

MSI	RIIGIKOGU KANTSELEI Majandus- ja sotsiaalinfoosakond E-mail: msi@riigikogu.ee	Tel 6 31 65 02 Fax 6 31 65 04
-----	---	----------------------------------

Lühiinformatsioon

28.11.2003 6-7/139

SE 187 Okupatsioonirežiimide poolt represseeritud isiku seadus

Eelnõu üldine ideoloogia.

Sedalaadi nn. veteraniseadust on võimalik üles ehitada kahel põhimõtteliselt erineval kujul: (1) pakkuda võimalikult palju (riigi seisukohalt) odavamaid nn. soodustusi võimalikult paljudele isikutele või (2) pakkuda üks või paar märgatavat soodustust vähestele või väiksemalt arvule inimestest. Arvutuste kohaselt on praegu kavas kulutada ca 500 krooni inimese kohta üle selle inimeste ringi, kes eelnõu metodoloogia kohasel on represseerituks võimalik tunnistada (ca 25 tuh). Kui lähtuda sedalaadi lähenemisest, kui pakutakse väiksemale arvule inimestest märgatavat toetust näiteks vastavate esindusorganisatsioonide vahendusel, siis oleks võimalik toetada 500-1000 inimest hoopis tugevamalt ca 2000-3000 krooni piirides samade vahendite (ca 12 milj krooni) ulatuses.

Seaduse rakendamiseks vajalikud kulutused.

1. Represseeritute arv. Seletuskirja kohaselt – ca 25 000. Arv - väheneb ca 10 % (2500 inimese võrra aastas). Samas – keskmine oodatav eluiga 60 aastaste jaoks on ca 15 aastat, st vastavate kulude jätkumine tuleb arvestada kuni 10-15 aastaks. Arvestades, et Tšernobõli meeste vanus on praegu 40-50 aastat, siis nende oodatav eluiga on ca 15-25 aastat.
2. Hambaravi ühe represseeritu kohta aastas on aastas planeeritud – ca 55 krooni inimese kohta, mis on üsna vähe. Lisaks 150.- kroonile, mis kompenseeritakse tavalises korras.
3. Sanatooriumile – ca 75 krooni inimese kohta.
4. Retseptiravimite kompenseerimisele – ca 125 krooni aastas inimese kohta
5. Abivahendite ostmisele aga hoopis vähe – 8 kr/inimese kohta.
6. Seega keskmiselt kokku on SE 187 nn. materiaalne väärtus ühe inimese kohta kokku – ca 420 krooni aastas.
7. Sellele lisanduvad kulutused lisapensioni maksmiseks – ca 90 krooni aastas represseeritud inimese kohta.

Kogukulud seega ca 500 krooni aastas ühel represseeritu kohta. (Teiselt poolt: kulu või saamata jääv tulu – ca 12-13 milj krooni aastas, ilma sõidusoodustuste maksmiseks edaspidi tehtavate kulutusteta)

Eraldi probleemid võivad selle eelnõu kulude ja ka represseeritute enda vaatepunktist tekkida Tšernobõli meestega, kes on nooremad kui teised represseeritud, ja kelle esindusorganisatsioonid ei ole omavahel veel niimoodi pööraselt tülili pööranud, nagu muud.

Arutelu sihtgruppidega

Toetuse ja soodustuste ideoloogia ei ole meie arvates esialgu veel piisavalt represseeritute enda esindajate hulgas arutlust leidnud (vastavate organisatsioonide nimekirja on toodud lisas). Seetõttu võiks kaaluda ka teise süsteemi võimaluse variantide edasiarutamist. Kui üheks eelnõu eemärgiks on ka ühiskonnas solidariseerida represseeritute staatust ja kinnistada lugupidavat suhtumist, siis tuleb seda teha seda enam.

Et Tšernobõli aatomielektrejaama avariid likvideerimas käinud isikute ühendusi ei nimetata eelnõu väljatöötamisel kaasatuteks, siis helistasime Pärnumaa Tšernobõli Ühenduse juhile (Tšernobõli meeste ühingutel pole ühtset katusorganisatsiooni). Ta oli teadlik selle eelnõu olemasolust, kuid ei omanud mingeid kindlaid seisukohti eelnõuga neile pakutavate hüvede suhtes. Üldjuhul aga luges heaks märgiks enda ja oma saatusekaaslaste meelepidamist.

Teiste riikide kogemus

Poolas tegutseb fond “Lepitus”, mida rahastab Saksa riik ning mis maksab ühekordseid rahalisi hüvitusi inimestele, kes töötasid Saksa okupatsiooni ajal sunniviisiliselt sakslaste heaks. Hüvituse suurus sõltub töötatud ajast. Inimesed, kes kommunistlikul ajal vangi mõisteti ja kes hiljem süütuks tunnistati, on saanud Poola riigi poolt ühekordset rahalist kompensatsiooni vastavalt vanglas istunud ajale.

Lätis on represseeritutele ja Tšernobõli-meestele pakutavaid hüvesid reguleeritud eraldi seadustega.

Represseeritute-seadus (vt Lisa 2) määratleb represseeritute staatuse ja näeb ette neile mõningaid hüvesid (erastamisvautšereid). Samas osutab seaduse rakendusosa mitmetele hüvedele, mis peaksid tulenema läbirääkimistest Saksamaa ja Venemaaga ning samuti USA ja Suurbritanniaga (kui Jalta ja Potsdami konverentsi osapooltega), samuti kohustub Läti valitsus välja töötama korra meditsiini-, sotsiaal-, transpordi- jm teenuste osutamiseks poliitiliselt represseeritutele.

Tšernobõli tuumaelektrejaama avariid likvideerimas käinud isikutele nähakse ette (vt Lisa 3) õigust antud tegevusega seotud terviseprobleemide kohtlemise kulude katmist, üga-aastast rehabilitatsioonikuuri, hüvitisi hambaravi puhul ning õigust töövõimetuspensionile.

Leedus reguleerib nii kommunistliku korra ajal represseeritute kui ka Tšernobõli meeste elatusrahasid riiklike pensionite seadus (vt Lisa 4), mis annab neile pensioniea saabumisel õiguse saada esimese või teise järgu riiklikku pensioni (mis on siis vastavalt neljakordne või kahekordne väljateenitud pensioni määr).

Leedu tervisekindlustuse seadus (<http://www3.lrs.lt/c-bin/eng/preps2?Condition1=41370&Condition2=Chernobyl>) annab muuhulgas õiguse tasuta ravikindlustusele ka rehabiliteeritud poliitvangidele, küüditatutele, Tšernobõli meeste, 1991 aasta 13 jaanuari sündmustes ning muudel puhkudel Leedu iseseisvust ja omariiklust kaitstes viga saanud isikutele.

Samuti on Leedus vastu võetud Nõukogude Liidu poolt põhjustatud kahju hüvitamise seadus (vt Lisa 5), mis kohustab Leedu valitsust Vene Föderatsiooniga läbirääkimisi alustama okupatsiooni käigus tekitatud kahju (küüditamised, vara võõrandamine, sunnitöö jne) hüvitamiseks.

Toivo Mängel
MSI nõunik 631 6515

Andres Siplane
MSI nõunik, 631 6513

Lisad:

Lisa 1. Represseeritud ühendavad organisatsioonid Eestis	lk 4
Lisa 2. Kommunistliku ja natsistliku režiimi poolt poliitiliselt represseeritud isikute määratlemise seadus (Läti).....	lk 5
Lisa 3. Tšernobõli aatomielektrejaama õnnetuse likvideerimisel osalenute ja selle õnnetuse tõttu kannatanud isikute sotsiaalse kindlustamise seadus (Läti)...	lk 12
Lisa 4. Leedu Vabariigi riiklike pensionite seadus.....	lk 20
Lisa 5. Nõukogude Liidu okupatsioonist tuleneva kahju kompenseerimise seadus (Leedu).....	lk 30

Lisa 1.

