipal council provided that ecological heating methods (geothermal energy, solar energy, electricity, etc.) are possible within the entire territory of the municipality; however, the change of the method of heat supply for the existing heat customers within the district heating zone from centralised into decentralised (by disconnecting from the heat supply network) is considered to be non-compliant with the Special Plan. Meanwhile, Article 7(4) of the Law on Heat Sector imperatively provides that such heating methods are possible in the entire territory of the municipality. Taking due account of this fact, the Seimas Ombudsman stated that the legal regulation provided in the Heat Supply Special Plan is in conflict with the Law on Heat Sector. The Seimas Ombudsman proposed to the Mayor of the Kaunas City Municipality to immediately resolve the issue of harmonisation of the solutions of the Heat Supply Special Plan with the Law on Heat Sector.

## 6. SOCIAL SUPPORT

In 2010, the Seimas Ombudsman paid major attention to the investigation of complaints submitted by socially supported persons. In most cases, these individuals applied to the Seimas Ombudsmen with complaints regarding the allocation of social benefits, rent of social housing, heating costs, compensation for cold and hot water, etc.

Along with the aggravation of the economic situation, there was an increase in the number of individuals contacting social support divisions at municipalities. The Seimas Ombudsman examined a number of complaints about the non-allocation of monetary social support because the applicant owns by the right of ownership a land plot for agricultural purposes. In their complaints, the applicants indicated that they were not engaged in any kind of activity and therefore do not receive any income from the land plot, which means they should be granted social support. The Seimas Ombudsman drew the attention of these applicants to the fact that the legal regulation establishes that persons who have a land plot for agricultural purposes are considered to be persons who receive income from agricultural activities even if they are not engaged in the actual activities of this nature.

## 7. SUPERVISION AND CONTROL OVER THE ACTIVITY OF ADMINISTRATION OF COMMON USE OBJECTS IN MULTI-APARTMENT BUILDINGS

While performing an independent function of municipalities – the supervision and control of the activities of administrators (Article 6(42) of the Law of the Republic of Lithuania on Local Government)

appointed by the municipality where the owners of apartments and other premises do not establish the association of owners of apartments and other premises or do not conclude any joint activity agreement as well as where the association is liquidated or the joint activity agreement was terminated, municipalities check compliance of the activities of administrators of common use objects in multi-apartment buildings (hereinafter referred to as "administrators") with the requirements of the legal acts, place them under an obligation to act in the manner prescribed by the law, control the performance of obligations, etc.

To sum up the investigations conducted into the supervision and control by municipalities over the activities of administrators, the following main problems could be distinguished:

1. Incomplete inspection of implementation of ongoing maintenance of the building carried out by the administrator and of the mandatory requirements set for the use and maintenance of buildings, failure to provide obligations for the administrator, or the absence of control over the performance of provided obligations.
2. Insufficient control over the organisation of the decision-making process of owners of apartments of multi-apartment buildings.
3. Insufficient attention to the provision of proper information about the activities carried out by the administrator owners of apartments of multi-apartment buildings.
4. Inappropriate document processing by the administrator.

Specific examples related to these problems are given below.

Having examined the complaint by L. S. (Statement No. 4D-2010/4-60 of 08 April 2010), the Seimas Ombudsman established that the municipality failed to check whether the residents of the building were properly provided with information about the course of repairs on the building (whether advertisements containing information about the estimate of repair works and the delivery and acceptance certificate for the works performed, etc).

Having taken into account the fact that the Model Regulations for the Administration of Common Ownership of Owners of Apartments and Other Premises in 2010 provided that public information about the administration of their building must be provided to the residents of multi-apartment buildings not only on notice-boards but also on the administrator's website provided that he has it, the Seimas Ombudsman proposed to the Municipality to establish that all administrators must have their own websites, or if the administrator does not have his own website, the administrator publishes information to be published under the legal acts on the website of the Municipality. The Municipality informed that, by implementing the recommendations provided by the Seimas Ombudsman and seeking to establish stricter supervision and control of administrators, it will include the provision regarding the mandatory publishing of information on the website of the administrator or the Municipality into the new wording of the Model Regulations for the Administration of Common Ownership of Owners of Apartments and Other Premises.

