

# **Franet National contribution to the Fundamental Rights Report 2021**

**LITHUANIA**

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## Policy and legal highlights 2020

Franet country study: policy and legal highlights 2020	
<b>Issues in the fundamental rights institutional landscape</b>	In 2020, the <a href="#">Government of Lithuania</a> strengthened institutional response to combat hate crimes and hate speech in Lithuania, and established more effective cooperation between governmental and non-governmental institutions in this field.
<b>EU Charter of Fundamental Rights</b>	<b>Ongoing use of the Charter by Lithuanian courts in administrative and other cases.</b> In 2020, the administrative courts continued to invoke the Charter <a href="#">in cases</a> concerning the Latin spelling of names and surnames in official documents, whilst the Constitutional Court <a href="#">relied on the Charter to find</a> national legislation, contradicting <i>non bis in idem</i> principle, unconstitutional.
<b>Equality and non-discrimination</b>	<b>Parliament (<i>Seimas</i>) adopted <a href="#">amendments to the Labour Code (<i>Darbo kodeksas</i>) on 21 May 2020, which prohibit discrimination on the grounds of state of health.</a></b> The amendments oblige the employer to comply with the employee's request for annual leave based on the conclusion of the health care institution and include provisions for severance pay for termination of a contract due to the employee's state of health.
<b>Racism, xenophobia &amp; Roma integration</b>	On 30 March 2020, the Prosecutor General ( <i>Generalinis prokuroras</i> ) approved " <a href="#">Methodological recommendations for the organisation and management of pre-trial investigation of hate crime and hate speech</a> " for better investigation of hate crimes.  On 26 August 2020, the Council of Vilnius City Municipality ( <i>Vilniaus miesto savivaldybės taryba</i> ) approved <a href="#">the Vilnius Roma Integration Programme 2020–2023</a> . The programme covers a wide range of measures in the areas of education, health care, culture, labour market, and the right to housing, and focuses on the social inclusion of women in particular.
<b>Asylum &amp; migration</b>	<b>No significant changes regarding the COVID-19 situation were introduced in legislation.</b> Due to the COVID-19 situation, the <a href="#">Migration Department informed that TCN could stay in Lithuania during the quarantine and depart within the established period of time when the quarantine is lifted.</a>
<b>Data protection and digital society</b>	<b>Elaborating standards relevant in the context of COVID-19 pandemics.</b> The State Data Protection Inspectorate took a proactive approach in drafting recommendations relating to <a href="#">online learning</a> , <a href="#">working remotely</a> and <a href="#">remote provision of health services</a> . Due to possible violations of the GDPR, the State Data Protection Inspectorate <a href="#">suspended the operation of the location tracing mobile app "Quarantine"</a> .

<b>Rights of the child</b>	<b>Government measures to mitigate the consequences of COVID-19 on children.</b> On 9 June 2020, the Government initiated a series of legislative acts aimed at tackling the consequences of the COVID-19 pandemic on children and low-income families. <a href="#">Law on One-Time Child Payment Aimed at Mitigating the Consequences of the COVID-19 Pandemic No. XIII-3030</a> introduces a one-time payment of € 120 to each child. Children from low-income families and children with disabilities received a one-time payment of € 200.
<b>Access to justice, including victims of crime</b>	<b>Ongoing reform concerning support to victims of crime and protection of victims of domestic violence.</b> The <a href="#">Draft Law on Assistance to Victims of Crime</a> (adopted early 2021) aims to address the main shortcoming of the transposition of the Victims' Rights Directive, i.e. to create a system of victim support services providing generic support to victims of crime. The <a href="#">Draft Law Amending the Law on Protection from Domestic Violence</a> aims to introduce an emergency protection order, obliging the perpetrator of domestic violence to move out of the place of residence where the victim lives and not to seek contact with the victim for 15 days.
<b>Convention on the Rights of Persons with Disability</b>	<a href="#">National Progress Plan 2020-2030</a> introduced specific indicators on persons with disabilities to improve their welfare. The <a href="#">election legislative framework</a> and its practical implementation strengthened. The amendments to the <a href="#">Law on Education</a> enforced inclusive education for children with disabilities.

## Chapter 1. Equality and non-discrimination

### 1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

The Government of the Republic of Lithuania adopted the Resolution "On Declaration of Quarantine in the Territory of the Republic of Lithuania" (*Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo*)<sup>1</sup> on 14 March 2020. The resolution put the elderly in institutional isolation. Article 3.5 of the resolution prohibited visiting all inpatient social services, families, group and community

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<sup>1</sup> The Government of the Republic of Lithuania (2020), Resolution "On Declaration of Quarantine in the Territory of the Republic of Lithuania" (*Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimas Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“*), No. 207, 14 March 2020 (Came into force on 15 March 2020 till 17 June 2020).

homes, except for contacts essential to the provision of essential social services. Activities for older people in day-care centres were also prohibited<sup>2</sup>.

The Government of the Republic of Lithuania adopted the Resolution "On Declaration of Quarantine in the Territory of the Republic of Lithuania" (*Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo*)<sup>3</sup> for the second time on 4 November 2020. Similar to previously, the resolution put the elderly in institutional isolation. Article 2.2.10.1 of the resolution prohibits visiting any person in hospitals or other places of inpatient social services, families, group and community houses. This rule does not apply to persons who work in these institutions.

Parliament (*Seimas*) adopted amendments to the Labour Code (*Darbo kodeksas*)<sup>4</sup> on 21 May 2020. The amendments, which came into force on 1 August 2020, prohibit discrimination on the grounds of state of health, and an employee depending on their state of health has the right to be allowed to work some of the time remotely. The amendments also oblige the employer to comply with the employee's request for annual leave based on the conclusion of the health care institution about their state of health. The amendments also include provisions for the payment of severance pay for termination of a contract due to the employee's state of health. An employee who has experienced discrimination on the ground

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<sup>2</sup> For more information on the impact of COVID-19 on older people in Lithuania, please see page 3 of the [Franet country study released on 24 March 2020](#).

<sup>3</sup> The Government of the Republic of Lithuania (2020), Resolution "On Declaration of Quarantine in the Territory of the Republic of Lithuania" ([Lietuvos Respublikos Vyriausybės 2020 m. lapkričio 4 d. nutarimas Nr. 1226 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“](#)), No. 1226, 4 November 2020 (Came into force on 7 November 2020).

<sup>4</sup> Lithuania, Law amending

Art. 2, 21, 26, 41, 52, 55, 56, 57, 59, 60, 61, 72, 75, 83, 89, 93, 95, 104, 110, 112, 117, 127, 128, 135, 137, 140, 141, 144, 147, 172, 185, 188, 192, 193, 194, 198, 224, 225, 228 and supplementing with Art. 72<sup>1</sup> of Labour Code ([Lietuvos Respublikos Darbo kodekso 2, 21, 26, 41, 52, 55, 56, 57, 59, 60, 61, 72, 75, 83, 89, 93, 95, 104, 110, 112, 117, 127, 128, 135, 137, 140, 141, 144, 147, 172, 185, 188, 192, 193, 194, 198, 224, 225, 228 straipsnių pakeitimo ir kodekso papildymo 72<sup>1</sup> straipsniu įstatymas](#)), No. XIII-2944, 21 May 2020 (Came into force on 1 August 2020 (Part 2 of Art. 41 came into force on 4 June 2020)).

of their state of health may apply to the State Labour Inspectorate<sup>5</sup> if they consider they have been discriminated against because of their state of health<sup>6</sup>.

Parliament (*Seimas*) adopted the Law on Single Benefits for Recipients of Social Security Pensions and Benefits (*Vienkartinės išmokos socialinio draudimo pensijų ir šalpos išmokų gavėjams įstatymas*)<sup>7</sup>. The law provides a one-off benefit of € 200 for those in receipt of old-age pensions, disability pensions and other social insurance pensions and benefits. This also applies to people seeking employment regardless of their income<sup>8</sup>.

The Government of the Republic of Lithuania approved the "COVID-19 management Strategy"<sup>9</sup> on 10 June 2020. The strategy stated that "due to the virus, the likelihood of dying or acquiring serious health problems" is significantly higher for people aged 65+. The strategy also declared the "necessity to ensure that the decisions taken are proportionate to the potential risks" to the health and life of this group of persons, and "do not create preconditions for discrimination against this group of persons in the labour market and other areas"<sup>10</sup>.

Parliament (*Seimas*) adopted amendments to the Law on Employment (*Užimtumo įstatymas*)<sup>11</sup> on 4 June 2020. The amendments to Art. 41 provide legalised subsidies to employers who will continue to employ those aged 60 and older put on downtime during the state of emergency or quarantine. During downtime, an

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<sup>5</sup> Ministry of Social Security and Labour (2020), Changes in the Labour Code: relevant to those with health problems, working on project work, to workers posted to Lithuania ([Darbo kodekso pokyčiai: aktualu turintiems sveikatos sutrikimų, dirbantiems projektinį darbą, komandiruojamiems į Lietuvą](#)), press release published on 30 July 2020.

<sup>6</sup> On the impact of COVID-19 on older people in Lithuania, please see page 7-8 of the [Franet country study released on 2 July 2020](#).

<sup>7</sup> Lithuania, Law on Single benefits for recipients of social security pensions and benefits ([Lietuvos Respublikos Vienkartinės išmokos socialinio draudimo pensijų ir šalpos išmokų gavėjams įstatymas](#)), No. XIII-2886, 7 May 2020 (Came into force on 15 May 2020 until 31 December 2020).

<sup>8</sup> On the impact of COVID-19 on older people in Lithuania, please see page 7-8 of the [Franet country study released on 2 July 2020](#).

<sup>9</sup> The Government of the Republic of Lithuania (2020), Annex 2 "Covid-19 management strategy" to the decision of the meeting (Protocol No. 28, Question 1) ([Lietuvos Respublikos Vyriausybės 2020 m. birželio 10 d. pasitarimo sprendimo \(protokolo Nr.28, 1 klausimas\) 2 priedas "Covid-19 valdymo strategija"](#)), 10 June 2020.

<sup>10</sup> For more information on the impact of COVID-19 on older people in Lithuania, please see page 9 of the [Franet country study released on 3 June 2020](#).

<sup>11</sup> Lithuania, Law amending Art. 25, 41, 42, 44 ir 48<sup>1</sup> of Law on Employment No. XII-2470 ([Lietuvos Respublikos užimtumo įstatymo Nr. XII-2470 25, 41, 42, 44 IR 48<sup>1</sup> straipsnių pakeitimo, įstatymas](#)), No. XIII-3005, 4 June 2020 (Came into force on 12 June 2020).

employee aged 60 and older may not be paid less than the minimum monthly wage if the full working time rate has been agreed<sup>12</sup>.

The Office of the Equal Opportunities Ombudsperson (OEEO) issued a press release where it expressed its concern about potential discrimination against older people caused by the quarantine restrictions<sup>13</sup>. The OEEO has received many complaints about restrictions imposed on older people in their work places or when receiving services or goods during quarantine. For example, signs on the doors in shops, coffee shops, hairdressers stating that persons over 60 years are recommended (in some cases – prohibited) not to visit the institution. This can be considered as age discrimination<sup>14</sup>.

The European Court of Human Rights issued its final judgment in the case of *Beizaras and Levickas v. Lithuania*<sup>15</sup> on 14 January 2020. The applicants alleged that they had been discriminated against on the grounds of sexual orientation, but the public authorities refused to launch a pre-trial investigation. They were thus left without any possibility of legal redress. On 8 December 2014, the first applicant posted a photograph depicting a same-sex kiss between him and the second applicant on his Facebook page, which was accessible to the general public. The majority of online comments posted under the picture were aimed at inciting hatred and violence against LGBT people in general, while numerous comments directly threatened the applicants personally. The applicants requested the LGL Association to notify, in its name, the Prosecutor General's Office of the hateful comments. The LGL Association on 12 December 2014 appealed to the Prosecutor General's Office and asked it to initiate criminal proceedings. On 30 December 2014, Klaipėda district prosecutor's office decided not to initiate a pre-trial investigation following receipt of the LGL Association's complaint. In 2015, the LGL Association lodged an appeal against the prosecutor's decision with Klaipėda City District Court and the district court decided not to prosecute the authors of the comments. The LGL Association then lodged a final appeal, but this was dismissed on 18 February 2015 in Klaipėda Regional Court. The judgment of the European Court of Human Rights in turn holds that there was a violation of Article 14 of the Convention, taken in conjunction with Article 8 and of Article 13 of the Convention (discrimination on the grounds of sexual orientation, the public

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<sup>12</sup> For more information on the impact of COVID-19 on older people in Lithuania, please see page 7- 8 of the [Franet country study released on 2 July 2020](#).

<sup>13</sup> Lithuania, the Office of the Equal Opportunities Ombudsperson (*Lygių galimybių kontrolieriaus tarnyba*) (2020), Quarantine Restrictions on the Elderly Can Lead to Discrimination ([Vyresnio amžiaus žmonėms taikomi karantino ribojimai gali virsti diskriminacija](#)), press release published on 20 May 2020.

<sup>14</sup> For more information on the impact of COVID-19 on older people in Lithuania, please see page 8- 9 of the [Franet country study released on 3 June 2020](#).

<sup>15</sup> The European Court of Human Rights (2020), *Case of Beizaras and Levickas v. Lithuania, Judgment*, Application no. 41288/15, 14 January 2020.



authorities' refusal to launch a pre-trial investigation and the lack of legal redress). The ECHR further holds that the respondent State has to pay € 5,000 in non-pecuniary damage to each of the applicants and € 5,000 in respect of costs and expenses, to both applicants jointly<sup>16</sup>.

On 27 July 2020, the National LGBT rights organisation – LGL – with the support of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World) and the Centre for Civil and Political Rights (CCPR-Centre) submitted the report "Discrimination on the grounds of sexual orientation and gender identity"<sup>17</sup> to the United Nations Human Rights Committee on the implementation of the recommendations made by the Committee in paragraphs 10 (discrimination on the grounds of sexual orientation and gender identity). The report provides the perspective of civil society organisations on the measures taken by the State. It argues that the State has adopted mandatory mediation in the cases of Family Law since 1 January 2020, and introduced political and legal measures to protect and provide support services to the victims of domestic violence. Nevertheless, the "LGBT families have no access to any of these measures" and continue to be "subjected to a legal void". Additionally, the report stated that no legislative proposals or policy measures aimed at establishing the relevant administrative procedure for a legal gender reassignment (recognition) procedure have been recorded recently<sup>18</sup>.

The OEEO, with its partners the Human Rights Monitoring Institute and the Lithuanian Gay League, on 5 April 2020 finished the project "New standards to combat discrimination – changes in business, public sector and society"<sup>19</sup>, which started in 2017. The project led to the implementation of distance learning courses for employees and employers on the recognition and prevention of discrimination (the concept of discrimination, its forms, and prevention). It also published two manuals for employers – the "Equal Opportunities Implementation. Guide for

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<sup>16</sup> The European Court of Human Rights (2020), *Case of Beizaras and Levickas v. Lithuania*, [Judgment](#), Application no. 41288/15, 14 January 2020.

<sup>17</sup> National LGBT rights organization LGL (2020), [SCO report on follow-up to recommendations by the Human Rights Committee Lithuania](#), Discrimination on the grounds of sexual orientation and gender identity, 27 July 2020.

<sup>18</sup> National LGBT rights organization LGL (2020), [SCO report on follow-up to recommendations by the Human Rights Committee Lithuania](#), Discrimination on the grounds of sexual orientation and gender identity, 27 July 2020.

<sup>19</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*) (2020), [New Standards to Combat Discrimination – Changes in Business, Public Sector and Society](#), press release published on 4 May 2017.

Employers” (in 2018) and “Equal opportunities in the Workplace. Guide for Employers”<sup>20</sup> (in 2020). In the first manual mentioned, both public and private sector employers can find all the most important and relevant information about the implementation of equal opportunities in an organisation<sup>21</sup>. In the second manual on equal opportunities in the workplace, employers can find updated information and both practical examples and advice to ensure equal opportunities and non-discrimination in various areas of employment<sup>22</sup>.

## **2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.**

Based on the request of the Lithuanian Social Research Centre Institute for Ethnic Studies (*Lietuvos socialinių tyrimų centro Etninių tyrimų institutas*), on 13–23 October 2020 the survey company “Baltic surveys” carried out a public opinion poll to analyse the attitudes of Lithuanian residents towards different ethnic and social groups (e.g., Roma, Muslims, homosexuals, people with physical and mental disabilities, etc.)<sup>23</sup>. Altogether, 1,001 Lithuanian residents (18 years and older) from 118 locations in Lithuania participated in the survey. The error of the survey estimate does not exceed 2.95 %. The survey shows the persistent social distance between the majority society and certain ethnic and social groups. It revealed that Roma people remain the least favoured ethnic group among the Lithuanian population (58 % of respondents said that they would not want to live in the same neighbourhood as Roma people, 37 % to work in the same workplace and 60 % to rent an apartment to them). Recently released prisoners or people with mental

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<sup>20</sup> Aduvavičiūtė, M., Žmogaus teisių stebėjimo institutas (*Human Rights Monitoring Institute*); Jurkutė, M. Lygių galimybių kontrolieriaus tarnyba (*Office of the Equal Opportunities Ombudsperson*) (2020), [Lygios galimybės darbovietėje. Vadovas darbdaviams](#) (Equal opportunities in the workplace. Guide for Employers).

<sup>21</sup> National LGBT Rights Organization (*Nacionalinė LGBT teisių organizacija*) (2020) New standards to combat discrimination project calls for “Wings of Equal Opportunities” ([Naujus standartus diskriminacijos mažinimui diegiantis projektas kviečia siekti „Lygių galimybių sparnų“](#)), press release published on 9 April 2020.

<sup>22</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*) (2020), Equal opportunities in the Workplace. Guide for employers ([Lygios galimybės darbovietėje. Vadovas darbdaviams](#)), press release published on 6 November 2020.

<sup>23</sup> “Baltic surveys” (at the request of the Lithuanian social Research Centre Institute for Ethnic Studies (*Lietuvos socialinių tyrimų centro Etninių tyrimų institutas*) (2020) At the request of the Lithuanian Social Research Centre Institute for Ethnic Studies (*Lietuvos socialinių tyrimų centro Etninių tyrimų institutas*) carried out a public opinion poll of the 2020, report of the survey available at: <http://www.ces.lt/wp-content/uploads/2010/02/Visuomen%C4%97s-nuostatos-apklauso-rezultatai-20201.pdf>

disabilities are treated similarly to Roma people, as more than half (54 %) of respondents would not want to live in the same neighbourhood with recently released prisoners, 35 % work in a same workplace and 58 % of respondents would not want to rent an apartment to them. Furthermore, 45 % of respondents would not want to live in the same neighbourhood with people with mental disabilities, 40 % work in a same workplace and 51 % of respondents would not want to rent an apartment to people with mental disabilities. In the past, the indicator for social distance used to be high for homosexuals, but in 2020, they are more favoured than Muslims are. For example, Muslim is the least favoured religious group: 41 % of respondents would not want to live in the same neighbourhood, 28 % would not want to work in a same workplace, and 39 % of respondents would not want to rent an apartment to Muslims. In contrast, the survey has revealed that only 36 % of respondents would not want to live with homosexuals in the same neighbourhood, 25 % would not want to work in a same workplace, and 36 % would not want to rent an apartment to homosexuals. People with physical disabilities are most favoured, when compared to the other groups mentioned, but 4 % of respondents said that they would not want to live in the same neighbourhood, 8 % to work in a same workplace, and 12 % to rent an apartment. Compared to the 2019 opinion poll, Chinese are the least favoured nationality in the 2020 public opinion poll, due to the outbreak of the COVID-19 pandemic. 19 % of respondents said that they would not want to live in the same neighbourhood, 11 % to work in a same workplace, and 21 % to rent an apartment to Chinese people.

In 2020, the Lithuanian Social Research Centre together with the Lithuanian Red Cross Association conducted a sociological research<sup>24</sup>. It aimed to reveal the needs of older people living in one-person households and their experience of living under the COVID-19 epidemic and quarantine. This quantitative research interviewed 108 older people (average age – 78.9 years) who live in one-person households in Alytus, Kaunas, Klaipėda, Panevėžys, Raseiniai, Rokiškis, Šiauliai, Utena, Vilkaviškis and Vilnius. Volunteers from the Lithuanian Red Cross Association visited these older people and asked them to complete a questionnaire of 47 questions. The research findings show that one third of the respondents (34 %) had observed public statements, notes or actions that offended the elderly during quarantine in Lithuania. Some of them felt uncomfortable due to the excessive public attention directed towards elderly people, while others felt certain discriminatory restrictions in shops and in the media directed at the older

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<sup>24</sup> Gaižauskaitė, I., Mikulionienė, S. Lietuvos socialinių tyrimų centras (*Lithuanian Social Research Centre*), Lietuvos Raudonasis kryžius (*Lithuanian Red Cross*) (2020) Vieni gyvenantys vyresnio amžiaus žmonės: (iš)gyvenimas koronaviruso epidemijos ir karantino sąlygomis. Tyrimo ataskaita. (*Single elderly population: (out) living during a coronavirus epidemic and quarantine. Research report*). The research report is not publicly available and was shared by one of the researchers.

population (65 years and older) during the quarantine. In addition, 22 % of respondents stated that they had personally experienced discriminatory actions, such as disrespectful behaviour or non-assistance and ignorance to their real needs during the epidemic and quarantine. Based on the research data, it is recommended that the social partners mobilise their forces to take account of both the physical health care measures of older people living alone and the social participation measures required to meet their needs.

## Chapter 2. Racism, xenophobia and related intolerance

### 1. Legal and policy developments relating to the application of the Racial Equality Directive

No developments in the legal sphere in relation to the application of the Racial Equality Directive were introduced in 2020.

The Department of National Minorities under the Government of the Republic of Lithuania (*Tautinių mažumų departamentas prie Lietuvos Respublikos Vyriausybės*) in cooperation with partners has been implementing the project "The inclusion of national minority members into the labour market" (*Tautinių mažumų atstovų įtraukimas į darbo rinką*) since 2018<sup>25</sup>. The European Social Fund Agency (*Europos socialinio fondo agentūra*) funds the project. The main aim of the project is to promote the integration of members of national minorities into the labour market<sup>26</sup>. In 2020, among other project activities, monitoring of the media was conducted; this monitoring indicated certain differences in the representation of national groups in Lithuanian mass media and indicated cases when Roma as a group was stigmatised in the media as not responsible (not wearing facemasks) in the context of the COVID-19 quarantine<sup>27</sup>.

No official reports on alleged discrimination on the grounds of ethnicity or race in access to goods, services or employment related to the COVID-19 quarantine situation were indicated for the period February – June 2020<sup>28</sup>.

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<sup>25</sup> Lithuania, Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) (2020) „Inclusion of national minority members in the labour market“ (*Tautinių mažumų atstovų įtraukimas į darbo rinką*), published on 8 January 2020

<sup>26</sup> Lithuania, Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) (2020) „Inclusion of national minority members in the labour market“ (*Tautinių mažumų atstovų įtraukimas į darbo rinką*), 8 January 2020.

BNS. Press Centre. Department of National Minorities under the Government of Lithuania (2018) "Department of National Minorities starts the EU project 'Inclusion of ethnic minorities in the labour market'" (*Tautinių mažumų departamentas pradeda vykdyti ES projektą [Tautinių mažumų įtraukimas į darbo rinką](#)*), 24 April 2018.

