

REPUBLIC OF LITHUANIA LAW
ON THE SEIMAS OMBUDSPERSONS

3 December 1998 No VIII-950

Vilnius

(As last amended on 25 May 2023 – No XIV-1997)

CHAPTER I
GENERAL PROVISIONS

Article 1. Purpose of the Law

This Law establishes a legal framework for activities and powers of the Ombudspersons of the Seimas of the Republic of Lithuania (hereinafter: ‘the Seimas Ombudspersons’) as well as the organisational structure of the Office of the Ombudspersons of the Seimas of the Republic of Lithuania (hereinafter: ‘the Seimas Ombudspersons’ Office’).

Article 2. Definitions

1. ‘Bureaucracy’ means actions on the part of an official when the latter, instead of dealing with the matter on the merits, observes unnecessary or invented formalities, unreasonably refuses to settle issues within the official’s remit or delays decision-making or carrying out of official duties, or performs other malfeasance or misfeasance in office (refuses to inform a person of his/her rights, gives a deliberately misleading or improper advice, etc.). Bureaucracy shall also be defined as the failure of officials to enforce laws or other legal acts or the poor enforcement thereof.

2. ‘Official’ means an employee of a state or municipal institution or agency, as well as any other employee performing public administration functions; an employee of a public establishment or a non-governmental organisation with powers of public administration conferred on him/her in accordance with the procedure laid down by law who exercises powers of administration over persons not subordinate to him/her; a person authorised by the State who performs the statutory functions granted by the State.

3. ‘Complainant’ means a natural or a legal person who lodges with the Seimas Ombudspersons a complaint about the abuse of office by or bureaucracy of officials.

4. ‘Abuse of office’ means acts or omission on the part of an official when the powers conferred on him/her are exercised not in accordance with laws and other legal acts but for selfish aims or for other personal reasons (abuse of official position, revenge, envy, careerism, provision

of illegal services, etc.), also any actions of the official exceeding the powers conferred on him/her as well as his/her wilful acts.

Article 3. Purpose of activities of the Seimas Ombudspersons

The purpose of activities of the Seimas Ombudspersons shall be as follows:

- 1) to protect a person's right to good public administration which secures human rights and freedoms, to supervise fulfilment by public authorities of their duty to properly serve the people;
- 2) to promote respect for human rights and freedoms in discharging the functions of the national human rights institution;
- 3) to carry out the national prevention of torture in places of detention in compliance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 4. Basic principles of activities of the Seimas Ombudspersons

The Seimas Ombudspersons shall observe the following principles in their activities:

- 1) respect for the person and the State. The Seimas Ombudspersons, guided by the constitutional provision that public authorities serve the people, shall strive to ensure the right of every person to good public administration;
- 2) freedom and independence of activities. The Seimas Ombudspersons shall be independent from other institutions. The rights and duties of each Seimas Ombudsperson shall be equal; each of them shall act independently within his/her remit;
- 3) accountability. The Seimas Ombudspersons shall be accountable for their activities to the Seimas of the Republic of Lithuania;
- 4) lawfulness. The Seimas Ombudspersons shall act in accordance with the Constitution of the Republic of Lithuania, this Law, other laws and legal acts, international treaties and principles of law;
- 5) impartiality and justice. The Seimas Ombudspersons shall protect all people equally (equally fairly) regardless of their nationality, race, gender, language, origin, social status, religious beliefs or political views. The Seimas Ombudspersons shall be objective and fair in their activities;
- 6) proportionality. When protecting human rights and freedoms, the Seimas Ombudspersons shall seek to maintain the balance between a person's private interests and public interests, and, when protecting the rights and freedoms of a specific person, not to violate other persons' rights and freedoms;

7) publicity. The Seimas Ombudspersons shall make available to the public the information about their activities and the abuse of office by, and bureaucracy of, officials as well as about other violations of human rights and freedoms.

CHAPTER II

SEIMAS OMBUDSPERSON

Article 5. Seimas Ombudsperson

The Seimas Ombudsperson shall be a state official appointed by the Seimas of the Republic of Lithuania (hereinafter: ‘the Seimas’) who protects human rights and freedoms, investigates complainants’ complaints about abuse of office by, or bureaucracy of, officials and seeks to improve public administration.

