

SUMMARY OF THE ACTIVITIES OF THE SEIMAS OMBUDSMEN'S OFFICE IN 2008

In 2008, the following Ombudsmen of the Seimas of the Republic of Lithuania were in office: Romas Valentukevičius, Augustinas Normantas, Virginija Pilipavičienė, Albina Radzevičiūtė, and Zita Zamžickienė. Seimas Ombudsmen Romas Valentukevičius and Albina Radzevičiūtė investigated complaints concerning the actions of civil servants in state institutions, whereas Augustinas Normantas, Virginija Pilipavičienė and Zita Zamžickienė dealt with complaints regarding the actions of county and municipal officials.

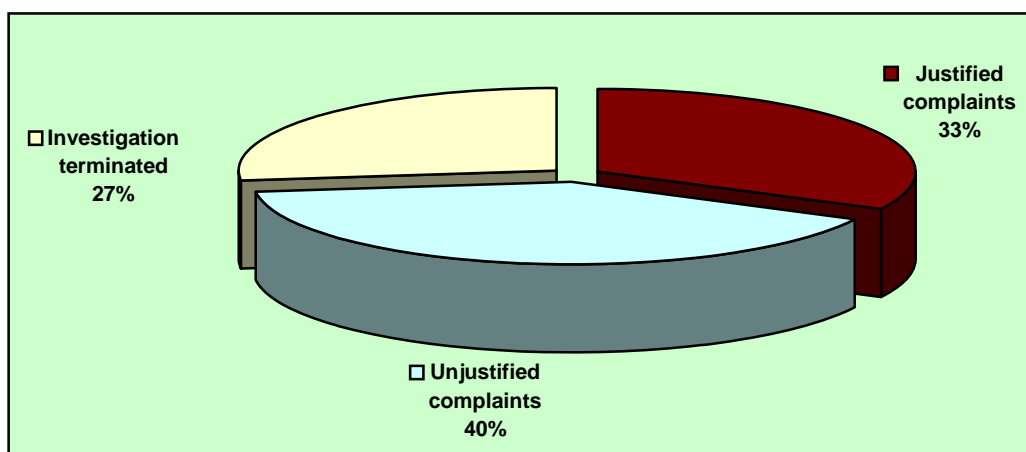
In 2008, the Seimas Ombudsmen's Office received a total of 2,410 complaints from natural and legal persons, 1,644 of which were newly filed complaints.

BREAKDOWN OF THE COMPLAINTS RECEIVED IN 2008 BY SEIMAS OMBUDSMEN

Seimas Ombudsman	Complaints received	Complaints rejected	Com plaints investi gated	Decisions made		
				Justified complaints	Comp laints dismis sed	Investigation terminated
A.Normantas	238	32	213	163	131	95
V.Pilipavičienė	311	84	232	209	147	79
A.Radzevičiūtė	446	189	236	93	318	176
R.Valentukevičius	385	111	252	144	210	107
Z.Zamžickienė	264	43	187	148	136	165
Total:	1,644	459	1,120	756	942	622

In 2008, the Seimas Ombudsmen's Office investigated 1,120 complaints and made 2,320 decisions in relation to these complaints. Thirty three percent of complaints in which the investigation established the facts of abuse of office, bureaucracy of officers or inappropriate public administration were recognised to be justified; 40% of complaints were considered to be unjustified because the circumstances of inappropriate public administration were not confirmed. In the case of 27% 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 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 2008, there were 70 cases where the investigation was terminated because Seimas Ombudsmen helped both parties reach an agreement on the solution to their problems.

DECISIONS REGARDING THE COMPLAINTS INVESTIGATED BY THE OMBUDSMEN'S OFFICE IN 2008



In accordance with the Law on Seimas Ombudsmen, the applicant may be a natural or legal person who applies to the Seimas Ombudsmen's Office filing a complaint about abuse of office by or bureaucracy of officers. The main applicants who apply to the Seimas Ombudsmen's Office are still natural persons; however, the number of complaints received from legal persons increases every year. The year 2008 saw the investigation of 30 complaints filed by legal persons.

In 2008, the Seimas Ombudsmen's Office replied in writing to 258 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.

