



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

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Ms. Nazhat Shameem Khan,
President of the United Nations Human Rights Council

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**REGARDING ASSESSMENT OF THE HUMAN
RIGHTS SITUATION IN LITHUANIA**

In exercising the function of a National Human Rights Institution,¹ we present the assessment of the human rights situation in Lithuania following the obligations of the Republic of Lithuania enshrined in the international treaties and considering recommendations from the second universal periodic review.

1. Regarding the rights of the child²

Although there was an institutional reform in the protection of children's rights, cooperation and coordination between different institutions while solving complex issues related to protecting the child's rights are still relevant. Because of these problems, the goals of the reform may not be achieved.

Another noticeable problem is the efficiency and quality of services provided to the child and family. For many years, the Ombudsman for Children has been emphasising the need to address the diversity and accessibility of services that meet the individual needs of the child and family, with a stronger focus on children with disabilities and children with special needs.

Violations of the child's rights include the existing procedure for selecting and evaluating persons wishing to become the child's guardian where the child's best interests are not always considered.

Also, priority is tended to ensure the child's social rights implementation without paying due attention to other children's rights.

2. Regarding the rights of victims of domestic violence and women's rights³

Lithuania rank 22nd in the EU on gender equality⁴. Unfortunately, there are still prevalent stereotypes towards women and gender-based discrimination in Lithuania. Within the EU area, Lithuanians are most likely to justify sexual and psychological violence in intimate partnerships. More than a quarter of the Lithuanian population believes that forcing a partner to have sex should not be prohibited by law. Twenty-seven per cent of women work in education, health and social work compared to 6 per cent of men and just 8 per cent of women compared to 33 per cent of men work in science, technology, engineering and mathematics. Women earn 18 per cent less than men.

Lithuania failed to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence. Moreover, Lithuania still does not have an appropriate and effective mechanism for preventing violence against women and organising services adapted to the specific needs of women and girls who have experienced violence.

As provided in the law persons who have suffered domestic violence shall be granted access to free psychological assistance, temporary accommodation services, specialised complex assistance.

¹ Assigned to the Seimas Ombudsmen of the Republic of Lithuania by the Republic of Lithuania Law on the Seimas Ombudsmen, article 19¹ (2) (3).

² Rec. No. 100.40–100.42

³ Rec. No. 100.15–100.20, 100.23, 100.97–100.106, 100.113–100.120, 100.46–100.50

⁴ According to the Gender equality index of 2020 published by the European Institute for Gender Equality.

However, the protection of victims of domestic violence is not always adequately guaranteed in practice and not all their needs for assistance are met. Police officers not in all cases identify the signs of domestic violence, and especially psychological violence, which leads to gaps in the organisation of services for victims of domestic violence, the dissemination of information on assistance to victims of domestic violence is not sufficient, inter-institutional cooperation is not smooth, there is a lack of safe accommodation for victims of domestic violence, due to the lack of specialised assistance centres in remote areas not all specialised services are financially and geographically accessible to victims of domestic violence, services are not provided in such a way as to meet the individual needs of the victim regardless of his or her disability, place of residence, age, gender, sexual orientation, gender identity, ethnic origin, social status and other characteristics.

The increased demand for services to victims of violence during the COVID-19 pandemic has led to additional obstacles in municipalities: the increase in the workload of social workers, a lack of specialist assistance, difficulties in accommodating victims in crisis centres. For these reasons, domestic violence has become an even more latent crime and there is no doubt that official statistics do not reflect its actual extent.

In addressing the protection of children from domestic violence it is necessary not only to improve legislation, but also develop a unified practice of implementing existing legislation, raising the qualifications of case managers and child protection specialists.

3. Regarding the rights of persons with disabilities⁵

Lithuania has nearly 300 adult and childcare institutions capable to house 16,000 individuals. Although accommodating persons with disabilities in these institutions violates their rights enshrined in the Convention on the Rights of Persons with Disabilities, the process of deinstitutionalisation in Lithuania is slow.

The Seimas Ombudsman has established⁶ the shortcomings in the existing legislation and the lack of a uniform methodology for assessing the quality of social services. Elderly and/or disabled people living in municipalities are not visited preventively and there is no uniform information on their needs for social services. Also, there is no unified minimum set of community social services in Lithuania, therefore, municipalities adopt standards of social services, which differ in the supply and scope.

Moreover, while conducting National Torture Prevention, these systemic issues were found: residents of adult social care institutions do not receive sufficient and individualised daily social activities; residents who are unable to get out of bed due to their health condition are not taken outside; institutions do not promote the independence of their residents; not all premises and information provided by these institutions to the residents are adapted to the needs of persons with disabilities and the privacy of residents is not adequately guaranteed.

