



**LIETUVOS RESPUBLIKOS SEIMO KONTROLIERIŲ ĮSTAIGA**  
**THE SEIMAS OMBUDSMEN'S OFFICE OF THE REPUBLIC OF LITHUANIA**

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To: Ms. Meena Ramkaun  
Secretariat of the Human Rights Council Advisory Committee  
United Nations Office at Geneva

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Dear Ms. Ramkaun,

On 12 March 2014, the head of the Seimas Ombudsmen's Office of the Republic of Lithuania, the Seimas Ombudsman Dr. Augustinas Normantas received the letter asking to submit for responses regarding the questionnaire on local government and human rights. We are pleased to provide some information about the existing legal framework and the role of local government in the promotion and protection of human rights in Lithuania. Please find the attached file with our answers to your request.

Sincerely,

Augustinas Normantas  
The Seimas Ombudsman  
The Head of the Office

## **QUESTIONNAIRE**

### **LOCAL GOVERNMENT AND HUMAN RIGHTS**

1. The Republic of Lithuania is an independent democratic state expressing the common will and interests of its people. The foundations of the social system are enforced by the Constitution of the Republic of Lithuania (hereinafter referred to as the "Constitution") adopted in 1992 by a referendum which also establishes the rights, freedoms and obligations of citizens. Under the law, sovereign state power is vested in the people of Lithuania and is exercised by the Seimas (Parliament), President of the Republic, Government and Courts. Local self-government is organized on the basis of the administrative and territorial division of Lithuania. Districts are the largest local administrative units, and urban settlements and district towns constitute the lower level of local self-government, which is represented by the municipal councils elected by the local population for a period of 4 years on the basis of universal, equal and direct suffrage by secret ballot. For the direct implementation of the laws of the Republic of Lithuania, the decisions of the Government and the municipal council, the municipal council shall form executive bodies accountable to it. The procedure for the organisation and activities of self-government institutions is established by The Law on Local Self-Government of the Republic of Lithuania. This Law lays down the procedure of formation and activities of municipal institutions when implementing the provisions of the Constitution and the European Charter of Local Self-government, defines the principles of local self-government, municipal institutions and their competence, functions, the status of a municipal councillor, the grounds of economic and financial activities of municipalities.

According to discretion to take decisions, the functions of municipalities is divided as follows:

- a) Independent. Municipalities shall exercise these functions in accordance with the competence granted by the Constitution and laws, obligations to its community and for the interests thereof. When implementing the said functions, municipalities shall enjoy the freedom of initiative of decisions, their adoption and enforcement, and shall be responsible for the fulfilment of the said functions. When implementing these functions, activities of municipalities shall be bound by the requirements and order laid down by law, which, when this is provided for by law, shall be established in other legal acts as well;
- b) State (delegated by the State to municipalities). These shall be State functions delegated to municipalities, taking into consideration interests of the population. When implementing the said functions, municipalities shall have the freedom of adoption of decisions, as prescribed by the law. Activities of municipalities carried out when implementing the above-mentioned functions shall be

restricted by decisions of state institutions and/or officials. In certain cases the state functions may be delegated for implementation to municipalities on the basis of contracts. A municipality may conclude such a contract only in the event that the municipal council gives its consent. Usually, such functions shall be short-term or seasonal.

Functions of municipalities, in accordance with their type, is divided into local government, public administration and public service provision functions. Local government functions shall be exercised by the municipal council in the manner prescribed by the law. Public administration functions shall, in the manner prescribed by the law, be exercised by the municipal council, an executive institution (executive institutions) of a municipality, other heads of municipal establishments and services, civil servants who are granted the rights of public administration in the territory of a municipality by legal acts or decisions of the municipal council. Public services shall be provided by service providers established by municipalities or other legal and natural persons under contracts concluded with municipalities, who are chosen by public tender.

Financial resources of municipalities and the use thereof.

Composition of the municipal property and the ways of acquisition thereof, procedure for managing, using and disposing of such property is established by the Constitution, laws, resolutions of the Government and decisions of municipal councils. According to Article 121 of the Constitution, local governments shall draft and approve their own budget.

Financial resources of municipalities consist of:

- 1) Municipal budget revenue received from taxes in accordance with laws and other legal acts;
- 2) Income from municipal property (ownership);
- 3) Fines received in accordance with the procedure laid down by the law;
- 4) Local fees and charges fixed by the law;
- 5) Income of municipal budgetary establishments for services provided;
- 6) Revenue from the balances of municipal funds on current accounts;
- 7) Income received for leased-out state land and water bodies of the state inland waters stock, and after the distribution in the manner prescribed by the Government of the funds for plots of state land sold and rented for non-agricultural purposes;
- 8) State budget subsidies;
- 9) Other income established by the law;
- 10) Non-repayable financial support (monetary funds);
- 11) Loans.

