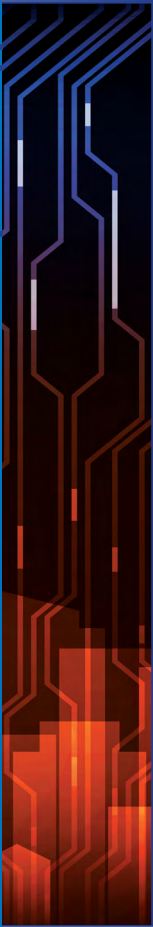




SUMMARY OF THE ANNUAL REPORT
OF THE ACTIVITIES OF THE SEIMAS OMBUDSMEN'S
OFFICE OF THE REPUBLIC OF LITHUANIA
IN 2012

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In accordance with Article 7 of the Law of the Republic of Lithuania on the Seimas Ombudsmen, the Seimas of the Republic of Lithuania appoints two Seimas Ombudsmen – one Seimas Ombudsman for the investigation of activities of officials of state institutions and agencies and one Seimas Ombudsman for the investigation of activities of officials of municipal institutions and agencies.

In 2012, Seimas Ombudsman Romas Valentukevičius investigated activities of officials of state institutions and agencies, whereas activities of officials of municipal institutions and agencies were investigated by Seimas Ombudsman Augustinas Normantas.

Under Article 11 of the Law of the Republic of Lithuania on the Seimas Ombudsmen, the Seimas Ombudsmen submit, by the 15th day of March every year, to the Seimas an annual report for the preceding calendar year, which summarises the major investigations and emphasises the problems that can be resolved only by the legislator.

This publication is the summary of the annual report of the activities of Seimas Ombudsmen Romas Valentukevičius and Augustinas Normantas in 2012 submitted to the Seimas of the Republic of Lithuania on 15 March 2013.

I. GENERAL OVERVIEW

By Resolution No. XII-233 of 16 April 2013, the Seimas of the Republic of Lithuania appointed Augustinas Normantas to investigate activities of officials of state institutions and agencies, and by Resolution

No. XII-263 of 25 April 2013, the Seimas of the Republic of Lithuania appointed Seimas Ombudsman Augustinas Normantas as the Head of the Seimas Ombudsmen's Office. By its Resolution No. XII-257 of 23 April 2013, the Seimas of the Republic of Lithuania appointed Raimondas Šukys to investigate activities of officials of municipal institutions and agencies.

Following the change of the Seimas Ombudsmen, the institution started to implement organisational-structural and activity-related changes that will enable to operate efficiently and achieve the strategic objective of the Seimas Ombudsmen's Office – to become an A-level accredited national human rights institution. Furthermore, in coordination with the Seimas Ombudsmen, the respective changes in the legal regulation that will substantially expand the mandate of the Seimas Ombudsmen's Office are being implemented.

Upon the submission, the meeting of the Seimas of the Republic of Lithuania held on 7 May 2013 approved the draft Law on the Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the draft Law Amending Articles 3 and 19 of the Law on the Seimas Ombudsmen.

The draft Law Amending Articles 3 and 19 of the Law on the Seimas Ombudsmen provides for the appointment of the Seimas Ombudsmen's Office as a national preventive mechanism under the OPCAT for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in closed detention institutions.

The Seimas Ombudsmen's Office carries out the prevention of torture and other cruel, inhuman or degrading treatment or punishment in closed detention institutions even now; however, taking into consideration the limited resources of the institution, the preventive measures are minimal and obviously insufficient.

It is sought that, from 1 January 2014, when the Law on the Ratification of the OPCAT enters into force, the Seimas Ombudsmen's Office could perform the function of a national preventive mechanism to the full extent.

Another significant change in the legal regulation of the Law on the Seimas Ombudsmen is the new wording of the Law on the Seimas Ombudsmen, which provides for additional functions of the Seimas Ombudsmen's Office that are necessary to become an A-level accredited national human rights institution.

On 24 September 2012, the Seimas of the Republic of Lithuania registered Draft Law No. XIP-4638(2) Amending the Law on the Seimas Ombudsmen, which was returned by the meeting of the Seimas of the Republic of Lithuania held on 31 October 2012 for revision. Currently, this draft is being revised by the working group formed by the Human Rights Committee, which includes the members of the Seimas, the Seimas Ombudsmen, and the representatives of ministries and non-governmental institutions.

The Seimas Ombudsmen's Office has no doubts as to the necessity of a national human rights institution and, taking into consideration the available resources,

already performs to a limited extent and will continue to perform the functions attributable to a human rights institution. Furthermore, the Seimas Ombudsmen's Office seeks, where possible, to expand the performance of these functions and thus to contribute to the fulfilment of the international commitments of the Republic of Lithuania.

SUMMARY OF THE INVESTIGATIONS CARRIED OUT IN 2012

In 2012, the Seimas Ombudsmen's Office received a total of 1,805 complaints, which brought up 2,139 issues.

Complaints received	1,805
Complaints rejected	541
Problems investigated	2,139
Decisions made:	2,139
to recognise a complaints as justified	667
to dismiss a complaint	888
to terminate investigation	584

Investigations initiated by the Seimas Ombudsmen	32
Investigations carried out on the initiative of the Seimas Ombudsmen	11
Problems investigated	16
Decisions made:	16
to recognise the problem as justified	14
to dismiss the issue	1
to terminate investigation	1

Recommendations made by the Seimas Ombudsmen	1,026
Replies to citizens' applications	85
Complaints handed over by the members of the Seimas	94

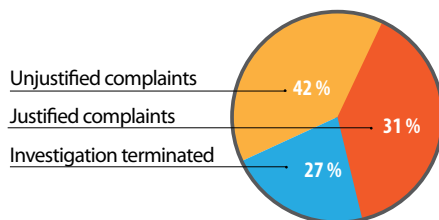
A total of 31% of complaints were recognised as justified, i.e. the conducted investigation established the facts of abuse of office, bureaucracy or inappropriate public administration.

Out of the total number, 42% of complaints were declared unjustified, i.e. the described facts of inappropriate administration were not confirmed during the investigation.

In the case of 27% of complaints, the investigation was terminated because of the elimination of the circumstances of the complaint, or the applicant withdrew his/her application, or it became clear that the complaint was being, had been or must be heard by a 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 2012, there were 93 cases where the investigation was terminated because the Seimas Ombudsmen helped both parties reach an agreement on the resolution of their problem. Mediation of the Seimas Ombudsmen between the public at large and state institutions opens up more opportunities to settle disputes in a flexible manner. Besides, mediation of the Ombudsman helps accelerate the dispute settlement process, increase the efficiency of decisions made and create conditions for achieving social peace faster.

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.

DECISIONS OF THE COMPLAINTS INVESTIGATED AT THE SEIMAS OMBUDSMEN'S OFFICE IN 2012



BREAKDOWN OF ALL COMPLAINTS INVESTIGATED IN 2012 BY SUBJECT MATTER:

Problem	Complaints investigated (%)
Issues related to persons whose liberty has been restricted	28
Good administrative behaviour	24
Ownership	14
Environmental issues	10
Housing	5
Personal and public security, assurance of public order	5
Social security	3
Consumer rights	3
Courts	2
Health	2
Other issues	4

RECOMMENDATIONS PROVIDED BY THE SEIMAS OMBUDSMEN

Following the investigation of the complaints in 2012, the Seimas Ombudsmen provided **1,026** recommendations to officials of state and municipal institutions. The most important recommendations are given in the table below.