Represseeritud ühendavad organisatsioonid

1. Endiste Poliitvangide Loode-Eesti Ühing
2. Endiste Poliitvangide Tartu Ühendus
3. Läänemaa MEMENTO, mittetulundusühing
4. Endiste Poliitvangide Viljandimaa Ühing
5. Pärnu Regiooni Endiste Poliitvangide Ühendus
6. Endiste Alaealiste Natsismiohvrite Eesti Liidu Ida-Virumaa Ühing
7. Endiste Poliitvangide Valgamaa Ühing
8. Represseeritute Klubi Viljandis
9. Eesti Endiste Poliitvangide Ida-Virumaa Ühendus
10. Endiste Alaealiste Fašismivangide Narva Liit
11. MEMENTO, Kommunistide repressioonide all kannatanute Alutaguse organis
12. Eesti Õigusvastaselt Represseeritute Liidu Memento Harjumaa Ühendus
13. Endiste Poliitvangide Lääne-Virumaa Ühing
14. Paldiski Endiste Alaealiste Fašismivangide Ühing
15. Tööpataljonlaste Ühing
16. Endiste Alaealiste Fašismivangide Eesti Liit
17. Eesti Natsismiohvrite Ühing
18. MEMENTO, Õigusvastaselt Represseeritute ja Poliitvangide Võrumaa Ühendus
19. Eesti Õigusvastaselt Represseeritute Liidu MEMENTO Rakvere Ühing
20. Memento Järvamaa Ühendus
21. Eesti Õigusvastaselt Represseeritute Liidu MEMENTO Tallinna Ühendus
22. Eesti Natsistlike Koonduslaagrite Vangide Ühing
23. Pärnu Memento, Pärnumaa Ülekohtuselt Represseeritute Ühendus
24. Eesti Endiste Metsavendade Liit
25. Tartu Memento, mittetulundusühing
26. Jõgeva Maakonna Endiste Poliitvangide ja Represseeritute Ühing
27. Õigusvastaselt Represseeritute Narva Koondis
28. Eesti Endiste Poliitvangide Liit
29. Põlvamaa Tšernobõli Ühendus
30. Narva Tšernobõli AEJ Avarii Likvideerijate Liit
31. Pärnumaa Tšernobõli Ühendus "Gamma"
32. Ida-Virumaa Tšernobõli Ühendus
33. Harjumaa Tšernobõli Ühendus
34. Eesti Radiatsiooniohvrite Abistamise Fond
35. Inimsusevastaste Kuritegude Uurimise Eesti Sihtasutus

Lisa 2.

With amendments of June 13, 2001 included

LAW

"On the Determination of the Status of Politically Repressed Persons Suffered During the Communist and Nazi Regimes"

Saeima has enacted and the President of State promulgates the following Law:

CHAPTER 1 GENERAL PROVISIONS

Article 1

The communist and nazi totalitarian regimes and political repressions committed by these regimes against the Republic of Latvia citizens and permanent residents for their political convictions or political activity, for resistance to the totalitarian regimes, for religious beliefs, for racial or national identity, for belonging to a certain social class or social stratum, for employment in a certain profession or for occupations not violating the Republic of Latvia laws, for marriage or relationship with politically repressed persons, for assistance to persecuted or repressed persons, shall be recognized as criminal.

CHAPTER 2 DETERMINATION OF THE STATUS OF POLITICALLY REPRESSED PERSONS FOR PERSONS SUFFERED UNDER THE COMMUNIST REGIME

Article 2

(1) As persons politically repressed by the communist regime shall be recognized existing and former Latvian, Estonian, Lithuanian, Finnish and Polish citizens and permanent residents who have legally entered Latvia by June 17, 1940, as well as descendants of these persons (except persons who have entered Latvia in accordance with the October 5, 1939 Mutual Assistance Treaty Between Latvia and the USSR), Latvians and Liivs (Livs) who have been repressed in the territory of Latvia or beyond it, as well as permanent residents of Latvia who have been repressed in the territory of Latvia after May 8, 1945, if they, due to the reasons mentioned in Article 1 of this law, within the period till August 21, 1991:

- 1) have been killed or have died as result of repressions;
- 2) have been arrested, imprisoned in jails, concentration camps, the USSR

filtration (checking) and reformatory labor camps, or forcibly placed into institutions where coercive methods of medical character have been applied against them;

3) have been deported, settled or exiled from their permanent place of residence (except persons evacuated or moved from the front-line zones or areas endangered by hostilities, refugees and persons of age subject to the labor service during the war), have been born in deportation or in exile - if one of the parents or the both parents have been deported or exiled - after the parents being crossed off the register of the special commandant's office till the moment of receiving the permission to return to Latvia, but no later than a year from the date when the parents were crossed off the register of the special commandant's office.

(2) The provisions of Part 1 of this Article shall not apply to persons who have participated in repressions committed by the communist or nazi regimes.

Article 3

(1) The politically repressed person's certificate shall be issued to politically repressed persons if their conformity with the status of a politically repressed person is certified by documents.

(2) The politically repressed person's certificate shall be issued on the basis of:

1) rehabilitation certificate issued in accordance with the August 3, 1990 Republic of Latvia Law "[On the Rehabilitation of Unlawfully Repressed Citizens](#)", the June 8, 1989 Decree of the Presidium of the Supreme Council of the Latvian SSR "On the Rehabilitation of Citizens Deported from the Territory of the Latvian SSR in the Forties and Fifties" and the November 2, 1988 Resolution No. 350 of the Latvian SSR Council of Ministers "On the Groundless Administrative Deportation from the Latvian SSR in 1949";

2) a document issued by the Ministry of Interior on the person's administrative deportation from the territory of Latvia, or, on his/her birth in imprisonment, deportation or exile beyond the territory of Latvia;

3) a document issued by the Latvian State Archive or archives of other states on the person's presence in the USSR filtration (checking) camp or reformatory labor camp and the opinion of the Commission for the Investigation of Crimes Committed by Totalitarian Regimes;

4) a document issued by the Public Procurator's Office on the person's death as result of political repressions;

5) the Republic of Latvia court sentence on the statement of fact of political repression and rehabilitation in cases if documents on the fact of political repression have not been preserved in the Latvian State Archive or archives of other states or have been completely lost.

CHAPTER 3

DETERMINATION OF THE STATUS OF POLITICALLY REPRESSED PERSONS FOR PERSONS SUFFERED UNDER THE NAZI REGIME

Article 4

(1) As persons politically repressed by the nazi regime shall be recognized Latvian, Estonian and Lithuanian citizens and permanent residents who have legally entered Latvia by June 17, 1940, as well as descendants of these persons (except persons who have entered Latvia in accordance with the October 5, 1939 Mutual Assistance Treaty Between Latvia and the USSR), if they, due to the reasons mentioned in Article 1 of this law, within the period from June 22, 1941, till May 8, 1945 in the territory of Latvia or beyond it:

- 1) have been killed or have died as result of repressions;
- 2) have been arrested, imprisoned in jails, ghettos, concentration and reformatory labor camps;
- 3) have been deported, settled or exiled from their permanent place of residence (except persons evacuated or moved from the front-line zones or areas endangered by hostilities, refugees and persons of age subject to the labor service during the war), have been born in deportation - if one of the parents or the both parents have been deported.
- 4) were deported for compulsory labor to Germany during the Nazi Regime and actions of 1942 and 1943.

(2) Permanent residents of Latvia who have been repressed due to their national identity shall be recognized as persons politically repressed by the nazi regime.

(3) As persons politically repressed by the nazi regime shall be recognized all persons who were under-aged at that time, imprisoned in jails or concentration camps in the territory of Latvia, except persons imprisoned for committing a crime.