## 8. TERRITORIAL PLANNING

To sum up the investigations conducted into territorial planning, the following main problems could be distinguished:

1. Inappropriate transfer of the rights and duties of the detailed territorial planning organiser.
2. Inappropriate ensuring of the publicity of territorial planning.

Specific examples related to these problems are given below.

The investigation conducted by the Seimas Ombudsman into the complaint of the residents of Puvočiai Village, Varėna District, against the Varėna District Municipality (Seimas Ombudsman's Statement No. 4D-2010/4-496 of 04 August 2010.). Following the investigation into the circumstances indicated in the complaint submitted by the applicants, it was concluded that the statements made by the applicants regarding the failure by the Administration of the Varėna District Municipality to carry out/carrying out improperly certain procedures ensuring the publicity of certain territorial planning procedures, were justified. Information about the commencement of the preparation of the detailed plan was published in a local newspaper with a lower run; the Seimas Ombudsman was not provided with the evidence confirming that the aforementioned information was published on the notice-board of the local neighbourhood; the owners of the land plots surrounding the planned territory were not informed about the commencement of preparation of the detailed plan in writing; the municipal officers failed to carry out available procedures ensuring the publicity of potential additional areas, etc.

The Seimas Ombudsman recommended that the Mayor of the Varėna District Municipality should take measures to ensure that the committed violations would not be repeated. Mayor of the Varėna District Municipality Vidas Mikalauskas informed the Seimas Ombudsman that special attention will be paid to ensuring the publicity of territorial planning when the territorial planning process is organised in the future.

## 9. CONSTRUCTION

To sum up the conducted investigations in relation to construction, the following main problems could be distinguished:

1. Inappropriate organisation of road asphaltting.
2. Inappropriate solution to the issue of pond installation.

Specific examples related to these problems are given below.

### *Inappropriate organisation of road asphaltting.*

The Seimas Ombudsman received a complaint from many residents of the Panevėžys City stating that, when asphaltting roads, access roads were built to the land plots owned by some residents, whereas no

such access roads were built for the others (Seimas Ombudsman's Statement No. 4D-2010/4-591 23 August 2010 and Statement No. 4D-2010/4-874 of 04 November 2010).

Upon completion of the investigation, it became clear that the Panevėžys City Municipality simultaneously organised asphaltting works on eleven streets. When carrying out road asphaltting works, the plans were to build accesses to the land plots of the residents but not in all the streets. The Administration of the Panevėžys City Municipality did not submit to the Seimas Ombudsman any arguments, based on which it could be concluded that the decisions adopted by the officials – to build access roads in some streets and not to build them in the others – are justified on the basis of objective circumstances.

The Seimas Ombudsman concluded that, when organising the implementation of the project "Asphaltting of Gravel Roads in the City of Panevėžys", the officials did not observe the principle of justice because they decided to build access roads in some streets and not to build them in the others. The Seimas Ombudsman also noted that the officials of the municipal administration, while solving the issues related to the installation/non-installation of accesses, should have avoided coincidences, self-will and contradiction of interests.

The Seimas Ombudsman recommended to the Mayor of the Panevėžys City to resolve the issue related to the building of accesses there where they had not been built before. The Mayor of the Panevėžys City Municipality informed the Seimas Ombudsman that this issue was considered at the meeting of the municipal council; however, the council did not approve the allocation of funds for the performance of the aforementioned works in 2011.

## 10. LOCAL CHARGE FOR MANAGEMENT OF MUNICIPAL WASTE

In 2010, there was a significant increase in the number of complaints related to a local charge for municipal waste management and other issues related to waste management.

To sum up the conducted investigations, it can be stated that municipalities were not ready for the introduction of a local charge: taxes are imposed on the residents who do not have any containers, no cases of non-application of the charge, where the structures are not used and do not generate any waste, have been provided, the adequate quality of the provision of the service is not ensured, etc. The Seimas Ombudsman discussed these issues with the heads of municipalities in the meeting of the Association of Municipalities held in the Ministry of Environment in October 2010.