Recommendation	Number of recommend.
Bring to the officials' attention the facts of negligence in office, non-compliance with laws or other legal acts, violation of professional ethics, bureaucracy, or 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	393
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	343
To make proposals to the Seimas, the Government, other state or municipal institutions and bodies to amend laws and other statutory acts that restrict human rights and freedoms	87
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	33
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	24
To inform the Seimas, the Government and other state institutions and bodies or the respective municipal council about gross violations of laws or deficiencies, contradictions of or gaps in laws or other legal acts	10
To propose to the prosecutor to apply to court under the procedure prescribed by the law for the protection of public interest	10
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
To propose to the Chief Official Ethics Commission to evaluate whether an official has violated the Law on the Adjustment of Public and Private Interests in the Public Service	2

Due account has been taken of **more than 90 %** of the recommendations provided by the Seimas Ombudsmen.

All statements issued by the Seimas Ombudsmen are published on the official website of the Seimas Ombudsmen's Office.

State or municipal institutions or agencies, to which these statements are issued, must also publish them on their own official 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 institution and efficiency of its activities and decide on how the fundamental constitutional principle providing that state institutions are to serve people is ensured.

MONITORING OF THE CONDITION OF DETAINED INDIVIDUALS

The Seimas Ombudsmen's Office places a major focus on the protection of the rights of individuals held in prison and makes every effort to ensure that the OPCAT is ratified and the institution responsible for carrying out the monitoring of places of imprisonment at the national level is the Seimas Ombudsmen's Office.

Even now the Seimas Ombudsmen's Office carries out ongoing monitoring of the rights and freedoms of closed institutions and individuals held in such institutions, as the Office receives a great number of complaints related to this issue. It is noteworthy that, at the end of 2012, the delegation of the European Council Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment completed its periodic review in Lithuania, and the Head of the Delegation James McManus submitted to Lithuania their urgent comments and request to carry out an independent investigation in the Alytus Correctional Facility. At the request of the Ministry of Justice of the Republic of Lithuania, the Seimas Ombudsmen's Office carried out an independent investigation at the Alytus Correctional Facility related to ensuring a safe and secure environment for convicted persons and the use of special measures.

It is noteworthy that, based on the data as of December 2012, in Lithuania, up to 10,000 persons were kept in custody in 12 imprisonment institutions and 30 police commissariats; on average, there were

from 600 to 700 people per 24 hours in custody. During the aforementioned period, there were around 600 persons who were held by force in 11 mental hospitals (divisions) and around 11,000 individuals were held in 138 care institutions.

Irrespective of the fact that the number of individuals held in these institutions is similar, the number of complaints received by the Seimas Ombudsmen's Office from these institutions differs greatly. In 2011, 411 complaints were received from places of imprisonment and police custody units, whereas the number of complaints received from these institutions in 2012 was 452. Meanwhile, the Seimas Ombudsman received only 17 complaints from the persons who underwent treatment in mental hospitals or resided in care institutions, whereas, in 2012, there were only 8 complaints received from such institutions.

It became clear from the information collected on the initiative of the Seimas Ombudsman that even though the number of complaints received is not large, human rights tend to be violated in mental and social care institutions much more often: the legal regulation has not been reviewed for a long time, or there is no legal regulation at all; the attitude of the personnel towards persons with mental disabilities is usually negative; therefore, violations of the right to private life, quality health care, information, to complaint, etc. are often detected.

The largest problem of imprisonment institutions are non-compliance with the residential space standards and inadequate hygiene conditions.

Particular attention should be paid to the problem of detention conditions in custody units and imprisonment institutions because, recently both the national courts and the European Court of Human Rights have recognised in their judgments and decisions the violated rights of individuals held or being held in these institutions and awarded pecuniary compensations to them.

Due account should be taken of the fact that this problem is not homogenous. On the one hand, there is a need to build new imprisonment institutions or renovate the existing ones. On the other hand, the question regarding the current policy on the imposition of detention and punishment applicable in Lithuania must be raised. Recently, the number of detained and convicted persons has been rapidly growing in Lithuania and has already reached almost 10,000. Without changing the attitude towards the policy on the imposition of detention and punishment, tens of new imprisonment institutions may be built but sooner or later all of them will be overcrowded again. Therefore, an integrated solution to this problem should be found.

MAJOR INTERNATIONAL EVENTS

The most important event of 2012 is the global conference organised by the International

Ombudsman Institute (hereinafter referred to as the "IOI"). The 10th anniversary conference was held in Wellington, New Zealand, and at the same time it marked the 50th anniversary of the establishment of the Ombudsman's Office of New Zealand. In this conference, the Seimas Ombudsmen's Office was represented by Seimas Ombudsman Augustinas Normantas.

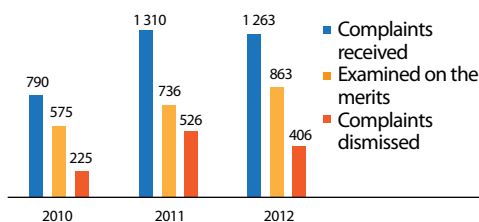
Seimas Ombudsmen **Romas Valentukevičius** and **Augustinas Normantas** together with their advisers **participated in the international conference of Baltic Ombudsmen held in Riga, Latvia**. International conferences of the Lithuanian, Latvian and Estonian Ombudsmen have been organised for a number of years and have become a beautiful tradition already.

For the first time, this tripartite conference of the Baltic States was attended by the guests from the Scandinavian countries: Parliamentary Ombudsman of Finland Petri Jaaskelainen, Parliamentary Ombudsman of Sweden Elisabet Fura, the representative of the Danish Ombudsmen's Office, and Director of the International Law Division Jens Olsen. The participation of the representatives of the Scandinavian Ombudsmen's Offices is very significant in order to take over the best experience of the region.

II. SUMMARY OF THE REPORT OF SEIMAS OMBUDSMAN ROMAS VALENTUKEVIČIUS

In 2012, a total of 1,263 complaints were received; 406 of which were dismissed, 863 complaints were examined on the merits and the following decisions were made: 27% - to recognise the complaint as justified; 25% - to terminate the investigation, and 48% - to reject the complaint as the violations specified in the complaint have not been established.

The diagram below reflects the dynamics of the number of complaints received within three years.



DECISIONS MADE BY THE SEIMAS OMBUDSMAN FOLLOWING THE INVESTIGATION OF THE COMPLAINT

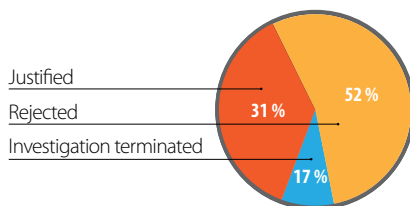
Paragraph 1 of Article 22 of the Law on the Seimas Ombudsmen provides that, having completed

the investigation, the Seimas Ombudsman takes a decision to:

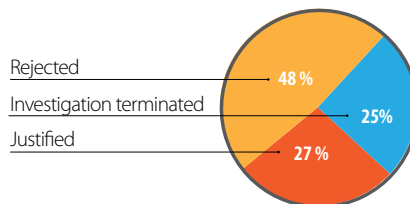
- 1) recognise the complaint as justified;
- 2) reject the complaint;
- 3) terminate the complaint investigation.

The investigation of a complaint is terminated if the circumstances addressed in the complaint disappear during the investigation or the problems addressed in the complaint are resolved in good will through the mediation of the Seimas Ombudsman, as well as in other cases established by this Law.