<sup>27</sup> Lithuania, Department of National Minorities under the Government of Lithuania (2020), "Mass media monitoring during quarantine revealed biased perception by journalists of one national group" (*Žiniasklaidos monitoringas karantino metu atskleidė šališką žurnalistų požiūrį į vieną tautinę grupę*), 18 May 2020.

<sup>28</sup> Fundamental Rights Agency (FRA) [Coronavirus Covid-19 outbreak in the EU. Fundamental Rights Implication, Lithuania](#), 24 March 2020.

Fundamental Rights Agency (FRA) [Coronavirus pandemic in the EU. Fundamental Rights Implication, Lithuania](#), 2 July 2020.

## **2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime**

No developments in the legal sphere relating to the application of the Framework Decision on Racism and Xenophobia were introduced in 2020. A number of initiatives and projects related to combating hate speech and hate crime were implemented or launched in public or non-governmental sectors.

In September 2018–October 2020, the Ministry of the Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerija*) in cooperation with the Prosecutor General's Office (*Generalinė prokuratūra*) and the Office of the Inspector of Journalist Ethics (*Žurnalistų etikos inspektoriatas tarnyba*) implemented the project "Strengthening the response to hate crime and hate speech in Lithuania" (*Atsako į neapykantos nusikaltimus ir neapykantą kurstančias kalbas Lietuvoje stiprinimas*)<sup>29</sup>. As one of the outcomes of this project, the Prosecutor General signed a new version of "Methodological recommendations for the organisation and management of pre-trial investigation of hate crime and hate speech" (*Ikiteisminio tyrimo dėl neapykantos nusikaltimų ir neapykantą kurstančios kalbos atlikimo, organizavimo ir vadovavimo jam ypatumų metodinės rekomendacijos*) on 30 March 2020<sup>30</sup>. These recommendations replace the recommendations that were adopted in 2009<sup>31</sup> and are considered as an important advanced methodological instrument recommended for the organisation and management of pre-trial investigations of hate crime and hate speech<sup>32</sup>, the experts emphasise that these new recommendations introduced the advanced definition of hate crimes<sup>33</sup>.

In the framework of the above-mentioned project, the Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*) in cooperation with the Lithuanian Centre for Human Rights (*Lietuvos žmogaus teisių centras*) at the request of the Ministry of the Interior of the Republic of Lithuania (*Vidaus reikalų ministerija*) developed practical guidelines – aimed at law enforcement officers – on

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<sup>29</sup> Lithuania, The Ministry of the Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerija*) (2018) "The project which aims to strengthen the response to hate crime in Lithuania starts" ([Startuoja projektas, skirtas stiprinti atsaką į neapykantos nusikaltimus Lietuvoje](#)), 14 September 2018.

<sup>30</sup> General Prosecutor's Office of the Republic of Lithuania (*Lietuvos Respublikos Generalinė Prokuratūra*) (2020) „Methodological recommendations for pre-trial investigation, organisation and management of hate crime and hate speech“ ([Ikiteisminio tyrimo dėl neapykantos nusikaltimų ir neapykantą kurstančios kalbos atlikimo, organizavimo ir vadovavimo jam ypatumų metodinės rekomendacijos](#)) 30 March 2020.

<sup>31</sup> Lithuania, Ministry of the Interior of the Republic of Lithuania (*Vidaus reikalų ministerija*) (2020) "About the project in brief" ([Apie projektą trumpai](#)), 11 September 2020.

<sup>32</sup> Lithuania, The Ministry of the Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerija*), email communication of Lithuanian Social Research Centre, 18 November 2020.

<sup>33</sup> [Mes visi. Hate crimes and hate speech: overview of the situation in Lithuania](#). Summary, p. 4-5,

cooperation with communities vulnerable to hate crime<sup>34</sup>. These recommendations present information on history, demography, and cultural traits of Roma people, Jews, Muslims, foreigners, LGBT community and people with disabilities to enable law enforcement officers to recognise hate crime against some particular group<sup>35</sup>. The recommendations emphasise the necessity to maintain connections with vulnerable groups by ensuring a police presence at the events important for particular communities, dissemination of information on ways of reporting hate crimes, regular meetings with vulnerable communities, monitoring of diversity of police officers and other<sup>36</sup>.

In the period 1 July 2019–30 June 2021 the Lithuanian Centre for Human Rights (*Žmogaus teisių centras*), the Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*), the European Foundation of Human Rights (*Europos žmogaus teisių fondas*) and Lithuanian Police School (*Lietuvos policijos mokykla*) are implementing the project "Promoting effective response to hate crime and hate speech in Lithuania" (*Efektivaus atsako į neapykantos nusikaltimus ir neapykantos kalbą skatinimas Lietuvoje*)<sup>37</sup>. In the framework of the project, research was carried out to identify the barriers that preclude effective investigation of hate crime<sup>38</sup>. The research was composed of desk research, qualitative sociological research and representative research of societal attitudes<sup>39</sup>. The researchers conclude that the main challenging aspects in combating hate crimes in Lithuania are the "latency of hate crimes, their complicated legal classification and the lack of comprehensive statistics"<sup>40</sup>. Twenty semi-structured interviews were conducted with individuals who experienced hate

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<sup>34</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*), Lithuanian Centre for Human Rights (*Lietuvos žmogaus teisių centras*) by order of the Ministry of Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerijos užsakymu*) (2020) Cooperation with communities vulnerable to hate crime. Practical handbook for law enforcement officers. ([Bendradarbiavimas su neapykantos nusikaltimų pažeidžiamomis bendruomenėmis. Praktinis vadovas teisėsaugos pareigūnams](#)). Vilnius: Vidaus reikalų ministerija.

<sup>35</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*), Lithuanian Centre for Human Rights (*Lietuvos žmogaus teisių centras*) by order of the Ministry of Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerijos užsakymu*) (2020) Cooperation with communities vulnerable to hate crime. Practical handbook for law enforcement officers. ([Bendradarbiavimas su neapykantos nusikaltimų pažeidžiamomis bendruomenėmis. Praktinis vadovas teisėsaugos pareigūnams](#)). Vilnius: Vidaus reikalų ministerija.

<sup>36</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*), Lithuanian Centre for Human Rights (*Lietuvos žmogaus teisių centras*) by order of the Ministry of Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerijos užsakymu*) (2020) Cooperation with communities vulnerable to hate crime. Practical handbook for law enforcement officers. ([Bendradarbiavimas su neapykantos nusikaltimų pažeidžiamomis bendruomenėmis. Praktinis vadovas teisėsaugos pareigūnams](#)). Vilnius: Vidaus reikalų ministerija. P. 51-58.

<sup>37</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*) (2019), Promoting effective response to hate crime and hate speech in Lithuania ([Efektivaus atsako į neapykantos nusikaltimus skatinimas](#)), 6 August 2019.

<sup>38</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*) (2020) "Meeting with partners on implementation of the project" ([Susitikimas su partneriais dėl projekto #Mes visi įgyvendinimo](#)), 5 April 2020.

<sup>39</sup> [Mes visi. Neapykantos nusikaltimai ir neapykantos kalba: situacijos Lietuvoje apžvalga](#), p. 6-7.

<sup>40</sup> [Mes visi. Hate crimes and hate speech: overview of the situation in Lithuania. Summary](#), p. 13.

crime and most of the research participants expressed disappointment with the reaction of law enforcement institutions towards their reports of hate crimes<sup>41</sup>. The focus groups with police officers and with prosecutors revealed that these two groups perceive hate crime differently – police officers expressed the opinion that hate crimes should be investigated in the same way as any other crimes and do not have specific features, while prosecutors considered hate crimes as specific crimes that have special traits and need special attention<sup>42</sup>. The representative survey on societal attitudes was carried on 17-28 October 2019 by the company “Spinter research” and involved 1,008 inhabitants of Lithuania<sup>43</sup>. The survey revealed that almost half of the research participants do not think that hate crime is a serious problem, while almost 56 % of respondents consider hate crime as a serious problem<sup>44</sup>. The majority of research participants indicated that they would approach law enforcement institutions to report a hate crime. However, 36 % of them said they do not have enough information to know what could be considered as hate crime or hate speech<sup>45</sup>.

In 2020, the partners of the project “Promoting effective response to hate crime and hate speech in Lithuania” carried out activities targeting police officers: more than 200 police cadets and police officers from different regions of Lithuania participated in face-to-face workshops on hate crime; the online teaching material on hate crime was developed and is accessible in the internal system of the Lithuanian Police School<sup>46</sup>.

A group composed of representatives of governmental institutions and non-governmental organisations renewed its efforts alongside the Ministry of the Interior of the Republic of Lithuania (*Vidaus reikalų ministerija*) to address the challenges and issues related to the combating and prevention of hate crime and hate speech<sup>47</sup>. The Working Group for the Promotion of Effective Response to Hate Crime and Hate Speech in Lithuania (*Darbo grupė veiksmingam atsakui į neapykantos nusikaltimus ir napykantos kalbą Lietuvoje*) was established by the order of the Minister of the Interior of the Republic of Lithuania in 2020<sup>48</sup>. The

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<sup>41</sup> [Mes visi. Neapykantos nusikaltimai ir neapykantos kalba: situacijos Lietuvoje apžvalga](#), p.57, 65.

<sup>42</sup> [Mes visi. Neapykantos nusikaltimai ir neapykantos kalba: situacijos Lietuvoje apžvalga](#), p. 74.

<sup>43</sup> [Mes visi. Neapykantos nusikaltimai ir neapykantos kalba: situacijos Lietuvoje apžvalga](#) p. 76.

<sup>44</sup> [Mes visi. Neapykantos nusikaltimai ir neapykantos kalba: situacijos Lietuvoje apžvalga](#) p. 82

<sup>45</sup> [Mes visi. Neapykantos nusikaltimai ir neapykantos kalba: situacijos Lietuvoje apžvalga](#), p. 84.

<sup>46</sup> Lithuanian Police School (2020), phone communication of Lithuanian Social Research Centre, 19 November 2020.

Mano teisės (My Rights) (2020) “Hate crimes and hate speech – what measures are implemented by Lithuania to address the problem?” ([Neapykantos nusikaltimai ir neapykantos kalba – kokių priemonių imasi Lietuva, siekdama mažinti problemos mastą?](#)), 4 December 2020.

<sup>47</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*) (2020) “Meeting with partners on implementation of the project” ([Susitikimas su partneriais dėl projekto #Mes visi įgyvendinimo](#)), 5 April 2020; Minister of the Interior of the Republic of Lithuania (*Lietuvos Respublikos Vidaus reikalų ministras*). The Order on the Establishments of Work Group No. 1V-162 (*Įsakymas dėl darbo grupės sudarymo*), 24 February 2020.

<sup>48</sup> Minister of the Interior of the Republic of Lithuania (*Lietuvos Respublikos Vidaus reikalų ministras*). The Order on the Establishments of Work Group No. 1V-162 (*Įsakymas dėl darbo grupės sudarymo*), 24 February 2020, <https://www.e-tar.lt/portal/lt/legalAct/de8241d056d611ea931dbf3357b5b1c0/asr>



work plan of the Working Group for 2020-2022 includes promotion of cooperation among governmental institutions and non-governmental organisations, promotion of dialogue with communities vulnerable to hate crime and hate speech, fostering abilities of law enforcement officers to recognise hate crime and hate speech, increasing awareness among the broader society of hate crime and hate speech<sup>49</sup>.

In 2020, recommendations were developed for the three Baltic States on preventing and combating hate crime against people with disabilities. The recommendations are aimed at decision-makers, law enforcement and victim support services, non-governmental organisations and communities of people with disabilities<sup>50</sup>. The recommendations include recommendations for different groups of stakeholders, as well as specific recommendations for each Baltic state<sup>51</sup>. These recommendations were developed in the framework of the project "Police and NGO cooperation to combat hate crime in Estonia, Latvia and Lithuania" (*Policijos ir NVO bendradarbiavimas siekiant užkirsti kelią neapykantos nusikaltimams Estijoje, Latvijoje ir Lietuvoje*) carried out by the Estonian Human Rights Centre (*Inimõiguste Keskus*) in cooperation with the Human Rights Monitoring Centre (*Žmogaus teisių stebėjimo institutas*), the Latvian Centre for Human Rights (*Latvijas cilvēktiesību centrs*) and the Lithuanian Disability Forum (*Lietuvos negalios organizacijų forumas*)<sup>52</sup>.

In 2020, the international project "Active European Citizens Against Hate Speech" was launched. The project targets the young generation of the newer EU Member States and addresses the impact of hate speech on democratic participation<sup>53</sup>. The Lithuanian partner is the Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*).<sup>54</sup> The project is due to end in 2022.

In March 2020, the project "#NoPlace4Hate: the Improvement of Response of Law Enforcement Institutions in Lithuania to Hate Speech" (*#NoPlace4Hate: Lietuvos institucijų atsako į neapykantos kalbą tobulinimas*) was launched. The main aims of the project include the development of guidelines on how law

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<sup>49</sup> The Work Plan for 2020-2022 of the Work Group for Effective Response towards Hate Speech and Hate Crime in Lithuania (*Darbo grupės veiksmingam atsakui į neapykantos nusikaltimus ir neapykantos kalbą Lietuvoje skatinti 2020-2022 metų veiklos planas*), [https://vrm.lrv.lt/uploads/vrm/documents/files/LT\\_versija/Viesasis\\_saugumas/Darbo%20grup%C4%97s%20veiklos%20planas.pdf](https://vrm.lrv.lt/uploads/vrm/documents/files/LT_versija/Viesasis_saugumas/Darbo%20grup%C4%97s%20veiklos%20planas.pdf).

<sup>50</sup> Dovilė Juodkaitė, Ugnė Grigaitė, Goda Jurevičiūtė, Sigita Zankovska-Odiņa, Mari-Liis Sepper (2020) Disability Hate Crime in Estonia, Latvia and Lithuania. „[Recommendations for stakeholders](#)“

<sup>51</sup> Dovilė Juodkaitė, Ugnė Grigaitė, Goda Jurevičiūtė, Sigita Zankovska-Odiņa, Mari-Liis Sepper (2020) Disability Hate Crime in Estonia, Latvia and Lithuania. [Recommendations for stakeholders](#).

<sup>52</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*) (2018) "Police and NGO cooperation to combat hate crime in Estonia, Latvia and Lithuania" (*Policijos ir NVO bendradarbiavimas siekiant užkirsti kelią neapykantos nusikaltimams Estijoje, Latvijoje ir Lietuvoje*), 4 October 2018.

<sup>53</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*) (2020) [Active European Citizens Against Hate Speech](#), 7 June 2020.

<sup>54</sup> Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*) (2020) [Active European Citizens Against Hate Speech](#), 7 June 2020.

enforcement institutions should investigate complains about hate speech<sup>55</sup>. The project is due to continue until 2022 and its main coordinator is the Office of the Equal Opportunities Ombudsperson (*Lygių galimybių kontrolierės tarnyba*) in cooperation with the Office of the Inspector of Journalist Ethics (*Žurnalistų etikos inspektoriatas tarnyba*) and agency of social advertising “Nomoshiti”<sup>56</sup>

## Chapter 3. Roma equality and inclusion

### 1. Measures and developments addressing Roma/Travellers

The Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) is preparing a new state-level Roma integration action plan for the period of 2021–2023. The Action Plan for Integration of Roma into Lithuanian Society 2015–2020 (*Romų integracijos į Lietuvos visuomenę 2015–2020 metų veiksmų planas*)<sup>57</sup> ended in December 2020. It is likely that the new plan will be somewhat smaller in scope (compared to the previous one), because it is expected that the Ministry of Social Affairs and Labour (*Socialinės apsaugos ir darbo ministerija prie LR Vyriausybės*) and the Ministry of Education, Sport and Science (*Švietimo, sporto ir mokslo ministerija prie LR Vyriausybės*) will not participate in its preparation<sup>58</sup>. The Department of National Minorities received a reply from the Ministry of Education, Sport and Science that they do not plan to have targeted integration measures for Roma community in Lithuania – the Ministry stated that national minorities in Lithuania are addressed as a unit (i.e. there are no specific measures for separate ethnic groups)<sup>59</sup>. The Department of National Minorities continues working with

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<sup>55</sup> Lithuania, the Office of Equal Opportunities Ombudsperson (*Lygių galimybių kontrolieriaus tarnyba*) (2020) “#NoPlace4Hate: the Improvement of Response to Hate Speech by Lithuanian Institutions” ([#NoPlace4Hate: Lietuvos institucijų atsako į neapykantos kalbą tobulinimas](#)), 4 May 2020.

<sup>56</sup> Lithuania, the Office of Equal Opportunities Ombudsperson (*Lygių galimybių kontrolieriaus tarnyba*) (2020) “#NoPlace4Hate: the Improvement of Response to Hate Speech by Lithuanian Institutions” ([#NoPlace4Hate: Lietuvos institucijų atsako į neapykantos kalbą tobulinimas](#)), 4 May 2020.

<sup>57</sup> Lithuania, Ministry of Culture (*Kultūros ministerija*), Approval of Action plan for integration of Roma to Lithuanian society 2015–2020 ([Isakymas dėl romų integracijos į Lietuvos visuomenę 2015–2020 metų veiksmų plano patvirtinimo](#)), 29 January 2015.

<sup>58</sup> Communication of LSTC with the Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) (14 September 2020) and Lithuanian Human Rights Centre (*Lietuvos žmogaus teisių centras*) (11 September 2020).

<sup>59</sup> On November 20, 2020 the Department of National Minorities under the Government of Lithuania together with 10 organisations (Roma NGOs and organisations working with the Roma)

few other institutions to prepare a new Roma integration action plan, but it will not include measures in the areas of education and social integration.<sup>60</sup>

On 7 April 2020, the Ministry of Social Affairs and Labour (*Socialinės apsaugos ir darbo ministerija prie LR Vyriausybės*) issued a statement saying that a project aimed at improving Roma participation in the labour market would not be continued (would not receive funding), because the funds were being diverted to programmes aimed at mitigating the negative impact of the coronavirus<sup>61</sup>. The project had been funded by the Ministry of Social Affairs and Labour and the EU structural funds for the period of 2016–2020 and was expected to continue for the new funding period. After the Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) and several NGOs and academic institutions voiced concern and issued recommendations to continue the project, the Ministry of Social Affairs and Labour agreed to continue the project, but the funding was tentatively approved for just one year (instead of three)<sup>62</sup>.

On 26 August 2020, the Council of Vilnius City Municipality (*Vilniaus miesto savivaldybės taryba*) approved the Vilnius Roma Integration Programme 2020–2023<sup>63</sup>. The NGOs that work with the Roma community in Vilnius welcomed the launch of the programme, noting the positive change in policy and the wide scope of measures in the areas of education, health care, culture, labour market, and the right to housing, as well as the particular focus on social inclusion of women<sup>64</sup>. However, it should be noted that launch of the programme was somewhat

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addressed the Ministry of Education, Sport and Science asking to include Roma specific issues in the strategic Development Program for Education 2021–2030 ([Švietimo plėtros programa 2021–2030 m.](#)). Communication of LSTC with the Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) (23 November 2020).

Response of the Ministry of Education, Science and Sport to the request of the Department of National Minorities under the Government of Lithuania (submitted together with 10 organisations (Roma NGOs and organisations working with the Roma)) to include Roma specific issues in the strategic Development Program for Education 2021–2030 ([Švietimo plėtros programa 2021–2030 m.](#)). Communication of LSTC with the Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) (14 September 2020, 23 November 2020 and 7 December 2020) and Lithuanian Human Rights Centre (*Lietuvos žmogaus teisių centras*) (11 September 2020).

<sup>60</sup> Communication of LSTC with the Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) (18 December 2020).

<sup>61</sup> Communication of LSTC with the Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) (27 April 2020).

<sup>62</sup> Communication of LSTC with the Roma Community Centre (*Romų visuomenės centras*) (22 September 2020).

<sup>63</sup> Council of Vilnius City Municipality (*Vilniaus miesto savivaldybės taryba*). Approval of Programme for Integration of Vilnius Roma into Society 2020–2023 ([Sprendimas dėl Vilniaus romų integracijos į visuomenę 2020–2023 metų programos tvirtinimo](#)), 26 April 2019.

<sup>64</sup> Communication of LSTC with the Roma Community Centre (*Romų visuomenės centras*) and multicultural children day centre *Padėk pritapti* (22 September 2020).

Video of a press conference "[Roma in Lithuania. Changes in 2019–2020](#)", (*Romai Lietuvoje. Pokyčiai 2019–2020-aisiais*) held on September 18, 2020 at the Lithuanian Parliament (*Lietuvos Seimas*).

delayed. The previous municipal Programme for integration of Vilnius (Kirtimai) Roma settlement community into society 2016–2019 (*Vilniaus (Kirtimų) romų taboro bendruomenės integracijos į visuomenę 2016–2019 metų programa*)<sup>65</sup> ended in 2019 and no targeted funding was available for 7 to 19 months (depending on the policy area), including the period of the COVID-19 pandemic in spring 2020. It should also be noted that the COVID-19 pandemic did not delay the planned demolition of houses in the Kirtimai Roma settlement. In June 2020, the last houses in the settlement were demolished.

There is an ongoing discussion between the Vilnius City Municipality and the Roma Community Centre about the list of people who could be identified as former residents of the Kirtimai Roma settlement. The Vilnius City Municipality plans to provide rent subsidies for former residents of the settlement to rent housing in other municipalities (currently such subsidies (provided by the state) are available only for renting the housing in the same municipality where the person is registered, but the rent is higher and often more difficult to find in Vilnius city). The list provided by the Roma Community Centre was disputed by the Municipality stating that it included relatives of the residents and other people who did not live in the settlement before it was dismantled (an exception is applied only to people who were in places of confinement at the time of the dismantlement of the settlement). Currently, the list includes 33 families that are recognised as former residents of the settlement, but the list has not been officially approved yet. The majority of them (according to different sources – 23) have already received social housing in the Vilnius City Municipality. There is no official data about the situation of other Roma living in Vilnius. They may receive rent subsidies available for low-income renters for housing in Vilnius (rented in the private market), but there is no broader overview of the situation after the dismantlement of the Kirtimai settlement.<sup>66</sup>

In 2020, the Department of National Minorities under the Government of Lithuania commissioned a survey of Lithuanian Roma that was part of a monitoring process of the *Action Plan for Integration of Roma into Lithuanian Society 2015–2020 (Romų integracijos į Lietuvos visuomenę 2015–2020 metų veiksmų planas)*<sup>67</sup>. This was the second wave of the survey (the first one was conducted in 2015, the survey is not longitudinal), in which 102 Roma households (431 individuals) participated. Despite some limitations in the sample design, the survey results

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<sup>65</sup> Council of Vilnius City Municipality (*Vilniaus miesto savivaldybės taryba*). Programme for Integration of Vilnius (Kirtimai) Roma settlement community into Society 2016–2019 ([Vilniaus \(Kirtimų\) romų taboro bendruomenės integracijos į visuomenę 2016–2019 metų programa](#)), 10 April 2019.

<sup>66</sup> Participation of the LSTC expert in the Monitoring Committee of the Programme for Integration of Vilnius Roma into Society 2020–2023, the meeting of the committee took place on 11 January 2021.

<sup>67</sup> Lithuania, Ministry of Culture (*Kultūros ministerija*), Approval of Action plan for integration of Roma to Lithuanian society 2015–2020 ([Isakymas dėl romų integracijos į Lietuvos visuomenę 2015–2020 metų veiksmų plano patvirtinimo](#)), 29 January 2015.

show that the situation of Roma in Lithuania has improved in the last 5 years: more Roma children (3–6 years old) participate in early education (50 % in 2020 compared to 33 % in 2015); the share of young Roma (16 years old and older) continuing their education beyond compulsory school age has increased; more young Roma (20–29 years old) have achieved basic (30 % in 2015 compared to 22 % in 2020) and secondary education (18 % in 2020 compared to 8 % in 2015), more young Roma adults (20–29 years old) are active participants in the labour market. The survey results show that the share of Roma living below the poverty threshold has not changed compared to 2015: 96 % of surveyed Roma lived below the poverty line and 6 % – in households experiencing severe material deprivation.

