



HUMAN RIGHTS MONITORING INSTITUTE

ANNUAL ACTIVITY REPORT
2012

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Human Rights Monitoring Institute (HRMI) is a non-governmental organization based in Lithuania. It has been founded in 2003 with the mission to promote an open democratic society through the consolidation of human rights and freedoms. The strategic goals of the Institute are: to develop the capacity of the civil society to follow and influence the governmental human rights policy and practice, encourage Lithuanians to exercise their rights and, in certain cases, to assist in defending those rights, to develop a culture respectful of human rights in Lithuania by raising awareness of human rights violations, their causes and consequences, stimulating public discussions and dialogue between civil society and state institutions concerning human rights, motivating state institutions and officials to bring about tangible improvements in legislation, programmes and services, intended to ensure and consolidate the protection of human dignity and human rights and increasing governmental accountability in policies and practices affecting human rights.

HRMI conducts daily monitoring of public institutions' activities, reacts to human rights abuses or potential violations, carries out research, issues conclusions and recommendations, initiates strategic litigation, presents alternative reports to international human rights institutions, implements awareness-raising and educational campaigns.

HRMI is a member of the EU Fundamental Rights Platform, which is a network of NGO cooperation under the auspices of the EU Fundamental Rights Agency; UNITED - network of European NGOs against nationalism, racism, and fascism; EUROCHILD - network of organisations and individuals working in and across Europe to improve the quality of life of children and young people; Civic Solidarity Platform – an advocacy network of independent civic groups from across the OSCE region; and informal network JUSTICIA, aiming to improve quality of criminal justice in Europe.

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INTRODUCTION

The year of 2012 was challenging, yet more than ever meaningful for the Human Rights Monitoring Institute. HRMI continued its work on human rights areas of priority concern, such as prohibition of discrimination, right to privacy, right to a fair trial and engaged into a more active advocacy on behalf of the rights of vulnerable groups, such as children. HRMI joined the European effort in the area of arrest rights by becoming one of eleven members of *JUSTICIA European Rights Network* which endeavors to strengthen the domestic impact of the work of its network member organisations in the area of EU justice.

In 2012, HRMI published three research reports, which reviewed and assessed the legal framework and practice of the pre-trial detention in Lithuania, the use of video-surveillance cameras and examined the electoral manifestos of the major political parties against human rights principles. Also, HRMI conducted a periodic public opinion poll on human rights situation in Lithuania.

In 2012, the European Court of Human Rights issued a decision in one of HRMI's strategic cases started in 2004 – *D.D. v. Lithuania*. D.D., the applicant represented by the HRMI, was stripped of her legal capacity and involuntarily placed into the social care home for almost nine years. The ECtHR found violations of D.D.'s right to liberty and security of a person and a right to a fair trial. The Court stressed that the Lithuanian system of protection of the rights of persons with mental disability suffers from serious legal and practical shortcomings thus proving once again the strategic importance of the case. HRMI brought the case back to the national courts and achieved the restoration of D.D.'s legal capacity. It also strengthened its efforts in the process of the Lithuanian legal capacity regulation reform.

HRMI continued to pursue litigation on behalf of the victim of domestic violence before the ECtHR and the victim of multiple discrimination before the national courts. Given the systematic deficiencies in the area of asylum law, HRMI has provided its expert opinion in one of the asylum cases.

The Institute also actively worked on the international level by submitting alternative reports and comments to international human rights monitoring bodies, including the UN Committee on the Rights of the Child and the UN Human Rights Committee. It also engaged in joint advocacy with foreign non-governmental organizations and networks, such as Amnesty International, INTERIGHTS, Reprieve, Open Society Justice Initiative, Civic Solidarity Platform and others.

In 2011, HRMI continued its annual awareness-raising campaigns – *Action Week against Intolerance* in March, and *Human Rights Awareness Month* in December. In August, HRMI hosted a Summer School *Using Lisbon Treaty for Building Active Citizenship* designed for young NGO professionals coming primarily from the new EU member states.

In July 2012, after considering the latest periodic report of Lithuania in July 2012, the UN Human Rights Committee urged the Government “to bridge the discernible gap between legal framework and social reality”. In 2013, HRMI will continue most of the past year's work with a primary aim of bringing social and political attitudes in Lithuania in line with the human rights for all through multi-faced evidence-based advocacy.

HRMI is indebted to all the partners, donors, experts, consultants, interns, volunteers and the public at large for continuous support of its mission - to promote an open democratic society through the consolidation of human rights and freedoms.

I. HUMAN RIGHTS MONITORING AND ADVOCACY

I.1. SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE

In June, HRMI submitted a written reply to the List of Issues for the 105th Session of the UN Human Rights Committee. In response to the Lithuanian Government's submission to the Committee, HRMI provided an alternative evaluation of the implementation of the ICCPR's provisions in Lithuania. HRMI drew the Committee's attention to the areas of concern related with pre-trial arrest and detention, lack of political will to legally protect children from corporal punishment and investigate Lithuania's role in the CIA's secret detention and extraordinary rendition program, massive expansion of video surveillance systems amounting to a disproportionate interference with a right to privacy and government's actions impeding the exercise of freedom of assembly.

In July, the Committee issued Concluding Observations on the human rights situation in Lithuania. The Committee called for Lithuania to establish a national human rights institution, to take measures to combat discrimination against vulnerable groups, to thoroughly investigate allegations of Lithuania's involvement in CIA's secret detention and extraordinary rendition program, and to ensure that legally incapacitated persons have access to the court. A concern was expressed in the conclusions about the deteriorating situation of the Roma community and their unfulfilled integration into Lithuanian society, as well as, the discriminatory legislative initiatives that infringe the rights of LGBT community. Recommendations were made to Lithuania to step up preventive measures to combat hate crimes, to ensure that the perpetrators are brought to justice, and to actively educate the public about the harm caused by hate and discrimination.

I.2. ALTERNATIVE REPORT TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD



In August, an informal group of Lithuanian NGOs submitted an Alternative Report to the United Nations Committee on the Rights of the Child on the children's rights situation in Lithuania.