The main problems related to a local charge for municipal waste management were addressed by the Seimas Ombudsman following the investigation conducted at his own initiative regarding the local charge applicable in the Prienai District Municipality (Investigation Report No. 4D-2009/4-1308 of 16 August 2010). The Seimas Ombudsman arrived at the following main conclusions:

1. A charge can be demanded only in such cases where the following special charge payment conditions are met: (1) waste is collected ((i) a waste collection container is properly delivered to the person, and (ii) waste from the waste collection container is actually and regularly removed); (2) the construction works is used. The requirement to pay the charge where at least one of the above conditions are not met is ungrounded.
2. Proper delivery of a container is comprised of the following aspects: (1) the person must accept the container (in the case of an individual container); (2) the person must be informed about the precise place of the container intended for him or her (in the case of a common container); (3) the distance between the person's homestead and the container intended for him or her must be rational (in the case of a common container). It is expedient to formalise the fact of delivery of an individual container in the form of a container delivery and acceptance certificate. The person must be informed about the precise place of the container against signature. In order to ensure that the waste management service is of the adequate quality, the permissible distance to the common container may not be exceeded.
3. In the case of the non-removal of waste, there are no clear and objective criteria, which would allow for the possibility to provide waste management services. Even if the single reason for the non-provision of the service is a poor access, it has not been determined what kind of roads are objectively considered to be inaccessible, and what kind of distance should be inaccessible. The problem of non-removal of waste could be resolved by acquiring a special transport that could access any homestead.
4. The fact of the non-use of construction works should be checked according to energy consumption.

## 11. REORGANISATION OF THE GENERAL EDUCATION SCHOOL NETWORK

In 2010, the Seimas Ombudsman also paid a lot of attention to the issues related to the reorganisation of the general education school network. The investigation conducted by the Seimas Ombudsman on his own initiative into the reorganisation of the general education school network covering some municipalities in the Counties of Kaunas, Panevėžys and Utena (Investigation Report No. 4D-2009/4-1068 of 25 August 2010). The Seimas Ombudsman made the following main conclusions:

1. The reorganisation of the school network should be carried out according to the general school network reorganisation plan. In case the general plan does not provide for the reorganisation of the respective school (including the restructuring of the internal structure) but the school is still reorganised, reasonable doubts arise as to the lawfulness of such reorganisation. It should be emphasised that decisions regarding the reorganisation of schools were based on the general plan not in all of the investigated municipalities.

2. When drafting the general plan or making any amendments to it, public consultations are mandatory. Consultations are comprised of several stages: (1) initial consultations in order to clarify the position of the public (community) on the issues related to the reorganisation of schools; (2) consultations after the preparation of the draft general plan; (3) consultations regarding the reorganisation of a particular school. It should be emphasised that minutes must be taken of meetings held (especially during the second stage). It is noteworthy that the majority of municipalities did not provide any information to the Seimas Ombudsman on the meetings held with the public.
3. The reasons for the reorganisation of schools may not differ from those indicated in the Criteria for Reorganisation, Liquidation and Restructuring of Schools. The restructuring of the internal structure of schools must be based on the Rules for the Creation of the School Network. It is noteworthy that, based on the explanations of municipalities and general plans, the reorganisation of schools was determined by other reasons than those specified in the legal acts.
4. Efforts must be made to retain the sufficient school network. One of the main criteria indicating the school network sufficiency is distances between schools (in the Seimas Ombudsman's opinion, the total distance (the sum of distances) from the school to the next two nearest schools should not exceed 25 km; if this distance is exceeded, then the respective school must be retained) and the number of schools in neighbourhoods (in the Seimas Ombudsman's opinion, there must be at least one independent school implementing the basic education programme; certainly, one should take into account whether the number of neighbourhoods in the respective municipality is not unreasonably large (in terms of the area of the neighbourhood and the population). It should be emphasised that in most municipalities schools are located in each neighbourhood, or they are not located in neighbourhoods that are located closer to the city. In this respect, the worst condition is in the Ignalina District Municipality.

