

SUMMARY OF THE ACTIVITIES OF THE SEIMAS OMBUDSMEN'S OFFICE IN 2009

In 2009, Ombudsmen of the Seimas of the Republic of Lithuania Romas Valentukevičius and Albina Radzevičiūtė investigated complaints concerning the actions of state authorities and their subordinate institutions, whereas Seimas Ombudsmen Augustinas Normantas, Virginija Pilipavičienė and Zita Zamžickienė dealt with complaints regarding the actions of officials of county and municipal authorities, as well as their subordinate institutions.

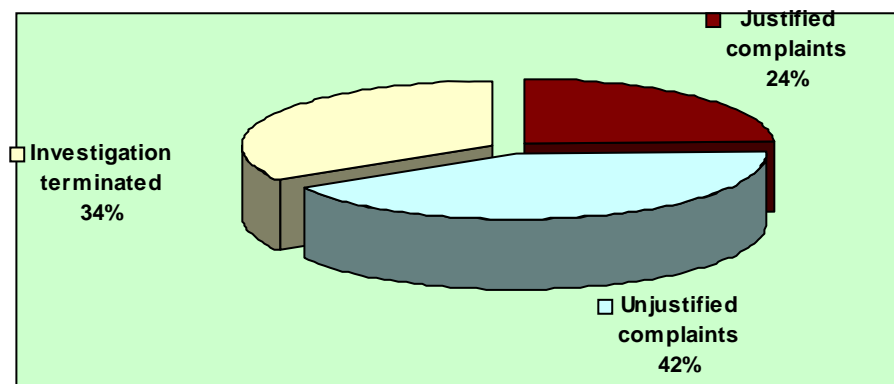
In 2009, the Seimas Ombudsmen's Office received a total of 2,440 complaints from natural and legal persons, 1,564 of which were newly filed complaints.

Seimas Ombudsman	Complaints received	Complaints rejected	Complaints investigated	Decisions made		
				Justified complaints	Complaints dismissed	Investigation terminated
A. Normantas	278	32	218	139	148	166
V. Pilipavičienė	328	87	254	165	178	110
A. Radzevičiūtė	428	177	269	60	297	244
R. Valentukevičius	394	126	272	138	275	113
Z. Zamžickienė*	136	57	164	72	103	173
Total:	1564	479	1177	574	1001	806

* Upon Resolution of the Seimas of the Republic of Lithuania, Seimas Ombudsperson Zita Zamžickienė was released from office at the expiry of her term of office on 11 November 2009.

In 2009, the Seimas Ombudsmen's Office investigated **1,177** complaints and made **2,381** decisions in relation to these complaints. Twenty four percent of the complaints in which the investigation established the facts of abuse of office, bureaucracy of officers or inappropriate public administration were recognised to be justified; 42% of complaints were considered to be unjustified because the circumstances of inappropriate public administration were not confirmed. In the case of 34% of complaints, the investigation was terminated because of the elimination of the circumstances of the complaint or withdrawal of the complaint by the complainant, or because the complaint was being, had been or had to be investigated in court, etc. Investigation of a complaint is also terminated if, under the mediation of the Seimas Ombudsman, the problems raised in the complaint are resolved in good will. In 2009, there were 69 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 2009



In accordance with the definition specified in Article 2 of 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 2009 saw the investigation of 93 complaints filed by legal persons, of which the investigation of 86 was completed.

In 2009, the Seimas Ombudsmen's Office replied in writing to 281 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 when they reveal any cases of abuse of office or bureaucracy of officers or any signs of other violations of human rights and freedoms.

In 2009, the Seimas Ombudsmen carried out 26 investigations on their own initiative and made 68 decisions in respect of them; there were 38 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 were identified. Those included investigations of the prevention and treatment of oncological diseases and artificial insemination issues in Lithuania, the reorganisation of the schools of Visaginas municipality and the Baibiai Basic School, the actions (omissions) of the officials of Vilnius City Municipality ensuring the right of access of the residents of Vilnius to the draft of the new wording of the Regulations of Raising and Keeping Pets, the inaction of officials of state authorities to terminate illegal constructions in the preservation territory of cultural values in Šventoji, infringements of human dignity and privacy in the course of searches in Alytus House of Correction, etc.

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	7	2	5	-	-
V. Pilipavičienė	4	8	10	7	11
A. Radzevičiūtė	4	7	11	4	5
R. Valentukevičius	9	8	12	1	-
Z. Zamžickienė*	-	1	-	-	2
Total:	24	26	38	12	18

COMPLAINTS CONCERNING THE ACTIONS OF MUNICIPAL OFFICIALS

In 2009, the Seimas Ombudsmen made 603 decisions regarding applications with complaints about the actions of municipal officials, i.e. 163 decisions more than in 2008.