Article 6. Requirements for the Seimas Ombudsperson

A citizen of the Republic of Lithuania of good repute who holds a university degree in law, namely, a Bachelor of Laws and a Master of Laws, or a lawyer’s professional qualification (one-cycle university degree in law) and at least ten years of legal or legal pedagogical work, as well as at least five years of experience in the protection of human rights and freedoms shall be appointed as Seimas Ombudsperson.

Article 7. Appointment of Seimas Ombudspersons

1. The Seimas shall appoint two Seimas Ombudspersons for a five-year term of office on a recommendation of the Speaker of the Seimas. The same person may be appointed Seimas Ombudsperson only for two consecutive terms of office.

Note from the Register of Legal Acts. *The current Seimas Ombudsperson appointed by the Seimas of the Republic of Lithuania before the entry into force of Law No XIII-1684 (12 December 2018) shall remain in office until the expiry of his/her five-year term of office and the appoint by the Seimas of a Seimas Ombudsperson for a further term of office.*

If the Seimas of the Republic of Lithuania appoints the Seimas Ombudsperson who was in office prior to the entry into force of Law No XIII-1684 (12 December 2018) for a new term of office, the first term of office of the Seimas Ombudsperson shall be counted from his/her appointment by the Seimas after the entry into force of this Law.

2. The Seimas shall appoint one Seimas Ombudsperson for the investigation of activities of officials of state institutions and agencies and one Seimas Ombudsperson for the investigation of activities of officials of municipal institutions and agencies.

3. If the powers of the Seimas Ombudsperson are terminated prior to the expiry of his/her term of office, the Seimas shall appoint a new Seimas Ombudsperson.

4. The Speaker of the Seimas shall submit a nomination for a Seimas Ombudsperson to the Seimas not later than three months before the expiry of the term of office of the Seimas Ombudsperson. Where the powers of the Seimas Ombudsperson have been terminated on the grounds set out in points 2 to 6 of Article 9(1) of this Law, the Speaker of the Seimas shall submit a nomination of a Seimas Ombudsperson not later than one month after the expiry of the powers of the Seimas Ombudsperson.

Article 8. Oath of the Seimas Ombudsperson

Before assuming his/her office, a person appointed as Seimas Ombudsperson shall swear an oath of allegiance to the State of Lithuania. A person swearing the oath of allegiance shall be entitled to choose one of the following texts of the oath:

1) 'I, Ombudsperson of the Seimas of the Republic of Lithuania, (forename, surname), swear to be loyal to the State of Lithuania, to observe its Constitution and laws, to perform my duties in good faith, to protect human rights, freedoms and legitimate interests, to be always impartial and to protect the secrets entrusted to me.

So help me God.';

2) 'I, Ombudsperson of the Seimas of the Republic of Lithuania, (forename, surname), swear to be loyal to the State of Lithuania, to observe its Constitution and laws, to perform my duties in good faith, to protect human rights, freedoms and legitimate interests, to be always impartial and to protect the secrets entrusted to me.'

Article 9. Expiry of the powers of the Seimas Ombudsperson

1. The powers of the Seimas Ombudsperson shall be terminated:

- 1) upon the expiry of his/her powers;
- 2) when he/she resigns;
- 3) upon his/her death;
- 4) where his/her state of health does not allow him/her to hold office;
- 5) when a judgment of conviction concerning him/her becomes effective;
- 6) more than a half of the Members of the Seimas express no confidence in him/her.

2. In the case referred to in points 2 and 4 of paragraph 1 of this Article, a decision concerning the termination of powers of the Seimas Ombudsperson shall be adopted by the Seimas on a recommendation of the Speaker of the Seimas.

3. In the case referred to in point 4 of paragraph 1 of this Article, the Seimas shall adopt a decision concerning the termination of powers of the Seimas Ombudsperson only after receiving a conclusion of a medical commission set up by the Minister of Health.