DECISIONS MADE IN 2011



DECISIONS MADE IN 2012



BREAKDOWN OF DECISIONS BY MINISTRY AND ITS SUBORDINATE INSTITUTION OR AGENCY

Ministry and its subordinate institutions or agencies	Complaints received	Complaints accepted	Complaints dismissed	Complaints examined	Decisions made ¹	Justified complaints	Rejected complaints	Investigation terminated	Recommendations provided
Environment	74	53	21	63	106	43	33	30	39
Energy	9	6	3	9	12	5	6	1	6
Finance	13	10	3	13	17	7	6	4	3
National Defence	5	5	-	6	11	8	3	-	4
Culture	12	9	3	10	14	4	3	7	4
Social Security and Labour	38	24	14	26	52	8	33	11	3
Transport and Communications	15	11	4	12	15	3	9	3	6
Health	43	35	8	36	57	21	28	8	10
Education and Science	8	7	1	6	10	4	5	1	1
Justice	547	415	132	401	649	156	358	135	102
Economy	15	9	6	11	15	5	5	5	1
Foreign Affairs	3	3	-	3	5	2	3	-	1
Internal Affairs	88	59	29	50	88	14	47	27	8
Agriculture	260	189	71	200	330	114	122	94	71

¹The number of decisions made exceeds the number of complaints received because a single complaint often specifies several problems; thus, a separate decision is made in respect of each of them.

BREAKDOWN OF COMPLAINTS INVESTIGATED ON THEIR MERITS BY INSTITUTION

As it can be seen from the given diagram, in 2012, the largest number of complaints investigated on their merits concerned the actions (omission) of officials of the Ministry of Justice (43%), the Ministry of Agriculture (22%), the Ministry of Environment (7%) and their subordinate institutions and agencies.

The complaints regarding the Prison Department under the Ministry of Justice and its subordinate institutions (correctional facilities, prison, remand prisons, and the Central Prison Hospital) account for the bulk, i.e. even 77%, of the total investigated complaints regarding the Ministry of Justice and its subordinate institutions and agencies investigated.

It is noteworthy that the elimination of the violations which were and are established in the Seimas Ombudsman's statements following the investigation of the complaints lodged by individuals whose liberty has been restricted (for example, inadequate detention conditions) often does not depend on the actions or good will of officials of these institutions. Usually, the resolution of these problems is related to the funding of the aforementioned institutions; therefore, the number of complaints filed with the Seimas Ombudsman in this field undergoes almost no changes every year.

The complaints regarding the actions (omission) of officials of the National Land Service under the

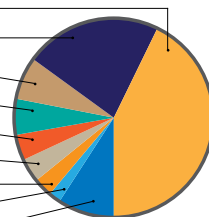
Ministry of Agriculture account for a major part, i.e. even 93.5%, of the total investigated complaints related to the actions (omission) of officials of the Ministry of Agriculture and its subordinate institutions and agencies.

The applicants mainly complained about the actions (omission) of officials of this Service related to the inadequate control of the use of state-owned land and the issues of the delayed restoration of the ownership rights and other land management issues.

The complaints regarding the actions (omission) of officials of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment account for a substantial share, i.e. 45%, of the total investigated complaints regarding the Ministry of Environment and its subordinate institutions and agencies. Another share of complaints was related to the actions (omission) of officials of the Regional Environmental Protection Departments and this accounted for 32% of the total investigated complaints regarding activities of the Ministry of Environment and its subordinate institutions and agencies.

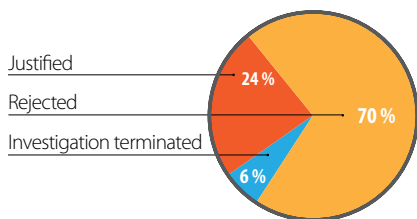
Attention should be paid to the fact that the situation has changed, i.e. the number of complaints regarding the Ministry of the Interior and its subordinate institutions and agencies investigated on the merits has decreased. In 2012, 6% of the complaints regarding the actions of officials of this Ministry and its subordinate institutions and agencies were investigated on the merits, whereas, in 2011, there were 15% of such complaints. During the previous year, the Seimas Ombudsman received many complaints regarding the detention conditions in the custody units of the country's police commissariats. However, after the Police Department under the Ministry of the Interior of the Republic of Lithuania had taken decisive action to resolve these problems (the reduction of the number of custody units, renovation of some custody units, and construction of new custody units), the situation changed fundamentally, and the Seimas Ombudsman receives much fewer such complaints. It is noteworthy that the aforementioned problem has not been finally resolved as there are still such custody units (for instance, the custody unit of the Vilnius County Chief Police Commissariat, etc.), where the detention conditions are deemed to be inhuman and are equivalent to torture. Therefore, it is necessary to continue the works commenced in this field.

- Ministry of Justice and its subordinate institutions **43 %**
- Ministry of Agriculture and its subordinate institutions **22 %**
- Ministry of Environment and its subordinate institutions **7 %**
- Ministry of the Interior and its subordinate institutions **6 %**
- Ministry of Health and its subordinate institutions **4 %**
- Prosecutor's Offices **4 %**
- Ministry of Social Security and Labour and its subordinate institutions **3 %**
- Courts **2 %**
- Other institutions **9 %**

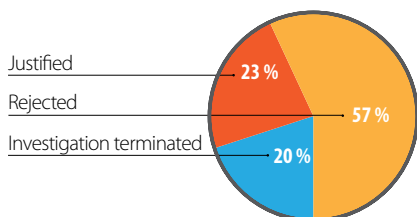


DECISIONS MADE BY THE SEIMAS OMBUDSMAN REGARDING VIOLATIONS OF THE RIGHTS OF PERSONS, WHOSE LIBERTY HAS BEEN RESTRICTED

2011



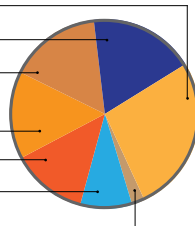
2012



The major share of the complaints filed by individuals, whose liberty had been restricted, was related to the actions of officials and inadequate detention conditions in custody and imprisonment institutions. The majority of the complaints regarding the detention conditions were recognised as justified by the Seimas Ombudsman.

Breakdown of Complaints Filed by Persons, Whose Liberty Has Been Restricted, by Subject Matter

- Officials' actions **27 %**
- Detention conditions **18 %**
- Regime **16 %**
- Special rights of detainee prisoners **15 %**
- Health care **13 %**
- Social rehabilitation **9 %**
- Work **2 %**

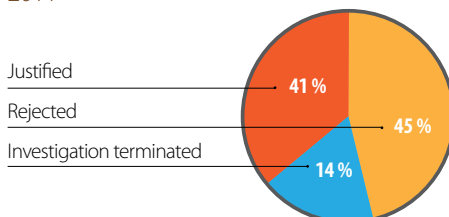


GOOD ADMINISTRATIVE BEHAVIOUR

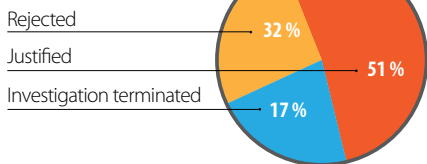
In 2012, the complaints regarding good administrative behaviour investigated on the merits accounted for 24% of the total number of complaints.

The diagrams below show the number of complaints that were investigated on their merits, recognised as justified, rejected, or the investigation thereof was terminated. As it can be seen, the number of complaints recognised as justified in 2012 was lower than that in 2011. This allows stating that public administration in state institutions is improving.

2011



2012

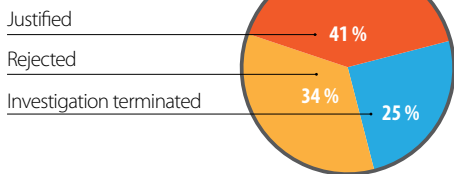


OWNERSHIP

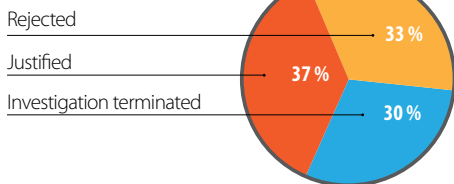
During the reporting period, the complaints regarding the violation of the right to ownership accounted for more than 16% of the total complaints investigated (12% of the total complaints in 2011).