## **2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion**

There is no publicly available overview of the impact of the pandemic on the Roma community in Lithuania. The NGOs that work with Roma in Vilnius highlighted several impacts of the pandemic<sup>68</sup>. First, the pandemic complicated access to public services (i.e. at a labour office, a medical clinic, a bank, for issuance of a passport etc.), because prior registration by phone or on the internet is now required. For some time, the registration for issuance of new ID documents was available only through e-banking/e-services system, making it completely unavailable for some Roma. Second, access to education has been compromised for many Roma children during the pandemic. In Vilnius, the required digital devices (computers or tablets) for distance learning reached families only in May, and were thus only available for a few weeks (or did not arrive at all); all families were given one digital device per family irrespective of the number of school children at home. In some cases, there was no internet connection, despite accessibility to a digital device. Some Roma have not been sending their children to school this autumn fearing new outbreaks of the virus. The impact on employment and economic activities has been somewhat more nuanced. Some Roma found jobs in food delivery services during the quarantine in the spring. For other Roma, the halt of all economic activity (including in the informal economy) meant a significant decrease in income, and families came to rely on food packages distributed by charitable organisations. Access to housing continued to be difficult for many Roma, mainly due to discriminatory practices of rental property owners. Despite the fact that the demolition of houses in the Vilnius Kirtimai settlement continued during the quarantine in spring, there were no targeted measures for Roma available.

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<sup>68</sup> Communication of LSTC with the Roma Community Centre (*Romų visuomenės centras*) and multicultural children day centre *Padėk pritaip!* (22 September 2020).

There is no publicly available analysis on how policies aimed at tackling the pandemic affected the Roma community in Lithuania. In response to the COVID-19 pandemic, the government issued several cash transfers that should have reached the Roma community: a one-time transfer of € 120 per child (or € 200 per child if a family is socially vulnerable or has three and more children)<sup>69</sup> and a one-time transfer of € 200 per person for pensioners, people with disabilities, widows, and orphans<sup>70</sup>. Other measures were mainly aimed at business and working people – their impact on the Roma community has not been analysed.

In October 2020, the Lithuanian Social Research Centre (*Lietuvos socialinių tyrimų centras*) commissioned a public opinion survey on attitudes of Lithuanian residents towards different ethnic, religious and social groups. The Lithuanian residents were asked three questions: “Which of the following groups you would not like to have as: (1) neighbours, (2) co-workers and (3) tenants?” The social distance between the majority population and the Roma minority remains the highest among the groups that were measured: 58 per cent of Lithuanian residents indicated that they would not like to have the Roma as neighbours, 37 per cent – as co-workers, and 60 per cent – as tenants<sup>71</sup>.

There are no targeted policy measures to prevent hate speech and hate crime against the Roma community. The Roma Community Centre (*Romų visuomenės centras*) relayed that they are members of a working group that was created at the initiative of the Ministry of the Interior of the Republic of Lithuania (*LR Vidaus reikalų ministerija*) and that is aimed at promoting an effective response to hate crime and hate speech in Lithuania. Ištvan Kvik, a Roma leader and head of the Lithuanian Roma Community (*Lietuvos romų bendruomenė*) mentioned hate speech on the internet as one of the most important issues facing the Roma community in Lithuania during a press conference in the Seimas<sup>72</sup>.

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<sup>69</sup> Lithuania, Law on one-off payment for children aimed to mitigate the impact of COVID-19 (coronavirus infection) pandemic No. XIII-3030 ([Lietuvos Respublikos vienkartinės išmokos vaikams, skirtos COVID-19 \(koronaviruso infekcijos\) pandemijos padariniams mažinti, įstatymas](#)), 9 June 2020.

<sup>70</sup> Lithuania, Law on one-off payment for receivers of social insurance and social assistance pensions No. XIII-2886 ([Lietuvos Respublikos vienkartinės išmokos socialinio draudimo pensijų ir šalpos išmokų gavėjams įstatymas](#)) 7 May 2020.

<sup>71</sup> The Baltic Surveys (the Gallup organization) conducted the poll on October 13–23, 2020; the results are representative for 15 years and older population. Standard error does not exceed 2,95%.

<sup>72</sup> Video of a press conference “[Roma in Lithuania. Changes in 2019–2020](#)”, (*Romai Lietuvoje. Pokyčiai 2019–2020-aisiais*) held on 18 September 2020 at the Lithuanian Parliament (*Lietuvos Seimas*).

## Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

EUMS/ Republic of North Macedonia, Republic of Serbia	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	<p>No measures were established in legislation regarding the irregular status of third-country nationals (TCNs) whose right to remain in Lithuania expired and who could not leave Lithuania because of restrictions imposed by the COVID-19 pandemic.</p> <p>Due to quarantine under COVID19, the only one legal measure was applicable to TCNs, employed in international</p>	The Order of the minister of Internal Affairs " <a href="#">On Approval of the Description of the Procedure for Issuing Temporary Residence Permits to Aliens in the Territory of the Republic of Lithuania During the Quarantine Period</a> ". This order only was applicable to TCNs, who were carrying on international haulage, or working in the	It should be noted that the State Border Guard Service, which also issues expulsion decisions, could also issue return decisions. While there were no legal regulation regarding the mentioned toleration period and this information was only announced on the Migration Department's webpage, there were a few situations when the State Border Guard

		<p>haulage sector or companies of international haulage established in Lithuania. Those foreigners were able to apply for renewal of residence permit online and did not need to go to the Migration Department personally. The employers of these foreigners are allowed to take the residence permit of those foreigners for the Migration Department.<sup>73</sup></p> <p>In Lithuania, the quarantine was introduced on 16<sup>th</sup> of March 2020. It was established under the Government's Resolution "On Declaration of Quarantine in the Territory of the Republic</p>	<p>companies established in Lithuania, which are carrying on international haulage.</p>	<p>Service issued a return decision or an expulsion decision to illegal TCNs despite the announcement of the Migration Department<sup>79</sup>.</p> <p>It should be noted that, when the quarantine was introduced, the Migration Department released an information that "TCN could stay in Lithuania during the quarantine and that he/she would be required to depart once the quarantine will be lifted within the established period of time". However, the time period was not specified in</p>
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<sup>73</sup> The Minister of Interior Affairs of the Republic of Lithuania (2020), Order "On Approval of the Description of the Procedure for Issuing Temporary Residence Permits to Aliens in the Territory of the Republic of Lithuania During the Quarantine Period" ([Lietuvos Respublikos vidaus reikalų minister 2020 m. kovo 19 d. įsakymas Nr. 1V-238 "Dėl Leidimų laikinai gyventi Lietuvos Respublikoje išdavimo užsieniečiams karantino Lietuvos Respublikos teritorijoje laikotarpiu tvarkos aprašo patvirtinimo"](#)), No. 1V-238, 19 March 2020 (Came into force on 19 March 2020 )

<sup>79</sup> Lithuania, Attorney-at-law, phone communication of LSTC, 29 September 2020.



		<p>of Lithuania".<sup>74</sup> The quarantine was revoked on 17<sup>th</sup> of June, 2020 by the Government's Resolution "On Revocation of the Governments of the Republic of Lithuania's Resolution of 14<sup>th</sup> of March, 2020 No. 207 "On Declaration of Quarantine in the Territory of the Republic of Lithuania"". <sup>75</sup></p> <p>When quarantine was introduced in Lithuania, the Migration Department announced on its webpage that if a TCN's period of legal residence in Lithuania expired during the declared quarantine, and he/she was unable to depart in due time through no fault of their own, the TCN</p>		<p>this information and, therefore, the deadlines to leave Lithuania became unclear for TNC. When the quarantine was revoked, the Migration Department informed that TNC must depart from Lithuania in two month, i.e. until the 17<sup>th</sup> of August 2020.</p>
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<sup>74</sup> The Government of the Republic of Lithuania (2020), Resolution "On Declaration of Quarantine in the Territory of the Republic of Lithuania" ([Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimas Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo"](#)), No. 207, 14 March 2020 (Came into force on 15 March 2020 till 17 June 2020).

<sup>75</sup> The Government of the Republic of Lithuania (2020), Resolution On Revocation of the Government of the Republic of Lithuania Resolution of 14<sup>th</sup> of March, 2020 No. 207 "On Declaration of Quarantine in the Territory of the Republic of Lithuania" ([Lietuvos Respublikos Vyriausybės 2020 m. birželio 10 d. nutarimas Nr. 579 „Dėl Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimo Nr. 207 "Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo" pripažinimo netekusiu galios"](#)), No. 579, 10 June 2020 (Came into force on 17 June 2020).

		<p>would not be subject to return decisions, or to any administrative liability for remaining in the country illegally. The information stated that a TCN could stay in Lithuania during the quarantine and that he/she would be required to depart once the quarantine was lifted within the established period. TCNs were required to inform the Migration Department about their inability to leave by email and to indicate what actions they had taken to return to their country of residence<sup>76</sup>.</p> <p>After the quarantine was lifted in Lithuania, the Migration Department also announced</p>		
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<sup>76</sup> The Ministry of Internal Affairs of Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerija*) (2020), "[Legal Status of Foreigners in the Republic of Lithuania during the Quarantine](#)", press release published on 24 March 2020; Lithuanian Red Cross Society (*Lietuvos Raudonojo Kryžiaus draugija*) (2020), phone communication of LSTC, 28 September 2020.

		<p>the following: Decisions regarding return will not be adopted nor will there be administrative liability for illegal stay for 2 months after the end of the quarantine period for foreigners, whose period of legal residence in Lithuania expired at the time the quarantine was imposed in Lithuania, and who were unable to depart from Lithuania in due time through no fault of their own. Foreigners, as well as those for whom decisions regarding a return has been adopted but for whom the period for voluntary departure expired during the quarantine, must depart from Lithuania before 17 August 2020, 12 AM.</p> <p><a href="https://www.migracija.lt/-/migration-department-third-country-nationals-who-do-not-depart-on-time-will-not-be-">https://www.migracija.lt/-/migration-department-third-country-nationals-who-do-not-depart-on-time-will-not-be-</a></p>		
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		<p><a href="#">subject-to-administrative-liability</a>).<sup>77</sup></p> <p>However, none of these measures has been formally and legally established in the law.</p> <p>TCNs who were legally residing in Lithuania were able to extend their residence permits during the quarantine, as the Migration Department was providing regular services to foreigners online; there were no live consultations. In addition, services were only provided to those foreigners who booked visits via the online registration form<sup>78</sup>.</p> <p>The only</p>		
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<sup>77</sup> Migration Department under the Ministry of Internal Affairs of Republic of Lithuania (*Migracijos departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos*), Email communication of LSTC, 30 September 2020.

<sup>78</sup> Lithuania, Migration Information Centre "I Choose Lithuania" (*Migracijos informacijos centras "Renkuosi Lietuvą"*) (2020), [#COVID-19: Frequently asked questions](#), published on 1 April 2020.

	<p> Holders of visas issued based on the <a href="#">Visa Code</a> No. 810/2009 (as last amended by <a href="#">Regulation (EU) No. 2019/1155</a>) (Schengen visas)</p>	<p> Same measures as described above</p>		
	<p> Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the <a href="#">Visa List Regulation</a> (Regulation (EU) 2018/1806)</p>	<p> Same measures as described above</p>		
	<p> Holders of long-term visas issued by the EUMS (under <a href="#">Regulation (EU) No. 265/2010</a> and beyond, under national law)</p>	<p> Same measures as described above</p>		
	<p> Holders of residence permits issued under</p>	<p> Same measures as described above</p>		

	<a href="#">Regulation (EC) No. 1030/2002</a> (as last amended by <a href="#">Regulation (EU) 2017/1954</a> )			
	Holders of local border traffic permit under <a href="#">Regulation (EC) No. 1931/2006</a>	Same measures as described above		
	Any other category of TCN not listed above.			

Notes:

TCN = third-country nationals

EUMS = EU Member State

## Chapter 5. Information society, privacy and data protection

### 1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

No significant legislative or political initiatives were implemented during the period under review.

However, two legislative initiatives concerning the use of traffic data retained by telecommunications service providers should be mentioned.

On 31 March 2020, an amendment to the Law on Electronic Communications was registered in the Parliament (*Seimas*). This amendment contained provisions introducing an obligation of electronic communications service providers to provide location data to a Government-authorized institution when such data is required “to monitor, identify or warn persons whose movement is restricted or who may enter a certain unsafe area, when the use of other means would be not possible or inexpedient”. This obligation was aimed at ensuring “public safety, health and life of individuals during a state-level emergency or quarantine”<sup>80</sup>. There were controversial reactions to the amendment in the Lithuanian Parliament. The initiators of the amendment argued that the amendment aims to ensure public safety, especially in a situation where some people do not comply with isolation rules during the quarantine imposed due to the COVID-19 pandemic. On the other hand, members of the opposition criticised the amendment as paving the way for widespread and disproportionate tracking of individuals<sup>81</sup>. The amendment to the law was not adopted, as less than half of all members of the Seimas took part in the

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<sup>80</sup> Lithuania, Draft Law Amending Article 68 of the Law on Electronic Communications No. IX-2135 ([Elektroninių ryšių įstatymo Nr. IX-2135 68 straipsnio pakeitimo įstatymo projektas](#)), 31 March 2020.

<sup>81</sup> Lithuania, Conclusion of the main committee on Draft Law Amending Article 68 of the law on Electronic Communications No. IX-2135 ([Pagrindinio komiteto išvada dėl Elektroninių ryšių įstatymo Nr. IX-2135 68 straipsnio pakeitimo įstatymo projekto](#)), 31 March 2020.

vote – sixty-four governing representatives voted in favour of the amendment, two parliamentarians abstained, and members of the opposition did not even register to vote on the entire law<sup>82</sup>.

On 7 December 2020, the latest version of a new draft Law on Electronic Communications was registered in the Lithuanian Parliament. If adopted, this law will expand the traffic data retention grounds for which traffic data retained might be used. The law in force provides that electronic communications service providers must retain traffic data for the purposes of disclosure, investigation and prosecution of grave and very grave crimes, as well as for the purpose of predicting, identifying and eliminating threats to national security<sup>83</sup>. Meanwhile, the new draft of the Law on Electronic Communications would extend the purposes of traffic data retention to include disclosure, investigation and prosecution of any criminal act. In addition, the purpose of prevention of criminal acts has also been added<sup>84</sup>. This draft law has been amended and re-registered several times previously, but all the versions contained the same provisions on traffic data retention. As of 31 December 2020, the Law had not been adopted.

Turning to other measures with a potential impact on data protection, the launching of the COVID-19 related mobile app “Karantinas” (“Quarantine”) was among the measures that sparked widespread discussions in society. The app, which was launched in April 2020, was developed by a private company on the initiative of Vilnius City Municipality, which was later joined by the Government and the National Public Health Centre under the Ministry of Health. This app was designed to supervise compliance with the regime of self-isolation through collecting real-time location data of the app’s users and to register coronavirus symptoms on a daily basis. In order to motivate people to agree with tracking and provide their health data, a system of benefits was envisioned: in exchange for information about their health status, the users of the app had to be rewarded with points that could be exchanged for awards and discounts in the app’s store<sup>85</sup>. Developers of the app

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<sup>82</sup> Andriukaitytė, M. (2020), “Seimas failed to adopt a law concerning provision of location data” ([Seimui nepavyko priimti įstatymo dėl įpareigojimo teikti duomenis apie asmenų buvimo vietą](#)), *Lrt.lt news portal*, 21 April 2020.

<sup>83</sup> Lithuania, Law on Electronic Communications ([Elektroninių ryšių įstatymas](#)), 15 April 2004 (with later amendments), Art. 65(2), 77(1).

<sup>84</sup> Lithuania, Draft Law Amending Law No IX-2135 on Electronic Communications ([Elektroninių ryšių įstatymo Nr. IX-2135 pakeitimo įstatymo projektas](#)), 7 December 2020, Art. 76(2).

<sup>85</sup> Lithuania, the Government of the Republic of Lithuania, [“Useful and meaningful self-isolation with a mobile app Quarantine”](#), press release, 7 April 2020.



sought no prior consultation with the national data protection authority (State Data Protection Inspectorate)<sup>86</sup>. In May 2020, following information gathered from the press and in monitoring the implementation of GDPR, the State Data Protection Inspectorate initiated an investigation based on suspicion that the processing of personal data by this application may violate the principle of accountability enshrined in Article 5(2) of the GDPR and, possibly, the requirements of Article 5(1) of the GDPR. For the time of investigation, the State Data Protection Inspectorate decided to suspend the processing of personal data by the app<sup>87</sup>. As of 31 December 2020, the investigation was still ongoing.

Another mobile app, “Korona Stop”, this time aimed at tracing contacts of people infected with COVID-19, was launched in November 2020. The development of the app was initiated by the Ministry of Health (which acts as the data controller) and commissioned by the National Public Health Centre under the Ministry of Health<sup>88</sup>. A private company based on a German open source project Corona Warn App. developed the app. It is a voluntary, Bluetooth based contacts tracing tool, which registers Bluetooth signals from other nearby phones. If the signal is sufficiently close and (or) long enough an anonymous code (identifier) referring to a close contact is stored in the phone’s operating system. When a person infected with COVID-19 enters a special confirmation code obtained from the National Public Health Centre into the app, coded identifiers (keys) from his/her device are uploaded to a central server, from where they are downloaded by all other users. The user’s app decodes the infected person’s identifiers and compares whether they match with the identifiers previously stored on the user’s phone. If so, the user is considered to have had a close contact and receives a notification. Contacts of less than 2 meters and (or) longer than 15 minutes are considered as constituting an increased risk, whereas contacts of more than two meters and shorter than 15 minutes are considered as low risk. This model ensures the anonymity, as it is not revealed to the user who the infected person was, with whom they were in contact with, or any other information that would allow

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<sup>86</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*), written communication with the Human Rights Monitoring Institute following a freedom of information request of 8 June 2020.

<sup>87</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*) (2020), “Temporary suspension of the Quarantine app was ordered due to possible improper processing of personal data” ([Nurodyta laikinai sustabdyti programėlę „Karantinas“ dėl galimai netinkamo asmens duomenų tvarkymo](#)), press release, 25 May 2020.

<sup>88</sup> Lithuania, the Government of the Republic of Lithuania, “[Korona Stop LT app](#)”, 28 October 2020.

the direct or indirect identification of the infected person. At the end of December 2020, 8% of Lithuanian population were using this app<sup>89</sup>.

Other developments in the field of data protection mainly relate to the work carried out by the supervisory authority – State Data Protection Inspectorate, which issued a number of recommendations related to the processing of personal data in relation to the COVID-19 situation.

On 4 April 2020, the State Data Protection Inspectorate on its own initiative issued a memo for educational institutions on ensuring data protection in the course of online learning<sup>90</sup>. This memo contains questions that have to be considered by educational institutions, such as designating a person to whom data breaches should be reported and communicating his/her contact details to the students; regulating how written communications in online platforms will be deleted and who will be responsible for that; deciding where and for how long personal data gathered in the course of online learning (tasks completed, video recordings, etc.) will be stored and how security of those measures will be ensured, etc.

On 9 April 2020, the State Data Protection Inspectorate published recommendations on the processing of personal data of employees working remotely<sup>91</sup>. These recommendations encompassed aspects such as monitoring of employees working remotely, providing information to employees, implementing security measures. For example, in the field of monitoring, the recommendations emphasised: the necessity for the employer to assess whether monitoring of employees is proportionate to the aims pursued; the fact that due to power imbalance monitoring cannot be based on employee consent; the necessity to conduct Data Protection Impact Assessment; obligation to develop detailed rules concerning monitoring and to communicate those rules to employees.

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<sup>89</sup> Lithuania, Ministry of Health (*Sveikatos apsaugos ministerija*) (2020), "Corona Stop LT" App: Answers to Frequently Asked Questions ([Programėlė „Korona Stop LT“: atsakymai į dažniausiai klausimus](#)), 22 December 2020.

<sup>90</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*) (2020), "Three steps concerning organising on-line learning" ([Trys žingsniai dėl nuotolinio mokymosi organizavimo](#)), press release, 6 April 2020.

<sup>91</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*) (2020), Recommendations on processing of personal data of employees in organising work remotely ([Darbuotojų asmens duomenų tvarkymas, organizuojant darbą nuotoliniu būdu](#)), 9 April 2020.

On 14 April 2020, the State Data Protection Inspectorate issued clarification relating to the implementation of a newly adopted provision of the Labour Code which stated that “After the Government of the Republic of Lithuania declares an emergency situation or a quarantine, in order to ensure the protection of the health of employees and third parties, the employer must serve a reasoned written offer to an employee whose health condition threatens the health of other employees to work remotely. The employer's offer must contain the reason, term and legal basis for the offer to work remotely”. Taking into account that some employers interpreted this provision as obliging them to regularly collect and process the health data of their employees (body temperature, symptoms of respiratory infections, etc.), the State Data Protection Inspectorate emphasised that the new regulation does not contain such an obligation, and, thus, processing of detailed health data may be incompatible with the GDPR, in particular with the principle of data minimisation. The State Data Protection Inspectorate recommended that employers instruct their employees about their obligation to monitor their health and to inform the employer if an employee is suspected or confirmed as infected with COVID-19. However, employees should not be required to complete declarations, questionnaires or otherwise provide regular information on their health<sup>92</sup>.

On 22 April 2020, the State Data Protection Inspectorate published an updated position concerning processing of personal data in relation to the COVID-19 situation<sup>93</sup>. It was emphasised that only staff entrusted with the processing of health data and the competent authorities must have access to such data. The Inspectorate also clarified which data of employees, students etc. can be processed in order not to violate the principle of minimisation of data (such data includes whether the person was travelling to a “country of risk”; whether the person was in contact with a person travelling to a “country of risk” or suffering from COVID-19; whether the person is at home due to the quarantine (but not the reason for quarantine) and the quarantine period; whether the person is ill (without specifying a specific disease or other reason). The Inspectorate also specified that employers or other data controllers have the right to ask their employees or visitors

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<sup>92</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*) (2020), “Processing of health data following the entry into force of the amendments to the Labour Code regarding quarantine” ([Darbuotojų sveikatos duomenų tvarkymas, įsigaliojus Darbo kodekso pataisoms dėl karantino](#)), press release, 14 April 2020.

<sup>93</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*) (2020), “Information on the processing of personal data relating to the current situation regarding coronavirus (COVID-19)” ([Informacija dėl asmens duomenų tvarkymo, susijusio su esama situacija dėl koronaviruso \(COVID-19\)](#)), press release, 22 April 2020.

whether they have symptoms of the COVID-19 virus or have been diagnosed with COVID-19. However, the right of access to this information does not imply that employers or other data controllers can document the information received or compile relevant data files.

On 19 May 2020, the State Data Protection Inspectorate issued [Recommendations on the protection of personal data in the provision of remote health care services](#)<sup>94</sup>. These recommendations cover such aspects as identification of the patient, recording phone conversations between the patient and the doctor, adopting rules on the remote provision of health services, and providing information to patients. For example, it was recommended to prepare specific questions to be used in order to confirm the identity of the patient, such as their address, date and reason for last visit, etc. It was also emphasised that the mere fact that health care is provided by telephone does not in itself mean that the conversation should be recorded; the recording of conversations, even with the consent of the individual, would normally be considered incompatible with the principle of data minimisation enshrined in the GDPR.