4. In the cases referred to in point 1 of paragraph 1 of this Article, the Seimas Ombudsperson shall remain in office until the appointment of a new Seimas Ombudsperson.

5. Where the powers of the Seimas Ombudsperson who performs the duties of the Head of the Seimas Ombudspersons' Office have been terminated in accordance with point 1 of paragraph 1 of this Article, this Seimas Ombudsperson shall continue to perform the duties of the Head of the Seimas Ombudspersons' Office until a newly appointed Seimas Ombudsperson takes up the duties of Seimas Ombudsperson.

Article 9¹. Deputising for, and acting as, the Seimas Ombudsperson

1. Where the Seimas Ombudsperson is on holiday or on a business trip outside the Republic of Lithuania for more than one day or is temporarily incapacitated for work and therefore temporarily unable to perform his/her duties, the other Seimas Ombudsperson shall deputise for him/her. In the event that both Seimas Ombudspersons are temporarily unable to perform their duties, the Equal Opportunities Ombudsperson of the Republic of Lithuania or the Ombudsperson for Child's Rights of the Republic of Lithuania shall, by a decision of the Board of the Seimas, deputise for the Seimas Ombudspersons and shall also be entrusted with the duties of the Head of the Seimas Ombudspersons' Office.

2. Where the Seimas Ombudsperson withdraws from the performance of his/her duties in accordance with the procedure laid down in the Law of the Republic of Lithuania on the Adjustment of Public and Private Interests in the Civil Service, the Seimas Ombudsperson's duties from the performance of which the Seimas Ombudsperson has withdrawn shall be assigned by a decision of the Board of the Seimas for the period of withdrawal to another Seimas Ombudsperson or, where he/she is unable to do so, to the Equal Opportunities Ombudsperson or the Ombudsperson for Child's Rights. This paragraph shall also apply where the Seimas Ombudsperson withdraws from the performance of his/her duties as the Head of the Seimas Ombudsperson's Office.

3. Where the powers of the Seimas Ombudsperson have been terminated in accordance with points 2 to 6 of Article 9(1) of this Law, the Board of the Seimas shall, by its own decision, instruct the other Seimas Ombudsperson to act as that Seimas Ombudsperson until the appointment of a new Seimas Ombudsperson.

4. Where the powers of the Seimas Ombudsperson who performs the duties of the Head of the Seimas Ombudspersons' Office have been terminated in accordance with points 2 to 6 of

Article 9(1) of this Law or where a new Seimas Ombudsperson has been appointed in the case provided for in Article 9(5) of this Law, following the appointment of a new Seimas Ombudsperson, the duties of the Head of the Seimas Ombudspersons' Office shall also be assigned to other Seimas Ombudsperson by a decision of the Board of the Seimas until the appointment of a new Head of the Seimas Ombudspersons' Office.

Article 10. Activities incompatible with the duties of the Seimas Ombudsperson

The Seimas Ombudsperson may not hold any other elective or appointive office at state and municipal institutions and agencies, nor may he/she be employed in private legal persons. The Seimas Ombudsperson may not receive any remuneration other than that laid down in accordance with his/her duties as well as the fees for his/her scientific and pedagogical work at higher education institutions or training institutions for civil servants, for non-formal adult education and royalties for creative work, and for participating in projects funded by the European Union, international organisations or foreign countries, or in development cooperation projects which involve pedagogical or creative activity relating to the protection and dissemination of human rights or the improvement of activities of ombudspersons' institutions.

Article 11. Submission of annual activity reports

1. Before 15 March each year, the Seimas Ombudspersons shall submit to the Seimas a written report on the activities during the previous calendar year. This report shall be examined by the Seimas and shall be published on the website of the Seimas Ombudspersons' Office.

2. *No longer effective from 1 January 2022*

3. The Seimas Ombudspersons shall report periodically on their activities in the media.

CHAPTER III

RECEIPT AND INVESTIGATION OF COMPLAINTS

Article 12. Complaints investigated by the Seimas Ombudspersons

1. The Seimas Ombudspersons shall investigate complainants' complaints about the abuse of office by, and bureaucracy of, officials as well as other violations of human rights and freedoms carried out by officials in the area of public administration.