Compared to the 2011 indicators, the percentage of the validity of the investigated complaints has increased.

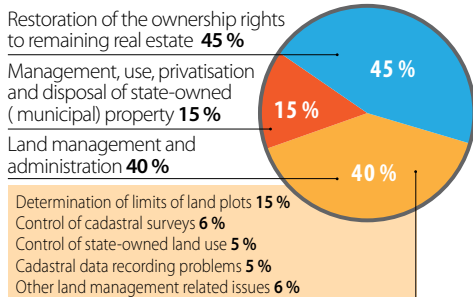
2011



2012



BREAKDOWN OF COMPLAINTS REGARDING THE RIGHT TO OWNERSHIP BY SUBJECT MATTER



RESTORATION OF THE OWNERSHIP RIGHTS TO REMAINING REAL ESTATE

It should be noted that the restoration of the ownership rights to land is one of the key and most complicated parts of the land reform process. Although the Government provided for the completion of the restoration of the ownership rights to remaining real estate in its Programme for 2008-2012, this process has been prolonged. Based on the statistical data provided by the National Land Service under the Ministry of Agriculture, as of 1 January 2013, the ownership rights to the land in rural areas have been restored to the extent of approx. 99% (on the area indicated in citizens' applications) and in urban areas – 79.67%.

It can be seen from the complaints investigated during the reporting period that, most frequently, citizens' rights to the restoration of the ownership to previously owned land were violated as a result of omission, improperly fulfilled duties or delay to make decisions on the part of officials, etc.

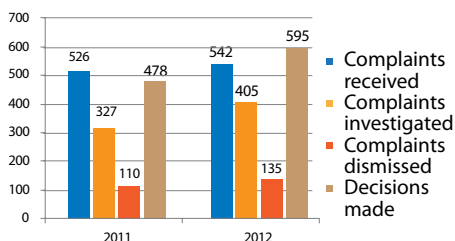
III. SUMMARY OF THE REPORT OF SEIMAS OMBUDSMAN AUGUSTINAS NORMANTAS

COMPLAINT INVESTIGATIONS. GENERAL DATA

During the reporting period, Seimas Ombudsman Augustinas Normantas received 542 complaints filed by applicants in connection with the issues assigned to his field of activities; 405 complaints were examined on their merits and 595 decisions were made.

Compared to 2011, Seimas Ombudsman Augustinas Normantas received 16 complaints more (526 were received in 2011, 542 complaints were received in 2012), examined 76 complaints more (329 complaints were investigated in 2011 and 405 complaints were examined in 2012) and made 117 decisions more (478 decisions were made in 2011 and 595 decisions were adopted in 2012).

MAIN DATA ON COMPLAINT INVESTIGATIONS IN 2011-2012



The increase in the number of complaints investigated could be influenced by the measures improving the complaint investigations applied by the Seimas Ombudsman: detailed enquiries sent to relevant institutions and more active application of the right of mediation granted to the Seimas Ombudsman.

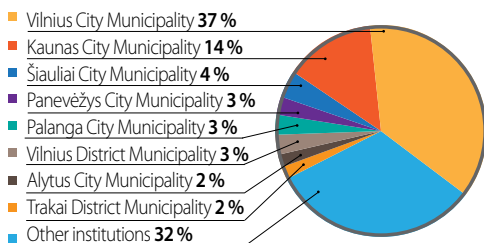
Seimas Ombudsman Augustinas Normantas adopted the decision to dismiss a complaint in 135 cases. A total of 595 decisions made by Seimas Ombudsman Augustinas Normantas during the reporting period were as follows: the decisions to recognise a complaint (any part thereof) as justified accounted for 41% (245 decisions), the decisions to terminate the investigation of a complaint (any part thereof) accounted for 34% (202 decisions), and the decisions to reject a complaint (any part thereof) accounted for 25% (148 decisions). When comparing these data with the 2011 data, we can see that the proportions of decisions made did not undergo any material changes (in 2011, they made up respectively 44%, 31% and 25%).

Thus, almost every second individual, who applies to the Seimas Ombudsman regarding actions

(omission) on the part of municipal officials, files a justified complaint.

Having taken due account of this situation, the Seimas Ombudsman took action to improve the public administration situation in municipalities: based on the examples from the Seimas Ombudsman's practice in investigating complaints and pursuant to the relevant legislation, special training on the enquiry examination procedure was prepared and organised for municipal officials and meetings with municipal officials were held to discuss the main and most common problems brought up in complaints, etc.

BREAKDOWN OF DECISIONS MADE BY INSTITUTION



When analysing the subject matters of complaints received, it can be seen that, for the first time, the largest number of complaints was related to the functions of municipalities related to environmental protection – 151 decisions, which account for 25% of the total number of decisions made, were adopted; for comparison – in 2011, 94 decisions were made regarding these functions of municipalities, and this accounted for 19% of the total number of decisions made; thus, the increase in the number of investigated complaints equals 60%. Meanwhile, as

a result of good administrative behaviour, 143 decisions were made (i.e. 6 decisions less than in 2011), and this accounts for 24% of the total number of decisions adopted (in 2011, the share was 31% of all the decisions made).

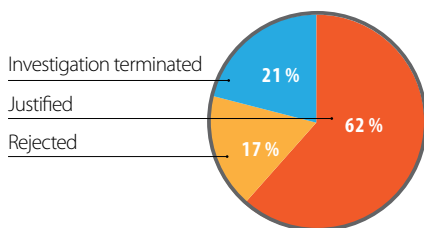
Decisions related to environmental protection include decisions regarding territorial planning, construction and waste management. Thus, it can be stated that, in 2012, the most common issues addressed in the complaints filed with the Seimas Ombudsman were related to territorial planning, construction, and waste management. For instance, there were 41 decisions regarding territorial planning, 45 decisions regarding construction, and 27 decisions regarding waste management.

Decisions regarding good administrative behaviour encompass decisions regarding the alleged inadequate examination of individuals' enquiries, alleged violations of the right to obtain information, and alleged violations of the application examination procedure.

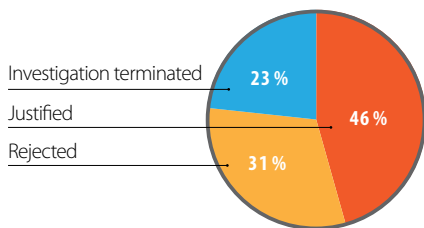
The third largest group of decisions is comprised of housing-related decisions. In 2012, 103 such decisions (17% of the total number of decisions) were made, which, compared to 2011, was 25 decisions more (78 decisions were made in 2011).

Decisions related to housing include decisions regarding the supervision and control of activities of the managing bodies of associations of multi-family apartment house owners and administrators appointed by the municipality; and state support for the acquisition or lease of housing.