## 12. IMPROVEMENT OF THE LEGAL SITUATION OF THE DISABLED

Two investigations conducted by the Seimas Ombudsmen, which are related to the improvement of the legal situation of the disabled, should be mentioned as well.

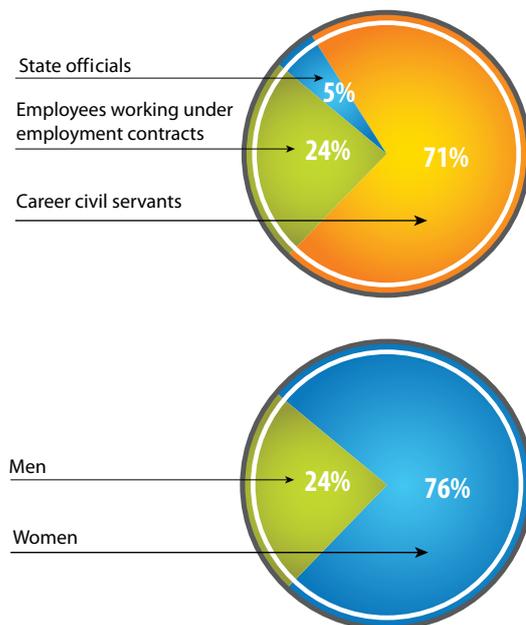
Following the investigation of the anonymous complaint filed by the disabled in Žagarė regarding the absence of the possibility to access the Žagarė outpatient clinic (Statement No. 4D-2010/4-9 of 13 May 2010), the Seimas Ombudsman, among other circumstances, established that the Seimas of the Republic of Lithuania had not ratified on behalf of Lithuania the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol adopted in the 61st session of the General Assembly of the United Nations in New York on 13 December 2007. The Seimas Ombudsman drew

the attention of the Chairperson of the Seimas to this circumstance. Taking due account of the recommendation provided by the Seimas Ombudsman, the Seimas passed Law of the Republic of Lithuania No. XI-854 on the Ratification of the United Nations Convention on the Rights of People with Disabilities and its Optional Protocol on 27 May 2010, which came into effect on 10 June 2010.

## ACTIVITIES OF THE SEIMAS OMBUDSMEN'S OFFICE OF THE REPUBLIC OF LITHUANIA

### 1. PERSONNEL OF THE OFFICE

As of 31 December 2010, there were 42 people employed at the Seimas Ombudsmen's Office: 2 Seimas Ombudsmen (state officials), 30 career civil servants, and 10 employees working under employment contracts. All officials and civil servants employed at the Seimas Ombudsmen's Office hold a university degree.



The average number of years in civil service of the civil servants employed in the Office is almost 14 years, the average number of employees is 43 years. There are 32 women and 10 men working in the institution.

The diagrams above indicate the personnel structure of the institution as of 31 December 2010.

### Implementation of the Project Funded by the European Social Fund

When the Seimas Ombudsmen's Office of the Republic of Lithuania signed the financing and administration contract on 29 Janu-



ary 2010, the Seimas Ombudsmen’s Office of the Republic of Lithuania launched the project **“Improvement of the Administrative Capacities of Civil Servants and Officials: the Ombudsman and Protection of Human Rights”** co-financed by the European Social Fund and the state budget of the Republic of Lithuania.

This project is aimed at contributing to the enhancement of the administrative capacities of civil servants by improving the qualifications of the specialists of the Seimas Ombudsmen’s Office. The project is sought to resolve the problem related to the enhancement of qualifications of specialists of this institutions that has arisen due to the lack of funds during the economic and financial crisis.

All training seminars directly contribute to the implementation of the strategic objectives of the institution as, only upon the deepening of the knowledge of employees of own institution and enhancement of their qualifications, it can be expected that we will be able to actively analyse the human rights situation in the Republic of Lithuania, to participate in creating an accessible, fair and responsible public administration system.