2. Activities of the President of the Republic, Members of the Seimas, the Prime Minister, the Government (as a collegial body), the Auditor General and justices of the Constitutional Court and judges of other courts, municipal councils (as collegial bodies) and intelligence institutions shall not be investigated by the Seimas Ombudspersons.

3. The legitimacy and validity of procedural decisions of the prosecutors, pre-trial investigation officials shall neither be investigated by the Seimas Ombudspersons, however, they shall investigate complaints about the actions of prosecutors, pre-trial investigation officers which violate human rights and freedoms.

4. The Seimas Ombudspersons shall not investigate complaints about labour legal relationships as well as complaints about the legitimacy and validity of court decisions, judgments and rulings.

Article 13. Lodging of complaints

1. A complainant shall have the right to lodge a complaint with the Seimas Ombudsperson about the abuse of office by, or bureaucracy of, officials if he/she believes that his/her rights and freedoms have been violated thereby.

2. The Seimas Ombudsperson shall also investigate complainants' complaints referred to him/her by the Members of the Seimas which are in conformity with the requirements of Article 14 of this Law.

3. Complaints shall be usually lodged in writing through the National Information System for Delivery of Electronic Messages and Documents Using Post Infrastructure (hereinafter: the 'e-Delivery System'), by other electronic means of communication, by post or directly. E-delivery services for natural persons who send electronic deliveries through the e-Delivery System to the Seimas Ombudsperson shall be provided free of charge. The procedure for lodging complaints by other electronic means of communication or directly shall be laid down in the regulations of the Seimas Ombudspersons' Office. If complaints are lodged orally, by telephone or if the Seimas Ombudsperson establishes from the media or other sources the presence of elements of the abuse of office by, or bureaucracy of, officials or instances of other violations of human rights and freedoms carried out by officials, the Seimas Ombudsperson may open investigation into the matter on his/her own initiative.

4. Oral or written applications of persons who do not complain against officials but ask for clarification, some information or documents, etc. shall not be considered complaints.

Article 14. Requirements for a complaint

1. Each complaint shall contain the following information:

- 1) the addressee – the Seimas Ombudspersons' Office/the Seimas Ombudsperson;
- 2) the complainant's forename and surname/name and the home address/registered office;
- 3) forenames, surnames and positions of the officials complained against, the institution or agency in which they are employed;

4) a description of the decision or acts complained against, the time and circumstances under which the acts have been committed;

5) a formulated request addressed to the Seimas Ombudsperson;

6) the date of drawing up the complaint and the complainant's signature.

2. The complaint may be accompanied by the following:

1) a transcript of the decision complained against;

2) the available evidence or description thereof.

3. Non-compliance with the format of the complaint referred to in paragraph 1 of this Article and failure to indicate its particulars may not serve as a basis for refusal to investigate the complaint except for anonymous complaints and cases where the investigation may not be opened due to insufficiency of facts of the matter, while the complainant fails to submit the facts on the Seimas Ombudsperson's request or where the text of the complaint is illegible.

Article 15. Time limit for lodging complaints

The time limit for lodging complaints shall be one year after the commitment of actions complained against or after the adoption of the decision complained against. Complaints lodged after the expiry of the time limit shall not be investigated, unless the Seimas Ombudsperson decides otherwise.

Article 16. Anonymous complaints

Anonymous complaints shall not be investigated, unless the Seimas Ombudsperson decides otherwise.

Article 17. Refusal to handle complaints

1. The Seimas Ombudsperson shall adopt a decision to refuse to handle a complaint within seven working days of receipt thereof informing the complainant about this in accordance with the procedure laid down in Article 21 of this Law if:

1) the Seimas Ombudsperson comes to the conclusion that the substance of the complaint is minor;

2) the complaint was lodged after the expiry of the time limit referred to in Article 15 of this Law;

3) the circumstances indicated in the complaint are outside the Seimas Ombudsperson's remit;

4) a complaint on the same issue has been heard or is being heard in court;

5) a procedural decision on the opening of a pre-trial investigation of the substance of the complaint has been adopted;

6) the Seimas Ombudsperson comes to the conclusion on the expediency of handling the complaint in another institution or agency.