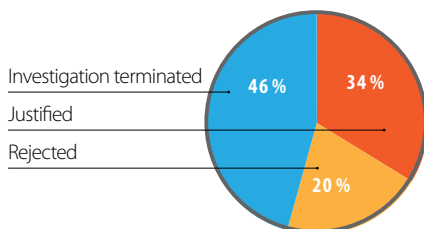
DECISIONS REGARDING GOOD ADMINISTRATIVE BEHAVIOUR



DECISIONS REGARDING HOUSING

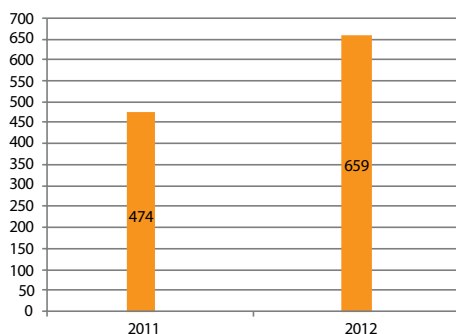


DECISIONS REGARDING ISSUES OF ENVIRONMENTAL PROTECTION

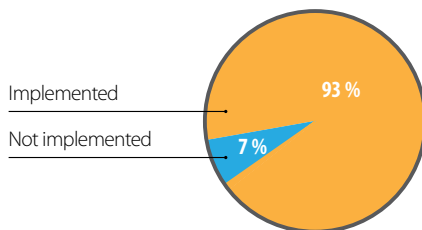


RECOMMENDATIONS PROVIDED BY THE SEIMAS OMBUDSMAN

NUMBER OF RECOMMENDATIONS PROVIDED



IMPLEMENTATION OF RECOMMENDATIONS

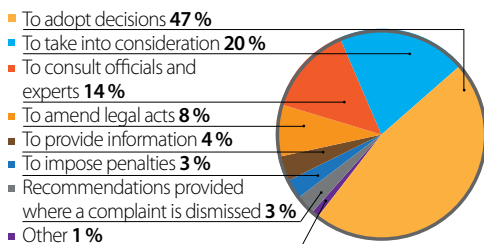


It should be emphasised that the provision of recommendations not only helps resolve any issues that are relevant to applicants but also contributes to the improvement of legal regulation. In 2012, Seimas Ombudsman Augustinas Normantas provided 50 recommendations to state and municipal institutions regarding the improvement of the applicable legislation.

The main and most common recommendation provided by the Seimas Ombudsman, the application of which usually results in the actual assistance to applicants, is the recommendation for the institution being complained of to make relevant decisions.

During the reporting period, the Seimas Ombudsman provided even 314 recommendations of such nature (which accounts for 48% of the total number of recommendations provided by the Seimas Ombudsman).

RECOMMENDATIONS PROVIDED BY THE SEIMAS OMBUDSMAN



The frequency of the application of this recommendation shows that most often individuals tend to complain in such cases where municipalities do not adopt any decision on the issue that is relevant to them, or adopt the decision that does not comply with the requirements of the applicable legal acts and should be reviewed. It must be emphasised that these recommendations help deal efficiently with the majority of the problems raised by applicants in their complaints. Furthermore, they perform a preventive function as well; having come across a similar situation, municipalities are aware of how they

should act in order to avoid any violation of human rights and freedoms.

It is noteworthy that, compared to 2011, the Seimas Ombudsman provided significantly fewer recommendations of a general nature, i.e. the recommendations aimed at drawing the attention of institutions or officials to certain violations. In 2011, 202 such recommendations were made and this accounted for 43% of the total number of recommendations provided by the Seimas Ombudsman in 2011, whereas, in 2012, 130 recommendations of this nature were provided, and this accounts only for 20% of all the recommendations made in 2012.

In the Seimas Ombudsman's opinion, the recommendation aimed at drawing the attention of an institution to certain detected violations or cases of bureaucracy or abuse is not always sufficiently effective because it does not oblige the institution to take any specific action or adopt any concrete decisions (the purpose of this recommendation is to draw the attention of the institution to any imperfections found in its activities (particularly, if this happens for the first time) and propose to the institution to take certain measures in order to prevent similar violations in the future).

It is interesting to note that, compared to 2011, the number of recommendations to consult officials and experts increased more than twofold [from 39 cases (8% of the total number of recommendations) in 2011 to 90 cases [14% of the total number of recommendations] in 2012.

The recommendation to consult an official or expert means that, having conducted an investigation, the Seimas Ombudsman additionally requests (recommends) that a competent institution would assess the established factual circumstances and provide its expert opinion on the legality of officials' actions, potential problem solution variants, etc. Officials, who are most frequently consulted as experts, include officials of the National Land Service under the Ministry of Agriculture (on the issues of land plot limits, servitudes, cadastral surveys) and of the Territorial Planning and Construction Inspectorate under the Ministry of

Environment (on the issues related to the legality of territorial planning and construction). It is necessary to consult officials as experts because the solution of certain issues requires special knowledge of the respective field. Thus, the growth in the number of such recommendations shows the increasing complexity of complaints because specialists are consulted only in such cases where a specialist (expert) opinion is required.

The application of this recommendation has helped resolve a number of complicated problems that have existed for many years.

Annex 1

Name, Surname	Position
Augustinas Normantas	Seimas Ombudsman, Head of the Office
Raimondas Šukys	Seimas Ombudsman
Martynas Vasilauskas	Senior advisor
Tomas Ragauskas	Senior advisor
Vilija Burzdikiene	Senior advisor
Vaiva Verbylaitė	Advisor
Audronė Blinkevičienė	Advisor
Neringa Kučinskaitė	Advisor
Sigutė Vedeckienė	Advisor
Gražina Krištapavičienė	Advisor
Diana Oklinskaitė	Advisor
Lina Baronaitienė	Advisor
Sandra Januškevičienė	Advisor
Irena Vinclov	Advisor
Daiva Valeikienė	Advisor
Dalia Masalskienė	Advisor
Antanina Miliauskienė	Advisor
Aurelija Sandaitė	Advisor
Rūta Šaulė	Advisor
Lina Mališauskaitė	Advisor
Rosita Daunorė	Advisor

Name, Surname	Position
Arminas Lydeka	Head of the Group Monitoring Human Rights Situation in Closed Detention Institutions
Kristina Brazevič	Advisor (Monitoring Officer)
Juras Taminskas	Chief Specialist
Danguolė Milonienė	Head of the Documents and Information Division
Asta Ivanovienė and Vilma Keidūnė	Secretary
Ina Sadaunykienė	Chief Specialist
Daiva Brovkienė	Chief Specialist (reception desk)
Milda Balčiūnaitė	Chief Specialist (international relations)
Vilma Keidūnė	Chief Specialist (archive)
Jurgita Matačinskaitė	Specialist for Public Relations
Adelė Šukienė	Specialist
Daiva Ragauskienė	Specialist
Ona Mickevičiūtė	Editor
Zita Bacevičienė	Head of the Finance and Maintenance Division, Chief Accountant
Vida Brazdauskaitė	Senior specialist
Asta Ivanovienė	Jurist
Liudas Miškinis	Administrator
Andrius Peteržikas	Computer Specialist
Antanas Pašilis	Driver

Annex 2

CONSTITUTION OF THE REPUBLIC OF LITHUANIA

Article 5. <...> State institutions shall serve the people.

Article 73. <...> Complaints of citizens about the abuse of authority and bureaucratic intransigence by State and municipal officials (with the exception of judges) shall be examined by the Seimas controllers. They shall have the right to submit a proposal before a court for dismissing the guilty officials from office.

The powers of the Seimas controllers shall be established by law.

The Seimas shall also establish, as necessary, other institutions of control. Their system and powers shall be established by law.

REPUBLIC OF LITHUANIA LAW ON THE SEIMAS OMBUDSMEN

3 December 1998 NoVIII-950

(As last amended on 13 May 2010 – NoXI-808)

Vilnius

CHAPTER I

GENERAL PROVISIONS

Article 1. Purpose of the Law

This Law establishes the basic legal principles of activities and powers of the Ombudsmen of the Seimas of the Republic of Lithuania (hereinafter referred to as the Seimas Ombudsmen) as well as the organisational structure of the Office of the Ombudsmen of the Republic of Lithuania Seimas (hereinafter referred to as the Seimas Ombudsmen's Office).