## 2. INTERNATIONAL COOPERATION

### Conferences, Seminars and Other Events Held Abroad

Although participation in international conferences, seminars and other events held abroad is very important due to the possibility to exchange acquired experience and examples of good practice as well as make new or renew old contacts, the Seimas Ombudsmen and other employees of the Office had an opportunity to participate only at six events held abroad. Furthermore, the organisers of the majority of such events fully or partially compensated for the travel and accommodation costs of the participants.

Seimas Ombudsman Augustinas Normantas participated in **the international conference “Ombudsman’s Role and Influence in the Strengthening of the Protection of Human Rights”, which was held in Tbilisi (Georgia)**. The event financed with the EU funds was organised by the Georgian Public Rights Defender’s (Ombudsman’s) Office. During the conference, the Ombudsman’s role in carrying out the monitoring of the application of laws and the arguments “for” and “against” the granting of authorisations to the Ombudsmen to carry out the supervision of procedural and administrative actions of courts and examples of good practice were exchanged in order to ensure the effective functioning of the Ombudsmen’s Office, and

the main challenges that are faced were formulated.

Seimas Ombudsman Augustinas Normantas also participated in **the two-day conference “Europe As An Open Society: Global and Overall Vision of the Phenomenon of Migration Between Countries” held by the International Ombudsmen’s Institute (IOI) for the European Region in Barcelona (Spain) and in the General Assembly**, during which the activity report, the mission, programmes and proposals regarding the reform of the Articles of Association were introduced, the election of two Board members was organised, and the seat was chosen for the conference and Assembly in 2014.

During the conference, two lectures were delivered and four practical workshops, the themes of which included the right to participate in the political life, children’s rights, and social exclusion – the consequences of the crisis as well as integration and assimilation. In the main part of the conference, the overall review of migration was presented: the prospect covering the countries in which people immigrate and those from which people emigrate, and the rights and duties of immigrants in multi-cultural society were discussed. In addition, discussions were held on the role of the Ombudsmen’s institutions in ensuring the compliance with the requirements of the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Behaviour or Punishment. In many European countries, the functions of the national prevention mechanism allowing for more effective defence of the rights of people detained in all closed institutions are assigned to the Ombudsmen’s institutions. Chief Specialist of the Document and Information Division Milda Balčiūnaitė participated in **the meeting of focal points of the Ombudsmen’s Offices of European countries organised by the European Ombudsman’s Bureau in Strasbourg (France) every two years and in the annual meeting of contact persons of the national human rights structures organised by the European Council Commissioner for Human Rights** held in the same venue but on a different date.

As earlier, the main objective of the meeting of European Ombudsman’s (foreign) relations specialists remained the same – to gather representatives from different countries performing similar functions so that they could exchange examples of good practice and help each other resolve various issues that they come across at their work. During the seminar, the following themes were addressed: “Meaning of the Lisbon Treaty in the Ombudsman’s Work”, “Linguistic Barriers to Free Movement Within the European Union”, “Interstate Health Care and Patient Rights”, and “European Ombudsmen’s Network”, etc.

The purpose of annual seminars organised by the European Council Commissioner for Human Rights is to strengthen the links with the National Human Rights Structures (Ombudsmen’s institutions, commissions, centres, etc.) in order to improve the work on both sides and dissemination of information between the aforementioned institutions and the Commissioner.

During the seminar, special attention was paid to the discussion of themes of seminars organised under the project “Equal to Equal” of the Office of the European Council Commissioner for Human Rights

and annual activity reports, assessment of the efficiency of regularly sent summarised information, and similar issues.