2. If a decision on refusal to handle the complaint is adopted, the grounds for refusal must be specified. In the cases where the complaint falls outside the Seimas Ombudspersons' remit, refusal to handle it shall also indicate the institution or agency the complainant may refer on the matter.

3. The complaint lodged after the completion of investigation shall not be investigated, except for the cases where new circumstances are indicated or new facts are provided. If the complainant abuses the right to apply to the Seimas Ombudsperson, correspondence with such complainant may be ceased by a decision of the Seimas Ombudsperson.

4. If the circumstances referred to in paragraph 1 of this Article are disclosed in the course of complaint investigation, the complaint investigation shall be discontinued.

5. The complaint shall not be investigated if the complainant fails to furnish information the absence whereof precludes the opening of complaint investigation, also if the text of the complaint is illegible.

6. If the complainant's request not to investigate the complaint is received, the Seimas Ombudsperson may discontinue the investigation. The Seimas Ombudsperson may open the investigation on his/her own initiative.

Article 18. Time limits for complaint investigation

A complaint must be investigated and a reply must be given to a complainant in accordance with the procedure laid down in Article 21 of this Law within three months from the receipt of the complaint, unless it is necessary to extend the investigation of the complaint due to the complexity of the circumstances referred to in the complaint, the volume of information or the continuous nature of the actions complained about. The complainant shall be notified of the Seimas Ombudsperson's decision to extend a time limit for the investigation of the complaint in accordance with the procedure laid down in Article 21 of this Law. Complaints must be investigated within the shortest time possible.

Article 19. Rights of the Seimas Ombudsperson

1. In performing his/her duties, the Seimas Ombudsperson shall have the right:

1) to demand immediate provision of information, material and documents necessary for the discharge of his/her functions, be granted access in accordance with the procedure laid down

by law to the documents which comprise a state, official, commercial or bank secret as well as documents which contain information about personal data protected by law. Where necessary for exercising this right, police officers shall be involved and an appropriate report concerning the seizure of the documents shall be drawn up;

2) upon presenting a certificate of employment, to enter the premises of institutions and agencies (undertakings, services or organisations) and the premises wherein persons are held 24 hours a day – at any time of the day and to freely see and talk to the people present in the premises. The territory and premises of the institutions and agencies the activities whereof are governed by service statutes shall be entered with officers of these institutions and agencies accompanying;

3) to demand that the officials whose activities are under investigation provide written or oral explanations;

4) to interview officials and other persons;

5) to attend the sittings of the Seimas, the meetings of the Government, other state and municipal institutions and agencies when the issues under consideration are related to the activities of the Seimas Ombudspersons or a matter under investigation by the Seimas Ombudsperson;

6) to involve state and municipal institutions and agencies, state or municipal enterprises, public establishments whose participant is the State or a municipality, as well as to request them to submit conclusions within their remit;

7) to inform the Seimas, the Government and other state institutions and agencies or the council of an appropriate municipality about gross violations of law or deficiencies, contradictions of or gaps in laws or other legal acts;

8) to proposal that the Seimas, the Government, other state or municipal institutions and agencies amend the laws or other regulatory enactments restricting human rights and freedoms;

9) to draw up an administrative offence record for failure to comply with the demands of the Seimas Ombudsperson or for other interfering with the exercise by the Seimas Ombudsperson of the rights granted thereto;

10) to refer to an administrative court with a request to investigate the compliance of an administrative regulatory enactment (or part thereof) with a law or a Government resolution;

11) to propose that the Seimas refer to the Constitutional Court regarding the compliance of legal acts with the Constitution and laws of the Republic of Lithuania;

12) to transmit the material to a pre-trial investigation body or a prosecutor if elements of a crime are detected;

13) to refer to a court for the dismissal of officials guilty of abuse of office or bureaucracy;

14) to propose that a collegial body or an official repeal, suspend or amend in accordance with the procedure laid down by law the decisions which are contrary to laws and other legal acts,

or to propose to adopt the decisions the adoption whereof has been precluded by abuse of office or bureaucracy;