The Law on Seimas Ombudsmen granted the right to the Seimas Ombudsmen to initiate investigations on their own initiative on the basis of facts disclosed in the media or other sources of information if they reveal any cases of abuse of office or bureaucracy of officers or any signs of other violations of human rights and freedoms. This is one of the priority activity areas of the Seimas Ombudsmen's Office, thus there are more and more of such investigations conducted every year.

In 2008, the Seimas Ombudsmen carried out 30 investigations on their own initiative, i.e. exceeded the same figure in 2007 by 11, and made 41 decisions in relation to them; there were 27 cases where the problem formulated during the investigation was recognised to be justified, i.e. the facts of abuse of office, bureaucracy of officers, or inappropriate public administration. Those included investigations into the following issues: unauthorised building works in the Old Town of Vilnius, the potential negative impact of the seasonal time on human health, provision of information to consumers on expiration dates of medicines, inadequate actions of police officers when detaining persons selling ecological vegetables without authorisations, the deadline set for the issuance of a building permit under the Law on Construction of the Republic of Lithuania, the activities of the state enterprise State Property Fund, land planning projects under the land reform, etc.

ANALYSIS OF THE INVESTIGATIONS CONDUCTED ON THE INITIATIVE OF SEIMAS OMBUDSMEN

Seimas Ombudsman	Investigations initiated on own initiative	Investigations conducted on own initiative	Decisions made in the investigations conducted on own initiative		
			To recognise the investigated problem to be justified	To dismiss the issue	To terminate the investigation
A.Normantas	3	3	4		1
V.Pilipavičienė	5	5	4		1
A.Radzevičiūtė	8	7	6	4	2
R.Valentukevičius	10	9	8	2	
Z.Zamžickienė	7	6	5	1	3
Total:	33	30	27	7	7

COMPLAINTS CONCERNING THE ACTIONS OF MUNICIPAL OFFICIALS

In 2008, the Seimas Ombudsmen made 440 decisions regarding complaints about the actions of municipal officials.

BREAKDOWN OF THE COMPLAINTS INVESTIGATED CONCERNING THE ACTIONS OF MUNICIPAL OFFICIALS BY SUBJECT MATTER:

Problem	complaints investigated (%)
Right to good public administration	34
Right to ownership	23
Right to a secure and ecological environment	20
Right to housing	12
Consumer rights	4
Right to social security	4
Other rights	3

Compared to 2007, it was established that there is a 4% increase in the number of complaints regarding violations of the right of people to good public administration, and this subject matter became dominant in complaints regarding the actions of municipal officials for the first time. It has been observed over the past several years, that the number of such complaints grows every year. Those include complaints regarding violations of the order, terms and procedures for investigation of applications received from citizens, inappropriate investigation of a complaint or application, violations of the right to information, inadequate application of legal acts or enforcement of legal acts, etc.

Complaints regarding violations of ownership rights are mainly related to the issues of restoration of ownership to remaining real estate, or more specifically, with the restoration of

ownership to urban land or buildings. Quite a large share of complaints was related to the management, use and disposal of municipal property, determination of limits of land size, etc. However, compared to 2007, the share of this type of complaints decreased by 8% among the complaints received in relation to the actions of municipal officials. As it is obvious that land reform is nearing its end, it is highly likely that, in the course of time, there will be fewer complaints in this category.

Complaints regarding violations of the right to a safe and ecological environment include complaints about violations of territorial planning, construction, reconstruction or repair works carried out, and state supervision of construction. Compared to 2007, the number of complaints in this category has increased by 3%.

Complaints regarding housing rights include complaints regarding state support for the acquisition of housing, rental of social housing, privatisation of municipally(state)-owned residential premises on preferential terms, and administration of objects for common use of multi-storey buildings. These problems remain particularly relevant to citizens – in 2008, there were more complaints investigated in this area than in 2007.

Applicants indicate the provision of low quality services, such as electricity, transport services, and building of communications, as violations of consumer rights. There were complaints filed regarding correct remuneration for services and calculation of taxes and fines as well as payment of penalties. Compared to 2007, there were more complaints of this type received in 2008.

Violations of the right to social security comprise social support to families and children, provision of social services, social integration of people with disabilities, and support to injured persons or social risk groups, and social care. In comparison with 2007, the number of complaints in this category has increased as well.