In 2019 the Seimas Ombudsman found⁷ that less than half of the court decisions, in which persons were declared legally incapable, were reviewed within the time limit provided for by law⁸. The new legal regulation changed the institute of full incapacity to allow a person to be recognised as incapacitated only in certain areas. As no proper preparations have been made for the implementation of these provisions, it has led to excessive restrictions on the rights and freedoms of these persons. Thus, in December 2019, approximately half of such persons were still declared to be legally incapable in all areas.

4. Regarding the rights of persons belonging to the national minorities⁹

The Law on National Minorities adopted in 1989 expired on 1 January 2010, since then the adoption of the new Law on National Minorities has not been finalised.

⁵ Rec. No. 100.40, 100.140, 100.144-100.150.

⁶ Report of the Seimas Ombudsman of 31 December 2020 on access to social services of the disabled and elderly persons in municipalities No NŽTI-2020/1-2.

⁷ Report of the Seimas Ombudsman of 10 December 2019 on the fundamental problems of human rights regarding the decisions by which persons were declared legally incapable by 1 January 2016 and possible unjustified restrictions on the rights of these persons No NŽTI-2018/1-1.

⁸ I. e. by 1 January 2018.

⁹ Rec. No. 100.50, 100.143, 100.151-163, 100.169

The Minister of Culture of the Republic of Lithuania approved the newest Action Plan for the Integration of Roma into Lithuanian Society for 2015–2020¹⁰. Its implementation is coordinated by the Department of National Minorities. Monitoring of measures of the action plan is performed by a permanent inter-institutional working group. Through various projects¹¹ these objectives of the Action Plan were implemented: development and improvement of pre-school and pre-school education of Roma children; improving non-formal education for Roma children; promoting the integration of the Roma into the labour market; strengthening the opportunities for Roma women to participate in public life; housing of Roma persons; increasing the openness of Roma culture and social tolerance; reducing discrimination against Roma people. However, the Action Plan provided for a very limited number of measures and, for some, no funds at all¹².

However, there are still factors hampering the integration of Roma people: the reluctance of Roma children to learn and the passive behaviour of their parents regarding their children's education; the absence or lack of education, which hampers access to employment; the country lacks a systematic and continuous concept of Roma integration; there is a strong negative attitude towards Roma people in society.

Although housing conditions for Roma have improved, the issue of Roma housing remains relevant. Due to prevailing stereotypes in society, lessors avoid renting property to Roma, a Roma neighbourhood is being avoided, also Roma housing is of lower quality compared to the general housing situation in the country.

Lithuania's Roma education rate has improved only at the lowest level – primary and basic, however, the participation of Roma children in pre-primary and pre-school education differs significantly from the national average¹³. The number of Roma students in the last years of basic education and gymnasium is still very low. In some municipalities, the attendance of Roma children and their absence in schools are linked to parental social benefits.

In Vilnius, the number of working Roma increased significantly and the number of unemployed decreased. Particularly significant changes in Roma employment are reached at the 20-29 age group. However, unemployment among Roma remains one of the highest.

Although public attitudes towards the Roma minority are changing in a positive direction, stereotypical attitudes towards this minority are still observed in society.

5. Regarding the rights of migrants, refugees, and asylum seekers¹⁴

In 2019 during inspections at the Foreigners Registration Centre¹⁵ the Seimas Ombudsmen's Office found that cleanliness and hygiene are not adequately ensured; the vulnerability of asylum seekers and their special needs were not fully identified; insufficient attention was paid to the protection of children's rights; the right of detained foreigners and asylum seekers to access decent quality services, including health services, and information was infringed due to problems organising work and insufficient knowledge of foreign languages by employees and lack of external translators.

¹⁰ Action Plan for the Integration of Roma into Lithuanian Society 2015–2020 approved by Order No IV-48 of the Minister of Culture of the Republic of Lithuania of 29 January 2015, link: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/6caa6010a8cb11e4a854e1c2026e476c/asr>.

¹¹ The project of the European Commission's Directorate-General for Justice and Consumers "Local Roma Platforms - Involvement of Local Self-Government in the Roma Integration Process", the project "Roma Platform – Road to Cooperation with Municipalities" financed by the European Commission, the Lithuanian Children's Fund project "Let's Get to Know Lithuania", the project of the Department of Minorities "Innovative Measures for the Social Integration of the Roma National Minority Incorporating Elements of Roma Culture and Traditions", the project "Working Together with the Roma – New Job Opportunities and Challenges" financed by the European Union Fund.

¹² No funds have been allocated for the measure "Organising pre-school and pre-primary education for Roma children in Roma Community Centre", "Organising qualification seminars for general education teachers working with Roma children" and for most of the measures for 2019–2020.

¹³ A study conducted in 2014 by the Equal Opportunities Ombudsperson found that a small number of Roma children attended pre-school and pre-primary education institutions in Lithuania, the participation of Roma children in pre-primary and pre-school education differs significantly from the national average (66.1% of all children in Lithuania and only about 20 % of Roma children).