15) to propose that a collegial institution, head of an agency or an institution and agency impose disciplinary penalties on the officers who have committed the misconduct or to adopt decisions concerning violation of official duties;

16) to propose that a prosecutor refer to a court in accordance with the procedure laid down by law for the protection of public interest;

17) to bring to officials' attention the facts of negligence in office, non-compliance with laws or other legal acts, violation of official ethics, abuse of office, bureaucracy or violations of human rights and freedoms and recommend to apply measures to eliminate the violations of the laws and other legal acts, their causes and preconditions;

18) to propose that the material and non-material damage sustained by a complainant due to the violations committed by officials be compensated in accordance with the procedure laid down by law;

19) to notify the Seimas, the President of the Republic or the Prime Minister of the violations committed by the ministers or other officials accountable to the Seimas, the President of the Republic or the Government (except for those listed in Article 12(2));

20) to propose that the Chief Official Ethics Commission investigate whether or not an official has violated the Law on the Adjustment of Public and Private Interests;

21) while refraining from the investigation on the merits of a complaint falling outside the remit of the Seimas Ombudsperson, may submit proposals or observations to appropriate institutions and agencies concerning the improvement of public administration in order to prevent violations of human rights and freedoms.

2. The Seimas Ombudsperson may refer to a court for the dismissal of officials guilty of abuse of office or bureaucracy within one month from the drawing up of a statement.

Article 19¹. National preventive mechanism

1. The Seimas Ombudspersons' Office shall be designated as a national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2. In order to prevent torture and other cruel, inhuman or degrading treatment or punishment, the Seimas Ombudspersons shall, for the purpose of prevention, conduct regular visits to places of detention.

3. A place of detention shall be any place under the jurisdiction of the Republic of Lithuania or controlled by it where persons are or may be deprived of their liberty, either by virtue of an

order given by a public authority or at its instigation or with its consent or acquiescence. The following should be considered as places of detention:

- 1) a place of custody;
- 2) *no longer effective from 1 January 2023*;
- 3) arrest houses;
- 4) mental health facilities;
- 5) communicable disease treatment facilities;
- 6) nursing homes;
- 7) border crossing points;
- 8) the Foreigners' Registration Centre;
- 9) other places of detention.

4. In carrying out national prevention of torture, the Seimas Ombudspersons shall have the right:

- 1) to regularly examine the treatment of the persons deprived of their liberty in places of detention;

- 2) to obtain all information referring to the treatment of the persons deprived of their liberty as well as their conditions of detention, also all information concerning the number of persons deprived of their liberty in places of detention as well as the number of the places of detention and the location thereof;

- 3) to be granted access to all places of detention and the premises located therein, to familiarise with their installations and facilities;

- 4) to have private interviews with the persons deprived of their liberty without witnesses, as well as with any other person who may supply relevant information;

- 5) to choose the places of detention they want to visit and the persons they want to interview;

- 6) to conduct visits to places of detention accompanied by selected experts;

- 7) to make proposals/recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment;

- 8) to submit observations concerning existing or draft legislation;

- 9) to instruct the civil servants and other employees of the Seimas Ombudspersons' Office to implement the rights referred to in points 1-4 of this paragraph.

5. No authority or official shall order, apply, permit or tolerate any sanction against any person or organisation for having communicated to the Seimas Ombudspersons any information referring to the discharge of the functions of the national preventive mechanism.

6. The competent authorities must examine the proposals/recommendations of the Seimas Ombudspersons and enter into a dialogue therewith on possible implementation measures of the proposals/recommendations as well as inform the Seimas Ombudspersons about the results of the implementation of their proposals/recommendations.