COMPLAINTS CONCERNING THE ACTIONS OF COUNTY OFFICIALS

In 2008, the Seimas Ombudsmen made 823 decisions with regard to complaints concerning the actions of officers from county governor's administrations.

BREAKDOWN OF THE COMPLAINTS INVESTIGATED CONCERNING THE ACTIONS OF OFFICIALS OF COUNTY GOVERNOR'S ADMINISTRATIONS BY SUBJECT MATTER:

<u>Problem</u>	<u>complaints investigated (%)</u>
Right to ownership	60
Right to good public administration	27
Right to a secure and ecological environment	9
Other rights	4

The problems which served as the basis for complaints regarding the actions of county governor's administrations remained the same as in 2007; there were slight differences in the quantity of complaints only: the number of complaints regarding violations of the right of ownership dropped 15%, and the number of complaints regarding the right to good public administration increased by 12%. Having analysed the complaints regarding the actions of county officials, the same trend established by the analysis of complaints regarding the actions of municipal officials was observed – it is obvious the number of complaints regarding violations of ownership rights to remaining real estate is decreasing and the number

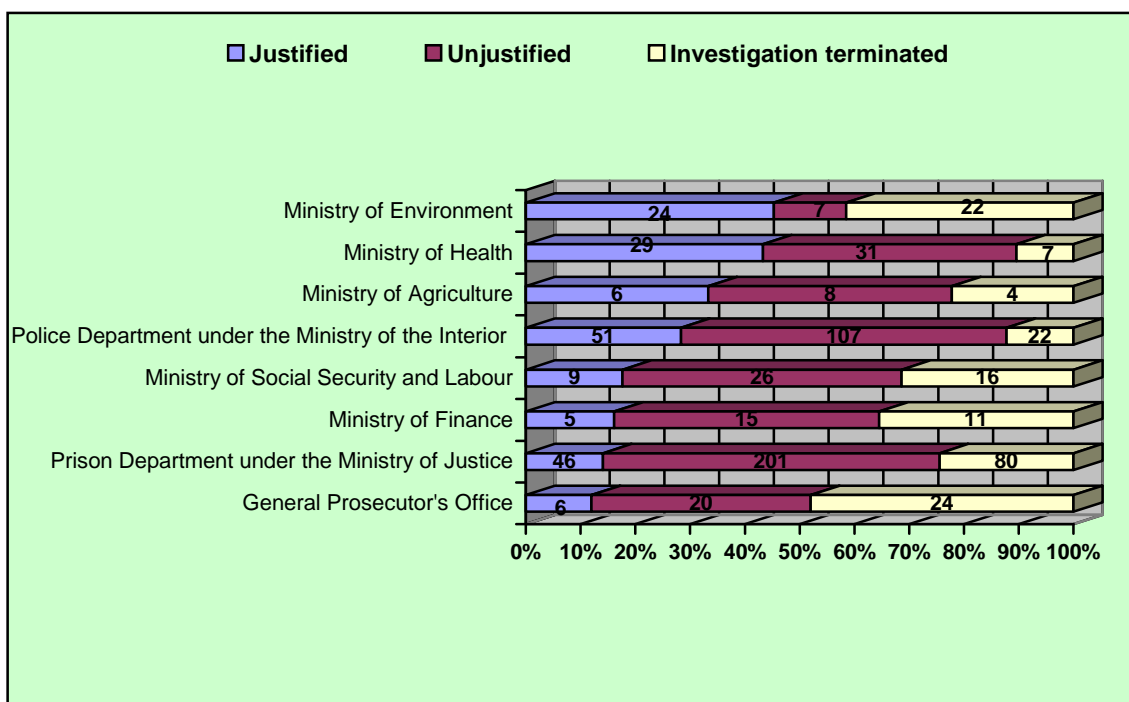
of complaints with regard to the right to good public administration is increasing. Approximately, the same number of complaints regarding violations of the right to a secure and ecological environment was received as in 2007.

The majority of decisions to recognise a complaint as justified was made when investigating complaints related to violations of the procedure or terms for investigation of applications submitted by citizens, failure to comply with legal acts, inappropriate investigation of a complaint or application, the restoration of ownership rights to remaining real estate, sale-purchase of state-owned land, and state supervision of construction.