The shadow report discussed the most important child's rights protection issues in recent years in Lithuania and made specific recommendations on how to fill in the existing gaps and to improve the current child rights protection system. The authors of the report highlighted that despite all the investments and achievements in health and social care in the first decade of the re-established independence of Lithuania, there was a strong lack of political will and adequate strategic solutions to properly implement the UN Convention on the Rights of the Child. The main issues remained the following: strong and

rigid institutional child care system that resists attempts to reform it into the modern family-based alternative care system; ineffective family social support system that does not provide the necessary assistance and discriminate vulnerable children; non-existence of formal inter-institutional mechanisms that would ensure effective implementation of child care, child-friendly legal proceedings, necessary assistance to children victims of violence or combined assistance to young people using drugs; lack of appropriate and available assistance for children with disabilities; lack of sexual education and confidential services for young people.

Alternative report also expressed concern on the draft of the new Law on Child Protection, the provisions of which treat the child as an object rather than as owner and subject of inherent rights. Such

approach deviates considerably from the one proposed by the Committee in its general comments elaborating on the provisions of the Convention, where the Committee urged the states to base their policies on child rights imperative.

HRMI Programme Director attended the Committee's preliminary session in October 2012 in Geneva. Introduction of the Alternative Report to the Committee was met very favorably with almost full Committee assembled and numerous questions asked. It was agreed with the Committee that the informal coalition would follow up on the State's response to the Committee's list of issues. The third and fourth State periodic reports will be considered in 2013.

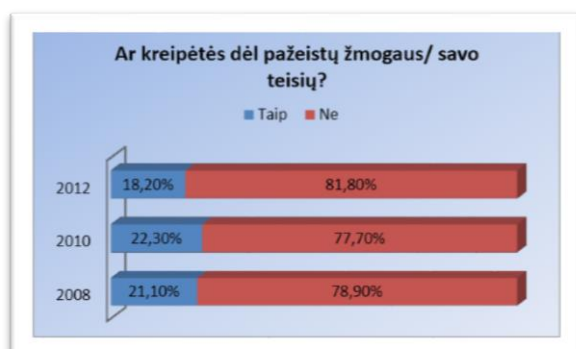
I.3. HUMAN RIGHTS AND POLITICAL PARTIES' ELECTORAL MANIFESTOS: OVERVIEW

In 2012, HRMI published a review of major political parties' electoral manifestos. It examined the electoral programs of six major political parties – ruling coalition members Homeland Union-Lithuanian Christian Democrats, Liberals Movement of the Republic of Lithuania, Liberal and Centre Union and three opposition parties – Lithuanian Social Democratic Party, Labour Party, and Party Law and Order.

The survey revealed that not all political parties pay sufficient attention to human rights whereas some parties do not understand the very essence of human rights altogether. Although most of the electoral programs included a number of policies related to civil, political, social and economic rights, a direct declaration to improve protection of these rights was rarely if ever stated. There was also a lack of substantiated reasoning for offering certain measures and a lack of analysis of their potential impact.

This is a second review conducted by HRMI that aims at providing society with a thorough and complete assessment of the human rights policies in the electoral manifestos of Lithuanian political parties.

I.4. PUBLIC OPINION POLL 2012



In December 2012, HRMI in partnership with the public opinion survey agency VILMORUS conducted a periodic public opinion poll on human rights situation in Lithuania. The biennial survey is conducted by HRMI since 2004 with a purpose to evaluate societal attitudes and the level of awareness on human rights protection.

The poll revealed that more than half of the population (52%) had no knowledge where to turn in order to defend their rights. Compared with the outcomes of the

previous opinion poll in 2010, slightly lesser number of the respondents believed that their rights were violated. People more often complained to the police when compared with the previous survey, and less often turned to courts, which indicates that the trust in police is increasing, whereas the judiciary still lags behind in terms of public trust. According to the respondents, bailiffs were the ones violating their rights most often. The courts came in the second place, whereas prosecuting authorities were third. According to the respondents, the right to a fair trial is the most often violated civil right in Lithuania.

II. PROTECTION OF PARTICULAR HUMAN RIGHTS

II.1. PROHIBITION OF TORTURE, INHUMAN AND DEGRADING TREATMENT

II.1.1. Interview by Danish DR Television for a New Documentary on CIA Rendition

On 11 April, HRMI representative was interviewed by Danish National Television DR for the documentary on the CIA secret detention and extraordinary rendition case.

While giving the interview for the documentary, HRMI representative Mėta Adutavičiūtė commented on the developments in Lithuania – parliamentary and criminal investigations and their outcomes, the work done by non-governmental organisations and the future prospects of the Lithuanian case. HRMI has been participating in the process from the very beginning by closely monitoring the course of the official investigations.

II.1.2. EP Delegation Met with HRMI Representatives

On 25 April, European Parliament delegation comprised of the members of LIBE (Committee on Civil Liberties, Justice and Home Affairs) met with Human Rights Monitoring Institute representatives. The members of the delegation inquired on the course and results of the official investigations into CIA rendition in Lithuania and heard HRMI's views on the case.

During the meeting, HRMI representatives critically evaluated the actions taken by Lithuanian state authorities and law enforcement, pointing out that both official inquiries failed to determine whether detainees were brought and held in a secret CIA-run detention facility in Lithuania.

HRMI also stressed that the Lithuanian Government's position in this case was too passive especially bearing in mind that one of the victims of CIA extraordinary rendition – Abu Zubaydah – has already submitted a complaint against Lithuania before the European Court of Human Rights because of the State's failure to conduct a thorough investigation into allegations of torture.

At its plenary session on September 11, 2012, the European Parliament adopted a resolution calling on EU member states to investigate whether there were secret prisons or facilities on their territory, where people were held under the CIA's secret rendition program in the early years of this century. The Resolution is based on a report prepared by the Committee on Civil Liberties, Justice, and Home Affairs last August. The resolution recognized the civil society's major role in carrying out the research and investigations in the CIA's program.

II.1.3. Cooperation with Reprieve to Collect New Data on Rendition Program

On 10 September, a London-based non-governmental organization Reprieve released new information on CIA-chartered flights that transferred terrorist suspects, secretly detained by CIA, from secret detention site in Lithuania to Morocco and Afghanistan. New data on flights was submitted in support of Abu Zubaydah's case before the European Court of Human Rights where one of the first CIA rendition victims argues that Lithuanian state failed to conduct an effective investigation into allegations of torture.

HRMI cooperated with Reprieve in gathering information from Lithuanian authorities.