On 22 June 2020, the State Data Protection Inspectorate updated and published the [Guidelines on personal data security measures and risk assessment](#)<sup>95</sup>. These guidelines contain questionnaires to be used by data controllers and processors when conducting data protection risk assessment, explanation of possible threats and detailed requirements for personal data security measures based on the probability of threats.

On 17 September 2020, the State Data Protection Inspectorate approved a regulation concerning the transfer of personal data to third countries based on binding corporate rules<sup>96</sup>.

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<sup>94</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*), Recommendations of the State Data Protection Inspectorate on personal data protection aspects in the provision of healthcare services at a distance, ([Valstybinės duomenų apsaugos inspekcijos Rekomendacijos dėl asmens duomenų apsaugos aspektų, teikiant sveikatos priežiūros paslaugas nuotoliniu būdu](#)), 19 May 2020.

<sup>95</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*), Updated guidelines on personal data security measures and risk assessment ([Atnaujintos gairės dėl asmens duomenų saugumo priemonių ir rizikos įvertinimo](#)), 22 June 2020.

<sup>96</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*), Order approving regulations on binding corporate rules ([Dėl imonei privalomų taisyklių patvirtinimo tvarkos aprašo patvirtinimo](#)), 17 September 2020.

Together with the onset of the second wave of COVID-19, a new measure, aimed at better tracing contacts, was introduced. From 26 October 2020 it became mandatory to ensure registration of persons attending leisure and entertainment activities, catering establishments, restaurants, cafes, bars, nightclubs and other places of entertainment, casinos and slot machines, bingo halls and betting places. Information to be provided comprised name, surname and phone number<sup>97</sup>. This measure lost its relevance as from 6 November 2020, when national quarantine was reintroduced.

On 11 November 2020, the State Data Protection Inspectorate prepared the Guidelines on the assessment of requests for the provision of personal data<sup>98</sup>. These guidelines cover such topics as general criteria for assessing the provision of personal data, conditions for the lawful processing of personal data, cases where the General Data Protection Regulation does not apply (such as data of deceased persons and anonymised data), as well as rules for the provision of personal data to law enforcement authorities and attorneys.

On 11 December 2020, the State Data Protection Inspectorate published the Guidelines on customised and standardised data protection in the information system life cycle. The guidelines are intended for developers of information systems or software: information technology project managers, information technology architects, programmers, testers, data protection officers and other persons involved in the development of information systems that process personal data. The aim of these guidelines is to help data controllers and processors to understand and comply with the requirements of the

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<sup>97</sup> Lithuania, Government Decree "On amending the Government Decree of 26 February 2020 No 152 "On the declaration of a state emergency" ([Dėl Lietuvos Respublikos Vyriausybės 2020 m. vasario 26 d. nutarimo Nr. 152 „Dėl valstybės lygio ekstremaliosios situacijos paskelbimo“ pakeitimo](#)), 21 October 2020.

<sup>98</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*) (2020), "The State Data Protection Inspectorate prepared Guidelines on the assessment of requests for the provision of personal data" ([Valstybinė duomenų apsaugos inspekcija parengė „Prašymų dėl asmens duomenų teikimo vertinimo gaires“](#)), press release, 11 November 2020.

adapted and standardized data protection provided for in Article 25 of the GDPR during the life cycle (initiation, development, operation, modernization, liquidation) of the information system<sup>99</sup>.

## 2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned? (yes/no)	Reference
LT	Government	Adopted Act	An Information System to monitor and control infectious diseases, which may spread and constitute a threat, was established and its regulation ( <i>nuostatai</i> ) approved. The regulation of the Information System contains provisions	No	No, only references to particular requirements of the GDPR	Order of the Minister of Health No V-1067, 5 May 2020 (with later amendments) "On establishing an Information System to monitor and control infectious diseases which may spread and constitute a threat, approving its regulation and

<sup>99</sup> Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*), Guidelines on customized and standardized data protection in the information system life cycle ([Pritaikytoji ir standartizuotoji duomenų apsauga informacinės sistemos gyvavimo cikle](#)), 11 December 2020.

			concerning the legal basis, objectives, tasks and main functions of the Information System, its organisational, informational and functional structures, provision and use of data, general requirements for data security, financing, modernisation and liquidation of the Information System.			regulation on data security” ( <a href="#">Dėl Užkrečiamųjų ligų, galinčių išplisti ir kelti grėsmę, stebėsenos ir kontrolės informacinės sistemos steigimo ir jos nuostatų bei duomenų saugos nuostatų patvirtinimo</a> ).
<b>LT</b>	Government/ Parliamentary	National Draft Act	Draft Law on Secondary Use of Health Data. The draft law aims to introduce rules on the provision of health data for secondary use, as this area has not been regulated so far. It contains provisions on designating a centralised authority responsible for issuing permissions for secondary use of health data, as well as provisions on the purposes, conditions and procedures for the secondary use of such data, including cases when health data can be	No, not directly, just a mention that a member from the Lithuanian Committee on Bioethics shall be included on the Supervis	Yes, rights and freedoms of data subjects in general, privacy, personal data protection in particular	Draft Law on Secondary Use of Health Data ( <a href="#">Pakartotinio sveikatos duomenų naudojimo įstatymo projektas</a> ), 3 December 2020. As of 31 December 2020, the Law was registered in the Lithuanian Parliament.

			re-used without a permit, and cases when data can be provided and used without anonymization.	ory Committ ee		
<b>LT</b>	Other (Departmen t of Statistics)	Adopte d Act	A form to be used in order to gather information from various enterprises, including concerning the use of big data and the internet of things by these enterprises in 2019, was approved.	No	Yes, legal requireme nt on privacy and data protection are mentione d among possible difficulties precludin g the use of big data	Order of the Director of the Lithuanian Department of Statistics No. DĮ-2 "On approval of the statistical form ITP-01 (annual) statistical report on the use of information technologies in enterprises", ( <a href="#">Lietuvos statistikos departamento generalinio direktoriaus įsakymas Dėl Informacinių technologijų naudojimo įmonėse statistinės ataskaitos ITP-01 (metinės) statistinio formuliario patvirtinimo</a> ), 2 January 2020.
<b>LT</b>	Parliamenta ry	Adopte d Act	Guidelines regarding the development of the Lithuanian language in the digital environment are being considered by the Lithuanian Parliament. These guidelines	No	Yes, protection of human rights in general, freedom	Parliamentary decree "On approving the guidelines regarding the development of the Lithuanian language in the digital environment and the progress of language



			state the main aims related to ensuring full functioning of the Lithuanian language in the digital environment and development of technologies adapted to the Lithuanian language.		of expression, data protection, protection of intellectual property rights in particular.	technologies in 2021–2027” ( <a href="#">Seimo nutarimas „Dėl Lietuvos kalbos plėtros skaitmeninėje terpėje ir kalbos technologijų pažangos 2021–2027 m. gairių patvirtinimo”</a> ), 13 October 2020.
<b>LT</b>	Government (Ministry of Economy and Innovation)	Adopted Act	Ministry of Economy and Innovation prepared a position containing comments on the EC White Paper “Artificial Intelligence. A European approach to excellence and trust”. The position welcomes the setting of minimum unified regulatory EU standards, at the same time, emphasising that more detailed regulation should be left to the discretion of member states. It also expresses critical approach towards detailed regulation on	Yes, but only as a general mention of the relevance to “develop AI ecosystem based on fundamental rights	Yes, as a reference to the “importance by way of legal regulation to ensure a balance between AI development goals and the right to	Position by the Ministry of Economy and Innovation concerning EC White Paper “Artificial Intelligence. A European approach to excellence and trust”, 3 April 2020.

			the development of AI products and ex-ante regulation, emphasizes the need to conduct impact assessment (evaluating impact both on AI development and impact on the rights of users, patients and others) before taking any regulatory actions, suggests to evaluate whether regulatory measures could be used to minimise the risks posed by the AI to national security, and proposes to extend the development and financing of AI beyond civil initiatives, i.e. by including the development of AI for dual use and defence purposes.	and norms of ethics”.	privacy and protection of personal data”.	
<b>LT</b>	Government (Ministry of Economy and Innovation)	Adopted Act	Ministry of Economy and Innovation prepared a position containing comments on the European Strategy for Data.	No.	Yes, as a reference to the importance in discussing and adopting	Position by the Ministry of Economy and Innovation concerning European Strategy for Data, 29 March 2020.

					<p>measures leading to opening of data to take duly into account the aspects related to intellectual property, protection of privacy, and competition law. In addition, specific measures – investment into the developm</p>	
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					ent of quantum communication infrastructure and the use of block chain technology – were suggested as minimising risks to security of personal and other data.	
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\*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

\*\* for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

other projects

## Chapter 6. Rights of the child

### 1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

<b>Measures to address the specific vulnerabilities of children living in poverty</b>	<p>To mitigate the social consequences of the COVID-19 pandemic and to support the most vulnerable social groups, the following legislation was adopted in 2020:</p> <p>a) The 7 May 2020 Law on the Amendment of Articles 17 and 18 of the Law on Child Benefits No. I-621<sup>100</sup>. The amendment introduced a change in procedure while assigning child benefits to low-income families that have 1 or 2 children. The period, for which the family's income is evaluated, was shortened from 12 to 3 months.</p> <p>b) The 7 May 2020 Law on the Amendment of Articles 3, 6, 7, 9, 10, 11, 15, 17, 21 and 23 of the Law on Financial Social Support to Residents with Low Income No. IX-1675<sup>101</sup>. The amendment provides that for a certain period, while determining the right to financial social support, the family's property be not taken into account. The margin of income, determining the right to financial social support, has been increased from € 125 to € 137.5, and the amount of financial social support itself was increased. With this amendment, the proportion of job income that is not included in the family's total income was increased, that is, while assessing the monthly income, depending on the family's composition and the number of children, 20 %-40 % of job income is not counted as part of the total family income. The same percentage also applies to unemployment benefits that are not counted as part of the family's income.</p>
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<sup>100</sup> Lithuania, Law on the Amendment of Articles 17 and 18 of the Law on Child Benefits No. I-621 ([Lietuvos Respublikos Išmoky vaikams įstatymo Nr. I-621 17 ir 18 straipsnių pakeitimo įstatymas](#)), 7 May 2020.

<sup>101</sup> Lithuania, Law on the Amendment of Articles 3, 6, 7, 9, 10, 11, 15, 17, 21 and 23 of the Law on Financial Social Support to Residents with Low Income No. IX-1675 ([Lietuvos Respublikos Piniginės socialinės paramos nepasiturintiems gyventojams Nr. IX-1675 3, 6, 7, 9, 10, 11, 15, 17, 21 ir 23 straipsnių pakeitimo įstatymas](#)), 7 May 2020.

	<p>c) The 9 June 2020 Law on One-Time Child Payment Aimed at Mitigating the Consequences of the COVID-19 Pandemic No. XIII-3030<sup>102</sup>. According to the law, a one-time payment of € 120 was paid to each child, who is entitled to regular child benefit. Children from low-income families, large families (three or more children) and children with disabilities received a one-time payment of € 200.</p> <p>With the purpose to ensure the continuity of free meals for children during the emergency or quarantine, the Ministry of Social Security and Labour together with the Ministry of Education, Science and Sport, Ministry of Health, Association of Lithuanian Municipalities and representatives from separate municipalities prepared and issued methodical recommendations, aimed at institutions that administer free meals for children (Ministry of Education, Science and Sport and municipal administrations), schools, establishments providing social services to children and (or) youth, and private companies providing free meals for children<sup>103</sup>. According to the Ministry of Social Security and Labour, the recommendations are a support measure, aimed at helping to establish procedures for the organisation of free meals during the state of emergency or quarantine, while taking into account the possibilities of municipalities and schools and the needs of children.</p> <p>In March 2020, the National Education Agency announced that it was purchasing 15 000 tablets and 20 000 laptops for distance learning for all children who did not have a computer at home<sup>104</sup>. The purchased computers were delivered to municipal authorities for distribution to children in need.</p>
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<sup>102</sup> Lithuania, Law on One-Time Child Payment Aimed at Mitigating the Consequences of the COVID-19 Pandemic No. XIII-3030 ([Lietuvos Respublikos vienkartinės išmokos vaikams, skirtos COVID-19 \(koronaviruso infekcijos\) pandemijos padariniams mažinti įstatymas Nr. XIII-3030](#)), 9 June 2020.

<sup>103</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*), written communication with the contractor HRMI, 25 September 2020.

<sup>104</sup> "Under the order of the Ministry of Education, Science and Sport, the National Education Agency carries out purchasing of IT tools (computer equipment), needed for implement education process", news release by the National Education Agency. ([Nacionalinė švietimo agentūra Lietuvos Respublikos švietimo, mokslo ir sporto ministerijos pavedimu neskelbiamu derybų būdu atlieka IT priemonių \(kompiuterinės technikos\), reikalingų ugdymo proceso vykdymui nuotoliniu būdu, pirkimus](#)), 25 March 2020.

<p><b>Measures to protect children from violence</b></p>	<p>The Ministry of Social Security and Labour has issued several methodical recommendations to municipalities, aimed at better protection of children during the quarantine, among which, “On the organisation of social services during quarantine”, “On provision of integrated support and other social services during quarantine”, “On provision of long-term/short-term social care during quarantine”, “On ensuring safe environment for children during quarantine”, “On provision of food, medicine and social services during quarantine”<sup>105</sup>. The ministry is also currently preparing recommendations that should guide the actions of municipalities and child rights protection specialists when responding to potential violations of child rights where there are circumstances, confirming that the child may have had contact with a person infected with COVID-19 or has returned from areas affected by COVID-19.</p> <p>According to the ministry, it seeks to ensure that the work of institutions and specialists, working on the protection of child rights and child safety, will not be discontinued due to COVID-19. The function of child protection continued to be implemented even during the quarantine – all reports of violence against children were considered and responded to by child rights specialists by going directly to the place of the event, even during the quarantine.</p> <p>The ministry also created a specialised section on its website “Emotional and psychological support”, which contained information and recommendations on self-help during the quarantine and information on where to turn to for professional psychological and emotional support services.</p> <p>Due to increased demand for consultations during the COVID-19 pandemic, the ministry provided additional funding to “Parent’s Line” which consults parents on positive parenting techniques. Altogether € 60 000 in additional funding have also been allocated to</p>

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<sup>105</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*), written communication with the contractor HRMI, 25 September 2020.



	<p>organisations, providing emotional support by phone, to develop the system of online chat support<sup>106</sup>.</p> <p>In partnership with the Ministry of Health, an emotional support phone line was established together with the emotional support website "Help yourself".</p> <p>A further measure ensures that children who turn for emotional support to "Children's Line", can be referred to the Help to Children consultant at the State Child Rights Protection Service if needed and with the consent of the child, who could provide necessary support or organise the provision of such support according to the needs of the child<sup>107</sup>.</p> <p>The State Child Rights Protection Service launched a social media campaign aimed at addressing the questions children may have on COVID-19 and the quarantine.</p> <p>Taking into account the needs of the youth, the Youth Department under the Ministry of Social Security and Labour recommended and encouraged youth centres and open youth spaces to continue working remotely during the quarantine to ensure continuous contact with the youth, provide emotional support and provide any necessary information<sup>108</sup>. Efforts are also being made to ensure ongoing work with youth on the streets.</p> <p>Given that the levels of domestic violence have increased during the quarantine, the Ministry of Social Security and Labour launched a campaign the prevention of violence against children<sup>109</sup>. During the campaign, a section on prevention of violence against children was created on the ministry's website. The section provides information on the various forms of violence, how to recognise violence and</p>
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<sup>106</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*), written communication with the contractor HRMI, 25 September 2020.

<sup>107</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*), written communication with the contractor HRMI, 25 September 2020.

<sup>108</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*), written communication with the contractor HRMI, 25 September 2020.

<sup>109</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*), written communication with the contractor HRMI, 25 September 2020.

	<p>where to turn for help. The section is dedicated to children as well as adults. A social media campaign on violence prevention was launched on Facebook, which reached 239 602 children, 200 097 parents/legal representatives and teachers. The violence prevention advertisements were also displayed in the online school learning platforms "Tamo" and "My diary". The message displayed in "Tamo" was shown 638 291 times, the link in the message forwarding to additional information on violence and available support has been opened 62 262 times. The campaign message in "My diary" reached 265 800 users, while the link to additional information has been opened 73 760 times. Banners were also created with links useful for specific target groups – a banner for children linking to "Children's Line", a banner for parents linking to "Parent's Line", and a banner for teachers linking to the information on prevention of violence against children on the ministry's website.</p> <p>During the campaign, an information leaflet was prepared for parents/legal representatives of children, which provided information on the rights of the child, on the right of children to be free from violence, including corporal punishment, and on non-violent parenting methods. The leaflet also included information on where to receive necessary consultations and support. 107 500 copies of the leaflet were published in Lithuanian, Polish, Russian, English and Arabic languages.</p>
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## 2. Legal and policy measures or initiatives developed about criminal proceedings

<b>Legislative changes</b>	On 1 January 2020, the Minister of Justice issued an order on the approval of internal rules of correctional facilities and remand centres <sup>110</sup> . The new rules provide a procedure for individualised assessment of detained children. It also
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<sup>110</sup> Lithuania, Minister of Justice, Order on the approval of the internal rules of correctional facilities and remand centres No. 1R-25 ([Lietuvos Respublikos Teisingumo ministro įsakymas dėl patalpos įstaigų ir tardymo izoliatorių vidaus tvarkos taisyklių patvirtinimo Nr. 1R-25](#)), 1 January 2020.

	<p>provides that the pre-trial investigation officer, prosecutor or court be informed of the results of the primary or repeated assessment of the child's health.</p> <p>On 1 April 2020, the Director of the Prison Department issued an order on the approval of instructions for the protection and supervision of detention places<sup>111</sup>. The instructions provide that when there is no immediate danger to the officer's life or health, it is forbidden to apply coercion and specialised measures towards minors.</p> <p>In June 2020, a draft Government resolution was prepared; it amends the previous resolution "On the approval of the list of statistical indicators on children"<sup>112</sup>. The new draft provides for the collection of statistics on children suspected or accused of criminal acts, segregated by place of residence (city or village), type of criminal offence, gender, age, citizenship, education, employment, commitment of the crime under influence, and the number of previous convictions. It also provides for the collection of segregated statistics on children under the age of 14 who committed a criminal act, and for convicted and detained children.</p> <p>On 5 May 2020, the Police Commissioner General issued an order "On the approval of instructions for working with persons in police custody"<sup>113</sup>. The new instructions provide that minors be held separately from adults in premises of short-term or long-term arrest (where the person is being held overnight).</p>
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<sup>111</sup> Lithuania, Director of the Prison Department under the Ministry of Justice's order on the approval of instructions of protection and supervision of detention places No. V-88 ([Kalėjimų departamento prie Lietuvos Respublikos Teisingumo ministerijos direktoriaus įsakymas dėl laisvės atėmimo vietų įstaigų apsaugos ir priežiūros instrukcijų patvirtinimo Nr. V-88](#)), 1 April 2020.

<sup>112</sup> Lithuania, draft Government resolution on the amendment of the 8 June 2004 Government resolution No. 695 „On the approval of the list of statistical indicators of the information on children ([Lietuvos Respublikos vyriausybės nutarimo dėl Lietuvos Respublikos Vyriausybės 2004 m. birželio 8 d. nutarimo Nr. 695 „Dėl statistinės informacijos apie vaikus rodikių sąrašo patvirtinimo“ pakeitimo](#)), 25 June 2020.

<sup>113</sup> Lithuania, Police Commissioner General's order on the approval of instructions for working with persons in police custody No. 5-V-359 ([Lietuvos policijos generalinio komisaro įsakymas dėl darbo su į policijos įstaigą pristatytais asmenimis instrukcijos patvirtinimo Nr. 5-V-359](#)), 5 May 2020.

	<p>According to the Ministry of Justice, which is responsible for the transposition of EU legal acts to the national legal system, the Directive was fully transposed in 2019 by amending and supplementing the Code of Criminal Procedure, therefore no additional legislative measures related with the transposition of the Directive were adopted in 2020<sup>114</sup>.</p>
<p><b>Policy developments</b></p>	<p>According to the information received from the Police Department under the Ministry of Interior, in 2020, remote trainings were conducted for police officers on the topic “The peculiarities of applying procedural actions and procedural coercion measures to minors”<sup>115</sup>. Since 2019, the Lithuanian criminal police bureau has organised the following training “The peculiarities of interviewing minor participants of the criminal procedure: preparation for the interview and tactics of its execution”. Officers who participate in these trainings are familiarised with the peculiarities of the development of minors, the mental fragility of children and the necessity to exert all efforts to protect children from any trauma during the proceedings. In 2020, two training sessions were organised on the “Peculiarities of interviewing minor participants of criminal procedure”, which were attended by 29 officers. The department plans to organise two more training sessions of this type this year.</p> <p>In 2020, the curriculum of the Lithuanian Police School was updated<sup>116</sup>. The curriculum includes the topic: “Participants of criminal procedure, their rights and duties and minor participants of the criminal procedure and the protection of their rights”. This module also includes such topics as “Criminal activities carried out by minors”, “Psychological peculiarities of minors and juveniles”, “Appropriate communication taking into account the</p>

<sup>114</sup> Lithuania, Ministry of Justice (*Lietuvos Respublikos Teisingumo ministerija*), written communication with the contractor HRMI, 30 September 2020.

<sup>115</sup> Lithuania, Police department under the Ministry of Interior (*Policijos departamentas prie Lietuvos Respublikos Vidaus reikalų ministerijos*), written communication with the contractor HRMI, 17 September 2020.

<sup>116</sup> Lithuania, Police department under the Ministry of Interior (*Policijos departamentas prie Lietuvos Respublikos Vidaus reikalų ministerijos*), written communication with the contractor HRMI, 17 September 2020.

	<p>needs of a child, his/her development and psychological capacities”.</p> <p>With the purpose of ensuring continuous monitoring of criminal acts and administrative offences committed by minors, under an order of the Police Commissioner General, the position of specialised analyst (senior investigator) of legal violations of minors was established in each regional police commissariat<sup>117</sup>. The specialist officers perform the following functions:</p> <ul style="list-style-type: none"> <li>a) relying on the data on legal violations committed by minors, collects and systematises information on the gathering places of minors, legal violations conducted by groups of minors, the nature of offences, the means of offences, time and trends of offences, and periodically provides this information to the police divisions responsible for supervision of the territory;</li> <li>b) prepares periodical assessments of the dynamics of legal violations by minors and the effectiveness of prevention, conducted by the police divisions;</li> <li>c) gathers and systematises information on the legal violations of minors, who are under the age of legal responsibility.</li> </ul> <p>In 2020, 3 training sessions for judiciary were organised on the „Aspects of legal interviews of children”.<sup>118</sup> In the trainings for the newly appointed judges a topic of „Judge’s behaviour with participants of the judicial procedure. Basics” was introduced.</p> <p>The National Courts Administration regularly implements measures aimed at better cooperation with courts’ psychologists and the improvement of their functions: regular meetings with psychologists are organised, in the course of which good practice as well as challenges are</p>
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<sup>117</sup> Lithuania, Police department under the Ministry of Interior (*Policijos departamentas prie Lietuvos Respublikos Vidaus reikalų ministerijos*), written communication with the contractor HRMI, 17 September 2020.