COMPLAINTS CONCERNING THE ACTIONS OF OFFICIALS OF STATE INSTITUTIONS

In 2008, the Seimas Ombudsmen made 1,030 decisions regarding complaints about the actions of officials of state institutions. The table below contains only those state institutions against the officials of which at least 5 justified complaints were received.

BREAKDOWN OF THE INVESTIGATED COMPLAINTS BY STATE



The majority of decisions, i.e. a total of 327 decisions (in terms of the number of decisions made, this institution ranks first among all state institutions), were made regarding the actions of officers of correctional institutions subordinate to the Prison Department; however, only 14% of complaints were recognised to be justified. The percentage of validity remains very similar to that established in 2007.

It has been several years in a row that the number of complaints regarding the actions of police officers subordinate to the Police Department has been decreasing. Compared to 2007, the number of complaints recognised to be justified in this category has decreased as well – there were 37% of complaints declared justified in 2007, whereas, in 2008, there was only 28% of complaints regarding the actions of police officers subordinate to the Police Department.

The Ministry of Health ranks third among state institutions according to the number of decisions made (67) as the number of complaints received in relation to the actions of officials of the Ministry of Health and its subordinate institutions is slightly lower than the figures of the Prison or Police Departments. It has been several years that the number of complaints received regarding this institution has been increasing. However, compared to 2007, there was a slight drop in the percentage of validity of complaints in this category – 56% of complaints were recognised to be justified in 2007, whereas this figure equalled 43% in 2008.

A great number of decisions (53) were made regarding the actions of officials of the Ministry of Environment and its subordinate institutions but the quantity of complaints recognised to be justified dropped from 58% to 45%, compared to 2007.

As in the previous year, complaints were frequently lodged against the General Prosecutor's Office of the Republic of Lithuania and its subordinate prosecutor's offices. However, only a few complaints in this category were recognised as justified.

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

<u>Problem</u>	<u>complaints investigated (%)</u>
Rights of citizens whose freedom was restricted	37
Right to good public administration	32
Right to the security of the person and society and assurance of public order	12
Right to a fair trial	5
Right to a secure and ecological environment	2.5
Right to ownership	2
Right to health care	2
Right to social security	2
Right to work	1.5
Other rights	4

It is noteworthy that, compared to 2007, the subject matter of the complaints investigated in 2008 concerning the actions of state officials remained almost the same. The largest number of investigated complaints was related to violations of the rights of persons whose freedom was restricted; however, only a few such complaints were recognised as justified.

The number of complaints regarding violations of the right to good public administration in state institution did not increase either, and there was a drop in the number of complaints recognised as justified: 38% of complaints concerning violations of the right to good public administration was recognised in 2007, whereas, in 2008, only 31.5% of complaints were recognised to be justified in this category. However, these figures still exceed the total number of justified complaints concerning the actions of officials of state institutions by 8.5%.

Furthermore, the areas of public life such as health care (43% of justified complaints) and environment protection (45% of justified complaints) should be mentioned as well because the largest number of justified complaints was received in relation to violations of human rights in these particular areas.

The total number of complaints regarding violations of the right to social security remained the same. In 2008, the majority of complaints received were related to the allocation of state pensions.

**FOLLOWING THE INVESTIGATION OF COMPLAINTS SUBMITTED TO THE
SEIMAS OMBUDSMEN IN 2008, 831 RECOMMENDATIONS WERE MADE:**

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	460
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	203
To propose to a collegial body, the head of an institution or a superior institution or agency to impose disciplinary penalties on officials at fault	49
To request that information, material and documents necessary for the performance of the Seimas Ombudsman's functions be immediately submitted	40
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	21
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	17
To engage officials of the Government institutions as well as ministry, county and municipal officials as well as officials and experts of county governor's administrations and municipal institutions and bodies	17
To recommend to the prosecutor to apply to the court under the procedure prescribed by the law for the protection of public interest	9
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	5
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	4
To 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 the law	3
To 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	2
To notify the Seimas, the President of the Republic, or the Prime Minister of violations committed by ministers or other officials accountable to the Seimas, the President of the Republic or the	1

At the time of drafting the report, the fact that 93% of the recommendations made by the Seimas Ombudsmen had been taken into account was confirmed. One fifth of the recommendations are still being implemented.