Article 2. Definitions

As used in this Law:

1. **"Bureaucracy"** means actions on the part of official when the latter, instead of dealing with the matter on the merits, observes unnecessary or invented formalities, unreasonably refuses to settle issues within the official's jurisdiction or delays decision-making or carrying out of official duties or performs other malfeasance or misfeasance in office (refuses to inform a person of his rights, gives a deliberately misleading or improper advice, etc.). Also considered as bureaucracy shall be the officials' style of work when they fail to implement or to properly implement laws or other legal acts shall also be treated as bureaucracy.

2. **"Official"** means a state and municipal institution or agency employee, as well as any

other employee performing public administration functions; an employee of a public institution and non-governmental organisation with powers of public administration granted according to the procedure prescribed by law, who exercises powers of administration over persons not subordinate to him; a person authorised by the state, performing the functions prescribed by law which have been granted by the state.

3. **“Complainant”** means a natural or a legal person who applies to the Seimas Ombudsmen's Office filing a complaint about abuse of office by or bureaucracy of officials.

4. **“Abuse of office”** means acts or omission on the part of the official when the powers granted to him are exercised not in accordance with laws and other legal acts but for self-seeking purposes or for other personal considerations (abuse of official position, revenge, envy, careerism, provision of illegal services, etc.) as well as actions of the official whereby he exceeds his authority or his arbitrary actions.

Article 3. Purpose of Activities of the Seimas Ombudsmen

The purpose of activities of the Seimas Ombudsmen 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.

Article 4. Basic Principles of Activities of the Seimas Ombudsmen

The Seimas Ombudsmen shall observe the following principles in their activities:

1) respect for the person and the state. Pursuant to the Constitutional provision that state authorities shall serve the people, the Seimas Ombudsmen shall seek to ensure each person's right to good public administration;

2) freedom and independence of activities. The Seimas Ombudsmen shall be independent from other institutions. The rights and duties of each Seimas Ombudsman shall be equal, each of them shall act independently within their spheres of jurisdiction;

3) accountability. The Seimas Ombudsmen shall be accountable for their activities to the Seimas of the Republic of Lithuania;

4) compliance with the law. The Seimas Ombudsmen shall act in accordance with the Constitution of the Republic of Lithuania, this and other laws and legal acts, international treaties and agreements and principles of law;

5) impartiality and fairness. The Seimas Ombudsmen shall protect all persons equally (equally fairly) regardless of their ethnic background, race, gender, language, origin, social status, religious beliefs or political convictions. The Seimas Ombudsmen shall be objective and fair in their activities;

6) proportionality. When defending human rights and freedoms, the Seimas Ombudsmen shall

seek to maintain the balance between a person's private interests and public interests, and, when defending the rights and freedoms of a specific person, not to violate other persons' rights and freedoms;

7) openness. The Seimas Ombudsmen shall openly provide information to the public about their activities and the abuse of office by and bureaucracy of officials as well as about other violations of human rights and freedoms;

CHAPTER II

THE SEIMAS OMBUDSMAN

Article 5. The Seimas Ombudsman

The Seimas Ombudsman shall be a state official appointed by the Seimas of the Republic of Lithuania (hereinafter referred to as the Seimas) who protects human rights and freedoms, investigates the complainants' complaints about abuse of office by or bureaucracy of officials and seeks to upgrade public administration.

Article 6. Eligibility for the Position of the Seimas Ombudsman

A citizen of the Republic of Lithuania who is a person of high moral character, has a BA and MA in law or is a university graduate in law and who has a record of at least ten years of practice or teaching of law shall be eligible for appointment to the position of the Seimas Ombudsman.

Article 7. Appointment of the Seimas Ombudsmen

1. The Seimas shall appoint two Seimas Ombudsmen for the term of five years on the nomination of the Speaker of the Seimas of the Republic of Lithuania.

2. The Seimas shall appoint one Seimas Ombudsman for the investigation of activities of officials of state institutions and agencies and one Seimas Ombudsman for the investigation of activities of officials of municipal institutions and agencies.

3. If the powers of the Seimas Ombudsmen are terminated ahead of term, the Seimas shall make a new appointment to the position of the Seimas Ombudsman.

Article 8. The Oath of the Seimas Ombudsman

1. Before entering the office of the Seimas Ombudsman, the person appointed Ombudsman shall swear an oath of allegiance to the State of Lithuania. When swearing the said oath the person shall enjoy the right to choose one of the following texts of the oath:

1) "I, Ombudsman of the Seimas of the Republic of Lithuania, (name, surname), swear to be loyal to the State of Lithuania, to observe its Constitution and laws, to perform my duties in good faith, to protect human rights, freedoms and lawful interests, to be always impartial and to protect the secrets entrusted to me.

So help me God.”;

2) “I, Ombudsman of the Seimas of the Republic of Lithuania, (name, surname), swear to be loyal to the State of Lithuania, to observe its Constitution and laws, to perform my duties in good faith, to protect human rights, freedoms and lawful interests, to be always impartial and to protect the secrets entrusted to me.”

2. Repealed

3. The oath shall be sworn to the Speaker of the Seimas of the Republic of Lithuania.

4. The Seimas Ombudsman shall sign the text of the oath. The text of the oath shall be kept in the Seimas.

Article 9. Expiry of Powers of the Seimas Ombudsman

1. The powers of the Seimas Ombudsman shall terminate:

- 1) upon the expiry of the Ombudsman's powers;
- 2) upon the Ombudsman's resignation;
- 3) upon the Ombudsman's death;

4) when the Ombudsman is absent from work due to temporary incapacity for more than 120 calendar days in succession or for more than 140 calendar days during the last twelve months, unless the law establishes that due a certain

illness the Seimas Ombudsman shall retain his office for a longer period or when he is incapable to perform his duties as established in the opinion of the medical commission or the commission for the establishment of disability;

5) when the judgement of conviction passed on the Ombudsman by the court becomes effective;

6) when the Ombudsman is given a no-confidence vote by over a half of the Seimas members.

2. In the case specified in subparagraphs 2 and 4 of paragraph 1 of this Article the decision concerning the termination of powers of the Seimas Ombudsman shall be taken by the Seimas on the recommendation of the Speaker of the Seimas.

3. In the case specified in subparagraph 4 of paragraph 1 of this Article the Seimas shall resolve the issue of termination of powers of the Seimas Ombudsman only upon receipt of a finding of the commission of doctors formed by the Health Minister.

4. In the cases specified in subparagraphs 1 and 2 of this Article the Seimas Ombudsman shall continue in office until the new appointment is made to the post of the Seimas Ombudsman.

Article 10. Activities Incompatible with the Duties of the Seimas Ombudsman

The Seimas Ombudsman may not hold any other elective or appointive office in state and

municipal institutions and agencies, nor may he be employed in private legal entities. The Seimas Ombudsman may not receive any remuneration other than his official salary and remuneration for scientific and pedagogical work in higher educational establishments or establishments for upgrading the qualification of civil servants, informal education of adults and author's fees for creative work.

Article 11. Submission of Annual Reports

1. The Seimas Ombudsmen shall every year by the 15th day of March submit to the Seimas the annual report for the preceding calendar year. The report shall be considered in the Seimas. The entire report shall be placed on the website of the Seimas Ombudsmen's Office.

2. The Seimas Ombudsmen shall on a regular basis notify of their activities in the media.

CHAPTER III

ACCEPTANCE AND INVESTIGATION OF COMPLAINTS

Article 12. Complaints within the Jurisdiction of the Seimas Ombudsmen

1. The Seimas Ombudsmen shall investigate complainants' complaints about the abuse of office by and bureaucracy of officials or other violations of human rights and freedoms in the sphere of public administration.