II.1.4. Domestic violence case before the ECtHR: Valiuliene v. Lithuania

In 2012, HRMI continued to represent a victim of domestic violence in the case against Lithuania before the European Court of Human Rights (ECtHR). In the response to the Government's observations, HRMI argued that Lithuania failed to fulfil its positive obligation to investigate allegations of inhuman and degrading treatment.

The applicant became a victim of domestic violence in 2001 – her partner used physical and psychological violence against her. The applicant reported the instances of physical violence to the law enforcement institutions. In 2002, charges were brought against her partner, but the pre-trial investigation was repeatedly discontinued because the authorities were unable to locate the suspect. In 2005, Prosecutor's Office closed the investigation on the basis that under the new Criminal Code, which came into force in 2003, the pre-trial investigation on suspicion for light health impairment could not be continued under the general procedure, and advised the applicant to apply to the court for initiating private prosecution.

In its response to the Court, the Government recognized violation Article 8 of the Convention (right to private life), however, disagreed that there had been any violations of Article 3 (prohibition of torture, inhuman and degrading treatment and punishment). The applicant did not accept the Government's position and with the help of HRMI submitted a response to the Court. The response set out the applicant's arguments that her partner's use of physical and psychological violence amounted to inhuman and degrading treatment and that the State failed to fulfil its positive obligation to investigate allegations and administer justice.

II.2. RIGHT TO LIBERTY AND SECURITY

II.2.1. Research on Arrest and Pre-Trial Detention in Lithuania

In 2011, HRMI launched a project focusing on pre-trial detention in Lithuania. Previous HRMI activities, such as trial monitoring, revealed that one of the major problems remains overuse and, in certain cases, abuse of pre-trial arrest and detention. The initiative was aimed at promoting change in attitudes and practices of the law enforcement and judiciary in the area of deprivation of liberty of suspected offenders.



For this purpose, in 2012, HRMI conducted a research into deprivation of liberty in pre-trial phase consisting of a statistical survey on the rates of arrest and detention on remand; focus group interviews with persons who have been arrested or/and detained on remand, and analysis of existing legal framework, including effectiveness of available legal remedies against arrest and detention on remand.

The analysis revealed that a focal problem concerning the pre-trial phase of the criminal procedure in Lithuania was the overall willingness of the courts to grant detention. Pre-trial detention is often seen as the main means of ensuring an unhindered criminal process and the participation of the suspect that only occasionally can be substituted by less strict measures such as home arrest or bail, and not the other way around.

HRMI stressed that the conditions under which detainees are kept are very similar and in some cases worse than those of actual imprisonment. Bearing in mind the liberal application of the said measure,

this gives basis to considerations that pre-trial detention is overused by Lithuanian courts contrary to Article 9 of the ICCPR, and even may in some instances become a form of early punishment incompatible with the presumption of innocence.

II.3. RIGHT TO PRIVACY AND FAMILY LIFE

II.3.1. Study on Video Surveillance in Lithuania

In January 2012, HRMI published a study on video surveillance *Right to Respect for Private Life: the use of video surveillance in Lithuania*. The study concluded that since 2005, when HRMI conducted a similar analysis, considerable improvements could be observed. The Lithuanian Law on Protection of Personal Data now includes a separate section on video surveillance, establishing video surveillance as *ultima ratio*, i.e. a measure employed only in cases when the aims sought cannot be achieved by means less restrictive of person's privacy.

However, despite the obvious progress, the legal framework is not without shortcomings. Moreover, video surveillance operators often fail to comply with the law. Video surveillance cameras, when used with caution, may be a helpful tool in dealing with law offences. However, an uncontrolled expansion of video surveillance network and insufficient or inadequate legal regulation pose a threat to the right to privacy.

II.3.2. Response to the Draft Amendments of the Constitution Regarding the Definition of "Family"

On 23 April, HRMI addressed Lithuanian MPs outlining its position in relation to the proposed draft amendment to the Lithuanian Constitution. HRMI expressed concern about the parliamentary initiatives to amend Lithuanian Constitution by enshrining a provision that "a family shall be derived from marriage between a man and a woman". Such discriminatory provision would exclude single parents with children and other forms of family life.

In its appeal, HRMI urged the Parliament to take into account that such amendment would contradict the well-established ECHR case-law on Article 8 of the European Convention on Human Rights. ECtHR defines family as a *de facto* relationship, and reasoned that the sole precise definition of the family is therefore impossible.

II.3.3. Public Statement Regarding Google Street View Project

On 14 June, HRMI issued a public statement in reference to the *Google Street View* project which had been launched in Lithuania. The Project enables its users in Lithuania and worldwide to take a virtual look at most of the streets in Lithuania's cities and towns. Along with the exciting possibilities it also brings certain challenges related to the privacy rights.

HRMI called upon public institutions who authorized the implementation of the Project to fulfill their obligation and protect the right to privacy of persons recognizable on the photos. Specifically, HRMI recalled the judgment of the Swiss Federal Supreme Court where it held that *Google* could proceed with the Project on the condition that it ensured anonymity of images by e.g. blurring of faces of people captured in the images, blurring license plates of nearby cars and "sensitive facilities" including women's shelters, nursing homes, prisons, schools, courts and hospitals.

II.4. RIGHTS OF SOCIALLY VULNERABLE GROUPS. PROHIBITION OF DISCRIMINATION

II.4.1. Victory in *D.D. v. Lithuania Case*

On 14 February, the European Court of Human Rights issued a decision in the case of *D.D. v Lithuania*, where it found violations of Article 5 (right to liberty and security of a person) and 6 (right to a fair trial) of the European Convention of Human Rights. ECHR reasoned in its judgment that the Lithuanian system of protection of the rights of persons with mental disability suffers from serious legal and practical shortcomings.

In 2000 D.D., the applicant, was stripped of her legal capacity upon the request of her adoptive father. Two years later, she was placed under guardianship. In 2004, upon the initiative of her adoptive father and without her consent, D.D. was placed in a social care home. In 2007, the director of the social care home became her guardian. As an incapacitated person, D.D. was not given the opportunity to participate in this or any other guardianship proceedings.



ECHR concluded that the involuntary placement of D.D. to Kedainai social care home amounted to the deprivation of her liberty because the administration had a complete control over D.D. in relation to her treatment, care, accommodation and freedom of movement. Moreover, D.D. even if de jure having no legal capacity, actually understood that she was placed into the care home without her consent.