RECEPTION OF CITIZENS IN THE SEIMAS OMBUDSMEN'S OFFICE

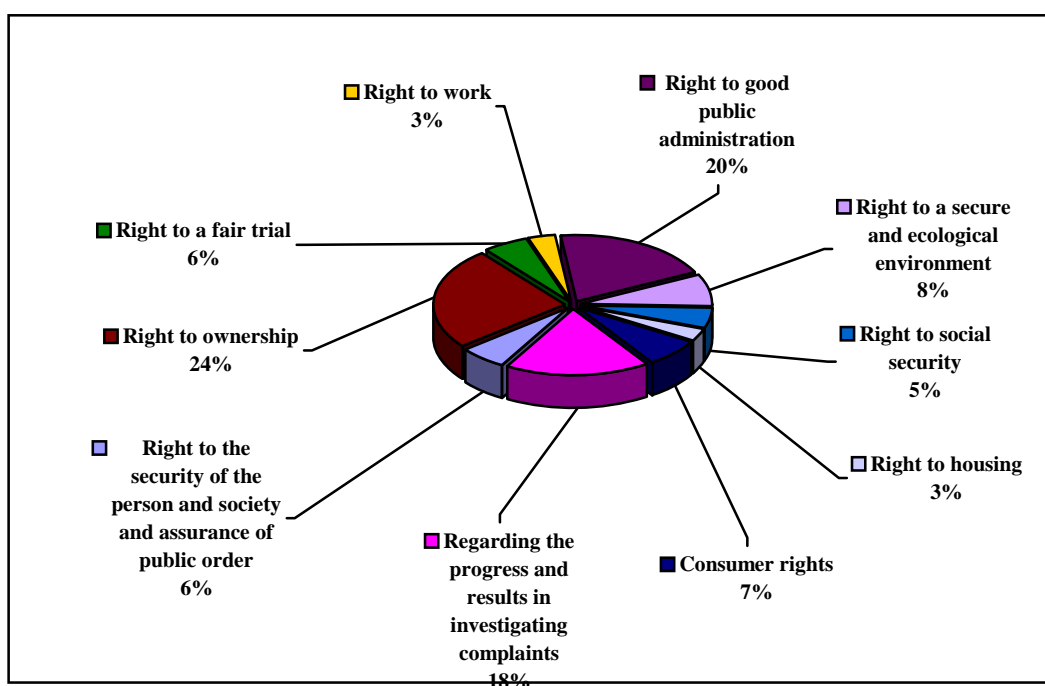
In 2008, the Seimas Ombudsmen's Office provided consultations to **1,554** individuals. Citizens who arrive in the Seimas Ombudsmen's Office receive information about the work of this Office and the procedure for investigation of complaints and applications as well as various consultations and explanations which institution the applicant should apply to if the Seimas Ombudsmen are unable to resolve his or her problem according to their competence. In addition, other information is provided to applicants and, if necessary, assistance in writing a complaint.

People from all over the country come to the Seimas Ombudsmen's Office; the majority of them arrive from the counties of Vilnius and Kaunas.

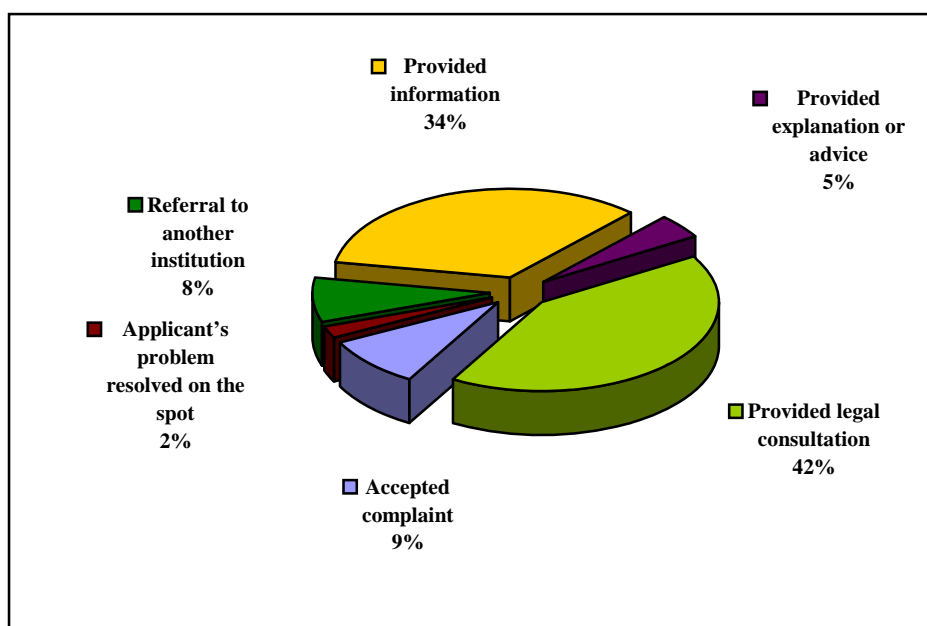
More and more people contact the Seimas Ombudsmen's Office in an electronic way, or request advice on the website of the Office at *www.lrski.lt*.

Many individuals choose consultations via a toll-free telephone line of the Office (8 800 22100). This is particularly convenient for pensioners, the unemployed, or citizens residing in remote regions of Lithuania.

THE MOST FREQUENTLY RAISED ISSUES IN THE OFFICE OF THE SEIMAS OMBUDSMEN'S OFFICE



SOLUTIONS TO ISSUES THAT ARE OF CONCERN TO APPLICANTS AT THE RECEPTION OFFICE OF THE SEIMAS OMBUDSMEN'S OFFICE



INTERNATIONAL COOPERATION

Visit of the European Ombudsman

On 1-3 October 2008, the Seimas Ombudsmen's Office organised the visit of the **European Ombudsman**, Professor Nikiforos Diamandouros, and accompanying delegation to Lithuania. It was the second visit by this high-ranking European official to Lithuania. The European Ombudsman visited our country for the first time in April 2004 before the very accession of Lithuania to the European Union.

The purpose of the 2008 visit was to better inform Lithuanian citizens about the role of the European Ombudsmen and their right to apply to the European Ombudsman's Office in cases of inappropriate public administration of the European Union (for instance, delays in disbursing European Union project funds, failure to reply to enquiries or unnecessary delays in replying, refusal to provide information or documents, violations of the fundamental rights, etc.).

The Seimas Ombudsmen's Office organised meetings of the European Ombudsman with the high-ranking officials in the Seimas of the Republic of Lithuania, the Ministry of Justice, and the European Commission Representation Office. Furthermore, Nikiforos Diamandouros had meetings with the representatives of the Lithuanian Bar Association, the Lithuanian Business Employers' Confederation, non-governmental institutions and businesses. The European Ombudsman delivered his presentations on good public administration and the mandate of the European Ombudsman to students of the Mykolas Romeris University and officials of municipalities in the Alytus County.

Cooperation with the Ombudsmen's Offices in Neighbouring Countries

One of the strategic objectives of the Seimas Ombudsmen's Office is to maintain closer cooperation with ombudsmen in other states and international human rights protection

institutions. This cooperation between counterpart institutions is very beneficial for ombudsmen and employees of their offices.

Particularly close ties are maintained between the Ombudsmen's Offices in Lithuania, Latvia, and Estonia. The conferences held annually by the Ombudsmen's Offices in all the three Baltic States for specialists to share examples of good practice have already become a beautiful tradition.

Sharing the same historical past, Lithuanians, Latvians and Estonians come across similar issues of violations of human rights and freedoms; therefore, the Ombudsmen's Offices have to deal with similar tasks and analyse analogous issues.

On 28 May 2008, the Seimas Ombudsmen's Office organised a **conference-seminar "Evolving Trends in Ombudsman Work"**. This conference held in 2008 was intended to discuss the most relevant issues in the future activities of the Ombudsmen's Office concerning relationship between ombudsmen and courts, supervision of closed places of detention, and implementation of recommendations presented by ombudsmen.

Besides the employees of the Ombudsmen's Offices in the three Baltic States, the conference was attended by scientists of the Vilnius University, representatives of the Ministry of Justice and the Ministry of Foreign Affairs of the Republic of Lithuania, and heads of non-governmental human rights institutions. The conference aroused the interest of the local media.