BREAKDOWN OF COMPLAINTS BY SUBJECT MATTER:

Problem	complaints investigated (%)
Right to good public administration	34.5
Right to a secure and ecological environment	20
Right to housing	15
Right to ownership	14
Right to social security	6
Consumer rights	4
Right to education	2
Other rights	4.5

It is to be noted when comparing the data of 2009 to that of 2008 that the percentage of complaints regarding violations of the right of people to good public administration remains almost unchanged, although 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 procedure of service provision to people, procedures and time-limits of investigation of applications, inappropriate investigation of complaints or applications, inadequate application of legal acts or enforcement of legal acts, violations of the right of access to information, infringements in the issuance of permissions, licences, certificates, etc.

The percentage of complaints regarding violations of the right to a safe and ecological environment also remained unchanged in 2009. Most often they include complaints about detailed territorial planning, ongoing constructions, reconstruction or repair works, road building or state supervision of construction. A new topic in this complaint group has emerged – complaints regarding waste management.

The last few years saw the trend towards an increase in the number of complaints regarding violations of the right to housing. In 2009, such complaints grew by 3%. It is likely that it is related to the overall economic situation in the country. People most often complained about state support for the acquisition or rent 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.

There were also no changes in the trend established over last few years – the number of infringements of the right to ownership is decreasing. The rate of complaints in this category, compared to 2008, has decreased even by 9%. Those were mainly applications regarding the issues of restoration of ownership to existing real estate, or more specifically, the restoration of ownership to urban land or buildings. Quite a large share of complaints was received in respect of the management, use and disposal of municipal property, purchase and sale of state-owned land, determination of limits of land plots, etc.

In 2009, the number of complains regarding infringements of the right to social security increased by 2% compared to 2008. Among the issues most often complained about were social benefits to families and children, social risk groups, provision of social services, custody and care.

The number of complains received about violations of customer rights was the same as in 2008. Those were mostly related to poor quality services and calculation of fair remuneration and taxes therefor, payment of fines and penalty interest.

Infringements of the right to education include only complaints related to the activities of general education (primary, basic and secondary) schools and to the ongoing restructuring of schools. The number of complaints in this category grew in 2009.

COMPLAINTS CONCERNING THE ACTIONS OF COUNTY OFFICIALS

In 2009, the Seimas Ombudsmen made 647 decisions with regard to complaints concerning the actions of officials from county governor's administrations, i.e. 176 decisions fewer than in 2008.

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

Problem	complaints investigated (%)
Right to ownership	64
Right to good public administration	19
Right to a secure and ecological environment	13
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 2008, however, there were slight differences in the proportion of complaints calculated against the total number of the decisions made: the number of complaints regarding violations of the right of ownership increased by 4%, and the number of complaints regarding the right to good public administration, which has been rising for a few consecutive years, dropped by 8% in 2009. The number of complaints received about the right to a secure and ecological environment was by 4% higher than in 2008. This category was predominated by complaints related to territorial planning and state supervision over constructions.

The majority of decisions to recognise complaints as justified was taken investigating complaints related to inappropriate examination of complaints or applications, infringements of the time-limits to deal with applications in county governor's administrations or their subordinate institutions, the restitution of ownership rights to rural land, other land management issues, and state supervision of constructions.

COMPLAINTS CONCERNING THE ACTIONS OF OFFICIALS OF STATE INSTITUTIONS

In 2009, the Seimas Ombudsmen made 1,101 decisions regarding complaints about the actions (inaction) of officials of state institutions, i.e. 70 decisions more than in 2008.

As each year, most of the decisions were made regarding the complaints against the actions of officers of the houses of correction subordinate to the Prison Department – 403 decisions. Nevertheless, the trend downwards in the number of justified complaints is noticeable – in 2009, only 7% of the complaints were recognised to be justified (14% in 2008).

The complaints regarding the actions of police officers subordinate to the Police Department rank second by the number of the decisions made. The percentage of justified

complaints in this category remained the same as that in 2008 – 28% of the total number of the complaints under this headline.

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. According to the number of the decisions taken upon receipt of complaints against the actions of prosecutors of the General Prosecutor's Office and its subordinate prosecutor's offices, the General Prosecutor's Office ranks third among all state institutions in 2009. However, only a few complaints in this category were recognised as justified.

It is a few years that complaints regarding the actions (inaction) of officials of the Ministry of Environment (73 decisions) and the Ministry of Health (64 decisions) is not decreasing. Nevertheless, in comparison with 2008, the percentage of complaints recognised as justified has dropped from 45% to 25% (regarding the actions of the Ministry of Environment and its subordinate institutions) and from 43% to 28% (regarding the actions of the Ministry of Health and its subordinate institutions)

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

Problem	complaints investigated (%)
Rights of citizens whose freedom was restricted	38
Right to good public administration	33
Right to personal and public security and assurance of public order	12
Right to a secure and ecological environment	3
Right to ownership	2.5
Right to health care	2
Right to a fair trial	2
Right to social security	2
Consumer rights	1.5
Other rights	4

It is noteworthy that, compared to 2008, the subject matter of the complaints investigated in 2009 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 institutions increased by 1%, however, there was a drop in the number of complaints recognised as justified: 31.5% of complaints concerning violations of the right to good public administration was recognised to be justified in 2008, whereas, in 2009 – 27%.

Such areas of public life as environmental protection (38% of justified complaints) and health care (27% of justified complaints) remain relevant as quite a large number of justified complaints was received in relation to violations of human rights related to the activities of officials of these particular areas.

The total number of complaints regarding violations of the right to social security remained the same. In 2009, the majority of complaints received were related to the allocation of state pensions, benefits or compensations.

Following the investigations of complaints in 2009, the Seimas Ombudsmen made **681** recommendations.

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	345
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	111
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	47
To engage officials of the Government institutions as well as ministries, county and municipal officials as well as officials and experts of county governor's administrations and municipal institutions and bodies	44
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	36
To request that information, material and documents necessary for the performance of the Seimas Ombudsman's functions be immediately submitted	27
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	26
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	21
To recommend to the prosecutor to apply to the court under the procedure prescribed by the law for the protection of public interest	14
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 propose to apply to the Constitutional Court regarding the compliance of legal acts with the Constitution and laws of the Republic of Lithuania	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 tenth of the recommendations are still being implemented.

RECEPTION OF CITIZENS IN THE SEIMAS OMBUDSMEN'S OFFICE

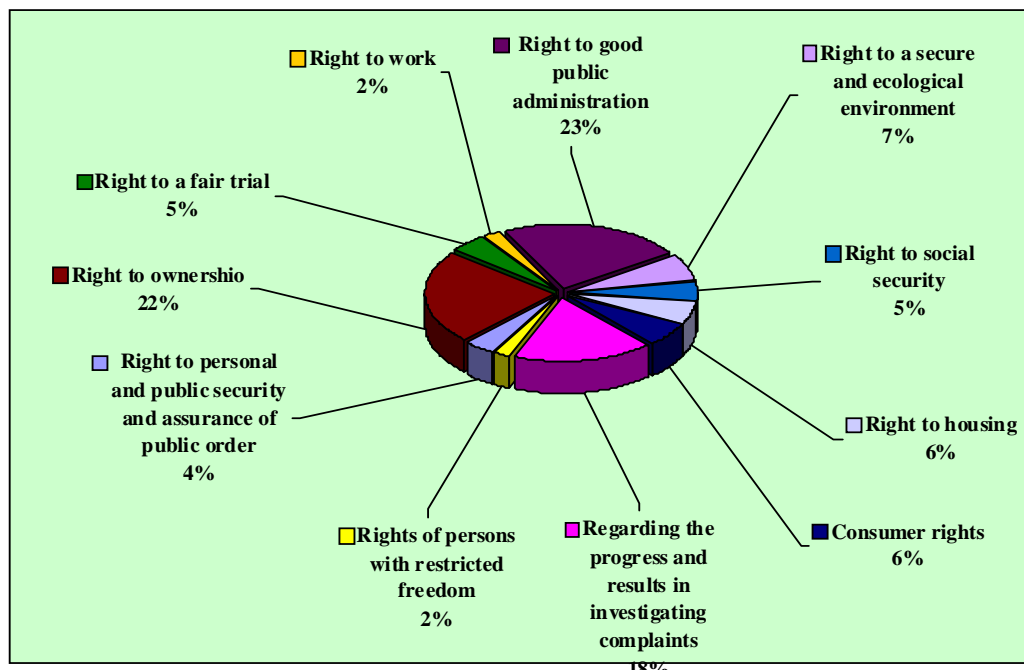
In 2009, the Seimas Ombudsmen's Office provided consultations to 1,513 individuals. Citizens who arrive in the Seimas Ombudsmen's Office receive information about the work of this Office and the procedure for investigation of complaints and applications as well as various consultations and explanations 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.

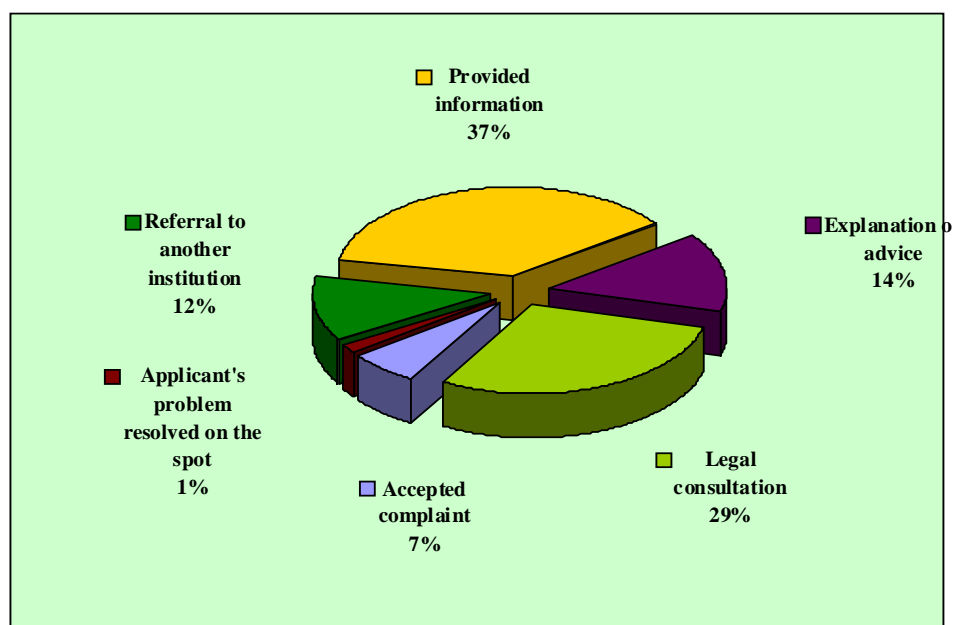
More and more people contact the Seimas Ombudsmen's Office in an electronic way or request advice on the website of the Office at www.lrski.lt. In 2009, consultations via such media were provided to 72 persons. The persons who file their complaints (applications) electronically get notified within 3 working days whether their complaints (applications) fall within the scope of investigations of the Seimas Ombudsmen's Office; when necessary, they are requested to supplement the content of the relevant letter or are given any other information. However, in any case, the investigation of a complaint commences only upon receipt of its original copy.

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. In 2009, consultations over the phone were given to 806 applicants.

The most frequently raised issues in the Reception Office of the Seimas Ombudsmen's Office



Solutions to the issues of concern to applicants at the Reception Office of the Seimas Ombudsmen's Office



INTERNATIONAL COOPERATION

Conferences, seminars and other events abroad

Participation of the Seimas Ombudsmen in the events of foreign ombudsmen's institutions and international organisations is very important due to discussions on relevant issues, sharing of good practices and establishing of new relations or strengthening of the existing contacts that take place during such events.

Seimas Ombudsperson Z. Zamžickienė took part in the Seventh **Seminar of the National Ombudsmen of EU Member States and Candidate Countries in Paphos, Cyprus**. The seminar was organised jointly by the Commissioner for Administration (Ombudsman) of Cyprus Ms E. Nicolaou and the European Ombudsman Prof. N. Diamandouros. The topic of the seminar was "Migration and its impact on the work of ombudsmen". The seminar dealt with the issues of migration within the EU, immigration from third countries and political asylum. The sessions of the seminar also focused on the free movement of European citizens, equal opportunities, the European Network of Ombudsmen, the issues of acceptance and integration of immigrants, their status, as well as on the procedure of the right to political asylum.

After a five years' break, Stockholm (Sweden) hosted the **Global Conference of the International Ombudsman Institute**. The purpose of the Conference was to discuss the situation of human rights worldwide and the related trends in the work of ombudsmen. The

Seimas Ombudsmen's Office was represented by Seimas Ombudsmen Albina Radzevičiūtė and Augustinas Normantas. The meeting of the General Assembly of the International Ombudsman Institute also took place during the Conference and one of the days was designated to **mark the Bicentennial of the Swedish Ombudsman Institution** – the experience acquired by the ombudsman institution of this country acquired over long years was shared and discussed. Swedish experience became likewise relevant to Lithuania: 15 years ago when not so much was known in our country about human rights and how the authorities could adequately serve its people, the first ideas about the emergence of human rights protection institutions were contemplated. Then the model of the ombudsman institution in place in Sweden was taken as an example and the Lithuanian Seimas Ombudsmen's Office was set up; during the first years of its existence, the Office received much support namely from Swedish ombudsmen.

Seimas Ombudsperson V. Pilipavičienė took part in the **Roundtable on Roma and their Housing** in Brussels (Belgium) that was arranged by the European Union Agency for Fundamental Rights. During the Roundtable, the European Union Agency for Fundamental Rights presented the results of the study aimed at examining the housing situation of Roma in Europe. At the meeting, the human rights defenders shared good practice examples as well as discussed how to ensure equal opportunities for Roma and other migrating groups by providing them with housing on the EU and national levels, as well as how to avoid multiple discrimination of Roma.

Seimas Ombudsperson A. Radzevičiūtė participated in the **Roundtable on Detention Conditions in the EU** held in Brussels (Belgium). The issues of detention were discussed with the representatives of independent institutions responsible for monitoring of detention establishments, set up by the EU Member States by ratifying the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Good practice relating to detention conditions in the EU was shared, the creation of an informal network to deal with these issues was considered and other issues on the detention conditions relevant to the EU were discussed during the Roundtable.

Not only the Seimas Ombudsmen, but also their advisers and other employees of the Office actively contribute to the international cooperation of ombudsmen's institutions.

Adviser of the Monitoring Group of Human Rights Situation in Closed Institutions L. Mališauskaitė and Chief Specialist K. Brazevič, together with the Office of the Chancellor of Justice (Ombudsman) of Estonia, took part in the **two-day inspection of two closed institutions – Psychiatric Clinics of AS Lõuna-Eesti Hospital and the Special Nursing Centre of Lõuna-Eesti**. The inspections focused on inspecting the facilities, inquired whether patients were provided with information on human rights, whether there were possibilities of making complaints against the actions of the staff, whether the right to smoking was not restricted to patients, how rehabilitation programmes are organised, whether the rights of the disabled were not infringed. Meetings with the administration of the hospital were held at the outset and closure of the inspections in order to discuss the results and jointly solve problems, share the experience and recommendations.

The responsible employees of the Office of the Commissioner for Human Rights of the Council of Europe held the third **meeting of Contact Persons of National Human Rights Structures of the Member States of the Council of Europe**. The meeting took place in Budapest (Hungary) and the Seimas Ombudsmen's Office was represented by its contact person M. Balčiūnaitė, Chief Specialist of Documentation and Information Division. The meeting

summarised the results the Project “Peer-to-Peer” that was funded jointly by the Council of Europe and the European Council as well as set the guidelines for the years 2010–2011.

Meetings with human rights defenders from other countries

The Seimas Ombudsmen exchange their working experience not only in various international conferences and seminars, but also during meetings with various foreign delegations and high ranking officials from international organisations in the Seimas Ombudsmen’s Office.

A visit to the Seimas Ombudsmen’s Office was paid by the delegation of the Romanian Constitutional Court headed by the President of the Constitutional Court Ioan Vida and Secretary General Ruxandra Sabareanu. The Head of the Office R. Valentuevičius made a presentation on the structure of the Seimas Ombudsmen’s Office, work distribution and responsibility areas of the five Seimas Ombudsmen, overviewed the subject-matter of investigated complaints made by Lithuanian residents and other issues related to the activities of the Seimas Ombudsmen. The representatives of the Constitutional Court of Romania, in their own turn, made an overview of the activities of the Ombudsmen’s Institution in place in Romania since 1997, described the topics covered in the complaints under their investigation, the performance results of the ombudsman and the attitude of the Romanian authorities to the recommendations made by the Ombudsman’s Institution to improve the rule of law. The guests from Romania were accompanied by and the meeting with the Seimas Ombudsmen was also attended by Judge of the Constitutional Court of Lithuania Toma Birmontienė and Head of the Secretariat of the President of the Constitutional Court Lolita Raudienė.

Seimas Ombudsman, Head of the Office R. Valentukevičius hosted the Commissioner for Human Rights of the Council of Europe Thomas Hammarberg who was on a visit in Vilnius. During the meeting, the guest was interested in the course of investigations of the complaints by Lithuanian residents regarding infringements of their rights, inquired about the attitude of the state authorities to recommendations of the Seimas Ombudsmen and future opportunities of the Office to monitor human rights in closed institutions of restriction of liberty. The purpose of the Commissioner for Human Rights of the Council of Europe was to find out what had been achieved with the view of ratifying the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, interest was taken in the investigation of Lithuanian complaints regarding the actions of police officers, inquires were made into the distribution of competences between various human rights defence institutions and discussions took place on the impact on the investigation of citizen’s complaints by diminishing allocations from the state budget for the institution taking care over the protection of human rights.