2. The activities of the President of the Republic, members of the Seimas, the Prime Minister, the Government (as a collegial institution), the State Controller and judges of the Constitutional Court and other courts, municipal councils (as collegial institutions) shall be outside the Seimas Ombudsman's powers of investigation.

3. The legality and validity of procedural decisions of the prosecutors, pre-trial investigation officials shall also be outside the Seimas Ombudsmen's powers of investigation, however, complaints about the actions of the prosecutors, pre-trial investigation officials, which violate human rights and freedoms, shall fall within the investigative jurisdiction of the Seimas Ombudsmen.

4. The Seimas Ombudsmen shall not investigate complaints arising from the labour legal relations and about the legality and validity of court decisions, judgements and rulings.

Article 13. Filing of Complaints

1. The complainant shall have the right to file a complaint with the Seimas Ombudsman about the abuse of office by or by bureaucracy of officials if he believes that his rights and freedoms have been violated thereby.

2. The Seimas Ombudsman shall also investigate complaints of complainants referred to him by the Seimas members, which are in conformity with the requirements of Article 14 of this Law.

3. As a rule, complaints shall be filed in writing. If

a complaint is received verbally, by telephone or if the Seimas Ombudsman establishes from the mass media or other sources the presence of elements of abuse of office by the officials, bureaucracy or instances of violation of human rights and freedoms, the Seimas Ombudsman may open investigation into the matter on his own initiative.

4. Verbal or written applications of complainants, which contain not complaints about officials but requests for explanations, other information or requested documents, etc. shall not be treated as complaints.

Article 14. Requirements of Complaint

1. The following shall be stated in the complaint:

1) the addressee - the Office of the Seimas Ombudsmen (the Seimas Ombudsman);

2) full name and address of the complainant;

3) full names and positions of the officials against whom the complaint is filed, the institution or agency in which they are employed;

4) a description of the decision or actions complained about, the date and the circumstances under which they have been performed;

5) a formulated request addressed to the Seimas Ombudsman;

6) the date on which the complaint has been drawn up and the complainant's signature.

2. Attached to the complaint may be:

1) a copy of the contested decision;

2) the available evidence or its description;

3. Non-compliance with the form of the complaint prescribed by paragraph 1 of this Article or failure to present the required particulars may not be grounds for refusing to investigate the complaint, except for anonymous complaints and in cases where the investigation may not be opened due to insufficiency of facts of the matter, while the complainant fails to submit the facts on the Seimas Ombudsman's request or in case the text of the complaint is illegible.

Article 15. Time Period for Filing a Complaint

The deadline for filing complaints shall be one year from the commission of the act complained about or adoption of the contested decision. Complaints filed after the deadline shall not be investigated unless the Seimas Ombudsman decides otherwise.

Article 16. Anonymous Complaints

Anonymous complaints shall not be investigated unless the Seimas Ombudsman decides otherwise.

Article 17. Refusal to Investigate a Complaint

1. The Seimas Ombudsman shall make a decision to refuse to investigate a complaint

within 7 working days from the date of receipt thereof informing the complainant about this if:

1) the Ombudsman comes to the conclusion that the complaint has no substance;

2) the complaint is filed after the deadline set in Article 15 of this Law;

3) the circumstances indicated in the complaint are outside the Seimas Ombudsman's investigative jurisdiction;

4) a complaint relating to the matter has already been resolved or is pending in court;

5) a procedural decision has been taken to open pre-trial investigation in relation to the subject matter of the complaint;

6) the Ombudsman comes to the conclusion on the expediency of investigating the complaint in another institution or agency.

2. Where a decision is taken to refuse to investigate a complaint, grounds for refusal must be specified. In the cases where the complaint falls outside the Seimas Ombudsmen's remit, refusal to investigate shall also indicate the institution or agency the complainant may address on the matter.

3. A complaint filed repeatedly after its investigation shall not be investigated except in cases where new circumstances are indicated or new facts are presented. If the complainant abuses the right to apply to the Seimas Ombudsman,

correspondence with such a complainant may be ceased upon the decision of the Seimas Ombudsman.

4. If the circumstances specified in paragraph 1 of this Article are disclosed in the course of complaint investigation the complaint investigation shall be discontinued.

5. The complaint shall be left unprocessed if the complainant fails to furnish information the absence whereof precludes the initiation of complaint investigation, also if the text of the complaint is illegible.

6. If the complainant's request not to investigate the complaint is received, the Seimas Ombudsman shall cease the investigation. The Seimas Ombudsman may open the investigation on his own initiative.

Article 18. Time-limits for Complaint Investigation

A complaint must be investigated and the complainant must be given a response within 3 months of the day of the receipt of the complaint, except for the cases where the complexity of circumstances, abundance of information or continuity of actions being complained about necessitates prolongation of the complaint investigation. The complainant shall be notified of the Seimas Ombudsman's decision to extend the time-limit for the complaint investigation. Complaints shall be investigated within the shortest time possible.

Article 19. Rights of the Seimas Ombudsman

1. When performing his duties, the Seimas Ombudsman shall have the right to:

1) request immediate provision of information, material and documents required for the discharge of his functions, be granted access in the manner prescribed by laws to the documents which constitute a State, professional, commercial or bank secret as well as documents which contain information about personal data protected by law. Should it be necessary to execute the right, the assistance of police officials shall be enlisted and an appropriate statement of the seizure of documents shall be drawn up;

2) having produced the certificate of employment, enter the premises of institutions and agencies (enterprises, services or organisations), and at any time of the day, if persons are kept in the premises for 24 hours or more, and unrestrictedly meet and interview persons present in the premises. The territory and premises of institutions and agencies the activity of which are regulated by a statute shall be entered with the officials of the institutions and agencies accompanying;

3) request written or oral explanations from the officials whose activities are under investigation;

4) question the officials and other persons;

5) attend the meetings of the Seimas, the Government, other state and municipal

institutions and agencies when the issues under consideration are related to the activities of the Seimas Ombudsmen or the matter investigated by the Seimas Ombudsman;

6) enlist the services of officials of the government agencies, ministries and local authorities, as well as officials and experts of municipal institutions and agencies;

7) inform the Seimas, the Government and other state institutions and agencies or the appropriate municipal council of the gross violations of law or deficiencies, contradictions of or gaps in laws or other legal acts;

8) recommend to the Seimas, state or municipal institutions and agencies to amend the laws or other statutory acts which restrict human rights and freedoms;

9) draw up a record of administrative violation of law for failure to comply with the demands of the Seimas Ombudsman or for interfering in any other with the fulfilment by the Seimas Ombudsman of the rights granted to him;

10) apply to the administrative court with a request to investigate conformity of an administrative regulatory enactment (or its part) with the law or Government resolution;

11) propose to the Seimas to apply to the Constitutional Court regarding the conformity of legal acts with the Constitution and laws of the Republic of Lithuania;

12) refer the material to pre-trial investigation body or the prosecutor, if elements of crime are detected;

13) apply to the court for the dismissal of officials guilty of abuse of office or bureaucracy;

14) recommend to the collegial body or official to repeal, suspend or amend the decisions which are contrary to the laws and other legal acts, or propose to adopt decisions the adoption whereof has been precluded by abuse of office or bureaucracy;

15) recommend to the collegial body, head of the agency or a superior institution or agency to impose disciplinary penalties on the official at fault;

16) recommend to the prosecutor to apply to the court according to the procedure prescribed by law for the protection of public interest;

17) 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, bureaucracy or violations of human rights and freedoms and recommend to apply measures to eliminate the violations of laws and other legal acts, their causes and circumstances;

18) propose that material and non-material damage sustained by a person due to the violations committed by the official be compensated in the manner prescribed by law;

19) notify the Seimas, the President of the Republic or the Prime Minister of the violations committed by the ministers or other officials accountable to the Seimas, the President of the Republic or the Government (except for those listed in paragraph 2 of Article 12);

20) recommend to the Chief Official Ethics Commission to evaluate whether or not the official has violated the Law on Adjustment of Public and Private Interests in the Public Service;

21) refraining from the investigation on the merits of a complaint falling outside the remit of the Seimas Ombudsman give proposals or offer commentaries to appropriate institutions and agencies on the improvement of public administration in order to prevent violations of human rights and freedoms.