<sup>118</sup> Lithuania, National Courts Administration (*Nacionalinė teismų administracija*), written communication with the contractor HRMI, 13 October 2020.

	shared and solutions are discussed. <sup>119</sup> In the courts' premises, child interview rooms are being set up and audio and video equipment is being installed.
<b>Other measures or initiatives</b>	<p>In 2020, the Ministry of Justice prepared a draft law, amending Articles 133, 168, 214 and 225 of the Code of Criminal Procedure, the purpose of which is to change the legal regulation of releasing persons on bail to ensure that the law set out a clear mechanism for issuing, replacing and executing this remand measure<sup>120</sup>. It is expected that this would lead to a reduction in the application of the strictest remand measure – detention. However, the law would be applicable to all suspects/accused, not only minors.</p> <p>According to the Ministry of Justice, no measures were taken in 2020 to disseminate information in relation to the entering into force of the Directive<sup>121</sup>.</p>

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<sup>119</sup> Lithuania, National Courts Administration (*Nacionalinė teismų administracija*), written communication with the contractor HRMI, 13 October 2020.

<sup>120</sup> Lithuania, Ministry of Justice (*Lietuvos Respublikos Teisingumo ministerija*), written communication with the contractor HRMI, 30 September 2020. The draft law is not yet available on the Register of Legal Acts.

<sup>121</sup> Lithuania, Ministry of Justice (*Lietuvos Respublikos Teisingumo ministerija*), written communication with the contractor HRMI, 30 September 2020.

# Chapter 7. Access to justice including crime victims

## 1. Victims' Rights Directive

Taking into account the reasoned opinion issued by the European Commission on 7 March 2019 in infringement proceedings No. 2016/0109, a Law on Assistance to Victims of Crime was drafted by the Ministry of Social Security and Labour<sup>122</sup>. The draft law, the latest version of which was registered in the Parliament on 6 October 2020, aimed to address the main shortcomings of transposition of the Victims' Rights Directive, in particular, to introduce a definition of the term "victim" into national law, and to create a system for providing generic support to victims of crime.

The draft law envisaged that a network of accredited support organisations would be responsible for organising, coordinating and providing support throughout the territory of the Republic of Lithuania. According to the provisions of the draft law, the support services would fulfil the following functions: assess the needs of the victim, together with the victim draw up a plan of support measures and organise the provision of support; provide information to victims concerning their rights and institutions responsible for ensuring these rights; provide information on organisations providing social services; provide or organise emotional and (or) psychological support; organise temporary accommodation for victims in need of a secure place; provide information on medical services; based on the victim's request, accompany him or her to other organisations or institutions; inform victims about their rights to submit an official complaint to law enforcement institutions and provide information about competent institutions of criminal proceedings. The draft law also contained provisions concerning the duties of first contact institutions (e.g. institutions of pre-trial investigation, prosecution offices, general emergency centre, courts, etc.) in the field of providing information to

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<sup>122</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*), Explanatory note relating to draft laws ([Istatymų projektų aiškinamasis raštas](#)), 14 February 2020.

victims of crime<sup>123</sup>. The Law on Assistance to Victims of Crime was adopted by the Parliament on 14 January 2021 and will enter into force on 1 March 2021.<sup>124</sup>

Another legislative initiative introduced by the Ministry of Social Security and Labour concerned amending the Law on Social Services to include the damage suffered by victims of crime into the concept of social risk, i.e. that the harm suffered by victims of crime would be acknowledged as one of the factors that may lead to the social exclusion of families or individuals<sup>125</sup>. These amendments were adopted together with the Law on Assistance to Victims of Crime and will enter into force on 1 March 2021.<sup>126</sup>

Until the implementation of the Law on Support to Victims of Crime, the victim support system remains selective (services are provided to people at social risk and exclusion, victims of domestic violence, victims of human trafficking and forced prostitution), i.e. no generic victim support is currently available in Lithuania. According to the existing model, the Ministry of Social Security and Labour allocates funds to organisations providing support to the mentioned categories of victims through tenders.

On 1 April 2020 "Methodical recommendations on conducting, organising and directing pre-trial investigations into hate crimes and hate speech", approved by the Prosecutor General, came into force<sup>127</sup>. These recommendations explain the concepts of hate crimes and hate speech, the criteria and specifics of their delimitation; present other concepts relevant to the identification and investigation of this type of crime; explain the notion of vulnerable groups; set the main principles for legal qualification and pre-trial investigation of hate crimes and hate speech; establish guidelines for international cooperation in investigating such crimes. The recommendations promote a conscious and sensitive attitude of law enforcement officials towards victims of hate crimes

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<sup>123</sup> Lithuania, Draft Law on Assistance to Victims of Crime ([Pagalbos nuo nusikalstamos veikos nukentėjusiems asmenims įstatymo projektas](#)), 6 October 2020.

<sup>124</sup> Lithuania, Law on Assistance to Victims of Crime ([Pagalbos nuo nusikalstamos veikos nukentėjusiems asmenims įstatymas](#)), 14 January 2021.

<sup>125</sup> Lithuania, Draft law amending Articles 1, 2, 3 of the Law on Social Services, and supplementing this law with Article 36(1) and an Annex ([Socialinių paslaugų įstatymo nr. X-493 1, 2, 3 straipsnių pakeitimo ir įstatymo papildymo 36\(1\) straipsniu ir priedu įstatymo projektas](#)), 28 September 2020.

<sup>126</sup> Lithuania, Law amending Articles 1, 2, 3 of the Law on Social Services, and supplementing this law with Article 36(1) and an Annex ([Socialinių paslaugų įstatymo nr. X-493 1, 2, 3 straipsnių pakeitimo ir įstatymo papildymo 36\(1\) straipsniu ir priedu įstatymas](#)), 14 January 2021.

<sup>127</sup> Lithuania, Prosecution Service of the Republic of Lithuania (*Lietuvos Respublikos prokuratūra*) (2020), "Recommendations on the investigation of hate crimes and hate speech have entered into force" ([Įsigaliojo rekomendacijos dėl neapykantos nusikaltimų ir neapykantą kurstančios kalbos tyrimo atlikimo](#)), press release, 2 April 2020.



or hate speech and emphasise the need to assess special protection needs and apply special protection measures<sup>128</sup>.

In order to strengthen the links between law enforcement agencies and communities vulnerable to hate crime, a practical guide for law enforcement officers "Cooperation with Communities Vulnerable to Hate Crime" was published in May 2020<sup>129</sup>. The practical guide, prepared in close cooperation between expert NGOs (Human Rights Monitoring Institute, Lithuanian Centre for Human Rights) and the Ministry of Interior, provides information on the communities most vulnerable to hate crime in Lithuania – Roma, Jews, Muslims, foreign nationals, the LGBTQ community and people with disabilities. This information should contribute to a better knowledge and understanding of these communities, better recognition of hate crimes, as well as deeper understanding of the impact of these crimes<sup>130</sup>.

Turning to COVID-19-related developments in the field of providing support to victims of crime, on 7 April 2020 the Response Centre for responding to reports of category C incidents (i.e. those not constituting a real threat to human life or health) became operational, employing approximately 100 police officers. Officers, working remotely, gather the primary information about the incident, make suggestions to the police force management units, and provide consultations and support to the population. They also carry out administrative proceedings related to the report received, conduct interviews with individuals and take other necessary action. Officers perform their work remotely from home or another designated location, responding to reports not only by phone but also by email or video conferencing. The Response Centre is open from 7 a.m. to 11 p.m., but, if necessary, the work hours may be extended to 24 hours a day<sup>131</sup>.

Measures aimed at prevention were also implemented. According to the information provided by the Lithuanian Police, at the beginning of the quarantine regime, a greater risk of crime was predicted for the elderly, especially those living in remote rural settlements. Therefore, preventive

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<sup>128</sup> Lithuania, Prosecution Service of the Republic of Lithuania, Methodical recommendations on conducting, organising and directing pre-trial investigations into hate crimes and hate speech ([Ikiteisminio tyrimo dėl neapykantos nusikaltimų ir neapykanta kurstančios kalbos atlikimo, organizavimo ir vadovavimo jam ypatumų metodinės rekomendacijos](#)), 1 April 2020.

<sup>129</sup> Lithuania, Practical guide for law enforcement officers "Cooperation with Communities Vulnerable to Hate Crime" ([Bendradarbiavimas su neapykantos nusikaltimų pažeidžiamomis bendruomenėmis](#)), 2020.

<sup>130</sup> Lithuania, Ministry of Interior (*Vidaus reikalų ministerija*), Recommendations for law enforcement officials on how to cooperate with communities vulnerable to hate crime ([Teisėsaugos pareigūnams – rekomendacijos, kaip bendradarbiauti su neapykantos nusikaltimų pažeidžiamomis bendruomenėmis](#)), 5 May 2020.

<sup>131</sup> Lithuania, Lithuania's Police (2020), "The Police Response Centre becomes operational" ([Pradeda veikti policijos reagavimo į pranešimus centras](#)), press release, 7 April 2020.

measures were taken, encompassing both intensified police actions and information campaigns. To prevent theft and robbery from shops, rural storeowners were contacted and provided with recommendations. A preventive leaflet on how to deal with theft was also produced and distributed on social networks<sup>132</sup>.

In August 2020, Commissioner General of the Lithuanian Police approved the Police Action Plan to ensure the safety of the rural population. This plan included such measures as contacting people who had previously been victims of domestic violence, as well as visiting people in self-isolation <sup>133</sup>.

## 2. Violence against women

According to the official statistics, in 2020, 7133 criminal offences related to domestic violence were registered<sup>134</sup> (i.e. pre-trial investigations were initiated; the number of reports received by the police was considerably higher, as roughly 15 to 20 percent of reports result in pre-trial investigations)<sup>135</sup>. Compared to previous year, the number of registered offences dropped by 7.3%.<sup>136</sup> Out of 7 338 registered victims, 76.8 % (5 637) were women, and 23.2 % (1 701) were men. When it came to perpetrators, 88% (5 118) were men and 12% (697) were women. The dynamics of perpetrators and victims is similar to previous years:

2017		2018		2019		2020	
Men: 1 885 (23 %)	Women: 6 304 (77 %)	Men: 2 359 (22.3 %)	Women: 8 198 (77.7 %)	Men: 2 122 (22.9 %)	Women: 7 160 (77.1 %)	Men: 1 701 (23.2 %)	Women: 5 637 (76.8 %)
<b>Total: 8 189</b>		Total: 10 557		Total: 9 283		Total: 7 338	

<sup>132</sup> Lithuania, Police Department, written communication with Human Rights Monitoring Institute, 17 September 2020.

<sup>133</sup> Lithuania, Lithuania's Police (2020), "The police to intensify their activities in rural areas" ([Policija aktyvins savo veiklą kaimiškos vietovėse](#)), press release, 28 August 2020.

<sup>134</sup> Lithuania, Information Technology and Communications Department under the Ministry of Interior of the Republic of Lithuania (*Informatikos ir ryšių departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos*), Report on registered criminal offences, related to domestic violence, [2020](#). This number does not reflect the number of reports received by the police nor the outcome of criminal proceedings. No court statistics concerning the dynamics of criminal offences related to domestic violence are available.

<sup>135</sup> Lithuania, Police Department, written communication with the Human Rights Monitoring Institute, 13 November 2020

<sup>136</sup> Lithuania, Information Technology and Communications Department under the Ministry of Interior of the Republic of Lithuania (*Informatikos ir ryšių departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos*), Report on registered criminal offences, related to domestic violence, [2020](#).

*Dynamics of registered victims of criminal offences related to domestic violence 2017–2020<sup>137</sup>*

2017		2018		2019		2020	
Men: 5 558 (90.6 %)	Women: 580 (9.4 %)	Men: 5 072 (90.3 %)	Women: 546 (9.7 %)	Men: 4 520 (89.8 %)	Women: 516 (10.2 %)	Men: 5 118 (88 %)	Women: 697 (12 %)
Total: 6 138		Total: 5 618		Total: 5 036		Total: 5 815	

*Dynamics of registered perpetrators of criminal offences related to domestic violence 2017–2020<sup>138</sup>*

On 1 January 2020, amendments to the Law on Mediation, providing for compulsory mediation in all civil family disputes (concerning divorce, determination of the place of residence and/or maintenance of a child, etc.) entered into force<sup>139</sup>. This provision has been continuously criticized due to its absolute nature, not providing for exceptions in cases where element of domestic violence is present<sup>140</sup>. The United Nations Committee on the Elimination of Discrimination against Women in its concluding observations adopted in 2019 also expressed concerns as to the possibility that an obligation to participate in compulsory mediation for women and girls who are survivors of gender-based violence may result in their revictimisation<sup>141</sup>. However, even though a new version of a Law on Mediation was adopted on 11 June 2020 (it will enter into force on 1 January 2021), the provision

<sup>137</sup> Lithuania, Information Technology and Communications Department under the Ministry of Interior of the Republic of Lithuania (*Informatikos ir ryšių departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos*), Report on registered victims of criminal offences related to domestic violence [2017-2018](#), [2019](#), [2020](#).

<sup>138</sup> Lithuania, Information Technology and Communications Department under the Ministry of Interior of the Republic of Lithuania (*Informatikos ir ryšių departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos*), Report on registered perpetrators of criminal offences related to domestic violence [2017-2018](#), [2019](#), [2020](#).

<sup>139</sup> Lithuania, Law on Mediation (*Mediacijos įstatymas*), 15 July 2008, Article 20.

<sup>140</sup> Kupetytė, R. (2020) "Obligatory mediation is being criticized: a victim of violence has to initiate the resolution of a dispute?" (*Kritikuoja privalomąją mediaciją: sugniuždyta smurto auka turi inicijuoti ginčo sprendimą?*), *Lrt.lt news portal*, 7 March 2020.

<sup>141</sup> United Nations Committee on the Elimination of Discrimination against Women (2019), [Concluding observations on the sixth periodic report of Lithuania](#), 31 October 2019.

concerning compulsory mediation in all family disputes remained unchanged<sup>142</sup>.

On 28 April 2020, the Ministry of Social Security and Labour introduced a draft Law on Protection from Domestic Violence and Violence against Women for consultations. This law, intended to replace the existing Law on Protection from Domestic Violence, introduced a protection order against domestic violence, defined violence against women, foresaw access to support for victims of violence irrespective of where the violence occurred (at home, at work, or elsewhere), and contained detailed provisions on the functions of different institutions in the field of prevention of domestic violence and violence against women<sup>143</sup>.

The draft law took into consideration recommendations by the working group to coordinate and address questions relating to violence against women and domestic violence, the recommendations of the United Nations Committee on the Elimination of Discrimination against Women, and the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). Consultations with non-governmental organisations, the Ministry of the Interior and the Police Department were also held<sup>144</sup>.

The main novelty of the draft law was the order for protection against violence. The aim of the order was to protect victims of domestic violence (irrespective of gender) and victims of violence against women (irrespective of where it happened). The protection order, obliging the perpetrator to move out of the place of residence where the victim lives, not to visit the victim's place of residence, not to seek contact and not to communicate with the victim would be issued by a police officer or a prosecutor and be applied for no longer than 15 days. Should a pre-trial investigation be initiated and remand measures (obligation not to live with the victim and not to seek contact with the victim) be imposed by the court, the protection order would lapse. The imposition of the order could be appealed, but an appeal would not suspend its operation. If the perpetrator violated the terms of the protection order, he would be held administratively liable<sup>145</sup>.

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<sup>142</sup> Lithuania, Law amending Law on Mediation No X-1702 ([Mediacijos įstatymo Nr. X-1702 pakeitimo įstatymas](#)), 11 June 2020.

<sup>143</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*), On the Draft Law amending the Law on Protection against Domestic Violence ([Dėl apsaugos nuo smurto artimoje aplinkoje įstatymo pakeitimo projekto](#)), 28 April 2020.

<sup>144</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*), On the Draft Law amending the Law on Protection against Domestic Violence ([Dėl apsaugos nuo smurto artimoje aplinkoje įstatymo pakeitimo projekto](#)), 28 April 2020.

<sup>145</sup> Lithuania, Draft Law on Protection from Domestic Violence and Violence against Women ([Apsaugos nuo smurto artimoje aplinkoje ir smurto prieš moteris įstatymo projektas](#)), 28 April 2020.

This draft law received many critical comments from different institutions, including the Ministry of Justice, the Office of the Prosecutor General, and the Council of Judges. A lot of criticism was directed towards ambiguous and possibly too broad definition of violence and the resulting lack of clarity as to the grounds of application of the protection order; it was also emphasised that regulation, empowering police officers and prosecutors, rather than courts, to issue protection orders, might be incompatible with the protection of the right to property and the inviolability of one's home, i.e. the rights guaranteed by the Constitution and the European Convention on Human Rights<sup>146</sup>. The Ministry of Justice also raised concerns, among others, as to the constitutionality of prioritising the protection of women from violence, as men suffer violence as well. In the opinion of the Ministry of Justice, the introduction of measures aimed at protecting women specifically might be incompatible with the constitutional principle of equality<sup>147</sup>.

On 11 November 2020, a new version of the draft law was introduced. References to violence against women were removed, leaving only domestic violence within its scope. Thus, this draft is gender neutral. Even though it refers to "domestic violence and domestic violence against women", these types of violence are defined identically and there are no special provisions concerning, i.e., specifics of intimate partner violence against women. Provisions concerning the protection order, though modified, were retained in the new draft<sup>148</sup>. However, as the imposition of the order for a strict 15 days period is related to the mere fact of incident of domestic violence, without any further considerations or risk assessment, it might be problematic from the point of view of the constitutional principle of proportionality. In addition, protection orders might also be applied to women who, being victims of systemic violence, resort to violence themselves.

Attempts to introduce a protection order might be perceived as at least indirectly related to the spirit of the Convention on preventing and combating violence against women and domestic violence (Istanbul

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<sup>146</sup> Lithuania, Ministry of Justice (*Teisingumo ministerija*), Conclusion concerning Draft Law on Protection from Domestic Violence and Violence against Women ([\*Išvada dėl Lietuvos Respublikos apsaugos nuo smurto artimoje aplinkoje ir smurto prieš moteris įstatymo projekto\*](#)), 19 May 2020;

Lithuania, the Council of Judges (*Teisėjų taryba*), Comments on Draft Law No 20-6276 ([\*Dėl pastabų teisės akto projektui Nr. 20-6276\*](#)), 27 May 2020.

Lithuania, Office of the Prosecutor General (*Generalinė prokuratūra*), Comments on Draft Law No 20-6276 ([\*Dėl teisės akto projekto Nr. 20-6276\*](#)), 12 May 2020.

<sup>147</sup> Lithuania, Ministry of Justice (*Teisingumo ministerija*), Conclusion concerning Draft Law on Protection from Domestic Violence and Violence against Women ([\*Išvada dėl Lietuvos Respublikos apsaugos nuo smurto artimoje aplinkoje ir smurto prieš moteris įstatymo projekto\*](#)), 19 May 2020.

<sup>148</sup> Lithuania, Draft Law Amending the Law on Protection from Domestic Violence XI-1425 ([\*Apsaugos nuo smurto artimoje aplinkoje įstatymo Nr. XI-1425 pakeitimo įstatymas\*](#)), 11 November 2020.

Convention), even though this Convention remains unratified by Lithuania. The main reason for the continuing stalemate in the ratification process is the disagreement over some provisions of the Convention, especially the notion of “gender” as a social construct. From the point of view of opponents of this Convention - the Catholic Church and conservative politicians – ratification of the Convention would require Lithuania to change the concept of gender as a biological reality and to propagate homosexuality<sup>149</sup>. Though the question of ratification of the Istanbul Convention was included into the parliamentary agenda for spring session 2020, this question was not considered by the Parliament<sup>150</sup>.

Turning to the impact on women of measures adopted to tackle COVID-19, it should be noted that on 15 March 2020 the Government introduced quarantine regime, which lasted from 16 March to 16 June 2020. Since then, the national state of emergency has been kept in force due to the threat of the spread of COVID-19<sup>151</sup>. The Ministry of Social Security and Labour acknowledged that quarantine was a conducive medium for domestic violence<sup>152</sup>. According to the Police Commissioner General of the Lithuanian Police, during the first three weeks of quarantine, the number of reported domestic violence incidents increased by 20 percent, compared with the same period last year<sup>153</sup>. Whereas the Lithuanian Women's Rights Association noted that at the beginning of the quarantine, the number of reports on domestic violence received by specialised support centres decreased, but since April 13, there had been a 20 percent increase, and some specialised support centres recorded a threefold increase in the number of such reports<sup>154</sup>.

The first month of quarantine also saw a dramatic increase in murders. This rate of murders increased by 122 percent compared to the same period last year, as 22 murders were committed, compared to 10 murders recorded last year. At least people in close relationship or family members committed half

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<sup>149</sup> Andrukaitytė, M. (2019) “Despite the criticism by the Church, a group of parliamentarians will try to reinstate the Istanbul Convention into the parliament's agenda” ([Nepaisant Bažnyčios kritikos, grupė parlamentarų į Seimo darbotvarkę sieks gražinti Stambulo konvenciją](#)), *Lrt.lt news portal*, 29 December 2019.

<sup>150</sup> Tarasevičius, D. (2020), “Istanbul Convention: Poland threatens to withdraw, Lithuania has not yet ratified” ([Stambulo konvencija: Lenkija grasina trauktis, Lietuva dar neratifikavo](#)), *Verslo žinios*, 25 July 2020.

<sup>151</sup> Lithuania, Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*), [Government revokes quarantine in Lithuania](#), 10 June 2020.

<sup>152</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*) (2020), Quarantine is conducive to violence ([Karantino sąlygos palankios smurtui](#)).

<sup>153</sup> Pankūnas, G. (2020), “Požėla revealed the other side of quarantine: the number of domestic crimes increased by 20 %” ([Požėla atskleidė kitą karantino pusę: nusikaltimų artimoje aplinkoje skaičius išaugo 20 proc.](#)), *Lrt.lt news portal*, 2 April 2020.

<sup>154</sup> Platūkytė, D. (2020), “The quarantine revealed new levels of violence, and the police were surprised by the indifference of the people” ([Karantinas atskleidė naujus smurto mastus, policiją nustebino žmonių abejingumas](#)), *Lrt.lt news portal*, 6 May 2020.

of these<sup>155</sup>. There was also an increase in other domestic violence related offences, such as causing slight bodily injuries and murder threats (accordingly by 10,7 and 16,5 percent)<sup>156</sup>. On the other hand, general numbers of initiated pre-trial investigations concerning domestic violence were lower compared to the same period last year, and increased only towards the end of the quarantine<sup>157</sup>.

On 10 April 2020, the Minister of the Internal Affairs approved the Plan of Measures for the Prevention of Domestic Violence during the COVID-19 Quarantine Period<sup>158</sup>. The plan encompassed three types of measures: 1) provision of support to victims of domestic violence; 2) response to cases of domestic violence; 3) dissemination of information on how to receive support. Concerning support to victims of domestic violence, the plan introduced three measures: 1) possibility to report domestic violence and call for help by writing an SMS to the emergency number 112; 2) ensuring that contacts of specialised comprehensive support centres (organisations providing support to victims of domestic violence) could be obtained from the police information number 8 700 60000; 3) cooperate with specialised support centres and, where available, to allocate to victims of domestic violence part of the premises that were designated by municipalities for the purposes of COVID-19-related isolation.