7. The Seimas Ombudspersons shall maintain contacts with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture.

Article 19². National human rights institution

1. The Seimas Ombudspersons' Office shall be a national human rights institution.

2. In promoting respect for human rights and freedoms and in cooperation with state and municipal institutions, agencies, civil society, social partners and international organisations on the issues of human rights and freedoms, the Seimas Ombudspersons shall discharge the following functions:

- 1) carry out monitoring of human rights in Lithuania and prepare reports on the human rights situation;
- 2) disseminate information on human rights and raise public awareness on human rights issues;
- 3) present the evaluation of the human rights situation in Lithuania at international organisations and provide them with information in accordance with the obligations stipulated in international treaties of the Republic of Lithuania;
- 4) submit proposals to state and municipal institutions and agencies on human rights issues;
- 5) seek harmonisation of national legislation with the international commitments of the Republic of Lithuania in the field of human rights;
- 6) initiate investigations into fundamental human rights issues.

Article 20. Binding nature of demands of the Seimas Ombudspersons

1. On the Seimas Ombudspersons' demand, officials must forthwith provide them with information, documents and other material necessary for the discharge of their functions.

2. When handling a complaint, the Seimas Ombudsperson shall have the right to apply to the official whose activities are under investigation requesting the latter to give an explanation within a set time limit. In the event of failure to present the explanation, the Seimas Ombudsperson shall have the right to refer to a senior official/collegial institution of higher ranking, and the latter must ensure that the explanation is presented or must give an explanation himself/herself within a time limit laid down by the Seimas Ombudsperson.

3. A proposal/recommendation of the Seimas Ombudsperson must be considered by the institution or agency or official whereto this proposal/recommendation is addressed, informing the Seimas Ombudsperson about the results of such consideration. The Seimas Ombudsperson shall be informed forthwith upon the adoption of the decisions on measures to be taken in the light of the proposal/recommendation of the Seimas Ombudsperson, but not later than within 30 days from the receipt of the proposal/recommendation.

4. Persons interfering with the performance of duties by the Seimas Ombudsperson shall be held liable under law.

Article 21. Complaint investigation

The Seimas Ombudsperson shall investigate the circumstances indicated in a complaint and draw up a statement. The statement shall indicate the circumstances established in the course of the investigation, the collected evidence and legal evaluation of an act of the official concerned. The statement shall be signed by the Seimas Ombudsperson. If the person has not indicated the desired manner of receipt of the reply to the complaint and/or the necessary contact data, the Ombudsperson's statement shall be submitted to a complainant via the e-Delivery System, other means of electronic communications or a registered postal item. If the person's electronic delivery box of the e-Delivery System is inactive, the statement shall be sent to him/her via the e-Delivery System, but delivered as a registered postal item in accordance with the Postal Law of the Republic of Lithuania. Where the person has indicated the desired manner of receipt of the reply to the complaint and the necessary contact details, the statement shall be delivered to him/her in this manner and shall also be published on the official website of the Seimas Ombudspersons' Office. The statement may also be submitted to the head of the institution or agency where the investigation has been conducted or the official whose actions have been under investigation, also, as necessary, the head of an institution or agency of higher ranking as well as other institutions or agencies. Where the statement contains information that is considered as a state, official, commercial or bank secret under law or the personal data protected by law, the statement shall not be submitted and published in full.

Article 22. Decisions of the Seimas Ombudsperson

1. Having completed an investigation, the Seimas Ombudsperson shall adopt a decision:
 - 1) to declare a complaint to be well-founded;
 - 2) to reject the complaint;
 - 3) to discontinue the complaint investigation.

2. The period of the complaint investigation shall be excluded from the limitation period established by law for imposing a disciplinary penalty or adopting a decision on the violation of official duties.

3. The complaint investigation shall be discontinued if the circumstances addressed in the complaint disappear during the investigation or the issues addressed in the complaint are resolved in good will through the mediation of the Seimas Ombudsperson as well as in other cases established by this Law.

Article 23. Duty to protect state, professional and other secrets or data protected by law

The Seimas Ombudspersons and other employees of the Seimas Ombudspersons' Office must protect the state, professional, commercial or bank secrets and personal data protected by law which come to their knowledge in the performance of their duties.