The Court stressed that according to the Convention, the applicant has the right for judicial review of her involuntary institutionalisation. However, Lithuanian laws do not provide for such review, and a person with no legal capacity has no right to apply to court altogether. Therefore the court ruled that such legal regulation is in breach of the applicant's rights under Article 5 of the Convention guaranteeing the right to liberty and security of person.

The Court also drew attention to the fact that the applicant was not granted the opportunity to participate in court proceedings regarding her legal capacity and was not informed on the consideration of the case related with her autonomy and involuntary placement into institutional care. She also did not attend the hearing on the appointment of her legal guardian.

Henrikas Mickevicius, HRMI Executive Director, represented D.D. before the ECtHR.

On 19 July, when the judgment in *D.D.* case came into force, HRMI issues a press release calling on Lithuanian authorities to ensure its implementation.

II.4.2. Legal Capacity Restored after 12 Years

On 28 June, the Kaunas City District Court's decision, restoring the legal capacity of D.D., has entered into force. On 29 May, the Court ruled that, despite the mental illness, D.D. understands the meaning of her actions and is capable of controlling them, therefore D.D. was recognized a legally capable person.

Jolanta Samuolytė, HRMI's representative, argued on behalf of the applicant: "D.D. never agreed with the deprivation of her legal capacity and her involuntary placement into residential care, so this is a great victory. Deprivation of legal capacity severely restricts constitutional rights of a person. After one is recognized a legally incapable person, one loses most of his political and civil rights, including the right

to dispose of the property, the right to work, to vote, to choose residence, the right to appeal to the court, including appeal for a judicial review of the legal incapacity.”

II.4.3. Decision in the Case of Multiple Discrimination Appealed

In 2012, HRMI continued litigation of a case involving multiple discrimination. On 21 March, Vilnius district court delivered a judgment in the discrimination case brought against the Romanian Embassy in Lithuania by an unfairly dismissed employee – a woman diagnosed with schizoaffective disorder and having only 40 per cent of working capacity. The applicant argued in her plaint that she was discriminated on the grounds of her gender and disability and requested compensation of 400.000 LTL in pecuniary and non-pecuniary damages.

In March 2008 the plaintiff unofficially undertook employment at the Romanian Embassy in Lithuania as a translator. In May she was officially hired on a probationary basis. In June, after her health had deteriorated, she was hospitalized and became temporarily disabled and unable to work. In July 2008, after the plaintiff got back to work and notified her employer of her pregnancy, she was dismissed the next day without any lawful reason.

The defendant, Romanian Embassy, failed to submit its response to the plaintiff’s statement, nor did the representatives of the embassy attend the court hearings. As a result, the court issued a default judgment. On 21 March 2012 Vilnius district court declared the dismissal illegal on the grounds of unlawful discrimination against the plaintiff, but awarded her only 11.000 LTL in pecuniary and non-pecuniary damages.

Since the ruling is only partially favorable to the plaintiff, an appeal to the Lithuanian Court of Appeals is being prepared.

II.4.4. Expert Opinion in Asylum Case

Stepan Zaharchenko left military service in Belarus and entered Lithuania in July 2011. In his claim for asylum Zaharchenko argued that he was forced to flee from Belarus after he had refused to sign the oath to shoot Belarusian civilians in case of mass protests in cities. In May 2012, the Migration Department refused to grant asylum to Zaharchenko stating that "there is no reason to believe that upon his return to the country of origin Stepan Zaharchenko could be subjected to torture or cruel, inhuman or degrading treatment, or that he would be punished in such a way that would violate his human rights and fundamental freedoms”.

Zaharchenko appealed the decision to administrative court. Jūratė Guzevičiūtė, HRMI Legal Director, attended the court hearing and presented an expert opinion on the case. She noted that unlawful attacks on civilians as crimes against humanity could be carried out in an armed conflict (international and internal) as well as during the time of peace, and prosecution or punishment for refusing to perform such acts should be regarded as persecution under the UN Refugee Convention.

On 12 October, Vilnius District Administrative Court quashed Lithuanian migration authorities’ decision to refuse asylum and returned his case to the Migration Department for reconsideration.

II.5. RESPONDING TO HATE SPEECH AND EXTREMISM

II.5.1. HRMI Calls for Reaction to an Inappropriate Sport Fans’ Behaviour at the Olympics

The UK and Lithuanian media reported that on 29 July 2012 during the Olympic basketball game between Lithuania and Argentina Lithuanian fan directed a Nazi salute gesture at dark-skinned stewards.

HRMI addressed the General Prosecutor's Office requesting for an investigation and the Lithuanian National Olympic Committee suggesting to publicly express its position on this and similar incidents. Nazi salutation directed at a dark-skinned person has an obvious racist undertone. Such behavior demonstrates disrespect for democratic values and violates the principle of equal human dignity.

II.5.2. Open Letter Concerning the Solemn Re-internment of Juozas Ambrazevicius-Brazaitis

In June, HRMI signed an Open Letter objecting to the official honoring of Juozas Ambrazevicius-Brazaitis, the head of the Provisional Government of Lithuania that was active from June–August, 1941 during Lithuania's occupation by Nazi Germany by the Government and Parliament of the Republic of Lithuania, officials of the City of Kaunas, and other dignitaries.

Documents of the time show that the Provisional Government led by Ambrazavicius-Brazaitis did not distance itself from the pro-Nazi policies actively supported by Kazys Škirpa's Lithuanian Activist Front. Moreover, the Provisional Government declared its willingness to contribute to the organization of Europe on "New Foundations" as formulated by Nazi Germany.

„The recent state-sponsored commemoration of Juozas Ambrazevicius-Brazaitis's life and legacy that took place on the occasion of his reburial was an egregious error of moral judgment," the letter read.

III. RENGINIAI IR ŠVIETIMO KAMPANIJOS

III.1. TRAINING FOR DELFI.LT

In 2012, HRMI engaged the largest Lithuanian online news site *Delfi.lt* with a purpose to train the journalists on human rights and non-discrimination, and introduce the principles of social responsibility in their publications as well as their working environment. The incentive behind the initiative was to encourage the journalists to take the lead in tackling online hate speech, first of all, by writing in a socially responsible and ethical manner, and restraining from provoking and encouraging hateful and discriminative attitudes and opinions.

Interactive three-day training for 60 employees of *Delfi.lt* was led by Rytis Juozapavičius, a former journalist and a former head of Transparency International (TI) in Lithuania, a vocal critic of media corruption. Expert consultations were provided by Deividas Velkas, Monika Frėjutė-Rakauskienė, Dainius Pūras, Henrikas Mickevičius and Dovilė Šakalienė.

