

Answers to the questionnaire on National Human Rights Institutions and human rights defenders by the Seimas Ombudsmen’s Office of the Republic of Lithuania

1.	<p>a) As today, there is no accredited NHRI in Lithuania. According to the Paris Principles, the mandate of a national human rights institution and the functions are empowered by several institutions: Seimas Ombudsmen’s Office, The Office of Equal Opportunities Ombudsperson, the Institution of the Ombudsman for Children Rights, State data protection inspectorate, The Office of the Inspector of Journalist Ethics, The Institute of Law.</p> <p>The Seimas Ombudsmen's Office of the Republic of Lithuania in its strategic plan set an objective to seek that the Seimas Ombudsmen’s Office would become an accredited national human rights institution. In principle, the Seimas Ombudsmen’s Office is the institution that fulfils the requirements set by the Paris Principle the most from all mentioned institutions. However, it is necessary to make amendments to the Law on Seimas Ombudsmen¹ so as to fully comply with the Paris Principles. In order to prepare a draft on the Amendment of the Republic of Lithuania Law on the Seimas Ombudsmen, the Board of the Seimas (Parliament) has initiated the working group composed of various politicians, experts, academics, and social organizations. As for this day, the draft Law on Seimas Ombudsmen has been drafted and registered in the Parliament on the 24th September 2012. The prepared draft Law on the Seimas Ombudsmen have been submitted to the United Nations Human Rights Office of the High Commissioner for Human Rights (OHCHR) to comment on its compliance with the Paris Principles and other international human rights instruments.</p> <p>b) Essentially, the draft on the Amendment of the Republic of Lithuania Law on the Seimas Ombudsmen is in compliance with international human rights instruments and the Paris Principles.</p> <p>c) Currently there is no accredited NHRI in Lithuania. As has already been mentioned, the Board of the Seimas (<i>Parliament</i>) has initiated the working group composed of representatives of various politicians, experts, academics, and social organizations. The draft on the Amendment of the Republic of Lithuania Law on the Seimas Ombudsmen has been drafted and registered in the Seimas of the Republic of Lithuania.</p>
2.	<p>a) Within the current regulation, the Seimas Ombudsmen 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. Seimas Ombudsmen within their activities are guided by the principle of openness and constantly provide information to the public about their activities, issuing the newsletters, annual reports as well in other ways publicizing human rights and freedoms.</p> <p>Within the draft on the Amendment of the Republic of Lithuania Law on the Seimas</p>

¹ REPUBLIC OF LITHUANIA, THE LAW ON THE SEIMAS OMBUDSMEN , 3 December 1998, No VIII-950 (As last amended on 13 May 2010 – No XI-808);

	<p>Ombudsmen, the mandate is broadened and the mentioned issues are covered in more extensive manner.</p> <p>b) The jurisdiction of the Seimas Ombudsmen covers both natural and legal person's complaints of alleged human rights violations or freedoms in the sphere of public administration.</p> <p>c) According to the Law on Seimas Ombudsmen, 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) are outside the Seimas Ombudsman's powers of investigation. The activities of the police officers, except the legality and validity of procedural decisions of the prosecutors, pre-trial investigation officials, are within the investigative jurisdiction of the Seimas Ombudsmen. The activities of the military officials fall within the jurisdiction of the Seimas Ombudsmen as well.</p> <p>d) When performing his duties, the Seimas Ombudsman has a right enter the premises of institutions and agencies (enterprises, services or organisations) at any time of the day, if persons are kept in the premises for 24 hours or more (Detention Facilities, Remand prisons, correctional homes psychiatric hospitals, nursing homes, etc.). Also, the Ombudsman has a right 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 law. There are no other mechanisms mentioned in the question.</p>
3.	<p>a) There are no special mechanisms provided.</p> <p>b) Question is not relevant.</p>
4.	<p>a) The Seimas Ombudsmen implement joint projects together with non-governmental organizations, as well as other state institutions working in the area of protection of human rights and freedoms. Reading the specific issues Seimas Ombudsmen consult with relevant non-governmental organizations, as well as provide consultations to such organizations if requested.</p> <p>b) There are no such challenges or obstacles identified.</p>
5.	<p>a) As far as it is known, there has never been such a situation.</p> <p>b) Because there is no need, these special mechanisms do not exist within the institution.</p> <p>c) The institution has never been subject to interference or threat.</p>

6.	<p>a) The Seimas Ombudsmen's Office is financed from the State budget which is main source. The Institution can also get a financial support through specific projects financed by the European Union structural funds.</p> <p>b) Basically, the Seimas Ombudsmen Office is not confronted by any challenges of functional autonomy. However, according to legal regulation in Lithuania, the Government and the Ministry of Finance forms the draft of the State budget which is later submitted for approval to the Parliament. So in theory, there exist possibility that the Ministry of Finance may try to limit the funding, but this is unlikely, since the final decision on the budget is adopted by Parliament.</p>
7.	<p>a) According to the Law on Seimas Ombudmen, the Parliament appoints the Seimas Ombudsmen on the nomination of the Speaker of the Seimas. As today, the Speaker of the Seimas is free to choose the candidates to the Ombudsmen's position – he may consult social organizations, political parties, announce the candidates' selection, and etc., yet though the procedure is not formalized. In draft on the Amendment of the Republic of Lithuania Law on the Seimas Ombudsmen the foreseen procedure is that the Speaker of the Seimas consults about candidates for the Seimas Ombudsmen with non-governmental organizations working in the area of protection of human rights and freedoms.</p> <p>b) There are no provisions regarding the immunity of the Ombudsmen within current legal framework. However the draft on the Amendment of the Republic of Lithuania Law on the Seimas Ombudsmen suggests an institute on the immunity of the Ombudsman as the additional guarantee of independence of the Ombudsman.</p>