¹⁴ Rec. No. 100.50, 100.164-168.

¹⁵ Report No NKP-2019/1-2 of the Seimas Ombudsman of 3 September 2019 on the situation of human rights at the Foreigners Registration Centre of the State Border Guard Service under the Ministry of the Interior.

In June 2021, the Seimas Ombudsman visited the Foreigners Registration Centre, where the conditions of detention of migrants and future perspectives in solving the increasing migration flows to the Republic of Lithuania were assessed. Problems related to the lack of interpreters, communication shortcomings, and provision of legal and psychological assistance were identified. Migrant families with children were housed in buildings. However, due to the shortage of rooms, single men were allocated in newly constructed tents camp where they were provided only with minimum accommodation conditions – beds, showers, toilets. Each tent accommodates 10 people and there is a lack of privacy. According to the state officials this is a temporary measure, and it is planned to move increasing number of migrants in modular houses.

6. Regarding hate crimes and hate speech¹⁶

In Lithuania, dark-skinned, Jewish, Roma, Polish, Russian, Muslims, Jews, Jehovah's Witnesses, homosexuals, and transgender persons are the most frequent victims of hate speech¹⁷ and several problems in combating it are faced, such as high latency of hate crimes, frequent cases of failure to report incitement to hatred, insufficient capacity of police officers, prosecutors and judges to recognise the motive for hostility or hatred and properly apply criminal liability. It is necessary to initiate the development of a list of criteria for crimes attributable to hate crimes, to provide training on hate crimes for pre-trial investigative officers and prosecutors. Also, due to the defective case law in Lithuania in interpreting Article 170 of the Criminal Code¹⁸, there are problems with pre-trial investigations into hate crimes.

New opportunities are being sought for efficient and fast detection of hate speech on the Internet as a tool based on artificial intelligence is being developed. Also, the European Commission-funded projects¹⁹ are being implemented to raise awareness of members of society and law enforcement officers. It is planned to create an online platform for victim support and the Ministry of the Interior has set up a working group for an effective response to hate crimes and hate speech in Lithuania.

7. Regarding the LGBTQ+ rights²⁰

Lithuania ranks 34th among 49 countries of Europe in terms of positive developments in the sphere of ensuring the LGBT+ rights²¹.

There is still no possibility of partnership between couples of different sexes or same sex in the country. In spring 2021 one of the Majority parties prepared the draft law on the civil partnership and submitted it to for voting in the Parliament, however it failed to pass.

Following the adoption of the amendment of the Civil Code in 2018²² the principle of “additionality of paternity and maternity” was added to the list of principles underpinning legal regulation of family relations, which is of a discriminatory nature, since it discriminates same-sex families with children.

The relatively low number of complaints and appeals for possible discrimination based on sexual orientation²³ shows that speaking in the public about non-traditional sexual orientations and the resulting inequalities to which people are exposed and disregard for certain rights of individuals

¹⁶ Rec. No. 100.52, 100.54-57, 100.59-74, 100.82, 100.85.

¹⁷ Incitement to hatred in Lithuania. Frequently asked questions. Information Guide p. 9, link: <https://hrmi.lt/wpcontent/uploads/2016/08/Neapykantos-kurstymas-Lietuvoje-DUK.pdf> 9 psl.

¹⁸ More in an independent review prepared by the Office of the Inspector of Journalistic Ethics and the Office of the Equal Opportunities Ombudsman, available at: <https://lygybe.lt/data/public/uploads/2021/03/institucinis-atsakas-i-neapykantos-kalbos-reiskini-lietuvoje-nepriklausoma-apzvalga.pdf>

¹⁹ The European Commission-funded project “Strengthening the Response to Hate Crimes and Hate Speech in Lithuania” and the project “# Noplace4hate”.

²⁰ Rec. No. 100.75-100.94.

²¹ It was ranked 37th in 2018 and 32nd in 2019.

²² Republic of Lithuania Law on amendment to Law No XII645 amending Articles 3.3, 3.153, 3.212, 3.217, 3.219, 3.224, 3.253, 3.254, 3.259, 3.260, 3.261, 3.269, repealing Article 3.220, and supplementing with Article 3.254-1 the Civil Code of the Republic of Lithuania.

²³ The number of complaints received for possible discrimination on the basis of sexual orientation (3–5 per year) has remained unchanged since 2009.

is still avoided²⁴.

Personal documents of a transgender person may be changed only by a court decision. The situation could essentially change upon adoption of the law on the Recognition of the Gender Identity. Although such a law was drafted by the Ministry of Justice back in 2017²⁵, it has never been submitted to the Seimas for consideration. Therefore transgender persons face various practical obstacles in different spheres of life (receiving healthcare, ensuring protection of personal data, etc.)²⁶.