In response to the onset of the second wave of COVID-19, national quarantine was reintroduced on 6 November 2020. According to the Police Commissioner General, the rates of reports on domestic violence saw a repeated increase at 20 percent<sup>159</sup>. In order to enable the victims of domestic violence to apply for help safely, a campaign "MASK-19" was introduced in one of the main pharmacies chain. The essence of this campaign, organised in cooperation with a private charity fund "Žmogaus namai" and Lithuanian Police, is that victims of domestic violence are encouraged to seek for help by pronouncing a code phrase "mask 19" in a

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<sup>155</sup> Platūkytė, D. (2020), "The quarantine revealed new levels of violence, and the police were surprised by the indifference of the people" ([Karantinas atskleidė naujus smurto mastus, policija nustebino žmonių abejingumas](#)), *Lrt.It news portal*, 6 May 2020.

<sup>156</sup> Pankūnas, G. (2020), "The police did not expect this - during quarantine, the number of homicides in Lithuania increased by as much as 122 percent" ([Policija to nesitikėjo – karantino metu Lietuvoje nužudymų skaičius išaugo net 122 proc.](#)), *Lrt.It news portal*, 8 May 2020.

<sup>157</sup> Lithuania, Analysis of statistical indicators relating to violent criminal offences committed in close relationships ([Statistinių rodiklių analizė apie užregistruotų smurtinių nusikalstamų veikų, padarytų artimoje aplinkoje, skaičių](#)), Portal of official statistics, 2020.

<sup>158</sup> Lithuania, Minister of Internal Affairs (*Vidaus reikalų ministras*), Plan of measures for the prevention of domestic violence during the quarantine period for COVID-19 ([Smurto artimoje aplinkoje prevencijos karantino dėl COVID-19 laikotarpiu priemonių planas](#)), 10 April 2020.

<sup>159</sup> Lrt.It news portal (2020), "As the number of domestic conflicts increases during the quarantine, the "MASK-19" campaign is reminded" ([Karantino metu išaugus buitinių konfliktų skaičiui, primenama apie kampaniją „KAUKĖ-19"](#)), 18 December 2020.

pharmacy. However, according to the representatives of the pharmacy, no actual cases of using this possibility had been recorded<sup>160</sup>.

As in previous years, 17 specialised comprehensive support centres provided comprehensive support to victims of domestic violence<sup>161</sup>. The Ministry of Social Security and Labour allocated € 1.5 million to finance the activities of these centres<sup>162</sup>

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<sup>160</sup> Lrt.lt news portal (2020), "As the number of domestic conflicts increases during the quarantine, the "MASK-19" campaign is reminded" ([Karantino metu išaugus buitinių konfliktų skaičiui, primenama apie kampaniją „KAUKĖ-19"](#)), 18 December 2020.

<sup>161</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*) (2020), What to do in case of violence ([Ka daryti patyrus smurtą](#)).

<sup>162</sup> Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*) (2020), "Protection against domestic violence: a new measure to protect victims is proposed". ([Apsauga nuo smurto artimoje aplinkoje: pasiūlyta nauja priemonė aukų apsaugai](#)), press release, 28 April 2020.



# Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

## 1. CRPD policy & legal developments

According to the “Implementation Plan of the UN Committee on the Rights of Persons with Disabilities Recommendations for the years 2016–2020” adopted by the Order of the Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*)<sup>163</sup> most of the measures should be ending by 2020).

There is an annual reporting mechanism for the implementation of the plan. The Department for Disability Affairs under the Ministry of Social Security and Labour (*Neįgaliųjų reikalų departamentas prie Socialinės apsaugos ir darbo ministerijos*) coordinates it (hereafter – Department). The Department gathers all information provided from different Ministries and other responsible institutions on the actions initiated and/or measures implemented at the end of the year. However, such reports are not publicly available.

Since July 2019 overall monitoring of the implementation of the Convention is assigned to the Commission for the Monitoring of the Rights of Persons with Disabilities (*Žmonių su negalia teisių stebėsenos komisija*). In the period July 2019–2020 it has started its monitoring activity by reviewing ongoing legal acts, reports from Ministries and state institutions on implementation of the Convention throughout the years 2017–2019. In addition, during 2020 according to the Law on Social Integration of Persons with Disabilities<sup>164</sup> art. 16, the Department for Disability Affairs under the Ministry of Social Security and Labour has responsibility to participate in the preparation of monitoring reports on the implementation of the United

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<sup>163</sup> Lithuania, Minister of Social Security and Labour of the Republic of Lithuania (*Lietuvos Respublikos Socialinės apsaugos ir darbo ministras*) (2016) Order on Approval of the Implementation Plan of the Recommendation of the UN Committee on the Rights of Persons with Disabilities for the years 2016–2020 ([Išakymas Dėl Jungtinių Tautų neįgaliųjų teisių komiteto rekomendacijos įgyvendinimo 2016–2020 metų priemonių plano patvirtinimo](#)) No. A1-596, 9 November 2016.

<sup>164</sup> Lithuania, Parliament of the Republic of Lithuania (*Lietuvos Respublikos Seimas*) Law on social integration of persons with disabilities (*Neįgaliųjų socialinės integracijos įstatymas*) No. XIII-1761, 11 December 2018.

Nations Convention on the Rights of Persons with Disabilities. In 2020, it had initiated separate research on specific areas of the Convention. The results of the research/surveys together with other data and information from different stakeholders and institutions are compiled each year in the overall "Monitoring Report of the Implementation of the Activity Results of Social Integration of the Disabled and the Convention on the Rights of Persons with Disabilities. There is still no report and/or compilation of information on the implementation of the Convention for 2020.

### **Legal framework amendments/changes for implementation of the Convention in 2020**

Since 1 January 2020, Amendments to the Law on Child Benefits entered into force with the aim to increase financial support for families with children in order to reduce child poverty and social exclusion. The monthly universal child benefit has been increased from € 50.16 to € 60.06. An additional child benefit of € 40 is granted to each disabled child (person) who has a disability level or a 55 % and lower working capacity level. In total, each child with disabilities is granted child benefit amounting to € 100.

January 2020 saw an increase in the general pension base (from € 132 to € 140) which is the base for welfare pensions for persons with disabilities. One of the biggest changes from 2020 – increased welfare "floor" of pensions for the disabled. This means that a person with disabilities cannot receive a social assistance pension of less than € 140, up from a minimum of € 99 last year. It is estimated that social assistance benefits increased by € 4–18, depending on the type and category of beneficiaries.

There was an increase in the base (from € 114 to 117) for targeted compensation paid to people with special needs. This supplementary benefit can be paid together with a social security or social assistance pension. Altogether 93,000 people receive targeted compensations.

Since the beginning of 2020 recipients of disability pensions of working age who have lost 60 % or more of their working capacity, and disabled people of retirement age, who have 45–55% capacity may receive a pension supplement if the total amount of pensions and pension benefits received per month is less than € 257. This bonus is granted to the client without having to make a separate application to the State Social Insurance fund (*Sodra*).

On 14 January 2020, the Parliament of the Republic of Lithuania (*Lietuvos Respublikos Seimas*) adopted amendments to the Law on Elections to the

Parliament<sup>165</sup>, which will further ensure the rights of voters with disabilities during elections. The Law stipulates that ballot papers and other electoral material (publicly available audio and video information on elections, debate on candidates, information on electoral procedures) must be adapted to the needs of voters with disabilities and must be provided to them in easy-to-understand language and in an accessible format.

### **COVID related legal amendments**

On 16 March 2020, the Minister of Health – Head of State Operations at the State Extraordinary Situation (*Lietuvos Respublikos Sveikatos apsaugos ministras-Valstybės lygio ekstremalios situacijos valstybės operacijų vadovas*) issued a Decision on the provision of personal health care services following the imposition of quarantine in the territory of the Republic of Lithuania<sup>166</sup> according to which all decisions on disability, working capacity and special needs that expire during quarantine will be automatically renewed throughout the quarantine period and for a further 3 months after the end of quarantine. The same would apply if the decision expires shortly after quarantine.

The Parliament of Lithuania (*Lietuvos Respublikos Seimas*) agreed that in order to reduce the negative economic and social consequences of the COVID-19 pandemic all children receiving child benefits would receive an additional lump sum of € 120. For children with disabilities, this once-off payment was € 200<sup>167</sup>.

With the Government's (*Lietuvos Respublikos Vyriausybė*) decision on the closing of all educational institutions, parents, adoptive parents, guardians, guardians and grandparents (if the child's parents are unable to work remotely and have not been put on downtime from work) of kindergarten children, pre-schoolers, primary school children and children with disabilities until the age of 21 may apply for a certificate of incapacity for work due to an emergency or quarantine. Sickness benefit of 65.94% of

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<sup>165</sup> Lithuania, Parliament of the Republic of Lithuania (*Lietuvos Respublikos Seimas*), Law on Elections to the Parliament ([Seimo rinkimų įstatymas](#)) No. XIII-2783, 14 January 2020.

<sup>166</sup> Lithuania, Minister of Health of the Republic of Lithuania – Head of state operations at the state extraordinary situation (*Lietuvos Respublikos Sveikatos apsaugos ministras-Valstybės lygio ekstremalios situacijos valstybės operacijų vadovas*) Decision on the organisation of the provision of personal health care services after the publication of quarantine in the territory of the Republic of Lithuania No. V-387, 16 March 2020

<sup>167</sup> The Law on single children's payments to reduce the effects of a Covid-19 (coronavirus infection) pandemic (*Lietuvos Respublikos Vienkartinės išmokos vaikams, skirtos Covid-19 (koronaviruso infekcijos) pandemijos padariniams mažinti, įstatymas*), No. XIII-3030, 9 June 2020 (Came into force on 12 June 2020)

the salary was available in those cases until the end of the emergency or quarantine.

Later the same entitlement was extended to parents and guardians of adult persons with disabilities who were attending day care centres if they were closed due to an emergency or quarantine. Furthermore, according to the Minister of Health of the Republic of Lithuania – Head of state operations at the state extraordinary situation (*Lietuvos Respublikos Sveikatos apsaugos ministras-Valstybės lygio ekstremalios situacijos valstybės operacijų vadovas*) decision “On COVID disease management measures”<sup>168</sup> municipal administrations were obliged to ensure care for children and the disabled in exceptional cases in institutions if this was not possible at home.

On 1 May 2020, the Government (*Lietuvos Respublikos Vyriausybė*) adopted the Plan for Reducing the Long-Term Negative Consequences of the COVID-19 Pandemic on Mental Health. The Plan was prepared in cooperation with representatives from the Government, Ministry of Health, Social Security and Labour, Ministries of Education, Science and Sports, Lithuanian Psychologists' Union, Young Psychiatrists Association, Lithuanian Psychiatrists Association, Vilnius University Psychotraumatology Centre. A total of € 2.1 million will be needed to implement the measures set out in the plan in 2020 from the state budget and € 850,000 from the Compulsory Health Insurance Fund; in 2021, € 2.4 million from the state budget and € 2.8 million from the Compulsory Health Insurance Fund.

On 7 May 2020, the Parliament of Lithuania (*Lietuvos Respublikos Seimas*) adopted the Law on Single Benefits for Recipients of Social Security Pensions and Benefits<sup>169</sup>, which established single benefits of € 200 to all the recipients of social security pensions and benefits, including persons with disabilities. This single benefit was paid out automatically to all recipients in August as the COVID-19 recovery measure.

On 4 November 2020, the Government (*Lietuvos Respublikos Vyriausybė*) adopted a Decree on the announcement of quarantine in the territory of the Republic of Lithuania<sup>170</sup>.

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<sup>168</sup> Lithuania, Minister of Health of the Republic of Lithuania – Head of State Operations at the State Extraordinary Situation (*Lietuvos Respublikos Sveikatos apsaugos ministras-Valstybės lygio ekstremalios situacijos valstybės operacijų vadovas*) decision “[On COVID disease management measures No. V-357](#)”, 13 March 2020.

<sup>169</sup> The Law on Single benefits for Recipients of Social Security Pensions and Benefits ([Lietuvos Respublikos vienkartinės išmokos socialinio draudimo pensijų ir šalpos išmokų gavėjams įstatymas](#)), No. XIII-2886, 7 May 2020

<sup>170</sup> Government of the Republic of Lithuania (2020), Decree on the announcement of quarantine in the territory of the Republic of Lithuania (*Lietuvos Respublikos*

After challenges and problems faced by children with disabilities and their families due to the distance learning experiences during the spring quarantine, with the active advocacy of disability NGOs the exception from distance learning was allowed to pupils in special schools and special classes of general education schools in accordance with basic education (individualized basic education), secondary education (development of social skills) programs, ensuring the flow of persons, safety distance and other necessary public health safety requirements set by the state level emergency operations manager, conditions of hygiene, provision of persons with necessary personal protective equipment.

The exception for wearing masks in public places was reconfirmed to persons with disabilities who, due to their state of health, are unable to wear masks or their wearing may endanger a person's state of health. It is recommended that these individuals wear a face shield.

With this decision, a range of support measures and benefits continues to employers, workers, the poor, young, and disabled children, if they are experiencing limitations due the quarantine regime.

**Sickness benefits.** When municipalities switch to distance learning due to quarantine or the introduction of a regime restricting the spread of infections, parents, guardians, on-call guardians and working grandparents may receive sickness benefits amounting to 65.94% from salary "on paper" for the care of children under 4 years of age and children with disabilities under 21 years of age. Benefits are paid for the duration of the distance training due to quarantine or the introduction of a special regime to limit the spread of infections.

If, after the introduction of an emergency or quarantine, day care centres for the disabled and seniors providing day or short-term social care are closed, sickness benefit may be paid for the care of people lacking independence. A certificate of incapacity for work and sickness benefit in an amount of 65.94 percent from salary "on paper" may be issued to parents or guardians, caring for an adult person with a disability. When it becomes necessary to take care of a disabled person who has reached retirement age, a certificate of incapacity for work may be issued to the senior spouse, children and guardians. Benefits are paid for the duration when day centres providing day or short-term social care will reopen. Initially, the certificate of incapacity for work shall be issued for up to 28 calendar days, but not longer than the revocation of the emergency and

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*Vyriausybės 2020 m. lapkričio 4 d. nutarimas dėl karantino Lietuvos Respublikos teritorijoje paskelbimo) No. 1226, 4 November 2020. (Came into force on 7 November 2020)*

quarantine. If the emergency or quarantine continues and the institution does not open the door, the incapacity for work may be extended after 14 calendar days.

On 23 December 2020, the Minister of Health care (*Lietuvos Respublikos Sveikatos apsaugos Ministras*) adopted a Decree on approval of the procedure for the organization of Covid-19 disease (coronavirus infection) vaccine purchased from the state budget<sup>171</sup> and Decree concerning the identification of priority groups of covid-19 disease (coronavirus infection) vaccine for purchasing from the state budget<sup>172</sup> which identified priority groups, and stages of COVID-19 vaccination according to the availability of COVID-19 vaccine. Population of 65 m. age and older patients receiving active inpatient treatment, day hospital and / or dialysis services, patients in supportive treatment and nursing institutions, residents of social services institutions were included already in the phase of very limited availability of COVID-19 vaccine.

### **Other legal framework amendments**

On 28 May 2020, the Law on Transport Privileges was amended by the Parliament (*Lietuvos Respublikos Seimas*); it doubles the compensation for the purchase of a specialised car and its technical adaptation. Now the amount is € 1 248, but from 2021 this figure will be increased to € 2 496. Such compensation can be paid once every 6 years. The Law will come into force from 1 January 2021.

On May 25 2020, the Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*) adopted a Decree on Approval of the Description of the Procedure for Provision and Organisation of Temporary

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<sup>171</sup> Ministry of Health care (2020), Decree on approval of the procedure for the organization of Covid-19 disease (coronavirus infection) vaccine purchased from the state budget (*Sveikatos apsaugos ministro įsakymas 2020 m. gruodžio 23 d. [Įsakymas dėl gyventojų skiepavimo valstybės biudžeto lėšomis įsigyjama Covid-19 ligos \(koronaviruso infekcijos\) vakcina organizavimo tvarkos aprašo patvirtinimo](#)*) No. V-2997, 23 December 2020 (Came into force on 26 December 2020)

<sup>172</sup> Ministry of Health care (2020), Decree concerning the identification of priority groups of covid-19 disease (coronavirus infection) vaccine for purchasing from the state budget (*Sveikatos apsaugos ministro įsakymas 2020 m. gruodžio 23 d. [Įsakymas dėl skiepavimo valstybės biudžeto lėšomis įsigyjama covid-19 ligos \(koronaviruso infekcijos\) vakcina prioritetinių gyventojų grupių nustatymo](#)*) No. V-3006, 23 December 2020 (Came into force on 26 December 2020).

Respite Services for Children with Disabilities, Adults with Disabilities and the Elderly<sup>173</sup>. According to the Decree, relatives of children and adults with disabilities in care or in need of regular care may apply to municipalities for a temporary respite service. Parents and guardians of children with disabilities under the age of 18 may apply for such service, if: the child has a disability level + a special need for ongoing care; The child has a level of high or medium needs + a special need for constant care or a special need for constant care (assistance). Relatives of an adult with a disability or elderly person living together and caring for the person, if 55 % was set for a person with a disability or lower level of working capacity. A level of high or medium special needs + a special need for permanent care or a special need for constant care (assistance) has been established for a person with a disability or an elderly person.

On June 30 2020, the Parliament (*Lietuvos Respublikos Seimas*) adopted amendments to the Law on Education<sup>174</sup> that eliminate discriminatory provisions for children with disabilities and special educational needs. According to the new provisions, children with disabilities and special educational needs will be able to attend a general education school in their place of residence and schools will no longer be able to refuse to admit them and refer them to special schools. The new provisions will be implemented gradually and will enter into force from 1 September 2024.

From 1 July 2020, amendments to the Law on Social Enterprises<sup>175</sup> imposed an obligation on social enterprises to employ a larger proportion of disabled workers than other workers, and to provide stronger incentives for more severely disabled workers. Important changes are related to the target group, that is, only employees with a working-age disability are supported by subsidies in social enterprises. However, due to the quarantine and emergency, support for persons over 50 years of age, pensioners and the long-term unemployed continues – the 6 months of support do not include the period of quarantine and emergency. The

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<sup>173</sup> Ministry of Social Security and Labour (2020), Decree on Approval Description of the Procedure for Provision and Organisation of Temporary Respite Services for Children with Disabilities, Adults with Disabilities and the Elderly (*Socialinės apsaugos ir darbo ministro 2020 m. gegužės 25 d. Įsakymas dėl laikino atokvėpio paslaugos vaikams su negalia, suaugusiems asmenims su negalia ir senyvo amžiaus asmenims teikimo ir organizavimo tvarkos aprašo patvirtinimo*) No. A1-444, 25 May 2020 (Came into force on 26 May 2020).

<sup>174</sup> Lithuania (2020), Law on Education (*Lietuvos Respublikos Seimo Švietimo įstatymas*) No. I-1489, (Came into force on 1 September 2020 until 31 December 2020).

<sup>175</sup> Lithuania, Law on amendment of Social enterprises (2019) (*Lietuvos Respublikos Seimo 2019 m. rugsėjo 19 d. LR Socialinių įmonių įstatymo Nr. IX-2251 pakeitimo įstatymas*) No. XIII-2427, 19 September 2019. (Came into force on 1 January 2020, Art. 1 par 2 came into force on 1 July 2020)

requirement for more persons with disabilities to be employed, at least 6 disabled employees must work in social enterprises and at least half of the employees in social enterprises must be disabled: at least 40 % – people with severe or moderate disability or less than 40 % workability. Of those 40 %, at least 10 % must be made up of people who have a 25 % ability to work or severe disability. Furthermore, there is a requirement that the working time of disabled workers must be at least 50 % of the working time of other employees of the company per month. The same law established changes from 1 January 2020. These changes include special accompanying assistance for the disabled upon employment or taking up employment, an obligation for social enterprises to reinvest at least 75% of their profits in goals related to the return of the disabled to the labour market, promoting social inclusion, and supporting the disabled with a working capacity level of 45-55 % for up to 6 months (with exceptions for specific diseases), i.e. their wages are subsidised by the state.

Amendments to the Law on Social Enterprises were made in 2020 due to the COVID-19 pandemic. This allowed that the period of emergency and quarantine declared by the Government not be included in the 6-month term.

On 9 September 2020, the Government (*Lietuvos Respublikos Vyriausybė*) approved the National Progress Plan for the years 2021–2030 (hereinafter referred to as the Plan)<sup>176</sup>, which aims to identify the main changes to be achieved in the country in the next decade, ensuring progress in the social, economic, environmental and security fields, and to mobilise the sources of financing for the implementation of these changes. The plan sets out long-term strategic goals, progress targets and quantified indicators to measure progress with targets for 2030. The strategic goals are implemented under three horizontal principles: innovation (creativity), sustainable development and equal opportunities for all (a special indicator is foreseen on the quality of life of persons with disabilities), which aim to consistently form the values important for the progress of society and promote the desired changes in attitudes and behaviour. Within the plan, specific indicators are foreseen for persons with disabilities. These are related to an increase in physical and information accessibility, reduction in poverty, increase in the number of persons with disabilities in employment, increase in the number of children with disabilities in inclusive education settings, etc.

The draft law on social integration of the disabled stipulates that personal assistance is no longer a temporary project, but permanent assistance

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<sup>176</sup> Government of the Republic of Lithuania (2020), Decree on Approval of National Progress Plan for the years 2021–2030 (*Lietuvos Respublikos Vyriausybės 2020 rugsėjo 9 d. nutarimas dėl 2021–2030 m. Nacionalinis pažangos planas*), No. 998, 9 September 2020 (Came into force on 17 September 2020)



regulated by law. Once the law is passed, all disabled people with such a special need will be able to receive personal assistance, regardless of age, severity or nature of the disability. Personal assistance would be regulated by law as one of the types of special needs, and the provision of personal assistance to the disabled person as a means of meeting special needs. Social workers following the procedure established by the Minister of Social Security and Labour would determine the need for such assistance. The law would enter into force in July 2021. In the first six months personal assistance would be provided to approximately 600 people, and from 2022 to approximately 1 500 disabled people annually. In 2021, personal assistance will still be partially financed from the EU structural funds through pilot projects, therefore next year € 2 million would be needed from the State budget. From 2022, € 20 million would be needed annually.

On 21 October 2020, the Government (*Lietuvos Respublikos Vyriausybė*) approved a renewed procedure for indexing social insurance pensions<sup>177</sup>, which opens up opportunities to increase pensions by certain percentage. This requires a change in the formula so that a slight decline in gross domestic product (GDP) this year does not become an obstacle to pension growth and poverty reduction for seniors and people with disabilities. The indexation coefficient approved by the formula each year determines the increase in old age, incapacity for work, invalidity, widows 'and orphans' pensions.

On December 16, the Government (*Lietuvos Respublikos Vyriausybė*) approved state and municipal and Sodra budget projects<sup>178</sup>, which, with

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<sup>177</sup> Government of the Republic of Lithuania (2020), Decree on the draft law for amending the law on social insurance pensions ([\*Lietuvos Respublikos Vyriausybės 2020 spalio 21 d. nutarimas Dėl Lietuvos Respublikos socialinio draudimo pensijų įstatymo Nr. I-549 8 straipsnio pakeitimo įstatymo projekto Nr. XIIIIP-5172\(3\), Lietuvos Respublikos socialinio draudimo pensijų įstatymo Nr. I-549 22 straipsnio pakeitimo įstatymo projekto Nr. XIIIIP-5181, Lietuvos Respublikos socialinio draudimo pensijų įstatymo Nr. I-549 23 ir 54 straipsnių pakeitimo įstatymo Nr. XIII-3203 pakeitimo įstatymo projekto Nr. XIIIIP-5182 ir Lietuvos Respublikos socialinio draudimo pensijų įstatymo Nr. I-549 8 straipsnio pakeitimo įstatymo projekto Nr. XIIIIP-5184\*](#)) No. 1167, 21 October 2020. (Came into force on 24 October 2020)

<sup>178</sup> Government of the Republic of Lithuania (2020), Decree on the Submission of the Improved Law on the Approval of Financial Indicators of the State Budget and Municipal Budgets of the Republic of Lithuania for 2021 and Draft Legal Acts Related thereto to the Seimas of the Republic of Lithuania ([\*Lietuvos Respublikos Vyriausybės 2020 m. gruodžio 16 d. nutarimas Dėl patobulinto Lietuvos Respublikos 2021 metų valstybės biudžeto ir savivaldybių biudžetų finansinių rodiklių patvirtinimo įstatymo ir su juo susijusių teisės aktų projektų pateikimo Lietuvos Respublikos Seimui\*](#)) No. 1422, 16 December 2020 (Came into force on 17 December 2020).

the approval of the Parliament, will determine the increased child money, old age, disability and other pensions in 2021.

Old age and incapacity pensions will increase by 9.58% in the coming year. It is estimated that the average old-age pension with the required length of service in 2021 will reach 440 euros, and the average pension - 413 euros.

At present, the average old-age pension with the required length of service is € 400 and the average pension is € 377.

Next year, the child's money will increase from 60 to 70 euros. An additional benefit (€ 41) is available for children with disabilities, as well as for children from large or low-income families. Thus, the child's money for children with disabilities, children from large or poor families will reach 111 euros per month<sup>179</sup>.

Child money is paid to all children from birth to 18 years of age or to 21 years of age if the child (this is related specifically to children with disabilities) is enrolled in a general education program, including those in vocational training institutions where the education includes a general education program.

Within the draft state budget, 25.8 million Euro is additionally allocated to the fields of education, science and sports. Compared to 2020, next year's budget funding for these areas will increase by 370.5 million Eur. This include additional 15.1 million EUR in the state budget for strengthening the inclusion of education: for instance, EUR 3.7 million for the establishment of additional positions of teaching assistants from the beginning of next year, etc.<sup>180</sup> Those financial allocation will directly influence implementation of the amendments to the Law on Education<sup>181</sup>.

In October (on 11th and 25th October), elections to the Parliament of the Republic of Lithuania were organised in Lithuania. Although amendments to electoral laws<sup>182</sup> that came into force in the middle of 2019 introduced

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<sup>179</sup> Summary provided at the official website of the Government of the Republic of Lithuania ([Lietuvos Respublikos Vyriausybė](#))

<sup>180</sup> Summary provided at the official website of the Government of the Republic of Lithuania ([Lietuvos Respublikos Vyriausybė](#))

<sup>181</sup> Lithuania (2020), Law on Education (*Lietuvos Respublikos Seimo Švietimo įstatymas*) [No. I-1489](#), (Came into force on 1 January 2021 until 31 August 2021)

<sup>182</sup> Lithuania, Law on the amendment to the electoral laws (2018) ([Lietuvos Respublikos rinkimų į Europos Parlamentą įstatymo Nr. IX-1837 3, 7, 10, 22, 23](#),

an obligation to adapt all polling stations to people with disabilities, yet there are no absolute accessibility of polling stations still. According to the preliminary data provided by the Central Electoral Commission, there were 93 percent of polling stations accessible to persons with disabilities, by information provided by the municipalities<sup>183</sup>. Yet, by the 2019 election monitoring results<sup>184</sup> about 10 percent of polling stations declared as accessible were not adapted to the needs of persons with disabilities in practice.

## 2. CRPD monitoring at national level

Because of amendments to the Law on Equal Opportunities<sup>185</sup>, a new body – the Commission for the Monitoring of the Rights of Persons with Disabilities (*Žmonių su negalia teisių stebėsenos komisija*) came into existence in Lithuania on 1 July 2019. The Commission is composed of four representatives from disability NGOs and one representative from the Office of the Equality Ombudsperson (*Lygių galimybių kontrolieriaus tarnyba*). The Commission is responsible for monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities. Since the establishment of the Commission, no additional funding was provided for the Office of the Equality Ombudsperson for the work of the Commission from the state budget. The allocations in the amount of 18 thousand euro in 2019 and 22 thousand euro in 2020 were transferred from the Ministry of Social Affairs and labour<sup>186</sup> for compensating the work of the members of the Commission (4 NGOs representatives) and related services. Since the funding is not allowed to

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[30, 39, 66, 67, 68, 71 ir 72 straipsnių pakeitimo įstatymas](#)) No. XIII-1777, 13 December 2018. (Came into force on 1 January 2019, some parts of the Law came into force on 1 July 2019).

<sup>183</sup> Part of persons with disabilities will not be able to access to some polling stations (2020) ([VRK: dauguma rinkimų apylinkių yra pritaikytos neįgaliesiems](#)), published on 11 October 2020.

<sup>184</sup> According to disability NGO monitoring results of 2019 elections, around 10 percent of monitored accessible polling stations were found not properly adapted in reality.

<sup>185</sup> Lithuania (2018), Law Amending Articles 1, 16 and 17 and Supplementing with Article 15-1 the Law on Equal Opportunities (*Lietuvos Respublikos Seimo 2018 m. gruodžio 11 d. LR Lygių galimybių įstatymo 1, 16 ir 17 straipsnių pakeitimo ir Įstatymo papildymo 15-1 straipsniu įstatymas*), No. XIII-1760, 11 December 2018. (Came into force on 1 July 2019 (Art. 5 par 2 came into force on 19 December 2018).

<sup>186</sup> Protocol of the meeting of Commission for the Monitoring of the Rights of Persons with Disabilities the Office of the Equality Ombudsperson (2020) ([Žmonių su negalia teisių stebėsenos komisijos prie Lygių galimybių kontrolieriaus tarnybos 2020 m. vasario 6 d. posėdžio Protokolas](#)) No. 2020-02-12 NKP-3, 6 February 2020.

use for the salary the Office of the Equality Ombudsperson recalled its representative from the Commission, as well as secretary of the Commission on 1 January 2020. Thus, the work of the Commission in 2020 was implemented only partially with four representatives from disability NGOs. On 17 November, another member of the Commission resigned and the Commission is left only with three members. The Office of the Equality Ombudsperson announced open call for candidates from disability organisations to fill in the membership within the Commission.

On 23 October, Government (*Lietuvos Respublikos Vyriausybė*) registered Report on the implementation of the joint second and third periodic reports of the Republic of Lithuania on the implementation of the 2006 United Nations Convention on the rights of the persons with disabilities<sup>187</sup>, prepared by responsible state authorities on the progress of the implementation of the Convention and 2016 Recommendations to the Republic of Lithuania provided by United Nations Committee on the rights of persons with disabilities.

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<sup>187</sup> Government of the Republic of Lithuania (2020), Report on the implementation of the joint second and third periodic reports of the republic of Lithuania on the implementation of the 2006 convention on the rights of the united nations with disabilities ([\*Lietuvos Respublikos Vyriausybės 2020 m. spalio 23 d. teikimas dėl Lietuvos Respublikos sujungtų antrosios ir trečiosios periodinių ataskaitų dėl 2006 m. Jungtinių Tautų neįgaliųjų teisių konvencijos įgyvendinimo ataskaitos\*](#)) No. 20-9786(3), 23 October 2020.

# Annex 1 – Promising Practices

<b>Thematic area</b>	<p><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p>Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Emocinės paramos platforma patyčias patiriantiems LGBT moksleiviams
Title (EN)	An emotional support platform for LGBT school pupils experiencing bullying
Organisation (original language)	LGL – Nacionalinė LGBT teisių organizacija
Organisation (EN)	LGL – National LGBT Rights Organization
Government / Civil society	Civil society
Funding body	The emotional support platform was created within the framework of the project “CHOICE: Promoting School Environments Inclusive of Diversity based on SOGI” funded by the Rights, Equality and Citizenship (REC) Programme of the European Union
Reference (incl. url, where available)	<a href="https://lithuania.livewithoutbullying.com/">https://lithuania.livewithoutbullying.com/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 September 2020

Type of initiative	Emotional Support Platform; Awareness raising in the school environment related to discrimination, bullying and violence on the grounds of gender identity and sexual orientation.
Main target group	School pupils
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Young LGBT people facing bullying and hardship are invited to register for a consultation on the internet platform <a href="https://lithuania.livewithoutbullying.com/">https://lithuania.livewithoutbullying.com/</a> . Consultations for registered LGBT school pupils and emotional support will be provided by trained volunteers who have completed special training related to LGBT questions.
Highlight any element of the actions that is transferable (max. 500 chars)	Internet platform
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	It is important that every school pupil be given the possibility to pursue their education in a safe learning environment without facing bullying or discrimination.
Give reasons why you consider the practice as having concrete measurable impact	LGBT school pupils who experience bullying on the basis of sexual orientation and gender identity often do not have support from their close environment (parents or teachers), it is therefore important for them to receive professional emotional support.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	This initiative could: "contribute to the promotion of inclusive schools and the prevention or combating of intolerance on the grounds of gender identity and sexual orientation"; "enhance the capacities of secondary school professionals to support diversity and create inclusive school environments". It also "facilitates the reporting of incidents of violence and intolerance on the grounds of sexual orientation and gender identity and enables victims to access support services". Furthermore, it "raises awareness on discrimination, bullying and violence and the effects of intolerance on the grounds of sexual orientation and gender identity in the school environment" (children, parents, school professionals) and wider public (LGL National LGBT Rights Organization (2019), <a href="#">'CHOICE: Promoting</a>

	<a href="#">School Environments Inclusive of Diversity based on SOGI 2019 07 – 2021 07</a> , press release published on 10 October 2019).
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Not applicable.
Explain, if applicable, how the practice provides for review and assessment.	Not applicable.

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	<i>Policijos pareigūnų mokymai kovoti su neapykantos nusikaltimais. Projekto „Efektyvus atsako į neapykantos nusikaltimus ir neapykantos kalbą skatinimas Lietuvoje“ sudėtinė dalis-viena iš veiklų.</i>
Title (EN)	Training of police officers to combat hate crime. Part of the project “Promoting effective response to hate crime and hate speech in Lithuania”
Organisation (original language)	Žmogaus teisių centras (projekto koordinatorius) , Lietuvos policijos mokykla, Žmogaus teisių stebėjimo institutas, Europos žmogaus teisių fondas
Organisation (EN)	Lithuanian Centre for Human Rights ( <i>coordinator of the project</i> ), Lithuanian Police School, Human Rights Monitoring Institute, the European Foundation of Human Rights

Government / Civil society	Governmental and non-governmental
Funding body	The project is co-funded by the European Commission under the Rights, Equality and Citizenship Programme 2014–2020.
Reference (incl. url, where available)	<a href="http://hrmi.lt/en/promoting-effective-response-to-hate-crimes-and-hate-speech-in-lithuania/">http://hrmi.lt/en/promoting-effective-response-to-hate-crimes-and-hate-speech-in-lithuania/</a> <a href="http://hrmi.lt/promoting-effective-response-to-hate-crimes-and-hate-speech-in-lithuania/">http://hrmi.lt/promoting-effective-response-to-hate-crimes-and-hate-speech-in-lithuania/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The project is implemented in the period 1 July 2019–30 June 2021.
Type of initiative	Training face to face and in distance (online)
Main target group	Police cadets, police officers, instructors who teach about hate crime
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The methodological materials on teaching about hate crime and hate speech were prepared, 10 instructors ready to teach of hate crime face-to-face were prepared in 2020.</p> <p>In 2020, about 218 police cadets and police officers were taught face to face on hate speech and hate crime.</p> <p>Online classes on hate crime (8 academic hours, 6 themes, video materials) were developed and integrated at the police school internal system. These online classes will be used for teaching of hate crime and hate speech in distance.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	The idea to develop online teaching materials is sustainable and transferable to other contexts. This way of training can be done in distance and during quarantine period.



Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The online teaching materials can be used numerous times for different generations of police cadets and officers and renewed regularly.
Give reasons why you consider the practice as having concrete measurable impact	These initiatives enable to reach target groups in different locations and increase awareness of hate crime and teach the ways to react in such cases.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The idea of online teaching activity is not complex and could be implemented in different contexts.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The materials are prepared and developed having in mind previous experiences, research and discussions.
Explain, if applicable, how the practice provides for review and assessment.	

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.
Title (original language)	Pirmasis Lietuvoje romų restoranas "GYPSY lounge & grill"
Title (EN)	First Roma restaurant in Lithuania "GYPSY lounge and grill"
Organisation (original language)	Lietuvos romų bendruomenė
Organisation (EN)	Lithuanian Roma Community
Government / Civil society	Civil society
Funding body	Vilnius City Municipality ( <i>Vilniaus miesto savivaldybė</i> ), European Social Fund Agency ( <i>Europos socialinio fondo agentūra</i> ), the Department of National Minorities under the Government of Lithuania ( <i>Tautinių mažumų departamentas prie LR Vyriausybės</i> )
Reference (incl. url, where available)	<a href="https://www.facebook.com/gypsy.lounge.and.grill/">https://www.facebook.com/gypsy.lounge.and.grill/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 July 2020
Type of initiative	Social business/Business incubator

Main target group	General public and the Roma community (as employees)
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The restaurant which was opened by a Roma community leader aims to achieve two main goals. The first goal is to introduce Roma culture and to create a positive experience for non-Roma customers. The second goal is to provide job training and employment opportunities for Roma community members. The restaurant is located in Vilnius Oldtown and features traditional Roma dishes, live music concerts and special events such as a fortune telling evening. The identity of the restaurant builds upon traditional imaginary of Roma culture aiming to fight negative stereotypes about Roma people. The opening of the restaurant attracted Vilnius City politicians, some popular culture celebrities and received positive coverage in the media.
Highlight any element of the actions that is transferable (max. 500 chars)	A few elements can be listed: the aim to create a positive experience for people encountering Roma culture; the focus on the participation of Roma in popular culture; providing avenues for positive public relation campaigns for local politicians (helps to attract political support for other policy measures).
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The sustainability of the project will depend on the success of the restaurant. Nevertheless, it has already helped to change the conversation about the Roma community and the policy of Roma integration in Lithuania. The opening of the restaurant coincided with the final eviction of the Vilnius Kirtimai settlement (which had a very negative image in the public consciousness) and it preceded a new municipal Roma integration strategy in Vilnius. The restaurant is part of a broader change affecting the Roma community in Vilnius.
Give reasons why you consider the practice as having concrete measurable impact	The restaurant continues to receive positive media coverage and provides new topics for public discussion about the Roma community. It helps to dismantle the strong association of Roma with criminal activities (mainly drug dealing) that has dominated in the media for more than 20 years.

<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The approach of intentionally creating positive experiences when encountering Roma culture (for example, in music concerts, fairs, etc.) seems to provide a way to fight the negative stereotyping of Roma people. There is a lot of interest in Roma culture in mainstream society (even if the image of Roma culture is somewhat exoticised) and the participation of Roma in this conversation helps to build some mutual trust.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The project was created and implemented by a Roma community leader, who works as the main chef in the restaurant. The restaurant employs mainly Roma people.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
Title (original language)	Mobilioji programėlė „ADA gidas“
Title (EN)	Mobile app „ADA guide“
Organisation (original language)	Valstybinė duomenų apsaugos inspekcija, Mykolo Romerio universitetas
Organisation (EN)	State Data Protection Inspectorate, Mykolas Romeris university
Government / Civil society	Government, university
Funding body	The mobile app development is funded by the European Union Program on Rights, Equality and Citizenship (2014-2020).
Reference (incl. url, where available)	This mobile app can be downloaded for free from the Google Play Store and App Store: <a href="https://apps.apple.com/us/app/ada-gidas/id1530877100">https://apps.apple.com/us/app/ada-gidas/id1530877100</a> <a href="https://play.google.com/store/apps/details?id=lt.appstart.adagidas&amp;hl=en_US&amp;gl=US">https://play.google.com/store/apps/details?id=lt.appstart.adagidas&amp;hl=en_US&amp;gl=US</a> More information about “ADA guide” can be found here: <a href="https://vdai.lrv.lt/lt/naujienos/ada-gidas-mobilioji-programele-skirta-informacijos-sklaidai-apie-asmens-duomenu-apsauga">https://vdai.lrv.lt/lt/naujienos/ada-gidas-mobilioji-programele-skirta-informacijos-sklaidai-apie-asmens-duomenu-apsauga</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The mobile app was released on 08 September 2020 and presented to the public on 28 October 2020.
Type of initiative	Education on personal data protection
Main target group	This app is aimed at the data protection community, the organizations that process personal data and society in general, so that people could know better their rights in the

	field of personal data protection and how to protect them. More specifically, the main target groups are organizations and individuals, in particular health care providers, start-ups, small and medium-sized enterprises, the media, young people and the elderly.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The mobile app "ADA guide" was developed by the State Data Protection Inspectorate and Mykolas Romeris University, which in cooperation implemented the SolPriPa project, aimed to promote high standards of personal data protection and raise awareness in the field of personal data protection. It is a platform for dissemination of interactive information useful for those dealing with personal data protection issues and the General Data Protection Regulation.
Highlight any element of the actions that is transferable (max. 500 chars)	Education of the public and organizations on personal data protection, awareness raising of human rights in the field of personal data protection and how to protect them.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The plans of the State Data Protection Inspectorate provide for creating more tests in the near future, which would be useful in dealing certain personal data processing situations. Besides, gadget information are also planned to be updated and new topics added in the future. Apparently, the "ADA guide" is still very recent and only basic information is currently available in it. Nevertheless, it is planned to be improved and updated. Further development of this practice and provision of information not only in a manner oriented towards professionals, but also in simple and accessible language, will increase the level of interactivity, thus enabling the mobile app to continue to exist.
Give reasons why you consider the practice as having concrete measurable impact	The "ADA guide" could lead to the greater dissemination of information on personal data protection, because the users of this mobile app are able to find the guidelines, leaflets, videos, tests, surveys and other useful information on the protection of personal data and the application of the General Data Protection Regulation. In addition, personal data breaches may be detected more frequently, as this platform also allows organizations to

	take a special test to help them decide whether to notify the personal data breach to the State Data Protection Inspectorate in a particular case.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	It is likely that the provided information may help the State Data Protection Inspectorate to carry out personal data protection supervision activities, monitor the situation in Lithuania, assess emerging risks, plan inspections, present good practices both in Lithuania and abroad. Accordingly, this practice could be transferable to other settings and/or Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The "ADA guide" provides an exclusive heading "Your Information" where the users of this mobile app have the opportunity to contribute to the supervision of personal data protection in Lithuania. Thus, anyone can participate in personal data protection supervision activities, as this app encourages anonymous sharing of their assessments and insights about the processing of personal data in the market with the State Data Protection Inspectorate.
Explain, if applicable, how the practice provides for review and assessment.	Each post of individuals' insights into the processing of personal data in the market, on the processing of personal data that worries individuals and on examples of good practice are planned to be reviewed and evaluated by data protection professionals. <sup>1</sup> Furthermore, the number of downloads of the mobile app and the indicators of its use will help to assess the effectiveness and success of this practice.

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<sup>1</sup> Lithuania, State Data Protection Inspectorate, ADA Guide - a mobile app for disseminating information on personal data protection ([\*„ADA gidas“ – mobilioji programėlė, skirta informacijos sklaidai apie asmens duomenų apsaugą\*](#)), 28 October 2020.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Nuotolinio mokymo(si)/ugndymo(si) vadovas
Title (EN)	Guide on distance learning
Organisation (original language)	Nacionalinė švietimo agentūra
Organisation (EN)	National Education Agency
Government / Civil society	Government
Funding body	National Education Agency
Reference (incl. url, where available)	<a href="https://www.emokykla.lt/upload/nuotolinis/Nuotolinio_mokymo(si)_vadovas_visas_08-20.pdf">https://www.emokykla.lt/upload/nuotolinis/Nuotolinio_mokymo(si)_vadovas_visas_08-20.pdf</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	20 August 2020 (no finishing date)
Type of initiative	Guide for parents, teachers and education administrators on distance learning
Main target group	Parents, teachers and education administrators
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The guide on distance learning provides information and advice to target groups on distance learning for schoolchildren. During the quarantine, when schools were closed in Lithuania, the learning process was moved to the online environment; however, there was a lack of specialised information and advice on how to effectively conduct distance learning. The guide covers such topics as organisation of distance learning and support



	opportunities, distance learning and assessment, infrastructure, online learning environments, digital content, ensuring the quality of distance learning etc.
Highlight any element of the actions that is transferable (max. 500 chars)	The guide could be considered transferable if translated into other languages because such advice is relevant for many countries that chose to provide education via distance learning during the COVID-19 pandemic.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The guide will be useful throughout the COVID-19 pandemic and beyond, should children and schools require distance learning at any time in the future.
Give reasons why you consider the practice as having concrete measurable impact	The guide provides specific information and concrete advice on conducting distance learning for pupils that will have a direct impact on the organisation and quality of the educational process.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	This guide, if translated into other languages, could be adapted to any EU Member State that instituted distance learning during the COVID-19 pandemic.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The drafting of the guide involved members of the Association of School Directors, Lithuanian Association of Distance and E-learning and School Teachers' Association.
Explain, if applicable, how the practice provides for review and assessment.	The guide can be reviewed and assessed by parents, teachers and education administrators who are implementing distance learning in practice. This is the first version of the guide; it can be updated according to the feedback received.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Teismų savanorių programa
Title (EN)	The Court Volunteer Program
Organisation (original language)	Nacionalinė teismų administracija
Organisation (EN)	National Courts Administration
Government / Civil society	Government
Funding body	Once this program was introduced, it was funded by the Norwegian Financial Mechanism, but no specific funding is currently available and the necessary costs are covered from the budget allocated to courts.
Reference (incl. url, where available)	<a href="https://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/pagalba-liudytojams-ir-nukentejusiesiems/norintiems-tapti-teismo-savanoriais/4764">https://www.teismai.lt/lt/visuomenei-ir-ziniasklaidai/pagalba-liudytojams-ir-nukentejusiesiems/norintiems-tapti-teismo-savanoriais/4764</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The programme started in 2015, and Šiauliai Regional Court was the first to implement this program in Lithuania. Afterwards, other courts joined, and currently seven courts participate in the programme.
Type of initiative	Assistance to victims and witnesses of crime.
Main target group	Witnesses and victims of crime.
Indicate level of implementation: Local/Regional/National	National.
Brief description (max. 1000 chars)	The Lithuanian Court Volunteer Program aims to provide better assistance to witnesses and victims of crime in court proceedings. Volunteers acquaint visitors with the court environment; provide information on procedural rights and responsibilities of victims and witnesses, as well as practical information related to the court proceedings. However,

	volunteers do not provide legal consultations. There are no special educational requirements for volunteers, but they must undergo special training and have necessary knowledge of the court system and judicial proceedings, the rights and responsibilities of witnesses and victims, as well as how to communicate with people who had suffered traumatic experiences.
Highlight any element of the actions that is transferable (max. 500 chars)	Volunteers help victims and witnesses to orient in the court premises, provide them with practical information about the court hearing, and introduce their rights and responsibilities in a simple and accessible way.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The Court Volunteer Service started its work in 2016 and is still operating. It is considered a successful and sustainable practice, which not only facilitates the work of the court but also speeds up case processing. The Court Volunteer Service demonstrated that the idea of the court as a socially responsible institution has proved its worth and is gaining more and more importance.
Give reasons why you consider the practice as having concrete measurable impact	The success of this program is primarily because volunteers have taken over part of the work from the court clerks; they also facilitate the work of the court clerk and ensure a smooth trial. In this way, the work of the court and the case proceedings are expedited. More specifically, at the beginning of 2020, 51 people volunteered in the country's courts. In the first half of 2020, assistance was provided to more than 500 people, and the numbers used to be significantly higher before the pandemic.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	This practice was implemented in Lithuania following the example of Norway. Thus, it shows that the Court Volunteer Program is transferable to other countries that seek to facilitate the work of the courts and help victims of crime through this initiative.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and	Witnesses and victims in need of assistance in confusing court cases can request for this support by calling the court-run Volunteer Service in advance and arranging a meeting, or by seeing the volunteer just before the hearing, arriving at the court and asking for assistance at the reception.

implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	It is the number (mentioned above) of volunteers and court visitors who have received the necessary assistance that makes it possible to assess the success of this practice.