In 2013, *Delfi.lt* will finalize its Ethic's Code drafted together with the HRMI representatives and experts.

III.2. WEEK AGAINST INTOLERANCE 2012

For the seventh year in a row, every March, Human Rights Monitoring Institute organized the traditional human rights campaign series *Action Week against Intolerance* focusing on awareness raising when fighting racism, nationalism and other forms of intolerance.

Action Week against Intolerance is commemorated on 21 March – the day declared by the UN General Assembly as International Day for the Elimination of Racial Discrimination. On that day, in 1960, police opened fire and killed 69 people at a peaceful demonstration in Sharpeville, South Africa, against the apartheid pass laws.

Key events of the campaign:

Discussion on patriotism in Lithuania. How contemporary Lithuanian patriotism manifests itself, why the culture of hatred and bullying prevails in Lithuania, and what is the relationship between patriotism and nationalism – these were the questions addressed by the panelists and the audience in the public discussion *Patriotism in Lithuania: 22 Years of Independence* organized by HRMI.

Peaceful assembly to celebrate the Independence Day on March 11. The assembly was initiated as a response to annually organised neo-Nazi marches. The certificate for the event was issued to HRMI and the Centre for Advancement of Equal Opportunities, but after seeing the significance of a uniting and peaceful celebration of Independence Day, the organizers of the festival were joined by a number of artists, intellectuals, celebrities, media and businesses.



Online Human Rights Course at e-Academy "Faces of Intolerance". In partnership with "Open society and its friends", HRMI offered an online course aiming to introduce the participants to the history of racism, its consequences and lessons to be learned. Over the four weeks long free online course students were provided with reading material and links to information necessary for meaningful participation in the study process.

Regional Radio Shows. A team of experts traveled around the country and held discussions on air on relevant human rights topics with a particular emphasis on freedom, equality and other European values. The team of experts held discussions at Kaunas city radio station *Kauno fonas*, Marijampolė city radio station *Kapsai*, radio of Tauragė city, Klaipėda city radio station *Radiją Kelyje*, Utena city radio station *Indra*, Panevėžys city radio station *Pulsas*, Šiauliai city radio station *Saulės radijas* and Mažeikiai city radio station *Mažeikių aidas*.

III.3. HUMAN RIGHTS SUMMER SCHOOL 2012



On 6-12 August, HRMI hosted a *Summer School Using Lisbon Treaty for Building Active Citizenship* designed for young NGO professionals coming primarily from the new EU member states. The purpose of this year's event was to bring together human rights advocates, civil society leaders and senior students interested in EU and human rights law as well as in promoting active EU citizenship and developing effective human rights advocacy campaigns.

The course introduced the participants to the EU legal instruments focusing on the Lisbon Treaty, the EU Charter of Fundamental Rights and explored various rights enshrined therein. The lecturers coming from diverse backgrounds sought to equip the students with the knowledge on the European and international framework of human rights law and shared tips and insights on how these legal instruments could be employed by NGOs in their daily activities. The participants were also introduced to the best practices – effective advocacy, awareness raising and civic engagement tools and successful campaigns.

HRMI has received total 250 applications, and has selected 32 participants from 13 EU Member States and Turkey. The Summer School was supported by the EC programme *Europe for Citizens*. Summer School's partner in Lithuania – Mykolas Romeris University.

III.4. INTERNATIONAL CONFERENCE *EFFECTIVE CRIMINAL DEFENCE IN EUROPE: CHALLENGES AND PROSPECTS*

In November, criminal law and human rights experts, Lithuanian state officials, criminal lawyers, NGO and academia representatives, and a delegate from the European Council gathered in Vilnius to discuss the prospects of criminal justice reform in Europe and challenges for Lithuanian EU presidency. The conference was organized by HRMI and Irish Council for Civil Liberties as partners in JUSICIA Network together with Criminal Justice Department of Mykolas Romeris University.



The purpose of the event was to bring various stakeholders together to discuss and explore such themes as upcoming EU legislation on the right of access to a lawyer and legal aid, effectiveness of legal aid system and protection of human rights in criminal proceedings. By engaging EU institutions and Lithuanian EU presidency team, HRMI and partners sought to promote the human rights NGOs' stand in relation to the upcoming EU legislation.

According to EU Council's representative, EU institutions were still negotiating the final text of the draft directive that aims to ensure minimum standards of the right of access to a lawyer on the EU level. The directive was expected to be adopted in 2013. However, a directive regulating the provision of legal aid is unlikely to be passed at all – the adoption of a resolution or recommendation is considered instead. The representative from the Ministry of Foreign Affairs confirmed that criminal justice reform as well as EU accession to ECHR is on Lithuanian EU Presidency's agenda. Participating NGO representatives expressed concern that after the changes introduced by the Council to the text of the directive on access to a lawyer, the directive fails to meet minimum standards of procedural rights protection set by the ECHR.

Among other themes explored in the conference was the effectiveness of free legal aid system, lessons learned from the Lithuanian legal aid reform, improving protection of human rights in criminal proceedings in Lithuania, and others. HRMI representative delivered a presentation on abuse of pre-trial arrest and detention.

III.5. HUMAN RIGHTS AWARENESS MONTH 2012

In December 2012, HRMI, for the eighth year in a row, held its traditional *Human Rights Awareness Month 2012*.

Online Human Rights Course. This year's campaign started with an online course on human rights protection run by HRMI in partnership with "e-Academy". During the four-week course "Human Rights: definition, problems and defence mechanisms", students were introduced to the main legal concepts, definition and classification of human rights, fundamental human rights documents, international human rights bodies and their functions. The e-students actively engaged in an online discussion on the most acute human rights issues in Lithuania, discussed the ways for improving national human rights protection. At the end of the course, the students were offered to conduct an online test in order to assess the competences acquired.



Human Rights Pub Quiz. On 4 December, HRMI invited everyone interested in human rights to the pub quiz *There is nothing I wouldn't know about human rights*. Eight teams have gathered in the popular local pub "Soul Box" to compete for the title of "The Human Rights Brain". During the event, which was hosted by professional actors, students and young professionals answered a total of 74 questions on diverse human rights-related themes. Three best teams were awarded with certificates, T-shirts and other prizes.