Funds intended for exercising state functions (delegated by the state to municipalities) are appropriated from the state budget or state monetary funds and transferred to municipalities as a special targeted grant.

2. According to the Law on Local Self-Government of the Republic of Lithuania, local self-government is required to ensure and respect for human rights and freedoms. Decisions taken by municipal institutions or civil servants must not infringe human dignity, human rights and freedoms, as well as equal opportunities. Decisions of executive institutions of a municipality must be based on laws, decisions of the Government and (or) the municipal council. Besides, decisions taken by municipal institutions with respect to the interests of the community may not violate individual residents' rights guaranteed by the law. Municipal institutions shall provide conditions for the residents of a municipality to directly participate in preparing and debating draft decisions, organising surveys, assemblies, meetings, public consideration of petitions, as well as promote other forms of civic initiatives. Municipal institutions shall implement principles of self-governance in educational, cultural and other establishments, support initiatives of associations related to the management of public affairs of a municipality.

3. The compliance of municipalities with decisions of the Government are, in the manner prescribed by the Law on Administrative Supervision of Municipalities, supervised by state officers appointed by the Government - representatives of the Government. Complaints of residents concerning the abuse of power or bureaucracy of municipal employees shall be examined by the Seimas Ombudsmen; their powers shall be laid down in the Law on the Seimas Ombudsmen. Acts or actions of municipal institutions and civil servants which violate the rights of residents, institutions, establishments and organisations may be appealed against in the manner prescribed by the Law on Administrative Proceedings.

4. We do not have ombudspersons, human rights commissions, mediators, etc. in local level, but there is a possibility to use primary legal aid for free in local level. The provision of primary legal aid is a state (delegated to municipalities) function. A municipal institution shall organise and/or provide primary legal aid, pay for the provision of primary legal aid, where primary legal aid is provided by lawyers (professional partnerships of lawyers) or public agencies on the basis of an agreement concluded with the municipality, regularly inform local residents about possibilities of receiving State-guaranteed legal aid and about the conditions of provision thereof in municipalities' Internet websites, through the media and during meetings with the residents.

5. The Seimas Ombudsmen's Office of the Republic of Lithuania often organises various seminars regarding human rights mainstreaming in public administration and public services.

6. All local residents have their civil rights which are enshrined in national and international legislation. Citizens have the right to participate in the governance of their State both directly and through their democratically elected representatives as well as the right to enter on equal terms in the State service of the Republic of Lithuania. Citizens are guaranteed the right to criticise the work of State institutions or their officials and to appeal against their decisions. What is more, citizens are guaranteed the right of petition, the procedure for the implementation of this right is established by law.

7. The Seimas Ombudsmen investigate complaints about the abuse of office by and bureaucracy of officers or other violations of human rights and freedoms in the sphere of public administration. Mr Augustinas Normantas investigates the activities of officials of state institutions and agencies and Mr Raimondas Šukys investigates the activities of officials of municipal institutions and agencies. Following the investigations of the complaints, The Seimas Ombudsmen's Office provides recommendations to officials of state and municipal institutions. State or municipal institutions or agencies, to which these statements are issued, must indicate the actions taken by these institutions to ensure that recommendations provided by the Seimas Ombudsmen are implemented. Information about the Seimas Ombudsman's statements, recommendations and implementation thereof helps the public to get acquainted with the objective condition on the institution and efficiency of its activities and decide on how the fundamental constitutional principle providing that state institutions are to serve people is ensured.

In June 2013, The Seimas Ombudsmen's Office undertook organisational-structural and activity-related changes, after which a new structure of the office was approved. Following these changes the Human Rights Division was formed on the basis of the group monitoring human rights in closed detention institutions with the aim of: implementing the functions of the Seimas Ombudsmen's Office, monitoring and analysing human rights and freedoms, and seeking to restore violated human rights, as well as preventing the emergence of new offences. Equally important are the newly assigned functions: to promote human rights, education, and collaboration at national and international level. According to these functions the Seimas Ombudsmen's Office often organises various seminars regarding human rights mainstreaming in public administration and public services. The latest seminar organised by the Seimas Ombudsmen's Office was held on 4 October 2013. The seminar

“The Role of Local Self-government in Ensuring Citizen’s Rights to a Proper Public Administration”  
from the cycle of seminars for civil servants titled “Citizen’s Rights and Responsibilities of Public  
Administration Entities”

8. We suppose that the main challenges the local government faces in promoting and protecting of human rights, is the passivity of citizens, especially in small towns and villages. Despite the fact that laws guarantee all their rights to participate in public affairs, the citizens use rights granted to them quite reluctantly.

9. Please refer the information provided above.