Adviser of the Monitoring Group of Human Rights Situation in Closed Institutions Lina Mališauskaitė represented the Seimas Ombudsmen's Office in **the regional seminar organised by the United Nations Chief Human Rights Commissioner's Office and the Government of the Republic of Slovenia in Ljubljana (Slovenia)** intended for global periodic review, and the Chief Specialist of the same Group Kristina Brazevič **participated in the seminar "Role of the National Human Rights Structures in Defending the Rights of People with Mental Disabilities" organised by the European Council Division of National Human Rights Structures and the Spanish Ombudsmen's Office in Bilbao (Spain).**

During the event held in Ljubljana, the global periodic review mechanism, the purpose of which is to get acquainted with the human rights situation in all the Member States of the United Nations (UN), without any exclusions. A global periodic review is quite a new mechanism that has been functioning only since 2008. It is conducted on the basis of the UN Charter, the Universal Human Rights Declaration and other treaties which the member state has acceded to.

The seminar was organised having regard to the fact that approx. 450 million of people worldwide suffer from mental disorders and this number is constantly growing due to social and economic problems (unemployment, homelessness, criminality, poverty, racial discrimination, violence, etc.).

In the seminar, the representatives of European national human rights institutions shared their experience in protecting the rights of people with mental disabilities, the international legal norms protecting the rights of people with mental disorders, the cases heard by the European Human Rights Court, the practical possibilities of ensuring the rights, and challenges faced in providing information about people with mental disabilities to the public and officials.

### Meetings with Human Rights Defenders From Other Countries

Every year not only individual persons from foreign countries but also delegations and officials of international organisations take interest in the Seimas Ombudsmen's Office, its activities, experience acquired and results achieved by the Lithuanian Ombudsmen.

**Head of the Office, Seimas Ombudsman Romas Valentukevičius had a meeting with Peter Sawchyn, Official of the USA State Department responsible for human rights.** The guest was accompanied by Tim O'Connor, Advisor on Political Issues at the USA Embassy in Lithuania, and Giedra Gurevičiūtė-Demereckienė, Specialist in Politics and Economics, at the USA Embassy in Lithuania. During the meeting, the Head of the Office Romas Valentukevičius presented the structure of the Seimas Ombudsmen's Office, specifics of the work of the institution, the position of this institution in the Lithuanian legal system, and problems addressed in the complaints submitted by the country's citizens. During the meeting, the

investigations initiated by the Seimas Ombudsmen on their own initiative, their significance and benefit for the citizens were discussed. The guest enquired how state and municipal institutions react to recommendations provided by the Seimas Ombudsmen, and whether they implement these recommendations. He was also interested in the activity reports of the Seimas Ombudsmen, the preparation and efficiency thereof; in addition, he briefly presented the reports on human rights situation monitoring in 194 states prepared by the USA. **Head of the Office, Seimas Ombudsman Romas Valentukevičius and Seimas Ombudsman Augustinas Normantas had a meeting with Morten Kjaerum, Director of the EU Fundamental Rights Agency, who came to Lithuania on an official visit, and the accompanying delegation.** In the meeting, major attention was paid to the discussion of possibilities of cooperation between the Seimas Ombudsmen's Office and the EU Fundamental Rights Agency by exchanging information on various violations of human rights; in addition, the activities of both institutions in the area of human rights was presented.

**The Seimas Ombudsmen's Office was visited by Nurzhan Baisembajev, Manager of the Central Asian Legal Project from Kazakhstan, Roza Daudova, Deputy Head of the Information Coordination Centre at the President's Administration of Kyrgyzstan, Nizam Kosim, Parliament Member from Tadzhikistan, and media representatives from these countries.** During the meeting, the Seimas Ombudsmen introduced the institutions represented by them and told about the competence of the Ombudsmen in investigating abuse of office and bureaucracy of officials and defending human rights in the field of public administration. In addition, the right of Lithuania's citizens to obtain information from state and municipal institutions was discussed as well. At the same time, the Seimas Ombudsmen introduced their role in assisting citizens to obtain from state institutions all information, documents and clarifications necessary to resolve their problem.

Head of the Office, Seimas Ombudsman Romas Valentukevičius and Seimas Ombudsman Augustinas Normantas had a meeting with Stephanos Stavros, Executive Secretary of the Secretariat of the European Commission against Racism and Intolerance (ECRI), Francesca Montagna, Representative of the ECRI Secretariat, Baldur Kristjansson, Representative of Iceland ECRI, and Sinisa Bjekovic, Representative of Montenegro ECRI.

During the meeting, the activities of the Seimas Ombudsmen's Office, the statistics and nature of received complaints were introduced.

### 3. PROVISION OF INFORMATION TO THE PUBLIC

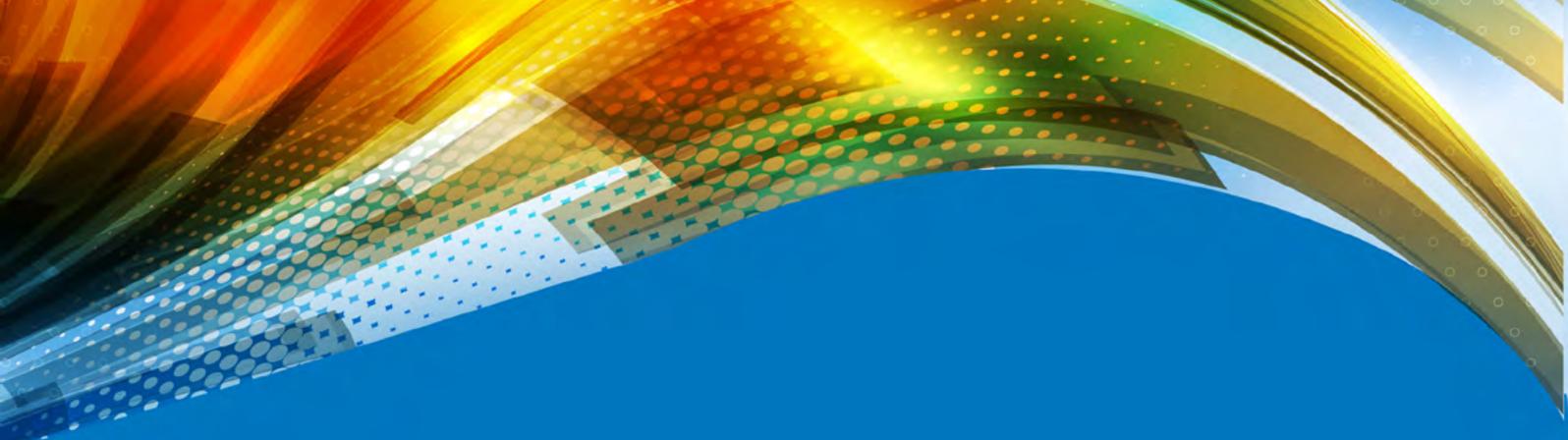
Last year, the provision of information to the public remained one of the key priorities in the activities of the Seimas Ombudsmen's Office. The Office continued to observe the principle under which all that the country's residents know or find out about this institution embodied in the Constitution, its activities and identified violations of

human rights in the field of public administration and facts of abuse of office and bureaucracy of officials is subject to appropriate provision of information to the public.

Every year the Seimas Ombudsmen manage to resolve hundreds of the country's citizens that have been delayed and not settled by state and municipal officials for a number of years. The larger the share of the public who becomes aware of how the Seimas Ombudsmen helped resolve a particular person's problem is, the faster public trust in them as in officials duly protecting human rights grows. At the same time, the knowledge of the works completed, the particular person's problem resolved and the violated human rights restored by the Seimas Ombudsmen contribute to the improvement of the image of civil service as a whole.

**Communication with the media.** In 2010, the priority of the Seimas Ombudsmen's Office related to provision of information to the public was intended for communication with the media and satisfaction of the information needs of different mass media representatives. Furthermore, different methods are used to draw the attention of the media to human rights violations in the area of public administration. During the reporting period, the Seimas Ombudsmen's Office issued 32 press releases.

In 2010, there were approx. 550 mentions of the activities of the Seimas Ombudsmen, investigations conducted and decisions made by them in national and regional dailies, weekly newspapers and chronicles, monthly and weekly magazines, Lithuanian news agencies BNS and ELTA, various news and legal information Internet portals, radio and television programmes in various journalist genres.



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