National Human Rights Conference. On 7 December, HRMI held a national conference *Human Rights Today: world, Europe, Lithuania*. The first session of the conference was opened by MEP Leonidas Donskis who presented the youth-friendly version of the Annual European Parliament's report on Human Rights and Democracy in the World 2011 and the European Union's policy on the matter. Lithuanian MEP, who was the main drafter of the important EU human rights document, spoke about the EU role in promoting and supporting human rights and, first of all, human rights defenders in various parts of the world.

The presentation was followed by an engaging and live discussion on human rights protection in Lithuania – Leonidas Donskis, Dainius Pūras, Chair of HRMI Board, and Egidijus Aleksandravičius, famous historian, debated on whether the understanding of human rights in Lithuania is „Lithuanian“ or „European“. The panelists touched upon a number of pressing human rights and political issues, and shared their insights on the uniqueness of Lithuania’s case as post-soviet transition country still facing serious human rights and democracy challenges.



The panel discussion was followed by another panel debate where politicians from the main Lithuanian political parties and the NGO representatives discussed potential human rights policies in the newly elected parliament. HRMI Programme Director opened the panel with a presentation on the results of the periodic public opinion poll on human rights situation in Lithuania.

The final session of the conference provided a floor to volunteer speakers, mainly representatives from youth associations and various NGOs who delivered presentations on a variety of topics, ranging from gender politics and Roma integration to philosophical insights on the relation between the truth and tolerance.

Human Rights Champion 2012. This year’s award went to Kristina Mišinienė, head of Lithuanian Caritas Project on “Support for victims of prostitution and human trafficking”, for her long-term dedicated work with vulnerable groups. The Human Rights Champion of the Year award has been established by the Human Rights Monitoring Institute in 2006 to recognize outstanding contributions to the promotion and protection of human rights in Lithuania.

III.6. HUMAN RIGHTS TOPICS ON AIR

In 2012, HRMI in partnership with the radio station *News Radio* continued a radio talk show *Person to Person*, hosted by HRMI’s Programme Director. The initiative was initially launched for the period of three months, with an aim to bring relevant human rights issues into public discourse. The series were later extended and became an ongoing project. Throughout the first half of 2012, the show raised such issues as media and the rights of the child, hatred and intolerance, European Union and the Charter of Rights, labour rights, pre-trial detention, de-institutionalisation of care.

III.7. HRMI IN THE NEWS

In 2012, HRMI continued to actively express its position on the most pressing human rights issues in the Lithuanian and foreign media. HRMI representatives took part in more than 40 radio and TV programs, and were quoted more than 50 times in news portals and newspapers.

The media, which invited HRMI representatives to provide comments, include: National television and radio, TV channel LNK, TV channel TV3, *Lietuvos Rytas* television, *Baltijos* television, Info TV, Antena (Romania), News Radio, radio M-1, radio Znad Wilii, radio *Kauno fonas*, Tauragės radio, *Radijas Kelyje*, Indros radio, Pulsas, Saulės radio, radio *Mažeikių aidas*. National newspapers and weeklies: *Lietuvos Rytas*, 15min, *Akistata*, *Valstiečių laikraštis*; national news agency BNS. Online news portals: Delfi.lt, Balsas.lt, Lrytas.lt, Alfa.lt, Infoplex.lt, Berdardina.lt, Lietuvoszinios.lt, Liberalai.lt, Respublika.lt, Maistprofesajunga.lt, technologijos.lt, itbaze.lt, Guardian.co.uk and others.

III.8. INFOBULLETIN

In 2012, HRMI continued the dissemination of *InfoBulletin* – a monthly electronic newsletter providing information on the most pressing human rights issues and the latest legal and policy developments at the national as well as international level. *InfoBulletin* reaches a mailing list of more than 2500 readers. 2012 HRMI's *InfoBulletin* covered such topics as accessibility of state guaranteed legal aid, right to privacy vs. video surveillance, ECHR's case-law on family life, ECHR's annual report and changes introduced by the Brighton Declaration, pre-trial arrest and detention, conclusions and recommendations for Lithuania by the United Nations Human Rights Committee, human rights in Lithuanian political parties' programmes, and Human Rights Watch's report on women's rights in Chechnya.

IV. INTERNATIONAL COOPERATION

IV.1. Open Letters regarding the Continued Incarceration of Azimjon Askarov

On 26 January HRMI together with 49 NGOs worldwide signed the letters expressing their concern regarding the continued incarceration of Azimjon Askarov, an active human rights defender.

Independent observers unanimously agree that Mr. Askarov's trial and appeals were marred by serious procedural violations of the laws of the Kyrgyz Republic. During the trial his lawyers were subject to physical attack and threats in the courtroom in the presence of the judge and police, which made it impossible for them to effectively question witnesses. While in pre-trial detention, Mr. Askarov, an elderly man, was himself the victim of torture.

The first letter was sent out to H.E. Almazbek Atambaev, President of Kyrgyz Republic, urging him to grant Azimjon Askarov an immediate pardon on humanitarian grounds, or to ensure his release from prison in any other way acceptable under the laws of the Kyrgyz Republic. The second letter was sent to Catherine Ashton, High Representative for Foreign Affairs and Security Policy, and Hillary Clinton, U.S. Secretary of State, urging them to press President Atambayev personally to ensure Azimjon Askarov's release from prison.

IV.2. Joint Public Statement on the Access to a Lawyer Directive

In May, HRMI together with eight other human rights NGOs issued a joint public statement on the Directive on the Rights of Access to a Lawyer and to Communicate upon Arrest. The NGOs express their concern that the revised text of the draft Directive fails to meet the human rights standards for fair trials.

The NGOs stressed that although the European Commission's original proposals for the Directive were solidly grounded in the jurisprudence of the European Court of Human Rights, subsequent amendments by the Council appear to include some significant departures from existing ECHR protections.

According to signatory NGOs, „were these amendments to be retained in the adopted text of the Directive, the level of protection provided by Directive would fall significantly below the minimum standard enunciated in Recital 39“. Recital 39 of the named draft Directive reiterates that the level of protection should never go below the standards provided by the Charter and by the ECHR, as interpreted by the European Court of Human Rights.

IV.3. Open Letter to the European Commissioner regarding Pre-trial Detention

In May, HRMI joined an open letter to the European Commission, signed by 14 non-governmental organizations. In the letter, EU institutions were criticized for the lack of concrete actions in launching the reform of European pre-trial detention regime. The signatory NGOs urged European Commission to initiate, without further delay, the legislative proposals setting common minimum standards for the use of pre-trial detention.

The letter stressed that the pre-trial detention regime in EU member states needed urgent reform, to ensure an end to the unnecessary and often arbitrary recourse to the pre-trial detention and the severe rights violations that it causes, especially when it affects juveniles, non-nationals and vulnerable groups.

In her reply of 23 August, Viviane Reding, the Vice-President of the European Commission, assured that she was fully aware of the problems raised by the excessive use of pre-trial detention and was

committed to solving them. For this purpose, the European Commission was determining the specific actions to be taken on the European level.

IV.4. Russian Authorities Urged to Reverse the Repressive Draft Legislation on „Foreign Agents“

In July HRMI has joined the public appeal to the Russian authorities, issued by the *Civic Solidarity* platform urging to reject repressive draft legislation on “Foreign Agents”. The signatory organisations claim in their appeal that the draft legislation would allow a broad spectrum of Russian NGOs to be classified as “Foreign Agents.” Such a designation would not only stigmatize organizations, but would subject them to discriminatorily severe auditing and reporting requirements, and potentially catastrophic financial and/or legal sanctions for any violations.

According to the NGOs, the Russian draft not only applies to organizations operating in the interest of foreign governments but to any non-commercial organization that receives money from any foreign source for any purpose while also engaging in any type of “political activities,” including such broadly-accepted work as policy advocacy on a national or even local level. This legislation clearly violates the Russian Federation’s international commitments to respect its citizens’ rights to freedom of association and participation in political affairs.

The platform *Civic Solidarity* was founded in Vilnius in December 2011 and unites 40 non-governmental organisations from the OSCE region. HRMI is one of the founding members of the network.

IV.5. Statement on Political Control of the Media in Ukraine

In July, HRMI joined a public statement by the *Civic Solidarity Platform* urging the Council of Europe, EU institutions and member states and the OSCE to immediately call upon the Ukrainian authorities to put an end to restrictions on freedom of expression and the on-going political interference with the media in Ukraine. The platform members, including HRMI, stressed in the statement that the freedom of expression situation has worsened in Ukraine since 2010.

On 12 July 2012, just three months before the parliamentary elections, Ukraine's tax police raided the office of the only independent national television station in Ukraine, TVi, as part of a criminal investigation for large scale tax evasion by its head, Mykola Kniashchytsky. The political censorship of channels, such as TVi, raised numerous questions regarding the lawfulness of interference in the activities of independent media in Ukraine as well as equal treatment of all television channels.

IV.6. Statement on the Verdict against Pussy Riot

On 22 August HRMI together with the *Civic Solidarity Platform* issued a public statement calling on the Russian appellate court to uphold Russia’s international obligations with regard to respect for freedom of expression and quash the criminal convictions against the members of the Pussy Riot music band.

„We, the undersigned organizations, consider the conviction of the three women for their peaceful, if controversial and, in the views of some, offensive protest action, to be wrongful and excessive. In this case, Russian criminal law was misused to stifle freedom of expression as protected by international human rights law,” the statement reads.

IV.7. Open Letter to the Members of the Ukrainian Parliament Regarding Initiatives to Ban "Homosexual Propaganda"

Human Rights Monitoring Institute joined the Coalition for Combating Discrimination in Ukraine in its appeal to the members of the Ukrainian Parliament calling to reject the draft Law banning “homosexual propaganda”. The statements defines the bill as ambiguous, illogical, subversive, unjust, and discriminatory.

IV.8. Public Statement Condemning Police Raid in the Voronezh Human Rights House

In December Human Rights Monitoring Institute together with the other members of the *Civic Solidarity Platform* issued a public statement condemning the December 19 raid by plain-clothed Russian police on the premises of the Human Rights House-Voronezh. „Coming on the heels of the adoption of a number of repressive laws that restrict the ability of Russian activists to carry out their legitimate work, these searches represent another clear case of the misuse of state power to harass human rights defenders“, the statement reads. The Platform appealed to Russia’s international partners to stand by Russian civil society as it faced growing pressure and to hold the Russian government accountable to its international obligations to protect human rights defenders.

IV.9. Call on Azerbaijani Authorities to Immediately Release the Peaceful Protesters

In October HRMI, as a member of the *Civic Solidarity Platform*, issued a public statement condemning the actions of Azerbaijani authorities. The NGOs claimed in the statement they were shocked and alarmed to learn that, on 20 October 2012, police detained around 100 activists in Azerbaijan, to hinder a protest planned by youth movements and political parties. Protesters were also detained in the regions to prevent them from travelling to the protest in Baku.

In light of the recent events, the *Platform* called on the Azerbaijani authorities to immediately release all those who were detained for exercising their fundamental democratic right to freedom of assembly and to put an end to the ban on demonstrations in the center of the capital.

V. SHARING EXPERIENCE

V.1. HRMI Executive Director's Speech at Nordic Forum for Security Policy 2012

On May 11, Henrikas Mickevičius, HRMI Executive Director delivered a speech *Tolerance as a basis of democratic development* at the Nordic Forum for Security Policy *Empowering the Nordic Baltic Relations - Challenges of the 21st century*.

“Symbiotic relationship between democracy and human rights is reflected in those articles of human rights conventions which specify that any restrictions on a particular right should be such as are “necessary in a democratic society“. Human rights deficit which goes beyond this necessity takes the substance out of democracy and contributes to social and political alienation and marginalization, and provides a breeding ground for political intolerance,” – Henrikas Mickevičius said.

V.2. Victory in D.D. v. Lithuanian Presented at the International Conference

On 25 September, HRMI representatives Jolanta Samuolytė and Jūratė Guzevičiūtė participated in the international conference on *The needs and opportunities for development of legal capacity institute in Lithuania* co-organized by the Mental Disability Centre (Budapest), Global Initiative for Psychiatry (Lithuania) and the Ministry of Justice of the Republic of Lithuania. HRMI representatives introduced one of the strategic HRMI cases at the European Court of Human Rights - D.D. v Lithuania. The applicant herself attended the event and shared her experiences about 9 years-long "legal death".



V.3. Dainius Pūras Presented a Report at the International Conference on Juvenile Justice in Kyrgyzstan

Dainius Pūras, HRMI Chair of Board, presented a report at the international conference *Violence against Children in Juvenile Justice Systems*, which took place on September 21, in Bishkek, Kyrgyzstan.

The conference, organized by international NGO Penal Reform International and UNICEF, who have conducted research on violence against children in juvenile justice settings, provided a platform on discussion of the findings of research and an opportunity to develop action plans to put the recommendations into practice. More information on the research is available [here](#).

In his report Dainius Pūras discussed the basic principles of juvenile treatment, the risks posed by criminal justice systems, modern developments in mental health care and the relation between punishment and treatment, as well as the principles of assistance to child victims.

The conference brought together experts and participants from around the world, including Armenia, Azerbaijan, Bangladesh, Georgia, Jordan, Kazakhstan, Kyrgyzstan, Moldova, Pakistan, Russia, Tajikistan, Tanzania, and Ukraine.

V.4. HRMI's Executive Director Shared His Views on Decriminalization of Defamation

On 22 October, Henrikas Mickevičius, Executive Director of HRMI, participated in a round-table discussion on decriminalization of defamation in Lithuania hosted by the Parliamentary Human Rights Committee. In his intervention, he pointed out that although certain restrictions on the abuse of freedom of expression are necessary in a democratic society, the questions as to what constitutes the “abuse” and what sanctions are appropriate are still subject to debate.

According to Henrikas Mickevičius, there can be no single answer as to what punishment should be applied in every case of infringement because each case is unique. However, the legal standards developed in relation to lawful restrictions of individual rights and freedoms, such as legality, necessity and proportionality criteria, help to assess each individual case.

For a person to be held liable, the State has the burden of proving that such restriction of his or her freedom of expression was not only provided by the law and was necessary in a democratic society for the protection of human dignity and reputation, but also that the restriction was proportionate – a milder sanction could not be applied, for example administrative or civil liability.

V.5. Expert Round-table on Prostitution in Lithuania

In December, HRMI representative Mėta Adušavičiūtė participated in an expert round-table discussion *Prostitution in Lithuania: illegal yet flourishing. Challenge for the state*. “In Lithuania, human trafficking and selling persons with a purpose to benefit from the prostitution are criminal offences under the Criminal Code. However, the Code of Administrative Offences also provides for administrative liability for prostitution itself - for persons who are engaged into prostitution and their clients, i.e. prostitution in Lithuania is illegal. There is little agreement among the state agencies, NGO sector and the public, which way forward in tackling the increasing prostitution is more suitable for Lithuania – legalization of sex services or criminalization of buyers, whilst treating persons engaged into prostitution as victims and providing them with support and exit services funded by the state,” – M. Adušavičiūtė said in her presentation.



V.6. HRMI's Representative at the High Level Meeting on Effective Criminal Defence in Europe

On 12 December, Karolis Liutkevičius, HRMI Legal Officer, participated in a high level meeting on effective criminal defence in Europe. The meeting *Effective Criminal Defence in Europe: Challenges and Prospects for the Irish Presidency of the Council of the European Union* took place as a half-day roundtable organized by the Irish Council for Civil Liberties. The HRMI representative delivered a presentation on improving protection of human rights in criminal proceedings which highlighted the problems faced both at European and national level. Representatives of the European Commission, Irish and Lithuanian EU presidency teams, and legal practitioners also attended the meeting. Participants discussed the possibilities of using the Irish and Lithuanian presidencies to adopt legislation setting common standards of human rights protection in criminal proceedings in the EU, including measures regulating the use of pre-trial detention.

VI. STRUCTURE AND PEOPLE

VI.1. Board

Dainius Pūras – Chair
Professor of Vilnius University, former Member of the UN Committee on the Rights of the Child

Dalia Foigt-Norvaišienė – Member
Partner at law firm *Borenius*

Arūnas Pemkus – Member
Chair of the Board at the public relations firm *Integrity*

Henrikas Mickevičius – Member
HRMI Executive Director

VI.2. Staff

Henrikas Mickevičius, Executive Director

Dovilė Šakalienė, Programme Director

Jūratė Guzevičiūtė, Legal Director

Mėta Adutavičiūtė, Legal Programme Coordinator

Karolis Liutkevičius, Legal Officer

VI.3. Experts and Partners

Audrius Lelkaitis, film director

Darius Kuolys, former Director of the Civil Society Institute

Deividas Velkas, Adviser to the Inspector of Journalist Ethics

Diana Gumbrevičiūtė-Kuzmickienė, Attorney-at-law

Jolanta Samuolytė, Associate

Kristina Mišiniienė, Head of the Lithuanian Caritas Project *Helping victims of prostitution and human trafficking*

Mažvydas Jastramskis, PhD student at the Institute of International Relations and Political Science

Monika Frejūtė-Rakauskienė, Research Fellow at the Institute for Ethnic Studies (Centre for Social Studies)

Nomeda Marčėnaitė, Good Will Human Rights Ambassador

Vytautas Juozapaitis, Good Will Human Rights Ambassador

Tomas Baranovas, Adviser to the Minister of Justice of the Republic of Lithuania

Robertas Povilaitis, Head of the emotional support services *Child Line*

Association *Lithuanian Humanists*

E-Adacemy

National Group of the European Law Students' Association (ELSA Lithuania)

Eurasian Harm Reduction Network

European Parliament Information office in Lithuania

European Rights Network JUSTICIA

Fair Trials International (London)

Global Initiative in Psychiatry Lithuanian Chapter

Coalition "I can live"

Lithuanian Students' Parliament

Lithuanian Welfare Society for People with Intellectual Disability *Viltis*

Mykolas Romeris University

Online media outlet *DELFI.LT*

Children Support Centre

Civic Solidarity Platform

Centre for Attachment Parenting

Reprieve (London)

Association of SOS Children's Villages in Lithuania

Family Planning and Sexual Health Association

Emotional support services *Child Line*

Students' Representative Body of Mykolas Romeris University

VI.4. Interns and Volunteers

Agnė Jomantaitė

Agnė Radzevičiūtė

Aistė Vagonytė

Alisa Grebinskytė

Asta Ogunauskaitė

Ieva Lapkauskaitė

Jakub Lechner

Justina Miliauskaitė

Karolina Strelcovaitė

Miglė Čekuolytė

Minara Matulionytė

Monika Rudytė

Žintautė Macijauskytė

VII. FINANCIAL RESOURCES