<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b>
	Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
	No promising practice has been identified for this thematic area.

## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
<b>Decision date</b>	3 June 2020
<b>Reference details</b>	Ruling „On the compliance with the provisions of the Provisional Law on the State Pensions of Scientists with the Constitution” of the Constitutional Court ( <i>Lietuvos Respublikos Konstitucinis teismas Lietuvos Respublikos vardu nutarimas „Dėl Lietuvos respublikos mokslininkų valstybinių pensijų laikinojo įstatymo nuostatų atitikties Lietuvos Respublikos konstitucijai”</i> ) No. KT100-N6/2020
<b>Key facts of the case</b> (max. 500 chars)	<p>Applicant, the Regional District Administrative Court (<i>Regionų apygardos administracinis teismas</i>) suspended the hearing of the administrative case and applied to the Constitutional Court (application No. 1B-24/2018) regarding the compliance of the disputed legal regulation with the Constitution of Republic of Lithuania. In the case of administrative court, the dispute arose over the decisions of the State Social Insurance Fund Board under the Ministry of Social Security and Labour of the Republic of Lithuania (<i>Valstybinio socialinio draudimo fondo valdybos prie Lietuvos Respublikos socialinės apsaugos ir darbo ministerijos</i>) and the department of the Board in Klaipėda city to refuse recalculate the applicant's already appointed state pension after applicant has acquired additional scientific doctor (PhD) work experience.</p> <p>The provision of Paragraph 1 of Article 4 of the Provisional Law stipulates that the length of service of a doctor (PhD) and of a habilitated doctor consists of the period of the employment of a person as a scientist in the Republic of Lithuania’s state institutions of science and studies until that person reaches the age of 65.</p>

	Therefore, the Regional District Administrative Court asked to investigate whether The provision of Paragraph 1 of Article 4 of the Provisional Law is in conflict with Article 29 of the Constitution, which lays down the principle of the equality of the rights of persons, and with Article 52, which declares the right of citizens to receive state's old-age and other pensions.
<b>Main reasoning/argumentation</b> (max. 500 chars)	"The provision of Paragraph 1 of Article 4 of the Provisional Law, insofar as it stipulates that the length of service of a doctor and of a habilitated doctor consists of the period of the employment of a person as a scientist in the Republic of Lithuania's state institutions of science and studies until that person reaches the age of 65, is in conflict with Article 29 of the Constitution, which lays down the principle of the equality of the rights of persons, and with Article 52 thereof." (The Constitutional Court of the Republic of Lithuania (2020) ' <a href="#">Some provisions of the Provisional Law on the State Pensions of Scientists are in conflict with the Constitution: discrimination based on age has been found for the first time</a> ', press release published on 3 June 2020 and updated on 15 June 2020).
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	By its <a href="#">ruling</a> , the Constitutional Court declared unconstitutional certain provisions of the Provisional Law on the State Pensions of Scientists that regulate the conditions for granting and paying the state pensions of scientists. The discrimination based on age has been found for the first time in the provisions of the Provisional Law on the State Pensions of Scientists that are in conflict with the Constitution of the Republic of Lithuania.
<b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)	This ruling of the Constitutional Court is final and not subject to appeal.
<b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)	"Pripažinti, kad Lietuvos Respublikos mokslininkų valstybinių pensijų laikinojo įstatymo (1994 m. gruodžio 22 d. redakcija; Žin., 1995, Nr. 1-4) 4 straipsnio 1 dalies nuostata „daktaro stažą sudaro asmens mokslinio darbo Lietuvos Respublikos valstybinėse mokslo ir studijų institucijose laikas nuo daktaro laipsnio suteikimo dienos, o habilituoto daktaro stažą – mokslinio darbo minėtose institucijose laikas nuo habilituoto daktaro laipsnio suteikimo

	<p>dienos, bet abiem atvejais ne ilgiau negu tam asmeniui sukaks 65 metai“ tiek, kiek joje nustatyta, kad daktaro arba habilituoto daktaro stažą sudaro asmens mokslinio darbo Lietuvos Respublikos valstybinėse mokslo ir studijų institucijose laikas iki tam asmeniui sukaks 65 metai, prieštarauja Lietuvos Respublikos Konstitucijos 29, 52 straipsniams. “ (Ruling „On the compliance with the provisions of the Provisional Law on the State Pensions of Scientists with the Constitution“ of the Constitutional Court (<i>Lietuvos Respublikos Konstitucinis teismas Lietuvos Respublikos vardu nutarimas „Dėl Lietuvos respublikos mokslininkų valstybinių pensijų laikinojo įstatymo nuostatų atitikties Lietuvos Respublikos konstitucijai“</i>) No. KT100-N6/2020</p> <p>“The provision of Paragraph 1 of Article 4 of the Provisional Law, insofar as it stipulates that the length of service of a doctor and of a habilitated doctor consists of the period of the employment of a person as a scientist in the Republic of Lithuania’s state institutions of science and studies until that person reaches the age of 65, is in conflict with Article 29 of the Constitution, which lays down the principle of the equality of the rights of persons, and with Article 52 thereof.” (The Constitutional Court of the Republic of Lithuania (2020) <i>‘Some provisions of the Provisional Law on the State Pensions of Scientists are in conflict with the Constitution: discrimination based on age has been found for the first time’</i>, press release published on 3 June 2020 and updated on 15 June 2020).</p>
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<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE.</b> Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b>
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	Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
<b>Decision date</b>	6 January 2020
<b>Reference details</b>	Vilnius Regional Administrative Court (Vilniaus apygardos administracinis teismas), case No. EI2-636-1047/2020, <a href="https://e-teismai.lt/byla/116365665104775/eI2-636-1047/2020">https://e-teismai.lt/byla/116365665104775/eI2-636-1047/2020</a>
<b>Key facts of the case</b> (max. 500 chars)	In October 2018, the applicant settled the contested promissory note and applied to the notary and the Lithuanian Chamber of Notaries asking them to remove his personal data (name and address) from the register of promissory notes contested due to non-payment, which is published on the website of the Chamber of Notaries. Both the notary and the Chamber of Notaries refused to delete the applicant's personal data from the website, stating that such processing of the applicant's personal data is lawful in accordance with the legal obligation applicable to the data controller. In particular, provisions of the Law on Promissory Notes and Rules for protesting promissory notes and checks were invoked. These provisions provided only for the obligation of a notary to publish the relevant information and did not provide for the possibility or right to delete this information from the Register. The applicant submitted a complaint to the State Data Protection Inspectorate, but his complaint was rejected as unfounded.
<b>Main reasoning/argumentation</b> (max. 500 chars)	The Court acknowledged that the notary and the Chamber of Notaries had a duty to comply with the laws of the Republic of Lithuania, thus they lawfully processed the applicant's data (applicant's name, surname, address and amount of the promissory note) by including this data into the register on the website of the Lithuanian Chamber of Notaries. However, as far as relevant national legal provisions did not specify the purpose for the processing of this data, and did not set a deadline for public disclosure, these provisions were incompatible



	<p>with the General Data Protection Regulation (GDPR). Thus, in deciding whether to grant the applicant's complaint, the provisions of the GDPR have to be applied directly.</p> <p>As the Inspectorate did not analyse whether the applicant actually paid his debt, the Court emphasised that this circumstance had to be established in deciding whether to grant the applicant's complaint. This was especially true in a situation where legal regulation concerning the purpose and term for the processing of personal data was absent. A contrary interpretation of the law would allow infringement of the individual rights related to the processing of personal data by using the formal disguise of a legal obligation under national law, and thus avoiding the application of the fundamental principles of the GDPR.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<p>It was clarified that the provisions set out in the preamble of the GDPR, the objectives of the GDPR, and the principles set out in the BDAR determine that the protection of personal data must be ensured also in cases where such data is processed based on an obligation established by law.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The Court instructed the State Data Protection Inspectorate to re-examine the applicant's complaint in accordance with the explanations provided in the Court's decision.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>Teismas, vadovaudamasis nurodytais teisės aktais ir teismų praktika, daro išvadą, kad ĮPVI 83 straipsnis ir Taisyklių 41–44 punktai prieštarauja BDAR tuo aspektu, kad nenustato asmens duomenų tvarkymo tikslo ir termino, ir išaiškina, kad turi būti vadovaujama BDAR nuostatomis. Lietuvos vyriausiojo administracinio praktikoje (2014 m. lapkričio 3 d. nutartis administracinėje byloje Nr. A-822-1265-14) yra išaiškinta, kad tais atvejais, kai tuos pačius teisinius santykius reguliuoja ir reglamento, ir nacionalinės teisės nuostatos, visų pirma turi būti vadovaujama reglamento normomis. Būtent reglamentas tokiu atveju yra pagrindinis teisės aktas, kuriame įtvirtintas reguliavimas taikomas tiesiogiai.</p> <p>[...]</p> <p>BDAR preambulėje išdėstytos nuostatos, BDAR tikslai, BDAR nurodyti principai lemia, kad asmens duomenų apsauga turi būti užtikrinta ir tais atvejais, kai asmens duomenys tvarkomi įstatyme įtvirtintos prievolės pagrindu.</p>

	<p>The court concludes from the above legislation and case law that Article 83 of the Law on Promissory Notes and Paragraphs 41–44 of the Rules are in conflict with the GDPR in that they do not set the purpose and term of the processing of personal data; thus the provisions of the GDPR must be followed. The case law of the Supreme Administrative Court of Lithuania (ruling of 3 November 2014 in administrative case No. A-822-1265-14) clarifies that in cases where the same legal relations are regulated by a [EU] Regulation and by national legal provisions, the provisions of the Regulation should be granted priority. In such a case it is the Regulation which is the main legal act and which has to be applied directly.</p> <p>[...]</p> <p>The provisions set out in the preamble of the GDPR, the objectives of the GDPR, and the principles set out in the GDPR determine that the protection of personal data must be ensured also in cases where such data is processed based on an obligation established by law.</p>
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<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.
<b>Decision date</b>	17 July 2019 (was entered into the official case-law database <a href="http://www.liteko.lt">www.liteko.lt</a> on 16 January 2020)
<b>Reference details</b>	Kaunas Regional Court (Kauno apygardos teismas), case No. N1-84-238/2020, <a href="http://liteko.teismai.lt/viesasprendimupaiseska/tekstas.aspx?id=d27d9ae0-d307-4e7f-aea6-b2ea1616bbfe">http://liteko.teismai.lt/viesasprendimupaiseska/tekstas.aspx?id=d27d9ae0-d307-4e7f-aea6-b2ea1616bbfe</a>
<b>Key facts of the case</b> (max. 500 chars)	A.J. was accused of causing grave bodily harm and carrying out a robbery as a minor. The criminal case is still being adjudicated. The lower instance court issued a remand measure – detention for 1 month, which was later extended for a further 2 months. Kaunas Regional Court was deciding whether to further extend the period of detention of the accused.
<b>Main reasoning/argumentation</b> (max. 500 chars)	<p>The court ruled that the remand measure is to be changed from detention to a more lenient measure.</p> <p>The court noted Article 119 of the Code of Criminal Procedure which provides that remand measures can be applied for the purpose of ensuring the participation of the suspect, accused, or convicted person in the proceedings, [ensure] unhindered criminal investigation, adjudication of the case in court and execution of the judgement, also to prevent further criminal activities.</p> <p>Recital 45 of Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings provides that children be in a particularly vulnerable position when they are deprived of liberty. Special efforts should therefore be undertaken to avoid deprivation of liberty and, in particular, detention of children at any stage of the proceedings before the final determination by a court of the question whether the child concerned has committed the criminal offence, given the possible risks for their physical, mental and social development, and because deprivation of liberty could lead to difficulties as regards their reintegration into society.</p>

	<p>Remand measure – detention is to be applied to minors only in exceptional cases, when it is completely obvious, that with other remand measures the aims provided for in Article 119 of the Code of Criminal Procedure will not be achieved.</p> <p>Article 139 of the Code of Criminal Procedure states that the applied remand measure is revoked, when it becomes obsolete, or is replaced by a stricter or more lenient remand measure, when the circumstances of the case requires this.</p> <p>Article 11 Paragraph 1 of the Code of Criminal Procedure contains an imperative provision, that procedural coercion measures should be applied only in cases, when without them it is impossible to achieve the purposes of the criminal procedure. Each applied measure must be necessary and appropriate to implement the aims of the criminal procedure, that is, human rights must be restricted only to the extent that is unavoidable to ensure the proper conduct of the criminal procedure.</p> <p>The court found that the minor A.J. has a permanent place of residence and has not been convicted previously. In applying the remand measure of detention to A.J and then extending this measure, it was not established by the lower instance courts that the aims foreseen in Article 119 of the Code of Criminal Procedure definitely could not have been achieved by applying more lenient measures. The court concluded that there were no factual circumstances in the case that would substantiate the necessity of the stricter remand measure to the accused; therefore, the aims of the criminal procedure could be achieved by applying more lenient remand measures. The remand measure of detention was therefore changed by the court to a more lenient remand measure – written obligation not to leave.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<p>The key issue clarified by the case was the necessity for the courts to consider more lenient remand measures with respect to minors before resorting to the strictest remand measure – detention. The Court invoked the Directive and drew attention to the consequences that strict remand measures such as deprivation of liberty may have on children.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The remand measure of detention was changed to a more lenient remand measure – written obligation not to leave.</p>

<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>Europos parlamento ir tarybos 2016 m. gegužės 11 d. direktyvos Nr. (ES) 2016/800 dėl procesinių garantijų vaikams, kurie baudžiamajame procese yra įtariamieji ar kaltinamieji 45 punkte nustatyta, kad vaikai, iš kurių atimta laisvė, yra itin pažeidžiami, todėl dėl galimos rizikos vaikų fiziniams, protiniams ir socialiniams vystymuisi ir dėl to, kad laisvės atėmimas galėtų sudaryti sunkumų jų reintegracijai į visuomenę, reikėtų dėti ypatingas pastangas, kad būtų išvengta vaikų laisvės atėmimo ir, visų pirma, jų sulaikymo bet kokioje proceso stadijoje prieš teismui galutinai nusitariant, ar atitinkamas vaikas padarė nusikalstamą veiką.</p> <p>Recital 45 of Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings provides that children be in a particularly vulnerable position when they are deprived of liberty. Special efforts should therefore be undertaken to avoid deprivation of liberty and, in particular, detention of children at any stage of the proceedings before the final determination by a court of the question whether the child concerned has committed the criminal offence, given the possible risks for their physical, mental and social development, and because deprivation of liberty could lead to difficulties as regards their reintegration into society.</p>
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<p><b>Thematic area</b></p>	<p><b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.</p>
<p><b>Decision date</b></p>	<p>5 June 2020</p>
<p><b>Reference details</b></p>	<p>Lithuanian Supreme Court (Lietuvos Aukščiausiasis Teismas), Case No 2K-139-511/2020, <a href="http://liteko.teismai.lt/viesasprendimupaiaska/tekstas.aspx?id=6d7e227c-723a-428e-9d56-8782b39a6eae">http://liteko.teismai.lt/viesasprendimupaiaska/tekstas.aspx?id=6d7e227c-723a-428e-9d56-8782b39a6eae</a></p>
<p><b>Key facts of the case</b> (max. 500 chars)</p>	<p>The applicant was convicted of threatening to kill a person when there were reasonable grounds to believe that the threat could be carried out. In a cassational complaint his lawyer argued that for the criminal offence referred to in Article 145(1) of the Criminal Code</p>

	<p>(threat to murder), the will of the victim to initiate a pre-trial investigation must be clearly expressed and enshrined in a separate procedural document – victim’s complaint. The defence also argued that the requirements of the “Recommendations on the initiation of pre-trial investigation” were violated as a resolution concerning the initiation of a pre-trial investigation was placed on the victim’s complaint retroactively. Thus, in the opinion of the defence, the pre-trial investigation was initiated unlawfully.</p>
<p><b>Main reasoning/argumentation</b> (max. 500 chars)</p>	<p>The Supreme Court noted that according to its case law, the victim's initiative to initiate a pre-trial investigation is not limited to a particular form of complaint; therefore, it is not contrary to the law to initiate a pre-trial investigation when the victim expresses his/her will in various forms (e.g. protocol-statement). The essential material factor in such a case is whether the victim or his/her representative expressed a wish to initiate criminal proceedings for the offence committed. It is apparent from the present case that the victim notified the incident by telephone to the General Emergency Centre. After that, the victim stated the circumstances of the case to the police investigator. Thus, the Court of Appellate Instance rightly considered that the victim's position, both during the pre-trial investigation and during the subsequent trial, clearly showed that he, in exercising his procedural rights as a victim and applying to the pre-trial investigation authority, sought prosecution of the offender.</p> <p>Concerning the defence arguments that resolution concerning initiation of a pre-trial investigation was added only after the investigation had been initiated, the Supreme Court ruled that according to its case law, in case of conflict between the need to ensure the protection of the victim's rights and the shortcomings raised by the perpetrator regarding compliance with the requirements of the Code of Criminal Procedure for initiating a pre-trial investigation, the protection of a victim’s rights should be accorded a priority. It is apparent from the data in the case that, according to the circumstances specified by the victim in the protocol-statement, the pre-trial investigation officer identified signs of the criminal act referred to in Article 145(1) of the Criminal Code, and a pre-trial investigation was initiated on the same day. Thus, it must be stated that the pre-trial investigation was initiated in compliance with the essential requirements of the Code of Criminal Procedure. Meanwhile, there is no evidence in the case that the possible shortcomings in the implementation of the Recommendations discussed above in the pre-trial investigation would have prevented</p>

	<p>establishing the truth in the case or restricted the rights of the defendant in the present case. Thus, even without ruling out that the pre-trial investigation did not comply with the requirement of the Recommendations to write the relevant resolution in the document at the beginning of the pre-trial investigation, there is no reason to state that this irregularity could have amounted to a substantial violation of the criminal procedure, rendering the entire further course of the criminal proceedings and its final result unlawful.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<p>The Supreme Court upheld its position that the will of the victim to initiate pre-trial investigation does not have to be formalised in a specific procedural document. The will of the victim may be evident from various circumstances, including providing information to the pre-trial investigator, participating in the trial, etc.</p> <p>In addition, the Supreme Court one more time confirmed its position that minor irregularities of the criminal proceedings cannot render the whole proceedings unlawful. In particular, the court invoked the Victims' Rights Directive and the need to ensure the protection of the victim's rights.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The cassational complaint was rejected.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>Pagal formuojamą kasacinio teismo praktiką, esant konfliktui tarp būtinumo užtikrinti nukentėjusiojo teisių apsaugą ir kaltininko iškeltų trūkumų dėl BPK reikalavimų ikiteisminiam tyrimui pradėti laikymosi, pirmenybė paprastai teikiama būtent nukentėjusiųjų teisių apsaugai (kasacinės nutartys baudžiamosiose bylose Nr. 2K-265-976/2017, Nr. 2K-265-976/2017). Kita vertus, nagrinėjamos bylos kontekste pažymėtina, kad baudžiamojo proceso įstatymas tiesiogiai neįtvirtina, kokia forma turi būti įforminama ikiteisminio tyrimo pradžia, ir su tuo nesieja ikiteisminio tyrimo pradėjimo teisėtumo (neteisėtumo), be to, pagal minėtų Rekomendacijų 2 p. jomis įgyvendinami 2012 m. spalio 25 d. Europos Parlamento ir Tarybos direktyvos 2012/29/ES, kuria nustatomi būtiniausi nusikaltimų aukų teisių, paramos joms ir jų apsaugos standartai, taigi ir šių Rekomendacijų prioritetą yra būtent nukentėjusiųjų teisių apsauga.</p>

	<p>According to the case law of the Court of Cassation, in case of conflict between the need to ensure the protection of the victim's rights and the shortcomings raised by the perpetrator regarding compliance with the requirements of the Code of Criminal Procedure for initiating pre-trial investigation, the protection of victims' rights should be accorded a priority (cassational rulings in criminal cases No. 2K-265-976/2017, No. 2K-265-976 / 2017). On the other hand, in the context of the present case, it should be noted that the Code of Criminal Procedure does not directly establish the form in which the commencement of a pre-trial investigation must be formalised, nor does it link the legality of the commencement of a pre-trial investigation to any particular form. In addition, Recommendations on the initiation of pre-trial investigation implement Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and therefore the priority of these Recommendations is precisely the protection of victims' rights.</p>
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<p><b>Thematic area</b></p>	<p><b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.</p>
<p><b>Decision date</b></p>	<p>12 June, 2020</p>
<p><b>Reference details</b></p>	<p><a href="https://www.lygybe.lt/lt/kontroliere-auksciausios-instancijos-teismas-leido-diskriminuoti-asmenis-su-negalia">https://www.lygybe.lt/lt/kontroliere-auksciausios-instancijos-teismas-leido-diskriminuoti-asmenis-su-negalia</a></p> <p>The decision of the Supreme Administrative Court of Lithuania in an administrative case recognised that Kaunas City HealthCare Centre, which was not accessible to people in wheelchairs, <b>did not discriminate against persons with disabilities</b>.</p> <p>This is a final court decision and it is not possible to appeal against it. It denies not only the right of individual complainants to receive quality health care on an equal basis with others, but also the equal access of all persons with disabilities to public buildings.</p>



<p><b>Key facts of the case</b> (max. 500 chars)</p>	<p>There was no access to the Aleksotas Family Health Care Subdivision of the Šilainiai Unit for Patients with disabilities. The Office of Equal Opportunities adjudicated the complaint. The decision of the Equal Opportunities Ombudsman acknowledged that Aleksotas Family Health Care Subdivision of the Šilainiai Unit discriminated against persons with disabilities and recommended that it create conditions for patients with disabilities to enter the Aleksotas Family Health Care Subdivision of the Šilainiai Unit of Kaunas City Health Care Centre.</p> <p>Kaunas City Health Care Centre appealed the decision of the Office of Equal Opportunities to the court. The court of first instance stated that the Ombudsman was right to establish the fact of discrimination.</p> <p>The decision of the Supreme Administrative Court of Lithuania annulled both decisions.</p>
<p><b>Main reasoning/argumentation</b> (max. 500 chars)</p>	<p>The court argued that the health care centre's administration did not aim to discriminate against patients with disabilities. During the investigation of the Equal Opportunities Ombudsman, the managers of the health care centre planned to adapt the building. As the requirements of the Building Regulation on the accessibility of buildings apply only to newly constructed or reconstructed buildings, the health care centre located in an old building is not obliged to ensure accessibility to the building for every resident. It is important that patients have an alternative way of accessing health care, such as when doctors visit patients at home or when patients go to other outpatient departments.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<p>Accessibility of public buildings to people with reduced mobility.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The judges decided that Kaunas City Health Care Centre, which was not accessible to wheelchair users, did not discriminate against persons with disabilities.</p> <p>It can be concluded old public buildings do not have to be accessible to people with reduced mobility, which is in conflict with the UN Convention of the rights of persons with disabilities.</p>

<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	
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