2. The Seimas Ombudsman may apply to the court for the dismissal of officials guilty of abuse of office or bureaucracy within a month's period from drawing up of the statement.

Article 20. Binding Character of the Seimas Ombudsmen's Requests

1. On the Seimas Ombudsmen's request the officials must forthwith present information, documents and material required for the performance of their functions.

2. When investigating a complaint, the Seimas Ombudsman shall have the right to apply to the official whose activities are under examination

requesting the latter give an explanation within the set time period.

3. The institution and agency or official, to whom this proposal (recommendation) is addressed, must investigate the proposal (recommendation) of the Seimas Ombudsman and inform the Seimas Ombudsman about the results of the investigation.

4. Persons interfering with the performance of duties by the Seimas Ombudsman shall be held liable under law.

Article 21. Complaint Investigation

The Seimas Ombudsman shall investigate the circumstances specified in a complaint and draw up a statement stating the circumstances disclosed and evidence collected in the course of investigation as well as giving legal evaluation of the official's activities. The statement shall be signed by the Seimas Ombudsman. The statement of the Seimas Ombudsman shall be presented to the complainant as well as announced in the official website of the Seimas Ombudsmen's Office. The statement may also be submitted to the head of the institution or agency where the investigation has been conducted or the official whose actions have been subjected to investigation, also, as necessary, the head of a superior institution or agency as well as other institutions or agencies. In cases where the statement contains information which constitutes a State, official, commercial or bank secret as well as information

about personal data protected under laws, not the full text of the statement shall be presented and announced.

Article 22. Decisions of the Seimas Ombudsman

1. Having completed the investigation the Seimas Ombudsman shall take a decision to:

recognise declare the complaint as justified;

2) dismiss the complaint;

3) discontinue the complaint investigation.

2. The period of complaint investigation shall be excluded from the limitation period which laws allow for the imposition of disciplinary penalty.

3. The investigation of a complaint shall be discontinued if the circumstances addressed in the complaint disappear during the investigation or the problems addressed in the complaint are resolved in good will through the mediation of the Seimas Ombudsman as well as in other cases established by this law.

Article 23. Obligation to Keep State, Professional and other Secrets or Data Protected by Law

The Seimas Ombudsmen and other employees of the Seimas Ombudsmen's Office must keep the State, professional, commercial or bank secrets and personal data protected under laws which come to their knowledge in the exercise of their duties.

CHAPTER IV

THE SEIMAS OMBUDSMEN'S OFFICE

Article 24 The Seimas Ombudsmen's Office

The Seimas Ombudsmen's Office is budgetary institution. The Seimas Ombudsmen's Office shall be a legal person, shall have a settlement account with a bank and a seal with the Lithuanian State emblem and the name "*Lietuvos Respublikos Seimo kontrolierių įstaiga*" (Office of Ombudsmen of the Seimas Republic of Lithuania) imprinted thereon and financed from the State budget. The head of the Seimas Ombudsmen's Office shall be responsible for the use and keeping of the seal of the Seimas Ombudsmen's Office.

Article 25. The Structure of the Seimas Ombudsmen's Office

1. The Seimas Ombudsmen's Office shall consist of the Seimas Ombudsmen, civil servants and other employees.

2. The Seimas Ombudsmen's Office shall be directed by the head of the Seimas Ombudsmen's Office. In the absence of the Seimas Ombudsman - head of the Office, the other Seimas Ombudsman shall act for him.

3. The Board of the Seimas shall approve the maximum number of positions of the Seimas Ombudsmen's Office's civil servants and employees working under the employment contract and receiving the remuneration from the state budget and the state monetary funds.

4. The Seimas Ombudsmen shall have advisors. The advisor to the Seimas Ombudsman shall be a civil servant. A citizen of the Republic of Lithuania, who has a BA and MA in law or the single-stage university education in law, may be an advisor to the Seimas Ombudsman.

Article 26. Repealed

Article 27. Repealed

Article 28. Head of the Seimas Ombudsmen's Office

1. On the nomination of the Speaker of the Seimas, the Seimas shall appoint one of the appointed Seimas Ombudsmen as the head of the Seimas Ombudsmen's Office.

2. The head of the Seimas Ombudsmen's Office shall be the manager of State budgetary appropriations for the Seimas Ombudsmen's Office.

3. In addition to his direct duties, the head of the Seimas Ombudsmen's Office shall also perform the following functions:

1) represent the Seimas Ombudsmen's Office in its capacity as a legal person and organise its work;

2) approve the structure of the Seimas Ombudsmen's Office, define the functions of the organisational units and the employees of the Seimas Ombudsmen's Office, and approve Regulation of the Seimas Ombudsmen's Office;

3) admit to work and dismiss civil servants and other employees of the Seimas Ombudsmen's Office according to the procedure prescribed by laws;

4) set specific salary coefficients for the employees working under the employment contract;

5) grant leave to the Seimas Ombudsman, civil servants and other employees of the Seimas Ombudsmen's Office and send them on business trips, traineeships;

6) adopt decisions concerning the in-service training of civil servants and other employees of the Seimas Ombudsmen's Office;

7) impose disciplinary penalties on the civil servants and other employees of the Seimas Ombudsmen's Office;

8) organize the preparation and submitting to the Seimas of an annual report on the activities of the Seimas Ombudsmen.

4. The head of the Seimas Ombudsmen's Office shall issue orders on the issues falling within his competence.

CHAPTER V

GUARANTEES OF THE SEIMAS OMBUDSMEN'S ACTIVITIES, OTHER GUARANTEES

Article 29. Remuneration for Work and Social Guarantees of the Seimas Ombudsmen

1. The amount of remuneration of and conditions of payment to the Seimas Ombudsmen shall be established by the Law on the Remuneration of State Politicians and State Officials.

2. The Seimas Ombudsmen shall be insured by the state social insurance in the manner prescribed by the Law on State Social Insurance.

3. The Seimas Ombudsman shall be entitled to the annual leave of 28 calendar days. The Seimas Ombudsman whose length of service in the public service in the state of Lithuania is over five years shall be granted 3 additional calendar days of annual leave for each subsequent three years of service; however, the aggregate duration of the annual leave shall not exceed 42 calendar days.

4. Upon the expiry of his term of office the Seimas Ombudsman shall be paid a gratuity on discharge in the amount of 2 monthly wages. The Seimas Ombudsman who is dismissed when he is incapable to continue in office for health reasons shall receive a gratuity on discharge in the amount of 3 monthly wages. Upon the death of the Seimas Ombudsman his family shall be paid a death benefit in the amount of the Ombudsman's 3 monthly wages. The above benefits shall be paid from the State budget appropriations allocated to the Seimas Ombudsmen's Office. Gratuity on discharge shall not be payable when the Seimas Ombudsman is dismissed at his own request or when the judgement of conviction passed on him becomes effective or when he is given a no-confidence vote by over a half of the Seimas members.

5. Upon the expiry of the term of office of the Seimas Ombudsman, except in cases when the judgement of conviction passed on him becomes effective or when he is given a no-confidence vote by over a half of the Seimas members, the Ombudsmen shall be entitled to be reinstated in

his previous job according to the procedure laid down in the Law of the Republic of Lithuania on Public Service.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC
VALDAS ADAMKUS