8. Regarding detention conditions in correctional institutions²⁷

The reduction in the number of arrested persons and the convicts held in prison facilities reflects the positive efforts made by the State to address detention problems, however there are still serious and pressing problems in correctional institutions: the modernisation of prison facilities; the lack of meaningful activities; social rehabilitation of life sentenced persons; issues related to isolated detention; housing of the convicted; hygiene conditions; natural lighting of cell-type premises; access to education and limited internet connection.

It should be emphasised that the Seimas Ombudsman received a very large number of complaints after an urgent procedure of relocation of the convicted from Lukiškės Prison to other prison facilities. The constant flow of information about the allegedly infringed rights of the relocated prisoners has raised concerns about the current situation²⁸.

Also, the existing legal regulation disproportionately and unjustifiably restricts the possibilities of the employed convicts to accumulate the length of service required for the state social insurance benefit while working in good faith and thus become eligible for social guarantees, regarding this, the Seimas Ombudsman recommended the Government to consider the possibility of including all persons serving imprisonment sentences in the state social insurance system by insuring them with pension social insurance and unemployment social insurance.

9. Regarding combating human trafficking²⁹

Separate plans of action on combating trafficking in human beings to improve coordination at the national level was adopted for 2017-2019 and 2020-2022. However, several problems in this field are still faced.

The main document in the field of protection of victims of trafficking in human beings is the Recommendations on Identification of Victims of Trafficking in Human Beings, Pre-trial Investigation and Interinstitutional Cooperation³⁰ is non-binding. As a result, there are problems of inter-institutional cooperation, the resources to properly implement these recommendations are limited, and the implementation of the recommendations is not monitored. According to the Center for Combating Trafficking in Human Beings and Exploitation, it is not clear who is responsible for the safety of victims who cooperate with law enforcement. There is a lack of clear procedure for independently returning victims of trafficking to the Republic of Lithuania, moreover a person returning independently risks becoming a victim of trafficking again during the trip. Currently, assistance to returning victims of trafficking in human beings is provided only if they apply to the embassies of the Republic of Lithuania in foreign countries or through the International Organization for Migration.

The Center for Combating Trafficking in Human Beings and Exploitation provides safe housing services, consultations of a social worker, a psychologist, and hires lawyers to represent

²⁴ Equal Opportunities Ombudsperson of the Republic of Lithuania, activity report 2019, 13 03 2020, No BR-40, link:

https://www.lygybe.lt/data/public/uploads/2020/03/lr_lygiu_galimybiu_kontrolieriaus_2019_m_veiklos_ataskaita.pdf.

²⁵ Draft Law of the Republic of Lithuania on the Recognition of the Gender Identity, link: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/bc2a5010c09111e7af36e75c0ac79247>.

²⁶ Based on the National Review of the Situation of Transgender Persons in Lithuania drawn up by the Office of the Equal Opportunities Ombudsperson in 2019, link: https://www.lygybe.lt/data/public/uploads/2019/06/translyciu-asmenu-padetis-lietuvoje_nacionaline-apzvalga.pdf.

²⁷ Rec. No. 100.129-100.131.

²⁸ Report No NKP-2019/1-1 of the Seimas Ombudsman of 21 October 2019 on the human rights situation in Alytus Correction House, Marijampolė Correction House, Vilnius Correction House, Pravieniškės Correction House-Open Colony and Šiauliai Remand Prison, link: [NKP-2019-1-1.pdf \(lrski.lt\)](https://www.lygybe.lt/data/public/uploads/2019/10/nkp-2019-1-1.pdf).

²⁹ Rec. No. 100.112, 100.121–100.127.

³⁰ Approved by the Prosecutor General of the Republic of Lithuania, the Minister of the Interior and the Minister of Social Security and Labour. December 17 by order no. I-327 / 1V-1015 / A1-758.

victims of human trafficking, however there is a need to increase the number of its units, yet no funds are provided for this purpose. There is no inter-institutional agreement on who could be delegated the role of national rapporteur on anti-trafficking.

10. Regarding strengthening of the Ombudsmen institutions³¹

In 2017 the Seimas Ombudsmen's Office was accredited as an NHRI (Status 'A') in line with the Paris Principles. Moreover, since 2014 the Seimas Ombudsmen have been carrying out the national prevention of torture by regularly visiting places of detention. However, the resources and staffing were not sufficiently strengthened and, as a result, there is a significant shortage of human resources, thus the Seimas Ombudsmen's Office cannot adequately and in full capacity perform these mandates and additional competencies. Sufficient resources to strengthen the Office of the Children's Rights Ombudsman and the Office of the Equal Opportunities Ombudsperson's Office also were not ensured.

Yours respectfully,

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³¹ Rec. No. 100.24–100.36, 100.132.