(4) The provisions of Parts 1 and 2 of this Article shall not apply to persons who have participated in repressions committed by the communist or nazi regimes.

Article 5

(1) The politically repressed person's certificate shall be issued to politically repressed persons if their conformity with the status of a politically repressed person is certified by documents.

(2) The politically repressed person's certificate shall be issued on the basis of:

1) a document from the Latvian State Archive or archives of other states or official state institutions and the opinion of the Commission for the Investigation of Crimes Committed by Totalitarian Regimes;

2) the Republic of Latvia court sentence on the statement of fact of political repression in cases if documents on the fact of political repression have not been preserved in the Latvian State Archive or archives of other states or have been completely lost.

CHAPTER 4

MORAL AND LEGAL GUARANTEES BY THE STATE FOR POLITICALLY REPPRESSED PERSONS

Article 6

Politically repressed persons' rights shall be guaranteed by the state.

Article 7

The state has established March 25 and June 14 as the Remembrance Days of Victims of the Communist Terror, May 8 - as the Day of Routs of Nazism and the Remembrance Day of Victims of the Second World War, July 4 - the Remembrance Day of Victims of Anti-Semitic Genocide.

Article 8

The state shall ensure historical investigation of politically repressed persons' destinies, as well as establish historical commemoration places.

Article 9

(1) The state shall ensure restoration of politically repressed persons' rights in the area of civil, economic and social rights according to the law. In accordance to

regulatory acts politically repressed persons are guaranteed easements in paying taxes and duties. Privileges in granting pension, free medical care and alleviation for the use of public transportation shall be paid from the total revenues of the basic state budget.

(2) Politically repressed persons who have been rehabilitated based upon the law "[On the Rehabilitation of Unlawfully Repressed Persons](#)" have the right to receive a compensation by extinguishing property compensation vouchers granted for deprived property. The compensation shall be paid in the same procedure which is established for the payment of compensation when extinguishing property compensation vouchers granted for property deprived from unlawfully deported persons.

Article 10

(1) The state and local governments' institutions and their officials, upon receiving applications from politically repressed persons as well as other interested persons shall procure, under the procedure anticipated by the law, elimination of the consequences resulting from restrictions of civil, economic and social rights, caused by the totalitarian regimes, as well as compensation of the material losses, physical and material damage caused by these regimes.

(2) Refusals from the institutions and officials may be appealed in court.

CHAPTER 5 FINAL PROVISIONS

Article 11

(1) The status of a politically repressed person is granted by a self government which has performed the registration of the corresponding person at his/her permanent place of residence.

(2) Latvian citizens whose permanent place of residence is abroad the status of politically repressed person is granted by the Commission for the Assessment Totalitarian Regime Crimes.

(3) For preliminary review of the submitted materials a commission shall be established which shall include representatives from politically repressed persons' social organizations.

Article 12

The Cabinet of Ministers shall issue regulations for implementation of this law, by

establishing the procedure for registration, issuance and usage of politically repressed persons' certificates, as well as the procedure for politically repressed persons' registration with local governments and on nation-wide scale.

TRANSITIONAL PROVISIONS

1. The Cabinet of Ministers:

1) shall work out and approve, by December 31, 1995, the new pattern of a politically repressed person's certificate, shall ensure production of these certificates and establish the term for politically repressed persons' re-registration and for validity of the politically repressed persons' certificates of the present pattern;

2) shall establish the procedure for compensation of the medical, transport, social and other institutions' and enterprises' expenses for services rendered to politically repressed persons;

3) shall prepare by September 1, 1997 the draft law or other regulatory act to provide return of property or its compensation to persons:

a) on whom increased taxes and duties were imposed, preceding expropriation, eviction from houses or apartments,

b) who evaded repressions - if political repressions being prepared against them are proven by documents;

4) at the interstate negotiations with the Russian Federation and the German Federal Republic, as well as involving the USA and Great Britain as participants of the Yalta and Potsdam conferences, shall resolve the issue of:

a) recovery of all losses caused to the Republic of Latvia and Latvian citizens and permanent residents and return to the Republic of Latvia of all archives taken out of Latvia (including archive materials of the Latvian SSR State Security Committee),

b) recovery of losses caused to residents of other states who have moved to Latvia due to repressions committed by the communist and nazi regimes and who continue their permanent residence in Latvia, by coordinating this issue with the states from which these residents moved or were moved.

5) shall resolve the issue on the interstate agreement on the determination of the status of politically repressed persons in each Baltic state for the citizens of Latvia, Estonia and Lithuania at the negotiations with the Republic of Estonia and the Republic of Lithuania.

2. Local governments, within their competence established by the laws and within their budget framework, shall grant abatements to politically repressed persons in payment of specific taxes and duties or in receiving services.

3. By taking effect of this law the law "On the Determination of the Status of a Politically Repressed Person", the Supreme Council Resolution "On the Procedure by which the Republic of Latvia Law "On the Determination of the Status of a Politically Repressed Person" shall be Applied and Take Effect" and the Supreme Council Presidium Resolution "On the Procedure by Which Articles 2 and 4 of the May 13, 1993 Republic of Latvia Law "On the Determination of the Status of a Politically Repressed Person"" shall be Applied" shall be recognized as null and void.

4. Amendment to Article 2 of this law shall take effect on January 1, 2002.

5. Amendments to Article 9 on paying costs from the basic state budget shall take effect on January 1, 2002.

The law takes effect as of the next day after its promulgation.

The law was enacted by the Saeima on April 12, 1995.

The President of State

G. Ulmanis

Rīga, April 26, 1995

Lisa 3.

LAW

"Law on Social Security for the Persons who Took Part in the Elimination of the Aftermath of the Chernobyl Nuclear Power Station Breakdown and Persons who Suffered Because of this Accident"

The Saeima has enacted and the State President promulgates the following Law:

CHAPTER I GENERAL PROVISIONS

Article 1

The following terms are used in the law:

1) causation with performance of elimination of the aftermath of the breakdown of the Chernobyl Nuclear Power Station (NPS) - a conclusion from the institution determined in this law on relation of the causation for sickness, disability and death from elimination of the aftermath of the Chernobyl NPS breakdown;

2) Chernobyl NPS alienation zone - radioactive polluted territory resulting from the breakdown of the Chernobyl NPS, from which, in accordance with USSR radiation safety normative (30-kilometer zone determined in legislative acts of the USSR for 1986 - 1987) people were evacuated under compulsion;

3) mandatory evacuation zone of the Chernobyl NPS - radioactive polluted territory resulting from the breakdown of the Chernobyl NPS from which, in accordance with decisions of the Ukrainian SSR government in 1986 - 1987, people were evacuated under compulsion and which is located outside the Chernobyl NPS alienation zone;

4) compensation for harm - a sum of money to be granted to a participant in the elimination of the aftermath of the Chernobyl breakdown, or in the case of his/her death - to family members incapable of work, who were under his/her maintenance and which compensates to a participant in the Chernobyl NPS aftermath elimination for the loss of income related to the loss of working ability, and for a dependent - the loss of the source of income.

Article 2

The purpose of the law is to determine:

1) the status of participants in the elimination of the aftermath of the Chernobyl NPS breakdown and persons who suffered as a result of the Chernobyl NPS breakdown;

2) social guarantees to participants in the elimination of the aftermath of the Chernobyl NPS breakdown, to persons under their maintenance and to persons who suffered from the results of the Chernobyl NPS breakdown.

Article 3

The right to receive the social guarantees determined in this law is held by the Republic of Latvia citizens, non-citizens, foreigners and stateless persons who have a permanent residence permits.

CHAPTER II

DETERMINATION AND REGISTRATION OF THE STATUS OF PARTICIPANTS IN THE ELIMINATION OF THE AFTERMATH OF THE CHERNOBYL NPS BREAKDOWN AND PERSONS WHO SUFFERED AS A RESULT OF THE CHERNOBYL NPS ACCIDENT

Article 4

A person who for the period of time from April 26, 1986 through December 31, 1990 has participated in the elimination of the aftermath of the Chernobyl NPS breakdown, who have participated in the Chernobyl NPS operational work, the Chernobyl NPS aftermath elimination works and other works caused by the Chernobyl NPS accident within the Chernobyl NPS alienation zone, is recognized as a participant in the elimination of the aftermath of the breakdown of the Chernobyl NPS if:

1) the employer had sent the corresponding person for performing works within the Chernobyl NPS alienation zone;

2) the corresponding person was performing service within the Chernobyl NPS alienation zone in a unit of command personnel or rank and field personnel of the interior institutions;

3) the corresponding person in a unit of command personnel or rank and field personnel of army units or as a person listed for the reserves and performing military service was summoned for special training and was involved in works for the elimination of the aftermath of the Chernobyl NPS breakdown (regardless of the place of stationing and works performed).

Article 5

The following must be recognized as person who suffered as a result of the breakdown of the Chernobyl NPS :

- 1) a person who was evacuated from the Chernobyl NPS alienation zone or from the Chernobyl NPS mandatory evacuation zone, and/or a child who at the moment of evacuation was in utero;
- 2) a person who was sent by an employer of the Latvian SSR for work to the radioactive polluted territory resulting by the Chernobyl NPS breakdown outside the Chernobyl NPS alienation zone;
- 3) a child who was indirectly affected by radioactive irradiation received by even one of his/her parents through participation in the elimination of the aftermath of the Chernobyl NPS breakdown.

Article 6

Registration of participants in the elimination of the Chernobyl NPS breakdown aftermath and persons who have suffered as a result of the Chernobyl accident is performed (through the creation of a unified state register of the aforementioned persons) and the state of health of participants in the elimination of the Chernobyl NPS breakdown aftermath and persons who have suffered as a result of the Chernobyl accident shall be monitored on a regular basis, as well as the diagnosis of disease and the relationship of disability and cause of death with the Chernobyl NPS accident in the procedure determined by the Ministry of Welfare as determined by the Vocation and Radiation Medicine Center of Paul Stradiņš Clinical Hospital (henceforth - Center).

Article 7

To each participant in the elimination of the aftermath of the Chernobyl NPS and to a person who suffered as a result of the Chernobyl accident by the Center is issued a Cabinet of Ministers certificate of a special type on the status of the mentioned person. A certificate is issued based upon one of the following documents:

- 1) a military service certificate, certificate issued by the military registration and enlistment office, a certification issued by an army unit or an archive within which exists a notation that the corresponding person participated in works for the elimination of the aftermath of the Chernobyl NPS accident;
- 2) a certification issued by an employer, which certifies that the corresponding

person was sent for works for the elimination of the aftermath of the Chernobyl NPS accident or for work within the territory polluted as a result of the Chernobyl NPS accident outside the Chernobyl NPS alienation zone, and within which exists a notation that the person has participated in the aforementioned works;

3) a certification issued by the Peoples Deputies Council of a previous place of residence, which certifies that the person, in accordance with decision of the government of the USSR or the Ukrainian SSR, was evacuated to the Latvian SSR from the territory polluted as a result of the Chernobyl NPS accident.

CHAPTER III

COMPENSATION FOR HARM AND THE STATE SOCIAL ALLOWANCE

Article 8

(1) The right to compensation for harm is held by:

1) a participant in the elimination of the aftermath of the Chernobyl NPS breakdown for whom a causation of disability is established in relation with performance of work for the elimination of the aftermath of the Chernobyl NPS breakdown;

2) a participant in the elimination of the aftermath of the Chernobyl NPS breakdown for whom is determined a degree of the loss of working ability in the extent of 10 - 25 percent and causation of it from performance of work for the elimination of the aftermath of the Chernobyl NPS breakdown;

3) by family members incapable of work of the persons mentioned in Paragraphs 1 and 2 of the first Part of this Article who were under his/her maintenance, if such person is deceased.

(2) A person who receives a disability, old age, term of service or loss of supporter pension from another country does not have the right to compensation for harm.

Article 9

(1) Compensation for harm to the persons mentioned in Paragraphs 1 and 2 of the first Part of Article 8 of this law is granted and re-calculated by the same procedure and in the same amount as the compensation for harm to persons who through January 1, 1997 were hurt in a workplace accident or for whom an occupational disease is discovered.

(2) If morphological changes or functional interruptions in the organism caused by a disease are considered as permanent, counting from April 26, 1986, the disability or degree of the loss of working capability in the extent of 10 - 25 percent for participant in the elimination of the aftermath of the Chernobyl breakdown is determined without setting a period for re-examination, unless such re-examination is requested by the participant in the elimination of the aftermath of the Chernobyl NPS breakdown him/her self.

(3) Compensation for harm to the persons mentioned in Paragraph 3 of the first Part of Article 8 of this law is granted in the same procedure and amount as the compensation for harm to a dependent, if the reason of the death of the supporter is a workplace accident which has happened through January 1, 1997 or an occupational disease is discovered.

Article 10

(1) The persons mentioned in Paragraphs 1 and 3 of the first Part of Article 8 of this law can simultaneously receive compensation for harm and a state pension, which is granted in accordance with law "[On State Pensions](#)" or compensation for harm and the state social security allowance, which is granted in accordance with law "[On Social Aid](#)".

(2) Compensation for harm to those persons mentioned in Paragraph 1 of the first Part of Article 8 of this law is paid from the disability, maternity and sickness special budget, but to persons mentioned in Paragraph 3 of the first Part of Article 8 - from the state pension special budget.

(3) Compensation for harm to the persons mentioned in Paragraph 2 of the first Part of Article 8 of this law, as well as to their family members incapable of working who were under their maintenance - in the event of the death of such persons is paid from the state basic budget.

Article 11

(1) State social allowance to a participant in the elimination of the aftermath of the Chernobyl NPS breakdown and to the family of a deceased participant in the elimination of the aftermath of the Chernobyl NPS breakdown (henceforth - allowance) is granted in following cases:

1) to a participant in the elimination of the aftermath of the Chernobyl NPS breakdown - if for him/her a causation of disability with performance of work for the elimination of the aftermath of the Chernobyl NPS breakdown is established;

2) to the family of a deceased participant in the elimination of the aftermath of

the Chernobyl breakdown - if the reason for the death of the corresponding participant is a disease for which a causation from performance of works for the elimination of the aftermath of the Chernobyl NPS breakdown is established. Family members of a deceased participant in the elimination of the aftermath of the Chernobyl NPS breakdown, in the context of this law, are his/her children who are not older than 18 years of age (and children who are studying full-time in secondary or higher education institutions and are not older than 24 years of age), as well as the surviving spouse who has not remarried and parents and grandchildren if that spouse, parents and grandchildren were under the maintenance of the deceased.

(2) The Cabinet of Ministers shall determine the amount of allowance and procedure for its receipt.

(3) The allowance is paid from the state budget.

CHAPTER IV MEDICAL HELP

Article 12

A participant in the elimination of the aftermath of the Chernobyl NPS breakdown and a person who suffered as a result of the Chernobyl NPS accident, in the procedure determined by the Cabinet of Ministers, have the right for compensation for the cost of medicines anticipated for out-patient medical care of diseases acquired as a result of the Chernobyl NPS accident.

Article 13

A participant in the elimination of the aftermath of the Chernobyl NPS breakdown and a person who suffered as a result of the Chernobyl accident, within the limits of health care and the state program, is exempted from the patient's payment in medical institutions (and in medical rehabilitation institutions of the second stage) and in social rehabilitation institutions.

Article 14

The right to free medical services and privileges in dentistry and the making dentures, in the procedure determined by the Cabinet of Ministers, is held by:

1) a participant in the elimination of the aftermath of the Chernobyl NPS breakdown;

2) a person who was sent by a Latvian SSR employer for work to the polluted territory resulting from the Chernobyl accident outside the alienation zone of the Chernobyl NPS, if the causation of disability of this person from performance of the aforementioned works is established.

Article 15

The right once per year receive free social rehabilitation services and medical rehabilitation services of the second stage by a physician's prescription is held by:

1) a participant in the elimination of the aftermath of the Chernobyl NPS breakdown;

2) a child up to the age of 18 years, who was evacuated from the Chernobyl NPS alienation zone or from the Chernobyl NPS mandatory evacuation zone and in the case that the child, at on the moment of evacuation, was in utero;

3) a child up to age of 18 years, who was indirectly affected by radioactive irradiation which was received by even one of his/her parents through participating in the elimination of the aftermath of the Chernobyl NPS breakdown.

Article 16

The social rehabilitation services mentioned in Article 15 of this law are financed from the basic state budget, other medical help measures determined in Chapter IV of this law - from the state special health care budget.

TRANSITIONAL PROVISIONS

1. Disability pensions and loss of supporter pensions, which were granted prior to the date of taking effect of this law and were calculated in the extent of the compensation for harm according to this law do not get re-calculated, except for the case where for a person to whom a disability pension was granted in the extent of compensation for harm, the degree of the loss of working capability (in percent) or the stage of seriousness of disability are changing. Then, the pension is calculated by the following formula:

$P = 90\%VS \times DZ$, where

P - amount of pension (in Lats);

VS - payment for labor - average monthly gross payment for labor for workers in the

public sector for the previous quarter (in Ls.) as calculated by the Central Statistics Administration;

DZ - the degree of the loss of professional working capability (in percent).

2. The Ministry of Foreign Affairs, in negotiations with the Russian Federation, the Republic of Ukraine and the Republic of Belarus, shall resolve the matter of inter-state agreement on compensations and social guarantees to Latvian resident participants in the elimination of the aftermath of the Chernobyl breakdown who have suffered as a result of the Chernobyl NPS accident.

3. By taking effect of this law as null and void are recognized:

1) the May 15, 1991 Supreme Council Resolution "On Measures, which Need to be Performed to Improve the Social State of Residents of the Republic of Latvia who suffered as a result of the Chernobyl NPS Accident" (the Republic of Latvia Supreme Council and Government Reporter No. 27/28, 1991);

2) the June 13 1991 Supreme Council Design On The Matter, how the Decree of Supreme Council of the Republic of Latvia "On Measures, which Need to be Performed to Improve the Social State of Residents of the Republic of Latvia who suffered as a result of the Chernobyl NPS Accident" (the Republic of Latvia Supreme Council and Government Reporter No. 29/30, 1991);

The Law shall take effect on January 1, 2000.

The Law was enacted by the Saeima on September 9, 1999.

The State President

V. Vīķe-Freiberga

Riga, September 29, 1999.

Lisa 4.

LAW ON STATE PENSIONS OF THE REPUBLIC OF LITHUANIA

December 22, 1994. No. I-730
Vilnius

(As amended by November 4, 1999. No. VIII - 1390)

I. CHAPTER. GENERAL PROVISIONS

ARTICLE 1. State Pensions of the Republic of Lithuania

The following state pensions are established in the Republic of Lithuania:

- 1) state pension to the President of the Republic;
- 2) first and second degree pensions of the Republic of Lithuania;
- 3) state pension to persons who are victims;
- 4) state pensions to officials and military personnel.
- 5) state pension to scientists (amended 4 July 1995)

State pensions to science personnel shall be established on a temporary basis namely, until such time as a supplementary pension insurance system for scientists will be formed.

First and second degree state pensions of the Republic of Lithuania as well as, state pensions to individuals who are victims, shall be designated in accordance with this Law. State pensions to the Republic President, officials, and military and science personnel, shall be designated in accordance with special laws.

ARTICLE 2. State Pension Payment Source and Amount Index

All state pensions shall be paid from the State Budget of the Republic of Lithuania.

The amount index of state pensions which have been included in paragraphs 2,3 and 5 of part 1, Article 1, of this Law, shall be the base of state pensions, which on January 1, 1998, is equal to the amount of the social insurance basic pension applied at that time. The Government of the Republic of Lithuania shall approve the pension base upon recommendation of the Ministry of Social Security and Labour (amended 22 October 1998).

-

ARTICLE 3. Right to Select Type of State Pension

Based upon the choice of the individual, entitled to draw several state pensions, he shall be paid only one such, with the exception of state pensions to survivors and orphans, which also may be paid as one, in conjunction with one of the state pensions. To a person having the right to receive two state pensions, will receive only one of them, which is based on his choice, except for state widower and orphan pensions, which also, can be paid only in conjunction with one of the state pensions. The state orphans' pension for victims established for the persons listed in paragraph

3 of Article 14 of this Law shall be allocated and paid , provided the person shall not have a right to another State Pension for victims.

Based upon the choice of the individual entitled to draw a the State survivor pension, indicated in paragraphs 2-4 of Article 1, part 1 (amended 4 November 1997) of this Law, for a deceased pension recipient and the State social insurance survivors' pension, he shall be paid a State survivors' pension or a state social insurance pension for survivors.

“ The amount of state pensions established by paragraphs 3-5, Article 1, of this Law, in conjunction with the state social insurance pension to one person, may not exceed the amount of a one and one half wage payment of the average monthly wages of state sector and employees in the Republic of Lithuania economy, for the month preceding last month prior to pension payment, as announced by the Department of Statistics at the Government of the Republic of Lithuania. The institution paying the state pension shall apply limitation of pension amount.” (amended 4 July 1995) (amended 4 November 1997)

II. CHAPTER FIRST AND SECOND DEGREE STATE PENSIONS OF THE REPUBLIC OF LITHUANIA

Article 4. Right to Draw First or Second Degree State Pension

“Citizens of the Republic of Lithuania, particularly those who have achieved merit in establishing and developing the statehood, economy, culture, science, art, and sport of Lithuania, defending state independence, territorial integrity and constitutional order, and those most distinguished participants in the struggle against the 1940-1990 occupations (amended 2 December 1997) and also mothers who have given birth to and have raised 10 or more children and have provided them with a good upbringing, if these persons have reached pensionable age established by the Law on State Social Insurance Pensions, as pensionable age (hereinafter - pensionable age), or have been certified with group I or II disability, shall be entitled to receive first or second degree state pensions of the Republic of Lithuania (hereinafter-first or second degree state pension). Persons who had performed work under extraordinary working conditions, for which compensation is awarded according to Article 56 of the Law on State Social Insurance Pensions, shall have the right to receive first or second degree state pension to cover compensation for the number of months equivalent to the number of months remaining until pensionable age is reached. “ (amended 4 July 1995)

In accordance with the procedure established by this Law, the highest state officials shall also be entitled to first or second degree state pensions.

In accordance with the procedure established by this Law, the participants in the armed struggle (resistance) namely, military volunteers shall be entitled to first degree state pension, (Amended 2 December 1997)

The Signers of the Independence Act of Lithuania shall be entitled to a first degree state pension in accordance with the procedure established by this Law. (Amended 9 June 1998)

ARTICLE 5. Awarding and Discontinuation of First and Second Degree State Pensions

The Government of the Republic of Lithuania shall, upon recommendation by the Pension Commission For First and Second Degree State Pension Awards of the Republic of Lithuania, award a first degree pension.

The Pension Commission For First and Second Degree Pension Awards of the Republic of Lithuania, shall award a second degree state pension.

More than 15 (amended 12 December 1995) first degree and over 45 (amended 4 November 1997) second degree state pensions may not be awarded within the course of one calendar year.

Participants in the armed struggle (resistance) namely, military volunteers, shall be awarded a first degree state pension by the Government, without limiting the allotment of number of state pensions per calendar year, in accordance with the lists submitted by the Genocide and Research Centre of Lithuania. (Amended 2 December 1997)_

The Signers of the Independence Act of Lithuania shall be awarded a first degree state pension by the Government, on the recommendation of the Republic of Lithuania Commission on the Awarding of First and Second Degree State Pensions, without limiting the number of first degree state pensions awarded in one calendar year. (Amended 9 Jun 1998)

Individuals, who have been adjudged by the court to have been guilty of perpetrating a premeditated crime, shall have the first or second degree state pension award discontinued, effective from the day the court decision comes into effect.

-

ARTICLE 6. Pension Awards Commission of First and Second Degree State Pensions of the Republic of Lithuania

The Pension Commission For First and Second Degree State Pension Awards functions at the Ministry of Social Security and Labour.

The Commission includes the Minister of Social Security and Labour, who is the Commission chairman, and 12 members, comprised of 4 Seimas members (equally comprised of majority and opposition representatives), governing and administration institutions and public representatives. In addition to the commission chairman, state authorities and administration are represented by the Minister of Culture and one of the vice-ministers (amended 25 March 1997) of the Ministry of Social Security and Labour. The commission is formed per decision of the Government.

The Commission shall examine requests submitted by institutions of the highest state authority and government and the Genocide and Resistance Research Centre of Lithuania. (Amended 2 December 1997) to award a first or second degree state pension.

The Commission bases itself on this law and regulations governing the awarding and payment of first and second degree state pensions, approved by the Government.

“The Commission shall have the right to award a second degree state pension, upon recommendation by city and regional governments or a district administration, to mothers, who have given birth, raised and provided a good upbringing for ten or more, children, without applying the restrictions indicated in part three of Article 5.” (amended 4 July 1995)

The Commission shall also have the right to award first or second degree state pensions to the most distinguished participant in the resistance against the 1940-1990 occupations, without limiting the number of first or second degree number allotment per calendar year.

Upon recommendation by the Ministry of National Defense, the Commission shall have the right to award first or second degree state pensions to soldier participants in the 1918 - 1920 struggles for independence, without limiting the number of first or second degree state pension allotment per calendar year.
(Amended 2 December 1997)_

ARTICLE 7. State Pensions to Top Officials of the Republic of Lithuania

According to the Law on the President of the Republic of Lithuania, a state pension for the President of the Republic shall be awarded and paid the President of the Republic upon culmination of his state service.

First degree state pensions shall be awarded to individuals who had occupied the posts of Speaker of the Seimas, Prime Minister, Supreme Court Chairman, and Constitutional Court Chairman of the Republic of Lithuania, provided that they had occupied the positions listed in this part for a minimum of at least two years. These individuals shall be awarded a pension upon attaining pensionable age or upon determination of Group I or II disability.

The restrictions listed in part three of Article 5 of this Law shall not apply to pensions, awarded to individuals listed in part two of this Article, and survivor and orphan pensions, awarded in accordance with Article 9 of this Law.

The right of the Chairman of the Supreme Council of the Republic of Lithuania to receive a Republic of Lithuania State Pension shall be equivalent to the right of the Speaker of Seimas.

State Pensions of the Republic of Lithuania may not be awarded and those already in existence, must be discontinued to individuals listed in this Article, should they be relieved of their duties due to charges brought against them or, if pursuant to their being relieved of their duties, they were subsequently tried for committing a premeditated crime.

ARTICLE 8. Size of First and Second Degree State Pensions

A first degree state pension shall be equivalent to the amount of four state social security pension bases (amended 4 November 1997).

A second degree state pension shall be equivalent to the amount of two social security pension bases (amended 4 November 1997).

First and second degree state pensions shall be paid irrespective of the income of individual receiving them.

ARTICLE 9. Payment of First or Second Degree Pensions, upon Death of Recipient

Upon the death of a recipient of first or second degree state pension, the pension shall be paid to individuals who took care of his burial, for the month during which the death occurred, provided it had not yet been paid, and shall extend in the same amount to cover a two-month period.

Upon death of the recipient of a first or second degree state pension, a state pension for survivors and orphans shall be awarded to those individuals, pursuant to same conditions and pension amounts belonging to the recipient, as indicated in the articles of the Law on Social Insurance Pensions, that regulate state social insurance pensions to survivors and orphans. This rule shall also apply upon death of the individual, who would have had the right to receive a first state pension according to part four of Article 4 and Article 7 of this Law, as having reached pensionable age. (Amended 9 June 1998)

ARTICLE 10. Regulations Governing Payment of First and Second Degree State Pensions and Personal Pensions

First and second degree state pensions shall be granted and paid from January 1, 1995, based on this Law and Regulations For Granting And Payment of First and Second Degree State Pensions of the Republic of Lithuania, approved by the Government.

The Commission For First and Second Degree State Pension Awards of the Republic of Lithuania must by July 1, 1995, again review, the pensions awarded prior to coming into force of this Law, personal and republic and personal pensions of local significance (hereinafter - personal pensions), of the Republic of Lithuania. Pensions, certified per commission approval as first or second degree state pensions, in the amount established by this law, shall be paid from January 1, 1995. Restrictions from part three, Article 5 of this Law shall not apply to these pensions.

The following procedure for pension payment shall apply to personal pension recipients, for whom the right to obtain a larger first or second degree pension has not been approved by the commission:

1) if a personal pension recipient is entitled to receive a larger first or second degree state pension, a larger state social insurance pension or both of these pensions, the sum of which would be larger than that of a personal pension, or he receives such entitlement later, and due to this entitlement, a personal pension or another pension of his choice is paid.

2) should the recipient of a personal pension have the right to receive a smaller first or second degree state or social insurance pension or has no right to receive any such pensions, payment of the earlier personal pension shall continue, which shall also be indexed as a state social insurance pension (amended 4 November 1997).

Should the individual be paid a personal pension and at the same time be entitled to receive a smaller social insurance pension, the sum of this state social insurance pension shall be transferred to the state budget from the state social insurance fund.

The personal pensions allotted prior to the coming into effect of this Law, shall be paid based on this Law and Regulations For Awarding First and Second Degree State Pensions of the Republic of Lithuania.

III . CHAPTER STATE PENSIONS FOR VICTIMS

ARTICLE 11. Individuals Entitled to State Pensions for Victims

Entitlement to state pensions for victims shall apply to permanent residents of Lithuania who are not recipients of similar pension payments from another state (with the exception of social insurance pension) or other permanent compensation payments: (amended 11 July 1996):

1) became victims as a result of aggression perpetrated during January 11-13, 1991 and subsequent events;

2) “political prisoners and deportees, pursuant to presentation of documents of law protection institutions (rehabilitation certificates) of the Republic of Lithuania, attesting to restoration of political prisoners’ and deportees’ rights;” (amended 4 July, 1995)

3) members of the resistance and participants in opposition to the soviet occupation, who, have been certified according to established procedure, as resistance and opposition participants;

4) those who in the course of WW II were deported for forced labour purposes outside former USSR boundaries (children over the age of 14) (amended 11 July, 1996) or were committed to ghettos and concentration camps;

5) those who during the course of WW II served in active armies, partisan detachments or units of anti-Hitlerite coalition states’; (amended 11 July, 1996)

6) participants in elimination of the consequences of the accident at Chernobyl Nuclear Power Station;

7) those who became disabled as a result of compulsory military service or military training in the Soviet Army (July 22, 1945 - December 31, 1991), or were later certified as disabled due to illnesses incurred in connection with military service. (amended 11 July, 1996)

Also entitled to state pensions for victims, in accordance with conditions provided for by this Law, shall be the parents, spouses and children of:

1) individuals who perished as a result of aggression perpetrated during January 11-13, 1991 and subsequent events;

2) individuals who perished in the course of actions of resistance and opposition to the soviet occupation, and also, those who were killed or who died in the course of unlawful imprisonment or exile;

3) individuals who perished during or, as a result of, activities in eliminating the consequences of the accident at Chernobyl Nuclear Power Station;

4) individuals who perished during or as a result of compulsory military service in the Soviet Army (July 22, 1945 - December 31, 1991), or those who died subsequently as a result of illnesses incurred in connection with military service) (amended 11 July, 1996).

The Centre for the Investigation of Population Genocide and Resistance of Lithuania shall confirm the list of ghettos and concentration camps. (amended 11 July, 1996)

State pensions for victims shall not be awarded to individuals listed in parts one and two of this Article if during the period of 1939-1990, they served or worked in the penal, anti-guerrilla detachments or units, structures of State Security Committee of the former USSR and other structures, whose activity had been devoted

to combat against the resistance movement in Lithuania or perpetration of the genocide of the Lithuanian population. The Government of the Republic of Lithuania shall approve the list of the services and positions for serving in which persons shall not be awarded state pensions for victims. (amended 4 November 1997)

ARTICLE 12. State Pensions for those who Became Victims as a Result of Aggression Perpetrated January 11-13, 1991 and Subsequent Events and Members of their Families

State Pension For Persons who became victims shall be awarded to individuals who became disabled as a result of aggression perpetrated January 11-13, 1991 and subsequent events. This pension shall be awarded to those individuals who:

1) have been certified with Group I disability, in the amount of 2 of the state pension base (amended 22 November 1998):

2) have been certified with Group II disability, in the amount of 1.5 State Pension base (22 November 1998):

3) have been certified with Group III disability, in the amount of state pension base (amended 4 November 1997).

The state pension for victims shall be awarded to mothers of persons who perished as result of aggression, perpetrated January 11-13, 1991 and subsequent events, who have reached the age of 50 or are certified as disabled, and also, to their fathers, who have for persons pensionable age or have been certified as disabled. These individuals shall be paid two basic state social security pensions (amended 12 December 1995) of persons who are victims.

ARTICLE 13. State pensions for persons who are Victims Disabled, Have Become Invalids, Pensionable, Have been Imprisoned or in Exile at Least 15 Calendar Years in the Far North Regions of Former USSR or Similar Places

A state pension for victims, listed in paragraphs 2-6 of Article 11 of this Law, who have become the disabled of the I or II group or have reached pensionable age, shall be awarded and paid a state pension in the amount of a state pension base, (amended 4 November 1997) except in instances provided for in part two of this Article.

The state pension for those persons listed in paragraphs 2-7 of part one of article 11 of this Law, who became invalids as a result of the following:

1) unlawful imprisonment and exile, in the course of opposition (resistance) actions to 1940-1990 occupations;

2) while taken for forced labour, kept in ghettos and concentration camps;

3) being detained in other types of forced camps;

4) participating in hostile actions and fulfilling compulsory military service or military training in the Soviet Army, or have later been recognised as disabled due to illnesses linked with military service;

5) due to effects of work in eliminating consequences of the Chernobyl Nuclear

Power Station accident.

The State Pension for persons who have become victims shall be paid to persons listed in paragraph 2 of this Article, as follows:"

1) to those certified as I and II group disabled an equivalent in the amount of 2 basic state pension amounts;

2) to those certified as Group II disabled an equivalent to 1.5 of state basic state pension amount;

3) those certified as III Group disabled an equivalent in the amount of 0.75 of basic state pension amount;

For persons listed in item 2 of paragraph one of Article 11, who had been imprisoned or deported for at least 15 calendar years in the far north regions of the former USSR and similar places, according to the list of the Far North Regions of the former USSR and places similar to them, approved by the Government of the Republic of Lithuania, a state pension for victims, equivalent to the basic state pension amount during the five-year period preceding the old age pension period.

. State pensions for victims shall also be awarded and paid to parents of persons indicated in paragraphs 2 and 4, part 2, of Article 11 of this Law, who have joined the ranks of the disabled of the I or II disabled or have reached pensionable age, and shall be equivalent to the basic state pension amount.

ARTICLE 14. Victims' State Pensions for Survivors and Orphans

State pensions for widows and orphans of victims shall be awarded to persons who perished due to aggression perpetrated January 11-13, 1991 and subsequent events:

1) to orphans (children or adopted children) up to 18 years of age, as well as those over 18, provided they became disabled prior to their 18th birthday and also, for students and pupils of secondary schools and registered according to the established procedure, universities, non-university level colleges and full time departments of vocational schools, until they complete these schools, but not extending beyond age 24;

2) to widows, who have not remarried, regardless of their age (amended 4 November 1997)

3) to widows, who have not remarried (amended 12 December 1995), raising the deceased person's children (adopted children) and also, those providing home care for the deceased person's children (adopted children) who have Group I disability, who became disabled, prior to reaching their 18th birthday, and if these children (adopted children) receive an orphan's pension."(No longer valid 4 November 1997)._____

Each of these persons shall be paid a widow or orphan pension equivalent to two state pension base. (amended 4 November 1997)

State pensions of victims for survivors and orphans shall also be awarded:

1) upon the death of a person certified disabled as result of aggression perpetrated January 11-13, 1991 and subsequent events (part one, Article 12);

2) to a person who perished in the course of resistance and opposition to soviet occupation actions, as well as one who perished or died in the course of unlawful imprisonment or deportation;

3) upon the death of a person due to effects of the work of elimination the consequences of Chernobyl Nuclear Power Station accident;

4) upon death or loss of a person in the line of compulsory military service, or military training, in the Soviet Army; (7/22/1945 - 12/31/1991), or his subsequent death due to military service-related illnesses. (amended 11 July 1996);

5) upon death of persons listed in Paragraphs 2-3 and 5 of part one, Article 11 of this Law, and paragraphs 4 and 7 of part one of Article 11, who in accordance with the established procedure had been certified disabled prior to their death (amended 11 July 1996).

The right to the basic amount of victims' state pension for widows and orphans shall be held by the widow and orphans of the participants in opposition to the 1940 - 1990 occupations, who fell in the field of battle or died in prison, were killed or died during interrogation or imprisonment, were sentenced to death, if the sentence had been carried out, widowers (widows), also orphaned children (adopted children), if at the time of their parents' death they were minors, and children (adopted children) of political prisoners) if they were minors at the time of both imprisoned parents' death (also if one of the parents (adopted parents) had died, was deported or disappeared without, trace, while the other was in prison). The established victims' state pension for orphans shall be allotted and paid to the persons cited in this paragraph provided they do not have the right to another victims' state pension.

ARTICLE 15. Payment of Victims' State Pensions

Victims' state pensions shall be awarded and paid by territorial departments of State Social Insurance Fund Administration, guided by this Law, the Law on State Social Insurance Pensions and Statutes on State Social Insurance Pension Awarding and Payment.

Expenses incurred by the State Social Insurance Fund in pension awarding, payment and delivery shall be compensated from the state budget.

Victims' state pensions shall be awarded and paid and disputes concerning such shall be examined, according to procedure on state social insurance pensions, established by the Law on Social Insurance Pensions and Chapter V of the Pension Law and also, the Statutes on State Social Insurance Awarding and Payment.

Victims' state pensions shall be awarded to persons who became disabled as a result of the aggression perpetrated during January 11-13 and subsequent events and, in instances established by this Law, to their parents, spouses and children, upon presentation of a General Procuracy of the Republic of Lithuania certification, (amended 11 July 1996), to participants in resistance and opposition activities against the soviet occupation and also, in accordance with instances provided for by this Law, to their parents, spouses and children, upon presentation of certification by the Centre For Investigation of Genocide of Lithuania's Residents and the Resistance, whereas certification by the Ministry For State Defence shall be required for individuals who during the period of World War II served in the active armies and partisan detachments or units of the anti-Hitlerite coalition states, who also became disabled as a result of participation in military activities and for individuals, who became disabled, as a result of compulsory military service or military training in the Soviet Army, and for appropriate family members of those who perished (died) in the course of such service or training (amended 11 July 1996).

Victims' state pensions shall be paid to victims irrespective of their other income.

Payment of victims' state pensions shall cease to recipients upon their taking up permanent residence abroad.

Upon the death of recipient of a victims' state pension, pension payment for the month during which the death occurred, shall be paid to the persons who took care of his burial, provided it had not been paid previously, with payment extending to cover an additional two-month period.

ARTICLE 16. Coming into Effect of the Law

This Law shall come into effect from January 1, 1999. (amended 22 November 1998).

2. The State pensions, allotted prior to the coming into effect of this Law shall be recalculated according to the provisions of this Law from January 1, 1998. (Amended 4 November 1997)

The pensions indicated in this Law shall be awarded from the time this Law comes into effect. Pensions for survivors and orphans, shall be awarded only to those individuals whose death occurred following the coming into effect of this law, with the exception of those indicated in Article 14. (amended 22 April 1997)

Pensions which have been awarded to victims prior to the coming into effect of this Law, shall be recalculated according to the procedure and time limits established by this Law and the Law on State Social Insurance Pensions.

Loss of breadwinners' pensions, awarded prior to coming into force of this law shall be recalculated only with respect to persons indicated in the first part of Article 14 of this Law.

State pensions for victims shall not be paid together with non-related pensions that have been awarded according to the laws that existed, prior to coming into effect of this Law. (Repealed 4 July, 1995).

II. Amendments of and additions to the law are applied from January 1, 1995, with the exemption of amendments to Article 3, which come into effect on the day of passage of the law.

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

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS

REPUBLIC OF LITHUANIA

LAW

**ON COMPENSATION OF DAMAGE RESULTING FROM THE
OCCUPATION BY THE USSR**

June 13, 2000. No. VIII - 1727

Vilnius

The Seimas of the Republic of Lithuania,

in line with:

the universally recognised norms and principles of international law as well as the international practice of compensation of damage caused by occupations, including the damage caused by the German occupations to other countries and the citizens thereof, during the World War II period,

Republic of Lithuania Supreme Council-Reconstituent Seimas Resolution of June 4, 1991, “On Compensation of the Damage Inflicted by the USSR on the Republic of Lithuania and its Citizens During 1940-1991,”

the July 29, 1991 Treaty between the Republic of Lithuania and the Russian Soviet Federated Socialist Republic on the Basis for Relations between States, in which the Parties declared to be “convinced that once the Union of Soviet Socialist Republics annuls the consequences of the 1940 annexation violating Lithuania’s sovereignty, created will be additional conditions for mutual trust between the High Contracting Parties and their peoples”,

the will of the people expressed by the universal vote of the Republic of Lithuania citizens in the June 14, 1992 Referendum On the Withdrawal of the Russian Army and Compensation for the Caused Damage and demand that “the

damage inflicted upon the Lithuanian people and the State of Lithuania be compensated,” which was approved by the June 30, 1992 Resolution of the Supreme Council-Reconstituent Seimas,

Article 15 of the Helsinki Summit Declaration of July 10, 1992 and the accompanying explanatory statement by the Delegation of Lithuania, which notes that the compensation of the losses experienced by Lithuania, as well as withdrawal of the Russian occupation army from the territory of sovereign Lithuania, is an essential precondition for elimination of the consequences of the occupation and annexation;

taking into account the fact that according to international law, the Russian Federation is the state continuing the rights and obligations of the USSR, and this it acknowledged itself by the Resolution of the Council of the Leaders of the Commonwealth of Independent States, of December 21, 1991, the letter of the President of the Russian Federation, B. Yeltsin, addressed to the United Nations Secretary General of December 24, 1991, the January 13, 1992 note of the Foreign Ministry of the Russian Federation addressed to heads of the diplomatic representations, and other documents, as well as the fact that, on December 23, 1991, the European Community and the Member States thereof, stated that, “Russia shall continue and implement the international rights and obligations of the former USSR”;

stating that although Russia demonstrated a great deal of good will and withdrew its army in accordance with the procedure and within the terms established by the agreements of September 8, 1992, it has not yet eliminated all the consequences of the USSR occupation and annexation of Lithuania, and it still occupies the land and building belonging to Lithuania in Paris and similar issues in Rome have not been resolved as yet,

p a s s e s t h i s L a w:

Article 1. Periods of Damage Inflicted by the USSR Occupation on Lithuania

The periods of damage inflicted by the USSR occupation on Lithuania shall be as follows:

1) the USSR occupation and damage during 1940-1990, including the damage caused to the Lithuanian people deported and forcibly detained in the USSR territory during 1941-1945, as well as the damage inflicted by the USSR Army and repression structures during that period;

2) damages caused by the USSR, its repression structures and the army during 1990-1991, and damages caused by the Army of the USSR (the Russian Federation 1992-1993) during the period between 1991 and 1993.

Article 2. Obligations of the Government of the Republic of Lithuania

The Government of the Republic of Lithuania shall:

1) prior to September 1, 2000 form a delegation for negotiations of the Republic of Lithuania with the Russian Federation concerning the compensation of the USSR occupation damage to the Republic of Lithuania;

2) prior to October 1, 2000 in accordance with the work programme approved by Government Resolution No.242 of February 13, 1996 “On the Work Programme on the Evaluation of the Damage Inflicted on the Republic of Lithuania by the Army of the former USSR during 1940-1991 and the Army of the Russian Federation during 1991-1993”, specify more accurately and finish calculations of the damage caused by the USSR occupation, including payments to the Lithuanian citizens for the damage caused during the USSR occupation and its consequences, as well as expenses related to the homecoming of the deportees and their descendants;

3) prior to November 1, 2000 appeal to the Russian Federation for the compensation of the damage caused during the period of the USSR occupation, submitting the calculations of damage, also inform the United Nations Organisation, the Council of Europe and the European Union about this, and constantly seek the support of these Organisations and the Member States thereof when solving the issues of the compensation of the USSR occupation damage to Lithuania;

4) initiate negotiations and constantly seek that the Russian Federation compensate to the Lithuanian people and the State of Lithuania for the damage caused by the USSR occupation;

5) accumulate funds received from the Russian Federation as the compensation of the damage caused by the USSR occupation, in the separate occupation damage compensation account in the State Treasury, and primarily allocate such funds to compensate for the damage caused to the Lithuanian people due to deportations, forced labour, occupation regime repression and lost property.

Article 3. The Fund for the Return to the Homeland of the Persons Deported by the USSR

Bearing in mind that on January 25, 1996, the Russian Federation committed itself before the Council of Europe to assist the persons, previously deported from the occupied Baltic States and (or) their descendants, to return to their country according to special repatriation and compensation programmes, the Government of the Republic of Lithuania shall create a Fund for the Return to the Homeland of the Persons Deported by the USSR, and shall appeal to the Russian Federation regarding the allocation of funds for the return to the Homeland of the persons deported from Lithuania, and their descendants.

Based upon the second paragraph of Article 71 of the Constitution of the Republic of Lithuania, I promulgate this Law passed by the Seimas of the Republic of Lithuania.

CHAIRMAN OF THE SEIMAS

OF THE REPUBLIC OF LITHUANIA

VYTAUTAS LANDSBERGIS