CHAPTER IV SEIMAS OMBUDSPERSONS' OFFICE

Article 24. Seimas Ombudspersons' Office

The Seimas Ombudspersons' Office shall be a state budgetary institution. The Seimas Ombudspersons' Office shall be a legal person which has a bank settlement account and a seal with the Lithuanian state emblem and the name "Lietuvos Respublikos Seimo kontrolierių įstaiga" ('Seimas Ombudspersons' Office of the Republic of Lithuania') imprinted thereon and is financed from the state budget. The Head of the Seimas Ombudspersons' Office shall be responsible for the use and safekeeping of the seal of the Seimas Ombudspersons' Office.

Article 25. Structure of the Seimas Ombudspersons' Office

1. The Seimas Ombudspersons' Office shall consist of the Seimas Ombudspersons, civil servants and contractual employees.

2. The Seimas Ombudspersons' Office shall be directed by the Head of the Seimas Ombudspersons' Office. In the absence of the Seimas Ombudsperson who is the Head of the Office, the other Seimas Ombudsperson shall deputise for him.

Article 26. *No longer effective from 16 February 2010.*

Article 27. *No longer effective from 16 February 2010.*

Article 28. Head of the Seimas Ombudspersons' Office

1. The Seimas shall, on a recommendation of the Speaker of the Seimas, appoint one of the appointed Seimas Ombudspersons as the Head of the Seimas Ombudspersons' Office.

2. The Head of the Seimas Ombudspersons' Office shall be the manager of state budgetary appropriations allocated to the Seimas Ombudspersons' Office.

3. In addition to his/her direct duties of the Seimas Ombudsperson, the Head of the Seimas Ombudspersons' Office shall also discharge the following functions:

1) represent the Seimas Ombudspersons' Office in its capacity as a legal person and organise its work;

2) approve the structure and rules of procedure of the Seimas Ombudspersons' Office, determine the number and list of positions of civil servants and contractual employees of the Seimas Ombudspersons' Office, approve the regulations of the divisions of the Seimas Ombudspersons' Office and job descriptions of the civil servants and the contractual employees;

3) recruit and release/dismiss civil servants and contractual employees of the Seimas Ombudspersons' Office in accordance with the procedure laid down by law;

4) establish the system of remuneration for civil servants and contractual employees of the Seimas Ombudspersons' Office and set specific basic salary coefficients for the civil servants and contractual employees;

5) grant leave to the Seimas Ombudsperson, civil servants and contractual employees of the Seimas Ombudspersons' Office, send them on business trips and traineeships;

6) adopt decisions on the improvement of qualifications of civil servants and contractual employees of the Seimas Ombudspersons' Office;

7) provide incentives to civil servants and contractual employees of the Seimas Ombudspersons' Office, impose disciplinary penalties on civil servants or adopt decisions on the violation of official duties of the contractual employees working;

8) organise the preparation and submission to the Seimas of an annual report on the activities of the Seimas Ombudspersons;

9) discharge functions provided for by other laws and legal acts.

4. The Head of the Seimas Ombudspersons' Office shall issue orders on issues falling within his/her remit.

CHAPTER V

SOCIAL GUARANTEES OF THE SEIMAS OMBUDSPERSONS

Article 29. Social guarantees of the Seimas Ombudspersons

1. Upon the expiry of his/her term of office, the Seimas Ombudsperson shall be paid a discharge gratuity in the amount of two monthly salaries. The Seimas Ombudsperson who is released when he is unable to continue in office for health reasons shall receive a discharge gratuity in the amount of three monthly salaries. In the event of the death of the Seimas Ombudsperson, his/her family shall be paid a death benefit in the amount of the Ombudsperson's three monthly salaries. The above benefits shall be paid from the state budget funds allocated to the Seimas Ombudspersons' Office. Discharge gratuity shall not be paid where the Seimas Ombudsperson is released at his/her own request or where a judgment of conviction passed against him/her becomes effective or where he/she is given a no-confidence vote by over a half of the Members of the Seimas.

2. Upon the expiry of the term of office, except for the cases where a judgment of conviction passed against the Seimas Ombudsperson becomes effective or where he/she is given a no-confidence vote by over a half of the Members of the Seimas, the Seimas Ombudsperson shall have the right to reinstatement of his/her status of a civil servant in accordance with the procedure laid down by the Law of the Republic of Lithuania on the Civil Service.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS