

Fragnet National contribution to the Fundamental Rights Report 2020

Lithuania

Contractor's name: Lithuanian Social Research Center, Human Rights
Monitoring Institute, Diversity Development
Group

Authors' names: Dr. Monika Frėjutė-Rakauskienė (Chapter 1), Dr. Kristina
Šliavaitė (Chapter 2), Dr. Vita Kontvainė (Chapter 3); Dr.
Laurynas Biekša (Chapter 4); Karolis Liutkevičius (Chapter
5), Mėta Adutavičiūtė (Chapter 6), Dr. Erika Leonaitė
(Chapter 7), Dovilė Juodkaitė (Chapter 8).

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Franet country study: policy and legal highlights 2019

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| Issues in the fundamental rights institutional landscape | The Independent Commission for monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities was established under the amendments to the Law on Equal Opportunities which entered into force in July 2019. The Independent Commission operates under the Office of the Equal Opportunities Ombudsperson. |
| EU Charter of Fundamental Rights | The EU Charter of Fundamental Rights in 2019 was invoked by the Supreme Court of Lithuania in a copyright case while balancing competing rights of copyright holders, internet services providers and internet users. The Charter was also referred to by the Constitutional Court of Lithuania in a family reunification case in the context of free movement of EU citizens and their family members. |
| Equality and non-discrimination | The Constitutional Court adopted the decision which stated that sexual orientation, sexual identity and same-sex family relationships are protected under the Constitution of the Republic of Lithuania. This decision adopted on 22 January 2019 lays the foundation for the recognition of the rights of same-sex couples in the field of migration and explicitly adds the grounds of sexual orientation as an integral part of the Constitutional Equality clause. |
| Racism, xenophobia & Roma integration | New developments to address hate crime: The Ministry of the Interior initiated and coordinated the project ' Strengthening the response to hate crime and hate speech in Lithuania '. Based on research findings the drafted recommendations address measures for state and law enforcement institutions on prevention, protection and countering hate crime. In 2019 the Parliament (<i>Seimas</i>) amended the Law of Holidays and Observances which included 2 August as Roma Holocaust Memorial Day |
| Asylum & migration. | No significant changes regarding unaccompanied children introduced in the new revision of the Description of the Procedures for Assessment of the Age, Accommodation and Taking of Other Procedural Actions of Non-asylum Seeking Unaccompanied Aliens Children Identified in the Republic of Lithuania on 18 September 2019. |
| Data protection and digital society | GDPR enforcement In May 2019 the State Data Protection Inspectorate imposed a record fine for Lithuania , € 61,500 on an electronic payment company, for a breach of personal data, which was not reported. Artificial intelligence: in March 2019 the Ministry of the Economy and Innovation adopted the Lithuanian artificial intelligence strategy |
| Rights of the child | Directive (EU) 2016/800 has been transposed: On 16 July, 2019, Lithuanian Parliament (<i>Seimas</i>) passed the amendments to the Criminal Procedure Code and the Law on Execution of Pre-Trial Detention , transposing the Directive on procedural safeguards for children who are suspect or accused persons in criminal proceedings. On 19 July, 2019, the order of the Prosecutor General approved a " letter of rights " for children suspects and accused. On 9 September 2019, the order of the Minister of Social Security and Labour approved the Description of Child's Individual Assessment Procedure . |
| Access to justice, including victims of crime | Extended possibilities for victims of crime to receive legal aid. On 1 January 2019 amendments to the Law on State Guaranteed Legal Aid came into force, providing for free representation in legal proceedings by a duty lawyer for all victims of certain crimes, including for victims of domestic violence, sex crimes, and hate crimes. These categories of victims are entitled to receive free state-guaranteed legal representation without applying income test. |
| Convention on the Rights of Persons with Disability | CRPD implementation: In 2019 major amendments to legal acts provided for better access to social insurance, housing, health and social services for children with disabilities, families bearing up children with disabilities and adult individuals with disabilities. |

Chapter 1. Equality and non-discrimination

1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

The Parliament (*Seimas*) adopted the amendments to the Law on Equal Opportunities (*Lygių galimybių įstatymas*)¹ on 19 December 2018 and these entered into force in July 2019. These amendments give a legal mandate to the Ombudsperson for Equal Opportunities to establish the Independent Commission on Monitoring the Rights of Persons with Disabilities under the Office of the Equal Opportunities Ombudsperson (hereafter – Commission) to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities (CERD). The Commission is authorised to carry out the control function, provide recommendations and prepare reports to ensure monitoring of the implementation of the CERD. Under these amendments to the Law on Equal Opportunities, Lithuania complies with the recommendation of the UN Committee of CERD to establish an independent CERD monitoring mechanism.

The amendments to the ‘Non-discrimination promotion Action Plan for 2017-2019’ were adopted on 19 February² and 17 July³. The amendments of 19 February provide measures to organise training on non-discrimination, tolerance and access to social services. The training will target a number of different groups such as youth, youth workers, employers, employees working in the field of integration of foreigners granted asylum in Lithuania, police officers who investigate cases of hate crimes towards LGBT people, and justice officers who deal with hate crimes and social workers. Responsible institutions, such as the Department of Youth Affairs, the Employment Service, the Department of Social Services Supervision under the Ministry of Social Security and Labour, the Office of the Equal Opportunities Ombudsperson, the Police Department under the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Social Security and Labour were specified as responsible institutions for the implementation of the provided measures. The amendments of 17 July provided the measure for the Ministry of Social Security and Labour to organise a public roundtable discussion on equal opportunities.

In addition, the amendments to the Law on Equal Opportunities (*Lygių galimybių įstatymas*) which came into force in 2019, directly contribute to the Action Plan measure, which aims to prepare legislative amendments to extend the ombudsperson's functions in the framework of the coordination and monitoring mechanism of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol.

¹ Lithuania, Law amending Art. 1, 16 and 17 of Law on Equal Opportunities No. IX-1826 and supplementing with Art. 151 (Lietuvos Respublikos lygių galimybių įstatymo Nr. IX-1826 1, 16 ir 17 straipsnių pakeitimo ir įstatymo papildymo 151 straipsniu įstatymas), 11 December 2018 (Came into force on 1 July 2019 (The second part of Art. 5 came into force on 19 December 2018).

² Minister of Social Security and Labour of the Republic of Lithuania (2019), Order amending the Order approving the ‘Non-Discrimination Promotion Action Plan 2017-2019’ of the Minister of Social Security and Labour of the Republic of Lithuania No. A1-250 on 15 May 2017 (Įsakymas dėl Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2017 m. gegužės 15 d. įsakymo Nr. A1-250 „Dėl nediskriminavimo skatinimo 2017-2019 metų veiksmų plano patvirtinimo“ pakeitimo), Nr. A1-104, 19 February 2019.

³ Minister of Social Security and Labour of the Republic of Lithuania (2019), Order amending the Order approving the ‘Non-Discrimination Promotion Action Plan 2017-2019’ of the Minister of Social Security and Labour of the Republic of Lithuania No. A1-250 on 15 May 2017 (Įsakymas dėl Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2017 m. gegužės 15 d. įsakymo Nr. A1-250 „Dėl nediskriminavimo skatinimo 2017-2019 metų veiksmų plano patvirtinimo“ pakeitimo), No. A1-404, 17 July 2019.

On 22 January 2019 the Constitutional Court adopted the decision⁴ which stated that sexual orientation, sexual identity and same-sex family relationships are protected under the Constitution of the Republic of Lithuania. On 5 December 2016 the Supreme Administrative Court of Lithuania applied to the Constitutional Court with an inquiry on whether certain provisions of the Law on Legal Status of Aliens, “which restrict the right of residence to married or registered partners (while national law explicitly forbids same-sex marriage and does not provide the possibility for a registered partnership), is in conformity with Articles 22 (protection from unlawful interference with a person’s private and family life), 29 (equality clause) and 38 (protection of family, motherhood, fatherhood, and childhood) of the Constitution”⁵. This decision lays the foundation for the recognition of the rights of same-sex couples in the field of migration and explicitly adds the grounds of sexual orientation as an integral part of the Constitutional equality clause⁶.

2. Research findings, studies or surveys on either experiences of discrimination or rights awareness

In 2019 the Office of the Equal Opportunities Ombudsperson published the national review on the situation of transgender persons in Lithuania⁷. The review was based on data of a representative survey of the Lithuanian population (1,000 residents over 18 years of age in 24 cities and 33 villages took part in the survey), and was conducted 9–18 November 2018⁸. In addition, qualitative interviews (with 5 transgendered peoples and 6 experts – legal and health care professionals, governmental and non-governmental organisations dealing with gender reassignment and/or gender identity recognition in their professional activities) and the legal documents analysis data supplemented the representative survey findings.

The representative survey data reveal that respondents are not aware of transgender persons, since half of the Lithuanian population said that they do not know (26.1 %), or are not certain, that they know (28.1%) what the term transgender person means. Therefore, it is recommended that the State and municipal authorities undertake to publicly support campaigns and initiatives aimed at raising public awareness about transgender people and that public education and awareness-raising measures be included in the Lithuanian national strategic document.

The qualitative research data analysis revealed that transgender people face practical problems even after the change of ID documents with the help of the courts (e.g. when they want to change their higher education diplomas, or access services such as health care or employment). It is therefore recommended that the appropriate legal instruments be adopted to ensure the rights of

⁴The Constitutional Court of the Republic of Lithuania in the name of the Republic of Lithuania (2019), Decision ‘On the compliance of item 5 of part 1 of Art. 43 of the Law on the Legal Status of Aliens with the Constitution of the Republic of Lithuania’ (*Nutarimas “Dėl Lietuvos Respublikos įstatymo „Dėl užsieniečių teisinės padėties“ 43 straipsnio 1 dalies 5 punkto atitikties Lietuvos Respublikos konstitucijai“*), No. KT3-N1/2019, 11 January 2019

⁵European network of legal experts in gender equality and non-discrimination, available at: <https://www.equalitylaw.eu/downloads/4809-lithuania-sexual-orientation-sexual-identity-as-well-as-same-sex-family-relationships-protected-under-constitution-states-constitutional-court-of-the-republic-of-lithuania-in-a-landmark-ruling-pdf-115-kb>

⁶ European network of legal experts in gender equality and non-discrimination, available at: <https://www.equalitylaw.eu/downloads/4809-lithuania-sexual-orientation-sexual-identity-as-well-as-same-sex-family-relationships-protected-under-constitution-states-constitutional-court-of-the-republic-of-lithuania-in-a-landmark-ruling-pdf-115-kb>

⁷Tamulionytė, E., Žilvinskis, A., Lygių galimybių kontrolieriaus tarnyba (The Office of the Equal Opportunities Ombudsperson) (2019), *Translyčių asmenų padėtis Lietuvoje: nacionalinė apžvalga* (The situation of transgender persons in Lithuania: a national review).

⁸The representative survey was conducted by the public opinion and market research institution Vilmorus Ltd. at the request of The Office of the Equal Opportunities Ombudsperson.

transgender persons and their access to social services in the areas of health security, reproductive health, adoption, civil partnerships and employment.

In 2019 “A review of gender assessment of textbooks and other teaching/learning materials” was published⁹. The review was based on the evaluation of 32 textbooks and other learning materials aimed at 12–14-year-old pupils and published since 2011. The purpose of the assessment is to review, analyse and evaluate the extent to which the most prevalent stereotypes are captured in teaching or learning materials and how stereotyped messages about gender are transmitted. An intersectional approach was not used in the research. The authors provided recommendations for publishers of educational/learning materials. They recommend ensuring the visibility of women, their experiences and activities; providing diversity in role models; challenging behaviours related to gender stereotypes; presenting the historical context of the oppression of women; reflecting diversity in identities (e.g. LGBT+ people); and promoting gender equality in learning/teaching materials. The authors also stated that it is very important to review and evaluate teaching/learning materials in terms of equal opportunities and to provide training on equal opportunities for those who contribute to the content of such materials.

In 2019 the overview of situation of equal opportunities in the Lithuanian labor market¹⁰ was published. The overview provides an analysis of data collected from 12 qualitative interviews with the experts of human rights and the representatives of vulnerable groups, Lithuanian and European statistics and other scientific research. This research applied an intersectional approach to analyze the national laws and policy measures related with equal opportunities in Lithuanian labor market and their impact on participation of the various groups such as transgender persons, Roma, Muslims, people with mental disabilities, etc. in labor market.

The author concludes that there is a lack of systematic policy measures; no clear indicators to evaluate the extent of discrimination (especially indirect discrimination, which is hardly recorded); no comprehensive approach developed to address age discrimination of employees; no advancement in the reconciliation of private and professional life for workers. The author has identified the absence of national strategic document ensuring interinstitutional cooperation. Finally, the recommendations of this study highlight the necessity to build trust and visibility of institutions, which handle complaints and deal with discriminatory situations; importance to cooperate with Lithuanian employers, who implement equal opportunities in specific workplaces and at the same time in the entire labor market.

Based on the request of the Lithuanian Social Research Centre Institute for Ethnic Studies (*Lietuvos socialinių tyrimų centro Etninių tyrimų institutas*), the survey company ‘Baltic surveys’ carried out a public opinion poll on 25 March–10 April 2019 to analyse the attitudes of Lithuanian residents towards different ethnic and social groups (e.g. Roma, Jews, Muslims, homosexuals, people with physical and mental disabilities, etc.)¹¹. Altogether 1,029 Lithuanian residents (15 years and older) from 118 locations in Lithuania took part in the survey. The total survey error was 3 % or less. The answers to the questions which measure the social distance between the majority society and mentioned groups revealed that Roma people remain the least favoured ethnic group among the Lithuanian population (63 % of respondents said that they would not want to live in the same neighbourhood as Roma people, 39 % to work in the same workplace and 65 % to rent an apartment to them), while only 8 % of respondents would not

⁹ Martinkutė-Vorobej, A., Narkevičiūtė, R., Skučaitė-Budrienė, V., Lygių galimybių kontrolieriaus tarnyba (The Office of the Equal Opportunities Ombudsperson) (2019) [Vadovėlių ir kitų mokymos\(si\) priemonių vertinimo lyčių aspektu apžvalga](#) (A review of gender assessment of textbooks and other teaching/learning materials), Vilnius, Lygių galimybių kontrolieriaus tarnyba.

¹⁰ Grigaitė-Mockevičienė, S., *Lygių galimybių kontrolieriaus tarnyba* (The Office of the Equal Opportunities Ombudsperson) (2019) [Lygios galimybės Lietuvos darbo rinkoje: situacijos apžvalga](#) (Equal Opportunities in the Lithuanian Labor Market: Situation Overview).

¹¹ Lithuanian Social Research Center Institute for Ethnic Studies (*Lietuvos socialinių tyrimų centro Etninių tyrimų institutas*) (2019) [Public opinion poll to analyse attitudes of Lithuania residents towards different ethnic and social groups \(Roma, Jews, Muslims, homosexuals, people with physical and mental disabilities, etc.\) of 2019](#).

want to live in the same neighbourhood with Jews, 5 % to work in a same workplace with them, and 6 % to rent an apartment to Jews. People with mental disabilities are treated the same as Roma people, as half of respondents (48 %) would not want to live in the same neighbourhood, 45 % work in a same workplace and 49 % of respondents would not want to rent an apartment to them. Homosexuals are as disliked as the Roma and people with mental disabilities. For example, 37 % would not want to live in the same neighbourhood, 22 % would not want to work in the same workplace, and 38 % would not want to rent an apartment to them. Muslims are the least favoured religious group, since 36 % would not want to live in the same neighbourhood, 24% would not want to work in the same workplace, and 37 % of respondents would not want to rent an apartment to Muslims. People with physical disabilities are most favoured, when compared with the above-mentioned groups; nevertheless 7 % of respondents said that they would not want to live in the same neighbourhood, 8 % to work in the same workplace, and 7 % to rent an apartment to them. The recommendations related to the survey results are not provided.

Chapter 2. Racism, xenophobia and related intolerance

1. Legal, policy developments and measures 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 2019. However, some policy measures that focus on education and employment of vulnerable social groups were adopted during this period.

On 25 June 2019 the Ministry of Education, Science and Sport (*Švietimo, mokslo ir sporto ministerija*) approved the detailed plan of actions for 2019 under the measure 2.1.10 which is part of the broader inter-institutional policy Action Plan on demography, migration and integration policy in 2018-2030 (*Demografijos, migracijos ir integracijos politikos 2018-2030 m. strategijos įgyvendinimo 2019-2021 metų tarpinstitucinio veiklos plano 2.1.10 priemonės 2019 m. detalusis planas*)¹². The main aim of the plan is to provide support in the schooling sector for every single child who returns to Lithuania from emigration or who has immigrated recently from abroad¹³. In 2019 the plan foresees the creation of a network of 21 schools throughout Lithuania to work with pupils who have returned from emigration or who have recently immigrated from abroad. The plan covers the following measures such as the development of recommendations on measures to integrate these pupils; the development of two distinct educational models geared towards pupils who have returned from emigration and to those who immigrated recently; organisation of seminars for school personnel who work with these target groups; preparation of the legal basis that enables these children to be provided with additional assistance personnel at school¹⁴. The main institution responsible for these actions is the Ministry of Education, Science and Sport of the Republic of Lithuania (*Švietimo, mokslo ir sporto ministerija*)¹⁵. These actions, integrated under measure 2.1.10 of the Action Plan on demography, migration and integration policy in 2018–2030, do not cover any specific measures against ethnic/racial discrimination or bullying since these issues are considered to be addressed by other legislation¹⁶.

¹² Lithuania, Ministry of Education, Science and Sport (Lietuvos Respublikos švietimo, mokslo ir sporto ministerija) (2019), Detailed plan of actions for 2019 under measure 2.1.10 which is part of the interinstitutional policy action plan on demography, migration and integration policy in 2018-2030 ([Demografijos, migracijos ir integracijos politikos 2018-2030 m. strategijos įgyvendinimo 2019-2021 metų tarpinstitucinio veiklos plano 2.1.10 priemonės 2019 m. detalusis planas](#)), No. V-736, 25 June 2019.

¹³ Lithuania, Ministry of Education, Science and Sport (Lietuvos Respublikos švietimo, mokslo ir sporto ministerija) (2019), Detailed plan of actions for 2019 under measure 2.1.10 which is part of the interinstitutional policy action plan on demography, migration and integration policy in 2018-2030 ([Demografijos, migracijos ir integracijos politikos 2018-2030 m. strategijos įgyvendinimo 2019-2021 metų tarpinstitucinio veiklos plano 2.1.10 priemonės 2019 m. detalusis planas](#)), No. V-736, 25 June 2019.

¹⁴ Lithuania, Ministry of Education, Science and Sport (Lietuvos Respublikos švietimo, mokslo ir sporto ministerija) (2019), Detailed plan of actions for 2019 under measure 2.1.10 which is part of the interinstitutional policy action plan on demography, migration and integration policy in 2018-2030 ([Demografijos, migracijos ir integracijos politikos 2018-2030 m. strategijos įgyvendinimo 2019-2021 metų tarpinstitucinio veiklos plano 2.1.10 priemonės 2019 m. detalusis planas](#)), No. V-736, 25 June 2019.

¹⁵ Lithuania, Ministry of Education, Science and Sport (Lietuvos Respublikos švietimo, mokslo ir sporto ministerija) (2019), Detailed plan of actions for 2019 under measure 2.1.10 which is part of the interinstitutional policy action plan on demography, migration and integration policy in 2018-2030 ([Demografijos, migracijos ir integracijos politikos 2018-2030 m. strategijos įgyvendinimo 2019-2021 metų tarpinstitucinio veiklos plano 2.1.10 priemonės 2019 m. detalusis planas](#)), No. V-736, 25 June 2019.

¹⁶ Lithuania, Ministry of Education, Science and Sport (Lietuvos Respublikos švietimo, mokslo ir sporto ministerija) email and phone communication of Lithuanian Social Research Centre (LSTC), 14 November 2019.

In the framework of the Action Plan against Discrimination for 2017–2019 (*Nediskriminavimo skatinimo 2017-2019 m. veiksmų planas*)¹⁷, in 2019 the Department of National Minorities under the Government of the Republic of Lithuania carried out the project ‘The inclusion of national minority members into the labour market’ (*Tautinių mažumų atstovų įtraukimas į darbo rinką*). In the first half of 2019 the activities included: (a) monitoring of information on the integration of national minorities in the labour market; (b) preparation of an instrument to indicate and estimate any discriminatory practices; (c) dissemination of information on positive non-discriminatory practices among national minority groups; (d) organisation of educational seminars to strengthen intercultural dialogue in the multi-ethnic regions of Lithuania; (e) organisation of events targeting youth and aiming to foster their entrepreneurship skills and tolerance via volunteering¹⁸.

2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia

No developments in the legal sphere in relation to the application of the Framework Decision on Racism and Xenophobia were introduced in 2019. Some policy measures introduced in 2019 aim to combat hate speech and hate crime.

In the framework of the Action Plan against discrimination for 2017–2019 (*Nediskriminavimo skatinimo 2017-2019 m. veiksmų planas*)¹⁹ the Department of Youth Affairs under the Ministry of Social Security and Labour (*Jaunimo reikalų departamentas prie Socialinės apsaugos ir darbo ministerijos*) implemented some measures that aimed at promoting non-discriminatory and tolerant attitudes among young people and people who work with youth via training activities²⁰. In 2019 the Department of Youth Affairs under the Ministry of Social Security and Labour organised three training sessions for youth and for people who work with youth, including employees of the education sector. The sessions were organised in different regions of Lithuania, such as Telšiai (17 participants), Kaunas (24 participants) and Utena (19 participants). The aim of these training sessions was defined as promotion of non-discriminatory, tolerant and respectful attitudes towards others; the training sessions covered discrimination, hate speech and hate crime, as well as bullying²¹.

Between September 2018 and May 2020, the Ministry of the Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerija*) is implementing the project ‘Strengthening the response to hate crime and hate speech in Lithuania’ (*Atsako i neapykantos*

¹⁷ Lithuania, Ministry of Social Security and Labor (*Socialinės apsaugos ir darbo ministerija*) (2017), Actions plan against discrimination for 2017-2019 ([Nediskriminavimo skatinimo 2017-2019 m. veiksmų planas](#)), No. A1-250, 17 May 2017.

¹⁸ Lithuania, Department of National Minorities under the Government of the Republic of Lithuania (*Tautinių mažumų departamentas prie Lietuvos Respublikos Vyriausybės*) (2019), email communication of Lithuanian Social Research Centre (LSTC), 3 September 2019.

¹⁹ Lithuania, Ministry of Social Security and Labor (*Socialinės apsaugos ir darbo ministerija*) (2017), Actions plan against discrimination for 2017-2019 ([Nediskriminavimo skatinimo 2017-2019 m. veiksmų planas](#)), No. A1-250, 17 May 2017.

²⁰ Lithuania, Department of Youth Affairs under the Ministry of Social Security and Labor (*Jaunimo reikalų departamentas prie Socialinės apsaugos ir darbo ministerijos*) (2019) email communication of Lithuanian Social Research Centre (LSTC), 30 August 2019; phone communication of Lithuanian Social Research Centre (LSTC), 4 September 2019.

²¹ Lithuania, Department of Youth Affairs under the Ministry of Social Security and Labor (*Jaunimo reikalų departamentas prie Socialinės apsaugos ir darbo ministerijos*) (2019), email communication of Lithuanian Social Research Centre (LSTC), 11 November 2019.

nusikaltimus ir neapykantą kurstančias kalbas Lietuvoje stiprinimas)²². The project is funded from the EU Rights, Equality and Citizenship programme (2014–2020) (*ES Teisių, lygybės ir pilietybės programa 2014-2020*). The main coordinator – the Ministry of the Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerija*), partners – Prosecutor General’s Office (*Generalinė prokuratūra*) and the Office of the Inspector of Journalist Ethics (*Žurnalistų etikos inspektoriatas tarnyba*)²³.

The project ‘Strengthening the response to hate crime and hate speech in Lithuania’ (*Atsako i neapykantos nusikaltimus ir neapykantą kurstančias kalbas Lietuvoje stiprinimas*)²⁴ aims to ensure that responsibility for hate crime and hate speech is applied effectively, to raise awareness of responsible institutions to the effects of hate speech and hate crime for vulnerable communities, to raise awareness of responsible institutions to the expectations of these communities, to address the problem of non-reporting of cases of hate crime and hate speech to responsible institutions and to intensify the combating of hate speech online²⁵. In the framework of this project, 17 training sessions for 300 police officers, lawyers and prosecutors throughout Lithuania will be organised to increase their abilities to identify and fight hate crime and hate speech²⁶. In the framework of this project, the recommendations on criminal liability for hate crime and hate speech were prepared.²⁷

In this project, qualitative research was carried out in 2019. Research targeted vulnerable groups (Jews, Roma, LGBT, Muslims and people of other race) in order to estimate the level of vulnerability of these communities, the effects of hate crime and hate speech on them, to identify the reasons for not reporting cases of such crime to responsible institutions and to estimate the needs of communities to be protected against hate crime.²⁸ The research indicated that the most often form of hate crimes experienced by the vulnerable groups is hate speech and that the real number of hate crimes against these groups is not reflected in the official statistics.²⁹ The victims do not believe that the offender will be punished and this is one of the main reasons of non-reporting hate crime to legal institutions indicated.³⁰ Roma people were indicated as the group which is the most affected by hate crimes and at the same time as the

²² 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.

²³ 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.

²⁴ 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.

²⁵ 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.

²⁶ Lietuvos policija (Police Department) (2019) The experts will learn how to fight hate crime effectively ([Specialistai mokysis kaip efektyviau kovoti su neapykantos nusikaltimais](#)), 13 June 2019.

²⁷ Murauskienė, Dovilė (2019) Recommendations regarding application of criminal liability for hate crime and hate speech ([Rekomendacijos dėl baudžiamosios atsakomybės už neapykantos nusikaltimus ir neapykantą kurstančias kalbas taikymo](#)). Ministry of the Interior of the Republic of Lithuania (*Vidaus reikalų ministerija*), 5 January 2020.

²⁸ Lithuania, The Ministry of the Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerija*) (2019) Email communication of Lithuanian Social Research Center (LSTC), 30 August 2019.

²⁹ Labanauskas, Liutauras (2019). The report of qualitative research on hate crime against vulnerable communities ([Neapykantos nusikaltimų pažeidžiamų bendruomenių kokybinio tyrimo ataskaita](#)). Ministry of the Interior of the Republic of Lithuania (*Vidaus reikalų ministerija*), 5 January 2020, p. 78.

³⁰ Labanauskas, Liutauras (2019). The report of qualitative research on hate crime against vulnerable communities ([Neapykantos nusikaltimų pažeidžiamų bendruomenių kokybinio tyrimo ataskaita](#)). Ministry of the Interior of the Republic of Lithuania (*Vidaus reikalų ministerija*), 5 January 2020, p. 78.

one which has least possibilities of self-protection.³¹ The research findings show that the groups interviewed in the research face different forms of phobias from the dominant society, including xenophobia, modern racism, homophobia and anti-Semitism.³² Based on this qualitative research the recommendations to the state institutions on how to prevent hate crime against vulnerable groups and provide help to the hate crime victims were prepared.³³

In the framework of the project ‘Strengthening the response to hate crime and hate speech in Lithuania’ (*Atsako į neapykantos nusikaltimus ir neapykantą kurstančias kalbas Lietuvoje stiprinimas*) analysis was conducted on local and European institutional practices on the application of criminal liability for hate crime and hate speech³⁴. Analysis of 35 cases addressed at the courts of Lithuania in 2010–2018 led to the conclusion that court practice in addressing the cases of hate crime is still in process and it is rather complicated since there is no detailed clear common methodology in Lithuania on how to investigate such crime³⁵. Besides other recommendations, the authors of this analysis suggest that detailed and systemic methodology for pre-trial investigation of hate crime has to be developed³⁶.

In 2019 in the framework of the project ‘Strengthening the response to hate crime and hate speech in Lithuania’ (*Atsako į neapykantos nusikaltimus ir neapykantą kurstančias kalbas Lietuvoje stiprinimas*) the Office of the Inspector of Journalist Ethics (*Žurnalistų etikos inspektoriatas tarnyba*) organised 7 seminars in different regions of Lithuania. They targeted social workers and social pedagogues who work with vulnerable groups. In these seminars, the participants learned how to recognise online hate speech against vulnerable groups³⁷. The technical possibility to report cases of hate speech was introduced in the webpage of the Office of the Inspector of Journalist Ethics³⁸.

In the period 1 July 2019–30 June 2021 the Lithuanian Centre for Human Rights (*Žmogaus teisių centras*), Human Rights Monitoring Institute (*Žmogaus teisių stebėjimo institutas*), 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’ (*Efektyvus atsako į neapykantos nusikaltimus ir*

³¹Labanauskas, Liutauras (2019). The report of qualitative research on hate crime against vulnerable communities (*Neapykantos nusikaltimų pažeidžiamų bendruomenių kokybinio tyrimo ataskaita*). Ministry of the Interior of the Republic of Lithuania (*Vidaus reikalų ministerija*), 5 January 2020, p. 78

³²Labanauskas, Liutauras (2019). The report of qualitative research on hate crime against vulnerable communities (*Neapykantos nusikaltimų pažeidžiamų bendruomenių kokybinio tyrimo ataskaita*). Ministry of the Interior of the Republic of Lithuania (*Vidaus reikalų ministerija*), 5 January 2020, p. 78

³³ Recommendations for state institutions on needs and protection of vulnerable communities against hate crime and help for crime victims (*Rekomendacijos valstybės institucijoms ir įstaigoms dėl pažeidžiamų bendruomenių poreikių dėl jų apsaugos nuo neapykantos nusikaltimų ir paramos nusikaltimų aukoms tenkinimo*), Ministry of the Interior of the Republic of Lithuania (*Vidaus reikalų ministerija*), 5 January 2020, available in Lithuanian at:

³⁴Lithuania, 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.

³⁵ Lithuania, The Ministry of the Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerija*) (2019) Analysis of the cases of the application of criminal liability for hate crime and hate speech (*Baudžiamosios atsakomybės už neapykantos nusikaltimus ir neapykantą kurstančias kalbas taikymo atvejų analizės ataskaita*), p. 31–34.

³⁶ Lithuania, The Ministry of the Interior of the Republic of Lithuania (*Lietuvos Respublikos vidaus reikalų ministerija*) (2019) Analysis of the cases of the application of criminal liability for hate crime and hate speech (*Baudžiamosios atsakomybės už neapykantos nusikaltimus ir neapykantą kurstančias kalbas taikymo atvejų analizės ataskaita*), p. 35.

³⁷ Lithuania, the Office of the Inspector of Journalist Ethics (*Žurnalistų etikos inspektoriatas tarnyba*), phone and e-mail communication of Lithuanian Social Research Centre (LSTC), 26 November 2019.

³⁸ Lithuania, the Office of the Inspector of Journalist Ethics (*Žurnalistų etikos inspektoriatas tarnyba*), Report the discord (*Praneškite apie nesantaiką*).

neapykantos kalbą skatinimas Lietuvoje)³⁹. Within the framework of this project the following activities are planned: research-based identification of the main reasons which preclude effective reaction towards hate crime as well as identification of the main reasons for non-reporting of such crime to the police⁴⁰. The quantitative and qualitative research has been conducted in 2019 and the research-based recommendations will be available in 2020⁴¹. Based on this investigation online and face-to-face training activities for police officers and police school students will be developed⁴².

The project ‘Promoting effective response to hate crime and hate speech in Lithuania’ (*Efektivaus atsako į neapykantos nusikaltimus ir neapykantos kalbą skatinimas Lietuvoje*) also aims to increase cooperation between different governmental institutions, the non-governmental sector and victims of hate crime⁴³. In order to achieve the initiative to renew the inter-institutional group to address the issues of hate speech and hate crime was made in December 2019⁴⁴. The project is partly funded by the the EU Rights, Equality and Citizenship programme (2014-2020) (*ES Teisių, lygybės ir pilietybės programa 2014-2020*)⁴⁵.

Between September 2018 and September 2020 the international 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*) is being implemented by Estonian Human Rights Centre (*Inimõiguste Keskus*), Human Rights Monitoring Centre (*Žmogaus teisių stebėjimo institutas*), Latvian Centre for Human Rights (*Latvijas cilvēktiesību centrs*), and the Lithuanian Disability Forum (*Lietuvos negalios organizacijų forumas*)⁴⁶. The main aim of the project is to foster cooperation between non-governmental and governmental institutions to prevent hate crime against such vulnerable groups as LGBT, refugees and immigrants, and people with disabilities in Estonia, Latvia and Lithuania⁴⁷. Disability hate crime is the particular focus of the project⁴⁸. The Human Rights Monitoring Centre and the Lithuanian Disability Forum prepared the Country Report on Disability Hate Crimes in Lithuania⁴⁹. In the framework of this project ‘Training for police officers and civil society on disability hate crime’⁵⁰ was held in Vilnius on 15 November 2019.

³⁹ 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.

⁴⁰ 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..

⁴¹ Lithuania, European Foundation of Human Rights (*Europos žmogaus teisių fondas*), phone communication of Lithuanian Social Research Centre (LSTC), 26 November 2019.

⁴² 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..

⁴³ 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..

⁴⁴ Lithuania, HRMI, phone communication of Lithuanian Social Research Centre (LSTC) on November 26, 2019.

⁴⁵ 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..

⁴⁶ 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.

⁴⁷ 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

⁴⁸ Lithuania, HRMI, phone and email communication of Lithuanian Social Research Centre (LSTC) on 26 November 2019.

⁴⁹ Lithuania, HRMI, phone and email communication of Lithuanian Social Research Centre (LSTC) on 26 November 2019.

⁵⁰ Lithuania, HRMI, phone and email communication of Lithuanian Social Research Centre (LSTC) on 26 November 2019.

The project is co-funded by the EU Rights, Equality and Citizenship programme (2014-2020) (*ES Teisių, lygybės ir pilietybės programa 2014-2020*)⁵¹.

⁵¹Human 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.

Chapter 3. Roma integration

1. Measures and developments addressing Roma/Travellers segregation

In 2019, demolition of illegal housing continued in the Kirtimai Roma settlement in Vilnius. According to the information provided to the Human Rights Committee of the Lithuanian Parliament (*Seimo žmogaus teisių komitetas*), in spring 2019, 39 houses remained out of 115. Approximately 150 people live in the remaining houses, of which 56 are children⁵². The Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) shared the information that in August 2019 only 34 houses remained in Vilnius Kirtimai Roma settlement and all owners of the remaining houses were given prior notice to demolish the illegal construction⁵³.

The procedures for the demolition of illegal construction are initiated and undertaken by the Vilnius Division of the State Territorial Planning and Construction Inspectorate under the Ministry of the Environment (*Valstybinės teritorijų planavimo ir statybos inspekcijos prie Aplinkos ministerijos Vilniaus skyrius*). The Inspectorate is not responsible for providing alternative housing after the demolition of houses as the provision of social housing or compensation for renting in the private sector is the responsibility of Vilnius City Municipality (*Vilniaus miesto savivaldybė*). Several sources indicated that there continues to be miscommunication between the different institutions, and this results in some families being left homeless⁵⁴.

On 10 April 2019 the Office of the Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybės kanceliarija*) held a consultation meeting in response to the request of the Human Rights Committee of the Lithuanian Parliament. The meeting focused on the situation of Roma families after the demolition of houses in the Kirtimai Roma settlement. The 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*)⁵⁵ received a positive appraisal, while the State Territorial Planning and Construction Inspectorate under the Ministry of Environment was asked to carefully assess the situation after the demolition of illegal buildings and to avoid creating political and social tensions. It was recommended to continue implementing the municipal Roma integration programme after 2019⁵⁶.

Several sources indicated that for almost a year there were no meetings of the inter-institutional working group of the municipal ‘Programme for integration of Vilnius (Kirtimai) Roma

⁵² Human Rights Committee of Seimas (*Seimo žmogaus teisių komitetas*).(2019) [Seimo ŽTK pranešimas: “Tarp dangaus ir žemės – taboras griauamas, kur gyventi nepasijūlo, įdarbinti nenori, patalpų veiklai nenuomoja”](#), press release, 29 March 2019.

⁵³ Lithuania, Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*), communication of LSTC on 13 August 2019.

⁵⁴ Lithuania, Lithuanian Human Rights Centre (*Lietuvos žmogaus teisių centras*), communication of LSTC on 3 September 2019),

Lithuania, Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) communication of LSTC on 13 August 2019

Lithuania, Roma Community Centre (*Romų visuomenės centras*) communication of LSTC on 5 September 2019.

⁵⁵ 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.

⁵⁶ The Office of the Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybės kanceliarija*). Protocol of the consultation meeting on Roma housing, No. LV-139, 23 April 2019.

settlement community into society 2016–2019⁵⁷. The working group was invited to meet and discuss the preparation of a new municipal programme for Roma integration for 2020–2023 on 29 October 2019⁵⁸.

According to the information provided by the Roma Community Centre (*Romų visuomenės centras*), two Roma women applied to court to extend the term given by the State Territorial Planning and Construction Inspectorate to demolish their houses⁵⁹. The lawyer, representing the Roma in court noted that many other residents of the Kirtimai settlement failed to file a claim within the given one-month period due to lack of legal awareness and general illiteracy and their claims were rejected by the court. Furthermore, the lawyer observed that in some cases police officers were asked to participate in attempts to speed up the demolition of houses as a means of intimidation. Although some of the ‘illegal houses’ had stood for more than 50 years and were *de facto* recognised by various State and municipal institutions, the lawyer stated that there are no plans to legally challenge the decision to demolish the Kirtimai Roma settlement⁶⁰.

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

On 27 June 2019 the Parliament (*Seimas*) adopted a Law amending the Law of Holidays and Observances (*Lietuvos Respublikos atmintinų dienų įstatymo Nr. VIII-397 1 straipsnio pakeitimo įstatymas*) which included 2 August as Roma Holocaust Memorial Day⁶¹.

In 2019, measures of the Action Plan for Integration of Roma into Lithuanian Society 2015–2020 (*Romų integracijos į Lietuvos visuomenę 2015–2020 metų veiksmų planas*)⁶² continued to be implemented at the national level. The Department of National Minorities will provide a comprehensive report of implemented measures at the beginning of 2020. The coordinator of the programme noted however, that some planned policy measures will not be implemented in 2019, particularly in the field of education, due to the lack of allocated funding and political will⁶³. The Department of National Minorities reported that only 18 measures (out of 46) of the Action Plan were implemented in 2019 – 5 (out of 18) in the field of education, 1 (out of 4) in the field of health, 4 (out of 6) in the field of employment, 2 (out of 5) in the field of empowerment of women, 2 (out of 3) in the field of housing and 4 (out of 10) in the field of cultural openness and anti-discrimination⁶⁴.

In the field of Roma employment, a project financed by the European Social Fund and Lithuania’s Ministry of Social Security and Labour ‘Let’s Work Together with the Roma: New

⁵⁷Lithuania, Lithuanian Human Rights Centre (*Lietuvos žmogaus teisių centras*), communication of LSTC on 3 September 2019).

Lithuania, Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*) communication of LSTC on 13 August 2019.

Lithuania, Roma Community Centre (*Romų visuomenės centras*) communication of LSTC on 5 September 2019.

⁵⁸ Lithuania Vilnius City Municipality, communication of LSTC on 28 October 2019).

⁵⁹ Lithuania Roma Community Centre (*Romų visuomenės centras*), communication of LSTC on 5 September 2019.

⁶⁰ Lithuania Roma Community Centre (*Romų visuomenės centras*), communication of LSTC with the lawyer of the Roma Community Centre on 12 September 2019.

⁶¹ Lithuania, Law amending Art. 1 of the Law of Observances No. VIII-397 (*Lietuvos Respublikos atmintinų dienų įstatymo Nr. VIII-397 1 straipsnio pakeitimo įstatymas*), 27 June 2019.

⁶² Lithuania, Ministry of Culture (*Kultūros ministerija*), Approval of Action plan for integration of Roma into Lithuanian society 2015–2020 (*Įsakymas dėl romų integracijos į Lietuvos visuomenę 2015–2020 metų veiksmų plano patvirtinimo*), 29 January 2015.

⁶³ Lithuania, the Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*), communication of LSTC on 13 August 2019.

⁶⁴ Lithuania, Department of National Minorities under the Government of Lithuania (*Tautinių mažumų departamentas prie LR Vyriausybės*), communication of LSTC on 6 November 2019.

Job Opportunities and Challenges' continued (due to end in 2020). The project finances social integration services for Roma people. Since 2016, 306 Roma individuals have participated in the project's activities for social inclusion and 141 have received sociocultural services (in both indicators the planned value was 300). The project results show that 34.6 % of project participants have begun to seek work, study or work, including self-employment (planned value – 40 %).⁶⁵

The 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*) is due to end in 2019. Vilnius City Municipality provided a detailed overview of implemented measures and stated that the programme has helped to improve living conditions as well as access to social services, education and health care for the Roma living in Vilnius.⁶⁶ It must be admitted that the municipal integration programme has effectively (although not without difficulties) mitigated the negative effects of the decision to demolish illegal housing in the Kirtimai settlement. The active involvement of Vilnius City Municipality in the Roma integration process has been one of the most important positive developments in the last five years.

⁶⁵Lithuania, Roma Community Centre (*Romų visuomenės centras*), communication of LSTC on 22 November 2019.

⁶⁶Lithuania, Vilnius City Municipality (*Vilniaus miesto savivaldybė*), communication of LSTC on 20 September 2019.

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

Unaccompanied children reaching the age of majority

| Area of support | Description |
|---|--|
| <p>Residence permit</p> <p><i>Reception conditions Directive (Articles 6 and 7) and Qualification Directive (Articles 24 and 31)</i></p> | <p>Please explain whether unaccompanied children (non-asylum seekers and asylum seekers) get temporary permits and if they expire when turning 18. Please elaborate on which type of permit is granted when they reach 18 years and under which conditions (e.g. being enrolled in education or having an employment contract.)</p> <p>When it is identified that there is an unaccompanied child, the Migration department under the Ministry of Internal Affairs of the Republic of Lithuania (hereinafter– Migration department) issues a foreigner’s registration certificate which grants the right to stay in the Republic of Lithuania until the legal status of the unaccompanied child is established⁶⁷.</p> <p>In the case of a non-asylum-seeking unaccompanied child, after 2 months of the child being accommodated at a Refugee Reception Center and if it is established that there is no possibility to return the child to their country of origin, a temporary residence permit is issued for a term of one year⁶⁸. This temporary residence permit can be renewed and the renewal process can continue until the non-asylum-seeking unaccompanied child reaches 18 years⁶⁹, or it is established, that such child can be returned to their country origin⁷⁰. Furthermore, when the non-asylum-seeking unaccompanied child reaches 18 years, withdrawal of the temporary residence permit and the return procedure is initiated. But it should be clarified, that a non-asylum-seeking unaccompanied child</p> |

⁶⁷ Lithuania, Republic of Lithuania Law on the Legal Status of Aliens ([Lietuvos Respublikos įstatymas Dėl užsieniečių teisinės padėties](#)), 29 April 2004, Art. 22¹(2).

⁶⁸ Lithuania, Republic of Lithuania Law on the Legal Status of Aliens ([Lietuvos Respublikos įstatymas Dėl užsieniečių teisinės padėties](#)), 29 April 2004, Art. 129(2) and Art. 40 (1) (8).

⁶⁹ Lithuania, The Order of the Minister for Social Security and Labour of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania approving the Description of the Procedure for Assessment of the Age of Non-asylum Seeking Unaccompanied Children Identified in the Republic of Lithuania, Accommodation and Taking of Other Procedural Actions in Respect Thereof and Provision of Services Thereto ([Lietuvos Respublikos socialinės apsaugos ir darbo ministro, Lietuvos Respublikos sveikatos apsaugos ministro, Lietuvos Respublikos vidaus reikalų ministro įsakymas Dėl Lietuvos Respublikoje nustatytų nelydimų nepilnamečių užsieniečių, kurie nėra prieglobsčio prašytojai, amžiaus nustatymo, apgyvendinimo ir kitų procedūrinių veiksmų tvarkos aprašo patvirtinimo](#)), No. A1-538/1V-780/V-1067, 18 September 2019, Point 30; The Decision of the Government of the Republic of Lithuania approving the Description of the Procedure for Providing State Support for the Integration of the Persons who have been Granted Asylum ([Lietuvos Respublikos Vyriausybės nutarimas Dėl valstybės paramos prieglobsčio gavėjų integracijai teikimo tvarkos aprašo patvirtinimo](#)), No. 998, 5 October 2016, Point 8.

⁷⁰ Lithuania, Republic of Lithuania Law on the Legal Status of Aliens ([Lietuvos Respublikos įstatymas Dėl užsieniečių teisinės padėties](#)), 29 April 2004, Art. 129.

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| | <p>can apply, on reaching 18 years, for any kind of residence permit on regular grounds, e.g. such as working or studying, if certain criteria are met. Furthermore, if an unaccompanied child has lived in Lithuania for an uninterrupted period of 5 years, the child is entitled to have a permanent residence permit, which would be valid for 5 years.</p> <p>The cases of asylum-seeking unaccompanied children depend on the results of the asylum application examination process. If the Migration Department grants asylum (refugee status or subsidiary protection), then a residence permit is issued (5-year permanent residence permit in the case of refugee status, or 2-year temporary residence permit in the case of subsidiary protection). When the Migration Department examines the asylum application of an unaccompanied child, it also examines the possibility of returning the unaccompanied child if the asylum application cannot be approved. Thus, if the Migration Department decides not to grant asylum, then by the same decision it is decided to return the unaccompanied child, or issue a temporary residence permit, as in the cases of unaccompanied children who cannot be returned⁷¹.</p> |
| <p>Guardianship (<i>representative under Reception Conditions Directive Article 24.1</i>)</p> | <p><i>Please elaborate on how the role of guardians is affected when the child reaches 18, and of any initiatives to expand the guardian’s support, for example transforming the guardian into a ‘mentor’ supporting the child until a certain age.</i></p> <p>When an unaccompanied child reaches 18, then their temporary guardianship is terminated and there is no possibility of transforming the guardian into a ‘mentor’⁷².</p> |
| <p>Accommodation</p> | <p><i>Please explain what children reaching 18 years are entitled to in terms of accommodation, for example extension of foster care programmes until the age of 21, transfer to an adult accommodation, or other accommodation support.</i></p> |

⁷¹ Lithuania, The Order of the Minister of the Interior of the Republic of Lithuania approving the Description of the Procedure Concerning Granting and Withdrawal of an Asylum in Republic of Lithuania (Lietuvos Respublikos vidaus reikalų ministro įsakymas Dėl Prieglobsčio Lietuvos Respublikoje suteikimo ir panaikinimo tvarkos aprašo patvirtinimo) No. 1V-131, 24 February 2016, Point 125.3.

⁷² Lithuania, the Civil Code of the Republic of Lithuania (Lietuvos Respublikos civilinis kodeksas), 18 July 2000, Art. 3.255 (2); The Order of the Minister for Social Security and Labour of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania approving the Description of the Procedure for Assessment of the Age of Non-asylum Seeking Unaccompanied Children Aliens Identified in the Republic of Lithuania, Accommodation and Taking of Other Procedural Actions in Respect Thereof and Provision of Services Thereto (Lietuvos Respublikos socialinės apsaugos ir darbo ministro, Lietuvos Respublikos sveikatos apsaugos ministro, Lietuvos Respublikos vidaus reikalų ministro įsakymas Dėl Lietuvos Respublikoje nustatytų nelydimų nepilnamečių užsieniečių, kurie nėra prieglobsčio prašytojai, amžiaus nustatymo, apgyvendinimo ir kitų procedūrinių veiksmų tvarkos aprašo patvirtinimo), No. A1-538/1V-780/V-1067, 18 September 2019, Point 30; The Decision of the Government of the Republic of Lithuania approving the Description of the Procedure for Providing State Support for the Integration of the Persons who have been Granted Asylum (Lietuvos Respublikos Vyriausybės nutarimas Dėl valstybės paramos prieglobsčio gavėjų integracijai teikimo tvarkos aprašo patvirtinimo), No. 998, 5 October 2016, Point 8.

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|--|--|
| <p><i>Reception Conditions Directive Article 24.2</i></p> | <p>Unaccompanied children are accommodated at a refugee reception centre till they reach 18⁷³. After reaching 18, an unaccompanied child, who has been granted asylum, is entitled to a one-time settling-in allowance which currently amounts to € 1,342 (11 State-supported income amounts)⁷⁴.</p> |
| <p>Return <i>Return Directive, Article 10</i></p> | <p><i>Please explain whether there are any special measures to prepare unaccompanied children for a return procedure and whether young adults receive any form of free assistance during eventual return procedures</i></p> <p>There are no special measures to prepare unaccompanied children for return. In Lithuania, assisted voluntary return of third-country nationals has usually been carried out by IOM Vilnius Office. Unaccompanied children are attributed to vulnerable persons and in carrying out assisted voluntary return, the following general and usual services are provided: counselling on all return-related issues; assistance of an interpreter during the counselling process; legal counselling; assistance in obtaining the travel documents required for departure; organisation of travel, route planning, purchase of tickets, payment for additional pieces of luggage; provision of temporary accommodation before departure, provision of meals; assistance in a country of transit during travel; assistance on arrival in the country of origin; one-time pre-departure cash benefit; additional assistance to vulnerable persons according to their individual needs (possible counselling by a medical doctor, a psychologist, medical and humanitarian escort to the country of origin); reintegration assistance. IMO Vilnius Office informed that it is possible in cases where an unaccompanied child is returned to their country of origin, and they would be poor and destitute, they may provide benefits till the child reaches 18 or their financial situation improves, but IMO did not have this kind of case. It should also be noted that if there is a need, the State border guard service can organise an escort for an unaccompanied child to the Lithuanian border or to the country where the unaccompanied child is being returned to and their handover to their parents or any other legal representatives or that country's authorities, responsible for the child's care and interests⁷⁵.</p> |

⁷³ Lithuania, The Decision of the Government of the Republic of Lithuania approving the Description of the Procedure for Providing State Support for the Integration of the Persons who have been Granted Asylum ([Lietuvos Respublikos Vyriausybės nutarimas Dėl valstybės paramos prieglobsčio gavėjų integracijai teikimo tvarkos aprašo patvirtinimo](#)), No. 998, 5 October 2016, Point 8.

⁷⁴ Lithuania, The Decision of the Government of the Republic of Lithuania approving the Description of the Procedure for Providing State Support for the Integration of the Persons who have been Granted Asylum ([Lietuvos Respublikos Vyriausybės nutarimas Dėl valstybės paramos prieglobsčio gavėjų integracijai teikimo tvarkos aprašo patvirtinimo](#)), No. 998, 5 October 2016, Point 24.1.1.

⁷⁵ Lithuania, The Order of the Minister of the Interior of the Republic of Lithuania approving the Description of the Procedure for Taking and Enforcing Decisions Regarding an Alien's Obligation to Leave, Expulsion, Return and Passing in Transit through the Territory of the Republic of Lithuania ([Lietuvos Respublikos vidaus reikalų ministro įsakymas Dėl sprendimų dėl užsieniečio įpareigojimo išvykti, grąžinimo ir vykimo tranzitu per Lietuvos Respublikos teritoriją priėmimo ir jų vykdymo tvarkos aprašo patvirtinimo](#)), No.1V-429, 24 December 2014, Point 36.

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| Others | <i>e.g. special permissions to stay based on education or employment programme, etc.</i> There are no special programmes or grounds allowing unaccompanied children to stay in the country when they reach 18. As mentioned above, after 18 there is the possibility to apply on regular grounds for a residence permit or visa, or if the child has been living for an uninterrupted period of 5 years, then a permanent residence permit can be applied for. |
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Chapter 5. Information society, data protection

1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce GDPR

1) The State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*) published and began implementing its preventive inspection plan for 2019⁷⁶. According to the plan, the Inspectorate will carry out 75 pre-planned preventive inspections on businesses and state institutions to assess how they are complying with the GDPR. There are five main targets of the preventive inspections: 1) commercial gyms and their use of biometric data; 2) sport and tourism goods and services stores and their use of clients' personal data in equipment rent contracts; 3) hotels and their processing of guests personal data; 4) state institutions and the compliance with the GDPR of the contracts they have made with data processors; 5) quick loan companies and the security of the clients' personal data they are processing. After initial inspections of three commercial gyms, the State Data Protection Inspectorate reported that all of them committed GDPR violations in their use of clients' and staff fingerprints⁷⁷.

2) During the first three quarters of 2019, the State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*): 1) prepared 13 public consultations, recommendations and guidelines concerning such issues as appointment of data protection officers in the public sector, processing and controlling of personal data during elections, video surveillance, direct marketing, publication of personal data, reducing the risk of identity theft, etc.; 2) prepared 19 drafts of legal acts; 3) provided 3,648 consultations (1,290 for individuals, 2,306 for data processors and controllers, 52 for data protection officers; 4) performed 86 preventive inspections (in 35 cases no violations were found, in 49 cases violations were found); 5) imposed 4 fines amounting to € 67,400 euros.⁷⁸

3) In May 2019 the State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*) imposed a record fine in Lithuania on a company for violations of the GDPR⁷⁹. LLC 'MisterTango', an electronic payment company, was fined € 61,500 by the State Data Protection Inspectorate. The Inspectorate cooperated with the Latvian SA in imposing the fine, as MisterTango also had a division in Latvia.

⁷⁶ Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*), State Data Protection Inspectorate 2019 preventive inspection plan ([Valstybinės duomenų apsaugos inspekcijos 2019 metų prevencinių patikrinimų planas](#)), No. 3R-100(1.41.), 4 February 2019.

⁷⁷ Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*), Overview of inspections of biometrical data processing legality in commercial gyms ([Sporto klubuose atliekamo biometrinių duomenų tvarkymo teisėtumo tikrinimų apibendrinimas](#)), 29 May 2019.

⁷⁸ Lithuania, State Data Protection Inspectorate, Statistics relating to activities of State Data Protection Inspectorate during the three quarters of 2019 ([2019 m. trijų ketvirčių Valstybinės duomenų apsaugos inspekcijos veiklos statistika](#)), 31 October 2019.

⁷⁹ Lithuania, State Data Protection Inspectorate (*Valstybinė duomenų apsaugos inspekcija*), Companies shall be held liable – a significant fine was imposed for violations of the GDPR ([Imonės atsakomybės neišvengs – Lietuvoje skirta ženkli bauda už Bendrojo duomenų apsaugos reglamento pažeidimus](#)), press release, 17 May 2019.

2. Artificial intelligence and big data

| MS | Actor* | Type** | Description | Are Ethical concerns mentioned? (yes/no) | Are Human Rights issues mentioned? (yes/no) | Reference |
|----|------------|----------------|--|--|---|---|
| LT | Government | other projects | Lithuanian artificial intelligence strategy. The strategy overviews the current situation of artificial intelligence use in different sectors in Lithuania and provides recommendations for further steps in developing and utilising artificial intelligence. The strategy was drafted by a team of experts from the private and public sectors, under an initiative of the Ministry of the Economy and Innovation. | Yes | Yes (generally as fundamental rights, no references to specific rights) | Ministry of the Economy and Innovation (<i>Ekonomikos ir inovacijų ministerija</i>), Lithuanian artificial intelligence strategy , March 2019 |

*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

3. Data retention

Current situation:

The Data Retention Directive⁸⁰ was transposed into Lithuanian law, specifically the Law on Electronic Communications (*Elektroninių ryšių įstatymas*)⁸¹, in 2008. The Directive's provisions were repeated almost verbatim in Articles 65 and 66 of the Law: every user's electronic communications meta-data (data for tracing and identifying source and destination of communication, its date, time, duration, etc.) are collected and stored for 6 months by service providers, and shared with law enforcement agencies. The specific types of data to be retained were listed in an annex to the Law. The only exception applies to certain geolocation data which has to be stored for 2 months. In 2011 references to the Directive were dropped from the Law on Electronic Communications, but the transposed provisions remained in the law. Despite the judgments in the cases of *Tele2 Sverige* and *Home Secretary v. Watson*, the provision transposed to Lithuanian law from the Data Retention Directive remain virtually unchanged. Application of the provisions concerning data retention has not been challenged before the Lithuanian courts.

On 12 September 2019 a new draft Law on Electronic Communications (*Elektroninių ryšių įstatymas*), prepared by the Communications Regulatory Authority of the Republic of Lithuania (*Lietuvos Respublikos Ryšių reguliavimo tarnyba*), was registered in the Lithuanian Parliament (*Seimas*)⁸². Article 2 of this Law, containing the principles applicable to regulation of electronic communications, makes explicit references to the EU Charter on Fundamental Rights, especially to provisions applicable justifications on limitations on Charter rights. However, in Articles 76(2) and 77(6) the same unchanged rules concerning data retention are established.

⁸⁰ Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC, OJ L 105.

⁸¹ Lithuania, Law on Electronic Communications (*Elektroninių ryšių įstatymas*), 15 April 2004, with amendments.

⁸² Lithuania, draft Law Amending Law No. IX-2135 on Electronic Communications (*Elektroninių ryšių įstatymo Nr. IX-2135 pakeitimo įstatymo projektas*), 12 September 2019.

Chapter 6. Rights of the child

1. Procedural safeguards for children who are suspects in criminal proceedings

| | |
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| Legislative changes | <p>Package of laws transposing EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.</p> <p>On 16 July 2019, the Lithuanian Parliament (<i>Lietuvos Respublikos Seimas</i>) passed two laws:</p> <p>1) Law of the Republic of Lithuania on the Amendment of Articles 21, 22, 53, 54, 105, 188 of the Criminal Procedure Code and its Annex, Supplementation of the Code with Articles 27², 198¹⁸³;</p> <p>2) Law of the Republic of Lithuania on the Amendment of Articles 10 and 45 of the Law on Execution of Pre-Trial Detention and its Annex⁸⁴.</p> <p>The purpose of the package was to transpose the provisions of <i>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</i> into national law.</p> <p>The law on the amendments to the Criminal Procedure Code (<i>Baudžiamojo proceso kodeksas</i>) introduced the following new provisions:</p> <p>a) right of a suspect and accused to receive information on the state of criminal proceedings related to them;</p> <p>b) right of a child suspect and accused to be accompanied by their statutory representative to trial hearings and during other actions of the [criminal] proceedings;</p> <p>c) right of a child suspect and accused to protection of their privacy;</p> <p>d) individual assessment of a child suspect or accused; individual assessment is defined as the gathering of information on the personality of the child suspect or accused, their environment and needs in the area of protection, education and social integration, which is carried out by the State child rights protection authority or place of detention, where the child is being held;</p> <p>e) procedure of appointment of another statutory representative in cases when it is not possible to establish contact with the statutory representative or their identity is unknown;</p> |
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⁸³ Lithuania, Law on the Amendment of Articles 21, 22, 53, 54, 105, 188 of the Criminal Procedure Code and its Annex, Supplementation of the Code with Articles 27², 198¹ ([*Lietuvos Respublikos baudžiamojo proceso kodekso 21, 22, 53, 54, 105, 188 straipsnių ir priedo pakeitimo ir kodekso papildymo 27², 198¹ straipsniais įstatymas*](#)), 16 July 2019.

⁸⁴ Lithuania, Law on the Amendment of Articles 10 and 45 of the Law on Execution of Pre-Trial Detention and its Annex ([*Lietuvos Respublikos suėmimo vykdymo įstatymo Nr. I-1175 10, 45 straipsnių ir priedo pakeitimo įstatymas*](#)), 16 July 2019.

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|-----------------------------------|---|
| | <p>f) right of a statutory representative to accompany a child throughout the criminal proceedings;</p> <p>g) right of a statutory representative to receive information on the rights of children in criminal proceedings;</p> <p>h) exemption of the costs of individual assessment of children from recovery of expenses of the criminal proceedings from the convicted person;</p> <p>i) the possibility, upon the request of participants of the proceedings or upon the initiative of a pre-trial investigation officer, prosecutor or pre-trial investigation judge, to invite a psychologist to the questioning of a child suspect; the psychologist helps in questioning the suspect according to their social and psychological maturity. Or to invite a child rights protection service representative, who observes whether the rights of the child suspect are violated during the questioning;</p> <p>j) the possibility of audio or video recording of the questioning of a child suspect upon the initiative of a pre-trial investigation officer or prosecutor, or upon request from the child suspect or their defender; the questioning of a child suspect who is arrested or detained is audio and video recorded at all times;</p> <p>k) detailed procedure of individual assessment of a child in criminal proceedings;</p> <p>l) the purpose of the individual assessment of a child: the data gathered during the assessment is to be used when choosing remand and other coercive procedural measures for a child, taking decisions on the termination of a pre-trial investigation or transfer of the case to court, while organising procedural actions involving the child suspect or accused, while taking decisions on the penalty or application of punitive or correctional measures to a child;</p> <p>m) cases when individual assessment of child may be omitted, such as when cases are investigated via expedited procedure or in cases of less serious or negligent crimes.</p> <p>The law on the amendments to the Law on Execution of Pre-Trial Detention introduced the following new provisions:</p> <p>a) the possibility of holding the suspect, who, during the pre-trial detention phase became of age, together with other child suspects if this does not contradict the interests of these other child suspects, but for no longer than when the suspect becomes 21 years old;</p> <p>b) the obligation to carry out additional assessment of the child suspect's health with consideration to their state of health or request from the child suspect, their defender or statutory representative.</p> <p>The laws came into force on 1 September 2019.</p> |
| <p>Policy developments</p> | <p>Judiciary</p> <p>According to the information received from the National Courts Administration (NCA) (<i>Nacionalinė teismų administracija</i>), themes, related with carrying out the criminal procedure in which children participate, are included in the judges' training programmes every year⁸⁵. In 2018, NCA organised the training programme 'Juvenile</p> |

⁸⁵ Lithuania, National Courts Administration, written communication of LSTC and HRMI, 21 August 2019.

Justice' for district and circuit court judges working with criminal cases; 78 judges took part.

The training, *inter alia*, focused on: the activities and competences of the court psychologist; new approach, experience and practice while carrying out pre-trial investigation interviews with children in criminal cases; performing interviews with children; preparation for an interview, methods, tactics, stages and the process of the interview (introducing the rights and duties, stages of free telling, posing questions, clarification, writing up the protocol etc.); interviews in complicated cases, children with special needs, children with special intellectual, developmental, cognitive processes, disorders, etc.

In 2019, 17 judges participated in the training programme 'The needs and protection of rights of vulnerable suspects and accused with psychosocial disabilities in criminal procedure'.

While planning training for judges in 2020, and taking into account the possibilities, NCA states it will also include competence training for judges in relation to the criminal proceedings in which children participate.

According to the NCA, with the purpose of appropriate implementation of the Criminal Procedure Code, the position of court psychologists was established in courts. The position is necessary to help in the questioning of children during pre-trial investigation and court proceedings⁸⁶.

Prosecutor General's Office

In 2019, the training programme 'Juvenile Justice. Specifics of investigation. Characteristics of a crime' took place; 30 prosecutors participated⁸⁷. It is planned that two more training programmes on juvenile justice will take place in 2019, with 30 prosecutors participating in each of the training programmes.

On 28 June 2018, a protocol of cooperation was signed between the Prosecutor General's Office of the Republic of Lithuania (*Lietuvos Respublikos Generalinė prokuratūra*), the Police Department under the Ministry of Interior of the Republic of Lithuania (*Policijos departamentas prie LR Vidaus reikalų ministerijos*), the Ministry of Social Security and Labour (*Lietuvos Respublikos Socialinės apsaugos ir darbo ministerija*), the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour of the Republic of Lithuania (*Valstybinė vaiko teisių apsaugos ir įvaikinimo tarnyba prie LR Socialinės apsaugos ir darbo ministerijos*) and the Child Rights Ombudsperson of the Republic of Lithuania, (*Lietuvos Respublikos Vaiko teisių kontrolieriaus įstaiga*) with which it has been agreed to seek more active cooperation among the parties, more effective protection of child's rights and interests and

⁸⁶ Lithuania, National Courts Administration, written communication of LSTC and HRMI, 21 August 2019

⁸⁷ Lithuania, Prosecutor's General Office, written communication of LSTC and HRMI, 29 July 2019

representation of the child's interests. With the purpose of ensuring child rights in criminal proceedings, the protocol establishes that a prosecutor or police officer must inform the State Child Rights Protection and Adoption Service (its territorial branch) within 5 calendar days of the start of a pre-trial investigations that are carried out by them, and the prosecutor [informs] of terminated pre-trial investigations and cases transferred to court.

With order No. I-219 of 19 July 2019 of the Prosecutor General a form to the annex of the Protocol of Clarification of Rights to Child Suspect ('Letter of rights') has been approved⁸⁸. The annex outlines the rights of the child suspect according to the Criminal Procedure Code and details the contents of these rights. With the purpose of implementing the directive, the annex was supplemented with the following rights:

1. Right to immediate provision of information on the child suspect's rights in the criminal procedure to their parents, adoptive parents, carers or other persons, appointed as statutory representatives.
2. Right to have their own legal representative or one chosen by a statutory representative.
3. Right to be accompanied by parents or other statutory representatives to court hearings and while performing other procedural actions.
4. Right to a health check-up.
5. Right to request audio and video recording during an interview.
6. Right to participate in an individual assessment.

According to the information from the Prosecutor General's Office, this annex will be translated into the English, French, German, Polish and Russian languages⁸⁹. Every child suspect is familiarised with the rights contained in the annex, and they confirm this fact by signing the Protocol. These rights are ensured for the child suspect throughout the pre-trial investigation.

Police Department under the Ministry of the Interior

While implementing 1 July 2018 amendments to the Criminal Procedure Code related to interviewing children (not related to the directive), 65 child interview rooms were set up in police stations, and video and audio recording equipment purchased⁹⁰. According to the information from the Police Department, pre-trial investigation actions with children are carried out by specifically trained and equipped officers. The following qualification improvement programmes, 'Tactical aspects of interviewing children, when a psychologist participates in an interview' and 'The peculiarities of interviewing child participants of criminal procedure: preparation for the interview and its tactics' (69 officers were trained), under which police officers, who organise interviews of children, are trained, were prepared and

⁸⁸ Lithuania, Prosecutor General's Order of 19 July 2019 No. I-219 on the approval of the form of the document of criminal procedure ([Lietuvos Respublikos Generalinio prokuroro įsakymas dėl baudžiamojo proceso dokumento formos patvirtinimo](#)).

⁸⁹ Lithuania, Prosecutor General's Office, written communication of LSTC and HRMI, 29 July 2019.

⁹⁰ Lithuania, Police Department under the Ministry of Interior of the Republic of Lithuania, written communication of LSTC and HRMI, 1 August 2019.

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| | <p>approved. A package of relevant information has been prepared and disseminated to police units ('Invoking a psychologist while interviewing a child' and 'Invoking child rights protection service specialists 24/7/, schemes for police officers' actions on the scene and responding to potential child rights' violations, contact details of territorial child rights protection units').</p> <p>According to the information from the Police Department, keeping a child separately from adults is provided for by the 'Instruction for the protection and supervision of police custody rooms', which was supplemented while transposing the directive. The new provision outlines that if a child turns 18 while in police custody, they may request to be kept separately from other persons until they are transported to the institution under the Prisons Department under the Ministry of Interior (<i>Kalėjimų departamentas prie LR Teisingumo ministerijos</i>). If a person who has turned 18 is transferred to police custody from a place of detention, and if they are being held in a detention place for child, this person upon their request can be kept separately from other persons.</p> <p>In terms of the right to a health check-up, internal rules of the territorial police custody units provide that a police custody community nurse or other health specialist, after carrying out a check-up of the child detainee in police custody, must provide a conclusion on their state of health to the pre-trial investigation officer, prosecutor or court. According to the Police Department (<i>Policijos departamentas prie LR Vidaus reikalų ministerijos</i>), the <i>de facto</i> possibility of additional or repeated health check-ups of a child in police custody remains, as it is requested by Article 8 of the Directive.</p> <p>Ministry of Social Security and Labour</p> <p>The ministry is obliged to adopt an act implementing the provisions of the amendments to the Criminal Procedure Code, related to individual assessment by 31 December 2019⁹¹. The provisions regulating individual assessment will come into force on 1 January 2020.</p> <p>The ministry has prepared a draft of the 'Description of the Procedure of the Individual Assessment of Child Suspects and Accused'. The procedure will regulate the actions of the State Child Rights Protection and Adoption Service's territorial units while carrying out individual assessment, timeframes for carrying out the assessment and providing [the information] to the officer or prosecutor carrying out the pre-trial investigation, the form of individual assessment and the procedure for cooperation while carrying out the assessment. The ministry plans to approve the description of the procedure in September 2019.</p> |
| <p>Other measures or initiatives</p> | <p>In February 2019, the Lithuanian Law Institute (<i>Lietuvos teisės institutas</i>), a government-funded legal research think tank, in partnership with the Child Rights Protection Ombudsperson (<i>LR Vaiko</i></p> |

⁹¹ Lithuania, Ministry of Social Security and Labour of the Republic of Lithuania, written communication of LSTC and HRMI, 29 August 2019.

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| | <p><i>teisių kontrolieriaus įstaiga</i>) and partner organisations from Croatia, Greece and Cyprus launched a new European Union-funded project ‘Procedural guarantees for child suspects and accused: preconditions and opportunities for improving individual assessment’ (IA-CHILD)⁹².</p> <p>The purpose of the project is to conduct an analysis of legal regulation and practice, related to individual assessment of child suspects and accused in criminal proceedings in four EU jurisdictions, and contribute to the effective implementation of EU Directive 2016/800. In the framework of the project, a comprehensive analysis of the current situation will be carried out, while identifying the best practices and the main challenges encountered in the individual assessment of child suspects or accused. The results of the project will be introduced in the form of online training for specialists responsible for carrying out individual assessments, and other interested stakeholders.</p> |
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2. Legal and policy measures or initiatives developed about child internet safety

On 4 February 2019, the Communications Regulation Authority of the Republic of Lithuania (*Lietuvos Respublikos ryšių reguliavimo tarnyba*) launched the initiative ‘Clean Internet’, previously known as the ‘Internet Hotline’. The authority is urging members of the public to report, among other incidents, cases of child sexual exploitation, violence or bullying on the internet. According to the statistics available on the website in 2018, 3,149 reports of illegal or harmful content on the internet were received by the hotline.

⁹² More information in English: <http://teise.org/en/lti-veikla/projektines-veiklos/procedurines-garantijos-itariamiems-ir-kaltinamiems-vaikams-individualaus-vertinimo-tobulinimo-prielaidos-ir-galimybes-ia-child/>

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

On 1 January 2019 amendments to the Law on State Guaranteed Legal Aid (*Valstybės garantuojamos teisinės pagalbos įstatymas*) came into force. These amendments provide for free secondary legal aid (i.e. representation in legal proceedings) for all victims of terrorism, human trafficking, violence in close relationships, sex crimes, crimes committed by organized groups, or hate crimes based on the victim's age, gender, sexual orientation, disability, race, ethnicity, language, origin, social status, religion, beliefs or views⁹³. These provisions create legal grounds for better representation of vulnerable victims in legal proceedings, including at the pre-trial and trial stage, as the above-mentioned categories of victims are entitled to State guaranteed legal aid without applying a means test, i. e. irrespective of the victim's income or financial status.

On 31 May 2019, the Judicial Council (*Teisėjų taryba*) adopted the 'Description of Policy on Security in Courts'⁹⁴. In general provisions of these guidelines it is stated that these guidelines were prepared by relying on, among other sources, the Victims' Rights Directive. This document contains provisions on measures aimed at ensuring both physical and psychological security in courts. From the perspective of victims' rights, measures aimed at ensuring psychological security (e. g. court psychologists, court volunteers, provision of information about judicial proceedings, special premises for victims and witnesses) are especially important.

According to this document, the main duties of court psychologists are to ensure professional questioning of children who are participants in the proceedings, to prepare children and their representatives for proceedings, and to provide them with required psychological support.

The aim of court volunteers is to help court visitors to feel more secure by providing them with practical information about court proceedings, informing victims and witnesses about their rights, and providing emotional support.

Concerning the rights of victims participating in proceedings, the document provides that prior to the court hearing, victims and witnesses must be informed about their rights, duties, and course of the hearing (e. g. by serving relevant information on procedural rights, available psychological support, and contacts of relevant NGO's together with the summons to the hearing).

In order to ensure the security needs of victims, newly constructed or reconstructed court buildings must be equipped with interview rooms and other premises, designed so as to ensure that victims avoid contact with suspects.

In 2019 the court volunteer programme, launched in 2016, continued to be implemented. As no specific professional background is required, any person may apply to become a court volunteer.

In 2019 court volunteers were operating in 6 Lithuanian court institutions (out of 74) – Šiauliai regional court, Panevėžys regional court, Vilnius city district court, Kaunas district court, Šiauliai district court and Panevėžys district court. Services were provided by around 40 volunteers who provided help to around 5000 persons (victims and witnesses) in total.⁹⁵

⁹³ Lithuania, Law amending Articles 2, 11, 12, 13, 14, 15, 18, 19, 21, 22, 23, 24, 29, 30, 31, 32, and 34 of the Law on State-guaranteed Legal Aid ([Lietuvos Respublikos valstybės garantuojamos teisinės pagalbos įstatymo Nr. VIII-1591 2, 11, 12, 13, 14, 15, 18, 19, 21, 22, 23, 24, 29, 30, 31, 32, 34 straipsnių ir priedo pakeitimo įstatymas](#)), 30 June 2018.

⁹⁴ Lithuania, Decision of the Judicial Council on approving Description of Policy on Security in Courts ([Teisėjų tarybos nutarimas "Dėl Saugumo teismuose politikos aprašo patvirtinimo"](#)), 31 May 2019.

⁹⁵ Lithuania, National Court Administration, written communication with LSTC and HRMI, 23 October 2019.

According to publicly available information, in 2016, 60 volunteers provided services in 7 courts,⁹⁶ in 2017, 80 volunteers in 8 courts⁹⁷, and in 2018 – 43 volunteers in 6 courts⁹⁸. Court volunteers provide help to around 5000 persons each year. However, this number includes all contacts of volunteers with court visitors, whereas the number of victims and witnesses who receive help and support in the course of criminal proceedings amounts to around 600 each year. It is intended to continue the project in 2020 as well, but currently there are no plans to expand the service to other courts, as currently court volunteers operate in the 6 courts having the highest numbers of visitors. However, willing persons may choose to volunteer at any Lithuanian court, even though a particular court does not participate in court volunteer project on a permanent basis.⁹⁹

Currently separate entrances into hearing rooms for victims and suspects, enclosures with hearing rooms, spacious waiting rooms are equipped in 10 court institutions (out of 74).

2. Violence against women

According to the official statistics, in 2019, 7695 criminal offences related to domestic violence were registered.¹⁰⁰ Out of 9283 registered victims, 77,1% (7160) were women, and 22,9% (2122) were men. When it came to perpetrators, 89,8% (4520) were men and 10,2% (516) were women. Compared to previous years, number of registered offences is decreasing, but the dynamics of perpetrators and victims remains similar:

:

| 2017 | 2018 | 2019 | |
|--------|-------|------|--|
| 10,973 | 9,530 | 7695 | |

Dynamics of registered criminal offences related to domestic violence 2017-2019¹⁰¹

| 2017 | | 2018 | | 2019 | |
|--------------------|----------------------|-------------------------|---------------------------|----------------------|------------------------|
| Men: 1885 (23%) | Women: 6304 (77%) | Men: 2359 (22.3%) | Women: 8198 (77.7%) | Men: 2122 (22,9%) | Women: 7160 (77,1%) |
| Total: 8189 | | Total: 10557 | | Total: 9283 | |

⁹⁶ Lithuania, National court administration (2016), “Court volunteer service is being launched” ([Darba pradeda teismo savanorių tarnyba](#)), press release, 4 July 2016.

⁹⁷ Lithuania, Kauno diena, “Courts are again looking for volunteers” ([Šalies teismai vėl ieško savanorių](#)), 10 October 2017.

⁹⁸ Lithuania, National court administration (2018), Information leaflet ([Informacinis Nacionalinės teismų administracijos lankstinukas](#)), 2018.

⁹⁹ Lithuania, National Court Administration, phone communication with HRMI, 24 January 2019.

¹⁰⁰ Lithuania, Information Technology and Communications Department near the Mistry 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, [2019](#). This number does not reflect the outcome of criminal proceedings. No court statistics concerning the dynamics of criminal offences related to domestic violence is available.

¹⁰¹ Lithuania, Information Technology and Communications Department near the Mistry of Interior of the Republic of Lithuania. Report on registered criminal offences related to domestic violence [2017-2018](#), [2019](#).

Dynamics of registered victims of criminal offences related to domestic violence 2017-2019¹⁰²

| 2017 | | 2018 | | 2019 | |
|----------------------|----------------------|-------------------------|----------------------|----------------------|-----------------------|
| Men: 5558 (90,6%) | Women: 580 (9,4%) | Men: 5072 (90,3%) | Women: 546 (9,7%) | Men: 4520 (89,8%) | Women: 516 (10,2%) |
| Total: 6138 | | Total: 5618 | | Total: 5036 | |

Dynamics of registered perpetrators of criminal offences related to domestic violence 2017-2019¹⁰³

On 15 April 2019 the prime minister created a working group on preventing violence against women and domestic violence.¹⁰⁴ Representatives from government institutions, law enforcement and NGOs were included in the group. The working group is tasked with preparing and submitting proposals to the responsible institutions on the improvement of legislation regulating the prevention and reduction of violence against women and domestic violence, and the improvement of cooperation between state institutions and non-governmental organisations in these fields.

On 13 May 2019, the Police Commissioner General (*Policijos generalinis komisaras*) approved the timeline of preventive measures for the 2nd, 3rd and 4th quarters of 2019. One of these measures is meetings with communities, aiming to foster intolerance towards domestic violence. These meetings are expected to take place in November 2019. During these meetings, interactive material, which was prepared by the Police Department, and which should help to recognise different types of violence, will be used¹⁰⁵.

According to data provided by the Police Department, two courses for raising the qualification of police officers are offered in 2019 – ‘Domestic violence’ and ‘Coordinated interinstitutional response to domestic violence’. During the first two quarters of 2019, 373 police officers attended the ‘Domestic violence’ course, and 114 officers attended the ‘Interinstitutional response’ course¹⁰⁶.

Support services (psychological, legal and other consultations) are provided by specialised support centres, acting as non-profit public organisations. According to the information provided by the Ministry of Social Security and Labour, in 2019 support services to victims of domestic violence were provided by 17 specialised support centres. The total funding allocated to these organisations in 2019 was € 1.5 million¹⁰⁷. This constitutes a significant increase of 42 %, compared to 2018, when € 874,000 were allocated for this purpose¹⁰⁸. However, due to very

¹⁰² Lithuania, Information Technology and Communications Department near the Mistry 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](#).

¹⁰³ Lithuania, Information Technology and Communications Department near the Mistry 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](#).

¹⁰⁴ Lithuania, Ordinance by Prime Minister on establishing a working group (*Dėl darbo grupės sudarymo*), 15 April 2019, No 78.

¹⁰⁵ Lithuania, Police Department under the Ministry of Interior of the Republic of Lithuania (*Policijos Departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos*), written communication of LSTC and HRMI, July 2019.

¹⁰⁶ Lithuania, Police Department under the Ministry of Interior of the Republic of Lithuania (*Policijos Departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos*), written communication of LSTC and HRMI, July 2019.

¹⁰⁷ Lithuania, response from Ministry of Social Security and Labour to freedom of information request, August 2019.

¹⁰⁸ Lithuania, Joint order of the Minister of Social Security and Labour, Minister of Health and Minister of Interior on approving the programme of ‘Specialized Support Centers’ (*Lietuvos Respublikos socialinės apsaugos ir darbo*

limited funding allocated to specialised support centres based in smaller towns, some organisations face lack of resources and staff, resulting in limited capacity to provide the required services.

No legislative, policy or other type of measures leading to negative developments in the field were adopted in 2019. However, many organisations working with victims of violence against women are critical of certain provisions of the Law on Mediation¹⁰⁹. These provisions, which will come into force on 1 January 2020, foresee obligatory mediation in all family cases involving a dispute¹¹⁰. There are no exceptions for cases where an element of domestic violence is present, thus it is feared that victims of domestic violence who wish to divorce the offender will be subjected to obligatory mediation as well.

It should also be mentioned that victims of domestic violence tend to report victim-blaming attitudes towards them, when in contact with law enforcement authorities¹¹¹. In addition, the concept of coercive control/systemic violence is absent from Lithuanian legislation. Thus, episodes of systemic violence are routinely dealt with as isolated episodes, thus making it rather complicated to make the abuser criminally responsible, especially in cases of psychological violence¹¹².

Sometimes reluctance to initiate proceedings is based on previous case law of the Lithuanian Supreme Court (*Lietuvos aukščiausias teismas*). Police investigators tend to discontinue investigations by citing, with relevant modifications, a passage from a judgment of Lithuania's Supreme Court of 3 January 2012: *"The case at hand is very sensitive. It concerns a dispute between two persons, a man and a woman who have been living for many years in a marriage that has satisfied both spouses for a long time. It should also be noted that this dispute is between spouses raising two children. In addition, divorce proceedings, involving division of property and childcare, are ongoing. In such a sensitive case, where persons who have been married for a long time are in a strained relationship, the court has to be very careful and cautious about the testimonies of those involved. Courts have to bear in mind that in such conflicts, parties to the proceedings, including the victims, may act not fully lawfully, may inadequately perceive the situation, or may have not quite legitimate motives"*¹¹³.

This pronouncement, casting additional doubts on testimonies from victims of intimate partner violence, tends to be applied in judicial and law enforcement practice which involves any conflict between spouses, including outside the context of divorce proceedings.

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), though signed by Lithuania in 2013, is not yet ratified. The main reason behind the reluctance to ratify the Istanbul Convention is the fact that

ministro, Lietuvos Respublikos sveikatos apsaugos ministro ir Lietuvos respublikos vidaus reikalų ministro įsakymas „[Dėl Specializuotos pagalbos centru programos patvirtinimo](#)“), 19 December 2011, with amendments.

¹⁰⁹ See, for example, article in news portal Delfi, G. Bakūnaitė, Determined to change the new rules: officers are recommending victims of crime to make peace with the offender ([Užsimojo keisti naują tvarką: nusikaltimo aukoms pareigūnai jau dabar siūlo susitaikyti](#)), 28 November 2019.

¹¹⁰ Lithuania, Law on Mediation ([Mediacijos įstatymas](#)), 15 July 2008, Article 20.

¹¹¹ Grigaitė, U., Karalius, M. (2018) 'Intimate partner violence in Lithuania – women's perspective' ([Intymaus partnerio smurtavimo apraiškos Lietuvoje – moterų perspektyva](#)), Vilnius, Human Rights Monitoring Institute.

¹¹² Analysis of legal acts, informal (not recorded) interviews with police investigators, prosecutors, judges and lawyers, conducted in the course of activities carried out by the Human Rights Monitoring Institute. For further analysis concerning specific categories of domestic violence, see: Grigaitė, U., Karalius, M. (2019), 'Between experience and social 'norms', identification and compliance: economic and sexual intimate partner violence against women in Lithuania', *Journal of Gender-Based Violence*, Vol. 3, No. 3, pp. 303-321.

¹¹³ Lithuanian Supreme Court, judgment of 3 January 2012 in criminal case No. [2K-71/2012](#).

according to this convention 'gender' is defined as a social construct rather than a biological category.¹¹⁴

In addition, Lithuania remains one of the countries where stalking has not been criminalised. On 25 July 2019 however, amendments to the Criminal Code, aimed at criminalising stalking, were registered and, after receiving approval by the Parliament (*Seimas*), are currently being discussed in parliamentary committees. According to these amendments, “a person who systematically persecutes another person despite his clearly expressed will, by trying to contact him directly or via other persons or through means of telecommunications, commits a misdemeanour and shall be punishable with community work, or fine, or restriction of liberty, or arrest. Criminal responsibility for the aforementioned acts shall be invoked only in cases where the victim submits a complaint or in the context of an ongoing pre-trial investigation related to domestic violence”¹¹⁵.

¹¹⁴ See, for example, Baltic News Network, [Lithuania procrastinates ratification of Istanbul Convention](#), May, 2018.

¹¹⁵ Lithuania, Draft Law on supplementing the Criminal Code with Article 167(1), ([Baudžiamojo kodekso papildymo 167\(1\) straipsniu įstatymo projektas](#)), 25 July 2019.

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*)¹¹⁶ no specific measures are targeted for implementation in 2019. Most of the measures foreseen in the plan have no specific deadline, i.e. within the term of the whole plan period (2016–2020).

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*) (hereafter – Department) coordinates it, collects 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.

Overall monitoring of the implementation of the convention has been organised by the Department until July 2019. In the period 2017–2018–2019 it has organised procurement procedures for purchasing separate research of specific areas of the convention; 5 research/surveys were carried out in 2017¹¹⁷, 6 research/surveys were carried out in 2018¹¹⁸ and 5 are under way in 2019. The results of these 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 2019.

¹¹⁶ Lithuania, Minister of Social Security and Labour of the Republic of Lithuania (Lietuvos Respublikos Socialinės apsaugos ir darbo ministras) (2016) Decree 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 (Įsakymas Dėl Jungtinių Tautų neįgaliųjų teisių komiteto rekomendacijos įgyvendinimo 2016–2020 metų priemonių plano patvirtinimo) No. A1-596, 9 November 2016

¹¹⁷ Lithuania, Department for Disability Affairs under the Ministry of Social Security and Labour (Neįgaliųjų reikalų departamentas prie Socialinės apsaugos ir darbo ministerijos) (2017). Report of 2017

¹¹⁸ Lithuania, Department for Disability Affairs under the Ministry of Social Security and Labour (Neįgaliųjų reikalų departamentas prie Socialinės apsaugos ir darbo ministerijos) (2018). Report of 2018

Legal framework amendments/changes for implementation of the Convention in 2019

1. On 12 February 2019 the Parliament (*Seimas*) adopted the Law amending the Law on State Social Insurance art. 6 thus expanding the list of persons insured with the State pension and unemployment insurance¹¹⁹. Based on this amendment from 1 January 2020, a person appointed as the carer of a person with disabilities, with established special need for continuous care/assistance, will be covered by State funds for pension and unemployment social insurance. **Only parents, adoptive parents or guardians of the disabled person will be able to seek such insurance.**
2. On 19 February 2019, the Ministry of Social Security and Labour adopted the ‘Decree Concerning the Approval of the Procedure for the Adaptation of Housing for the Disabled’¹²⁰. The procedure provides for easier rules for adapting housing for people with disabilities through State and municipal funding. A total amount of € 1.5 million has been allocated in 2019 for the adaptation of housing for people with disabilities. This amount will allow about 350 people with disabilities to improve their living conditions and housing.
3. On 27 June 2019, the Ministry of Social Security and Labour adopted a decree on the ‘Procedure for Strengthening Social Security through Adjusting the Housing and Living Environment for Families Raising Children with Severe Disabilities’¹²¹. In addition to the adaptation of housing and the living environment, the procedure establishes the possibility of financing technical assistance measures. These can be different types, e.g. visual stimulation, movement restraint, tactile, tapping, sound suppression equipment, car seats or helmets protecting against head injuries in the event of an epileptic seizure. These instruments can also be purchased in a foreign country. For 2019, € 436,000 are provided for the adaptation of the housing and living environment and technical measures for children with severe disabilities. These funds were distributed to the municipalities based on the number of children with severe disabilities living in the municipalities.
4. On 24 April 2019, the Ministry of Health (*Sveikatos apsaugos ministerija*), Ministry of Education and Sport (*Švietimo, Mokslo ir sporto ministerija*), Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo*

¹¹⁹ Lithuania, Seimas of the Republic of Lithuania (*Lietuvos Respublikos Seimas*) (2019), [Law amending Art. 6 of the Law on State Social Insurance](#) (Lietuvos Respublikos valstybinio socialinio draudimo įstatymo Nr. I-1336 6 straipsnio pakeitimo įstatymas), No. XIII-1961, 12 February 2019.

¹²⁰ Lithuania, Minister of Social Security and Labour of the Republic of Lithuania (Lietuvos Respublikos socialinės apsaugos ir darbo ministras) (2019) Decree on the Approval of the Procedure for the Adaptation of Housing for the Disabled (Įsakymas Nr. A1-103, Dėl Būsto pritaikymo neįgaliesiems tvarkos aprašo patvirtinimo“), No. A1-103, 19 February, 2019

¹²¹ Lithuania, Minister of Social Security and Labour of the Republic of Lithuania (*Lietuvos Respublikos Socialinės apsaugos ir darbo ministras*) (2019) [Decree on Procedure for Strengthening Social Security through Adjusting the Housing and Living Environment for Families Raising Children with Severe Disabilities](#) (Įsakymas “Dėl Šeimų, auginančių vaikus su sunkia negalia, socialinio saugumo stiprinimo pritaikant būstą ir gyvenamąją aplinką tvarkos aprašo patvirtinimo” No. A1-365, 27 June 2019.

ministerija) by their joined decree adopted a two-year 2019–2020 Action Plan for Helping Children Diagnosed with Autism or other Developmental Disabilities¹²². This support plan includes innovation in health care, early diagnosis and rehabilitation through the provision of social assistance and appropriate educational services in preschool and later stages of education. . The plan includes specific measures for assisting these children in the educational system. It covers the following: setting up a counselling and methodological assistance unit, developing recommendations for adapting education environments and developing individual education plans, providing schools with special educational and technical facilities, providing training seminars for improvement of qualification, programs for teachers, special educators, assistants, informing about the best international practices and providing methodological support.

5. On 27 December 2018, the Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*) together with the Ministry of Health Care (*Sveikatos apsaugos ministerija*) adopted a ‘Decree on Approval of the Procedure for Determining the Requirements for Reimbursement of Special Permanent Nursing, Special Care (Assistance), Special Passenger Car and Its Technical Adaptation’¹²³. According to the decree as of 2 January 2019 the procedure for identifying special needs has changed. The Office for the Determination of Disability and Incapacity under the Ministry of Social Security and Labour (*Neįgalumo ir Darbingumo nustatymo tarnyba prie Socialinės apsaugos ir darbo ministerijos*) will now determine 4 different levels for financial support depending on the individual support needs assessed¹²⁴.

¹²²Lithuania, Ministry of Health of the Republic of Lithuania, Ministry of Education and Sport of the Republic of Lithuania and Ministry of Social Security and Labour of the Republic of Lithuania (Lietuvos Respublikos Sveikatos apsaugos ministerija, Švietimo, mokslo ir sporto ministerija ir Socialinės apsaugos ir darbo ministerija) (2019) [Decree on Action Plan for Helping Children Diagnosed with Autism or other Developmental Disabilities](#) (Įsakymas Dėl pagalbos vaikams, kuriems diagnozuotas autizmas ar kitas raidos sutrikimas, 2019–2020 metų veiksmų plano patvirtinimo).

¹²³ Lithuania, Minister of Health of the Republic of Lithuania (Lietuvos Respublikos sveikatos apsaugos ministras) (2018) [Decree on Approval of the Procedure for Determining the Requirements for Reimbursement of Special Permanent Nursing, Special Care \(Assistance\), Special Passenger Car and its Technical Adaptation](#) (Įsakymas „Dėl Specialiojo nuolatinės slaugos, specialiojo nuolatinės priežiūros (pagalbos), specialiojo lengvojo automobilio įsigijimo ir jo techninio pritaikymo išlaidų kompensacijos poreikių nustatymo tvarkos aprašo patvirtinimo“) No. A1-765/V-1530, 27.

¹²⁴ First-level nursing need – determined for a person who develops a disability due to permanent, irreversible dysfunction, which completely limits his/her autonomy, ability to orientate, move, and who needs continuous 8-hour or longer-term care;

Second-level nursing need – determined for a person who develops a disability due to persistent, irreversible dysfunction, significantly limiting his /her autonomy, ability to navigate, and needs continuous care for 6-7 hours a day;

the need for first-level continuous care (assistance) for a person who develops a disability due to persistent, irreversible dysfunction, partially limiting his or her autonomy and participation in society, and who needs constant help from others for 4-5 hours a day;

the need for a second level of regular care (assistance) for a person who develops a disability due to persistent, irreversible dysfunction, which adversely affects his or her autonomy and participation in society, and who requires continuous care (assistance) of up to 3 hours a day;

the need for reimbursement of the cost of purchasing and maintaining a car.

6. The same decree was amended once again on 23 May 2019¹²⁵ establishing the assessment of special needs for the specific groups of people, including for instance people with dementia, children with autism spectrum disorders, deaf or moderate to severe hearing, speech impaired children, and children with diabetes or those with significant urinary problems. As a result, these groups will be provided with targeted compensation for their special needs.
7. Since 1 September 2019, the State Social Security Agency (*SODRA*) is entitled to engage independent health professionals to perform additional personal health examinations if there is reasonable doubt about the award and payment of sickness benefits, disability compensation and disability pensions. This obligation occurred due to the implementation of the provisions of the decree by the Minister of Social Security and Labour and the amendments to the Law on State Social Insurance adopted by the *Seimas* in December 2018¹²⁶ ‘Disability, Temporary Working capacity and Disability Supervision’ is an anti-corruption measure designed to prevent occasional errors or dishonesty in misleading institutions involved in the disability decision process and in obtaining undue working capacity and disability benefits.
8. From 1 July 2019 with the entry into force of the ‘Family Card Act’¹²⁷, and the ‘Decree on Approval of the Description of the Procedure for Issuing and Using the Family Card’¹²⁸ adopted by the Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*) the identification of cardholders and the production of name cards have begun. Distribution of cards to families with 3 or more children and families caring for disabled children began in September. The Parliament (*Seimas*) has decided that families caring for a child with disabilities, regardless of age, will be able to use the family card this year. The card will guarantee special benefits, services, privileges or discounts on goods and events. A family caring for a disabled person – a family in which parents care for the person with disabilities who is deemed to be incapacitated by the courts or who has 55 % or less of reduced working capacity. The child may be of adult age but must live with his parents or guardians.

¹²⁵ Lithuania, Ministry of Health of the Republic of Lithuania and Ministry of Social Security and Labour of the Republic of Lithuania (Lietuvos Respublikos Sveikatos apsaugos ministerija ir Socialinės apsaugos ir darbo ministerija) [Decree on Approval of the Procedure for Determining the Requirements for the Compensation of the Expenses for the Purchase of Special Permanent Care, Special Care \(Assistance\), Special Passenger Car and its Technical Adaptation](#) (Isakymas “Dėl Specialiojo nuolatinės slaugos, specialiojo nuolatinės priežiūros (pagalbos), specialiojo lengvojo automobilio įsigijimo ir jo techninio pritaikymo išlaidų kompensacijos poreikių nustatymo tvarkos aprašo patvirtinimo“ pakeitimo), No. A1-765/V-1530, 27 December, 2018.

¹²⁶ Lithuania, Seimas of the Republic of Lithuania (Lietuvos Respublikos Seimas), The Law on amendments to the Law on State Social Insurance (Valstybinio socialinio draudimo įstatymo pakeitimo įstatymas) No. XIII-1720, 11 December 2018 (in force from 2019 01 01)

¹²⁷ Lithuania, Seimas of the Republic of Lithuania (Lietuvos Respublikos Seimas) (2018), The Law on Family Card (Šeimos kortelės įstatymas), No. XIII-1406, 30 June 2018

¹²⁸ Lithuania, Ministry of Social Security and Labour (Socialinės apsaugos ir darbo ministerija) (2019), Decree on Approval of the Description of the Procedure for Issuing and Using the Family Card (Isakymas “Dėl Šeimos kortelės išdavimo ir naudojimo tvarkos aprašo patvirtinimo”), No. A1-380, 3 July 2019.

2. CRPD monitoring at national level

As a result of amendments to the Law on Equal Opportunities¹²⁹ 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 4 representatives from disability NGOs and 1 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. In monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities, the Commission shall:

1. keep under review the implementation of the United Nations Convention on the Rights of Persons with Disabilities;
- 2) make recommendations on the implementation of the United Nations Convention on the Rights of Persons with Disabilities to the Seimas of the Republic of Lithuania, the Government of the Republic of Lithuania, state and municipal institutions and bodies, the Equal Opportunities Ombudsman and other natural and legal persons, other organisations and their units;
- 3) prepare reports on monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities.

In monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities, the Commission shall be empowered to:

- 1) obtain from natural persons, legal persons, other organisations and their departments the information necessary for the performance of its functions;
- 2) employ experts, to propose to the Equal Opportunities Ombudsperson to carry out investigations, to form working groups;
- 3) provide opinions and comments on the compliance of existing legislation and draft legislation with the United Nations Convention on the Rights of Persons with Disabilities.

With regards to the budget allocated for implementation of the above-mentioned functions, there were no additional budgetary allocations to the [Office of the Equal Opportunities Ombudsperson](#) directly. However, € 18,000 was reallocated from the Department of Disability affairs for 2019 (for the period from 1 July to the end of the year) to perform the duties and functions of the Commission. This amount might be used for the service provision and compensation for the work of members of the Commission¹³⁰.

¹²⁹ Lithuania, Seimas of the Republic of Lithuania (Lietuvos Respublikos Seimas) (2018), Law amending Articles 1, 16 and 17 and supplementing with Article 15-1 the Law on Equal Opportunities (Lygių galimybių įstatymo 1, 16 ir 17 straipsnių pakeitimo ir įstatymo papildymo 15-1 straipsniu įstatymas), No. XIII-1760, 11 December 2018

¹³⁰ Lithuania, Office of the Equal Opportunities Ombudsperson (Lygių galimybių kontrolieriaus tarnyba) Communication of LSCT 20 November 2019.

Table: Structures set up for the implementation and monitoring of the CRPD

| EUMS | Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1) | Coordination mechanism – Article 33 (1) | Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2) |
|-------------|---|--|---|
| LT | Ministry of Social Security and Labour (<i>Socialinės apsaugos ir darbo ministerija</i>) | | Commission for the monitoring of the rights of persons with disabilities (<i>Žmonių su negalia teisių stebėsenos komisija</i>) under the Office of the Equal Opportunities Ombudsperson (<i>Lygių galimybių kontrolieriaus tarnyba</i>) |

Annex 1 – Promising Practices

| Thematic area | EQUALITY AND NON-DISCRIMINATION Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination. |
|--|---|
| Title (original language) | Projektas 'Baltic Pride 2019: LGBT* žmogaus teisių skatinimas bendradarbiaujant Šiaurės ir Baltijos šalims'. Eitynės už lygybę 'Baltic Pride 2019'. |
| Title (EN) | The project 'Baltic Pride 2019: Promoting LGBT* Human Rights through Nordic-Baltic Cooperation'. The March for Equality 'Baltic Pride 2019'. |
| Organisation (original language) | LGL Nacionalinė LGBT teisių organizacija. Lygių galimybių kontrolieriaus tarnyba. |
| Organisation (EN) | LGL National LGBT Rights organisation; The Office of the Equal Opportunities Ombudsperson was a partner of the March for Equality 'Baltic Pride 2019'. |
| Government/Civil society | Government/Civil society |
| Funding body | NORDEN (Nordic Council of Ministers) was the funding body of the project 'Baltic Pride 2019: Promoting LGBT* Human Rights through Nordic-Baltic Cooperation'. |
| Reference (incl. url, where available) | www.lgl.lt/en/?page_id=21022 . www.lgl.lt/en/?page_id=124 . www.lygybe.lt/lt/veikla/projektai/lgbt-it-didinant-visuomenes-samoninguma-ir-bendruomenes-matomuma-lietuvoje/901 |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | The project 'Baltic Pride 2019: Promoting LGBT* Human Rights through Nordic-Baltic Cooperation' started in June 2018 and ended in June 2019. The human rights festival 'Baltic Pride 2019' week was held 4–9 June 2019. |
| Type of initiative | Raising awareness |
| Main target group | LGBT* people; Nordic and Baltic NGOs working on Human Rights issues. |
| Indicate level of implementation: Local/Regional/National | Regional/National |
| Brief description (max. 1000 chars) | The project 'Baltic Pride 2019: Promoting LGBT* Human Rights through Nordic-Baltic Cooperation' aimed to consolidate the partnership between Nordic and Baltic NGOs in order to establish sustainable cooperation on LGBT* issues on the national and regional level. The project planned the joint organisation of 'Baltic Pride 2019' as a point of contact that facilitates transfer of knowledge and skills, assessment of the current LGBT* situation in the Baltic States and development of shared long-term strategies and goals. 'Baltic Pride' is the biggest LGBT human rights festival in the Baltic States and is attended by the LGBT community and its allies from Lithuania, Latvia, Estonia and other European countries. The 2019 'Baltic Pride' festival took place in Vilnius on 4-9 June. The festival included LGBT events, such as an international Human Rights Conference, Pride Voices Gala event, Pride House, Pride Street Party, LGBT movie festival ('Kreivės') and culminating with the March for Equality. |

| | |
|--|---|
| Highlight any element of the actions that is transferable (max. 500 chars) | Human Rights Conference, LGBT movie festival, March for Equality, consolidation of the partnership between Nordic and Baltic NGOs for develop strategies and goals related to LGBT* issues. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The Human Rights Conference could be useful not only for awareness-raising campaigns, but for legal and policy developments at national level. The 'Pride Street Party' and 'March for Equality' could be useful for awareness raising campaigns among local people at the national, regional and international levels. Consolidation of the partnership between Nordic and Baltic NGOs could be useful for transfer of knowledge and skills related to LGBT* issues. |
| Give reasons why you consider the practice as having concrete measurable impact | The 'Baltic Pride 2019' festival attracted the attention of both the private sector and public institutions. In contrast to previous years, Baltic Pride was strongly supported by numerous business enterprises, foreign embassies as and Lithuanian state institutions such as the Ministry of Foreign Affairs of Lithuania. The Office of the Equal Opportunities Ombudsperson was a partner of the March for Equality 'Baltic Pride 2019' and the LGBT film festival 'Kreivės'. |
| Give reasons why you consider the practice as transferrable to other settings and/or Member States? | Consolidation of the partnership between the NGOs of different countries (e.g. other Member States) could establish sustainable cooperation on LGBT* issues on the national, regional and international level. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice | Joint organisation of Baltic Pride 2019 facilitated transfer of knowledge and skills, assessment of the current LGBT* situation in the Baltic States and development of shared long-term strategies and goals. |
| Explain, if applicable, how the practice provides for review and assessment | Not applicable. |

| | |
|----------------------------------|---|
| Thematic area | RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances. |
| Title (original language) | Įvairovės chartija Lietuva |
| Title (EN) | Diversity Charter Lithuania |
| Organisation (original language) | Diversity development group SOPA: Socialinė įdarbinimo agentūra |
| Organisation (EN) | Diversity development group SOPA |
| Government / Civil society | Civil society |
| Funding body | The initiative is part of the project 'Strategic thinking on diversity management and inclusion at the workplace', No. 2017-1-LT01-KA202-035236, Dimain, Erasmus+ Private sponsorship |

| | |
|--|--|
| Reference (incl. url, where available) | www.ivairove.lt/ |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | The Lithuanian Diversity Charter was launched at the end of 2018 but really took off in 2019. |
| Type of initiative | The aim of the initiative is to promote the creation of diversity friendly and inclusive workplaces. |
| Main target group | Private sector organisations, state sector organisations, large international companies, state institutions, small and medium companies, non-governmental sector, universities, labour unions. |
| Indicate level of implementation: Local/Regional/National | The National Charter is part of an international initiative coordinated by the European Commission. Lithuania is the 22nd Member State to become part of the Diversity Charter platform coordinated by the European Commission. |
| Brief description (max. 1000 chars) | Diversity Charter Lithuania unites more than 30 organisations at the moment. These organisations signed the Diversity Charter and by so doing committed to the principles of equal opportunities at the workplace irrespective of a person's ethnicity, race, sexual orientation, gender, age, nationality or religious beliefs. In 2019 the initiatives connected to Diversity Charter Lithuania included two international conferences and diversity management training sessions. |
| Highlight any element of the actions that is transferable (max. 500 chars) | The initiative of the Diversity Charter proved to be transferable to different contexts since Lithuania is the 22nd Member State to introduce this initiative. The experience of other EU countries that are part of the Diversity Charter platform is transferred to Lithuania. |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | Diversity Charter Lithuania is part of a broader EU-level initiative coordinated by the European Commission, so the history of this idea proves its sustainability. In the Lithuanian case, the coordinators are actively transferring the experience of other countries to Lithuania and are successful in finding co-funding sources. |
| Give reasons why you consider the practice as having concrete measurable impact | The number of organisations which signed the charter is increasing and via participation at international events and training sessions these organisations gain expertise and are open to implementing the principles of tolerance, inclusion and a diversity friendly atmosphere in their workplaces. |
| Give reasons why you consider the practice as transferrable to other settings and/or Member States? | The initiative of the Diversity Charter has already proved to be transferable to different contexts. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice | |
| Explain, if applicable, how the practice provides for review and assessment | The immediate future plans at the international level foresee development of criteria that could be applicable to all Member States that are part of the Diversity Charter. |

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| Thematic area | ROMA INTEGRATION Please provide one example of promising practice in relation to addressing Roma/Travellers segregation at either national, regional or local level. These could be (but not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment. |
| Title (original language) | Dvi radijo dokumentikos tinklalaidės Juodojo paukščio žinia: romų genocidas Lietuvoje ir ‘Mes stiprūs, mes nerealiai stiprūs’ Lietuvos romai šiandien |
| Title (EN) | Two radio documentary podcasts The Message of Black Bird: Roma Genocide in Lithuania and ‘We are strong, we are incredibly strong’. Lithuanian Roma today. |
| Organisation (original language) | Nanook |
| Organisation (EN) | Nanook/a multimedia production studio that focuses on digital storytelling and explores social, environmental, cultural and other contemporary issues. |
| Government / Civil society | Civil society |
| Funding body | Private donors, public institutions. For these two podcasts, the Department of National Minorities under the Government of Lithuania provided partial funding. |
| Reference (incl. url, where available) | https://nanook.lt/podcast/juodojo-paukscio-zinia-romu-genocidas-lietuvoje/ https://nanook.lt/podcast/mes-stiprus-mes-nerealiai-stiprus-lietuvos-romai-siandien/ |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 27 June and 2 July 2019 |
| Type of initiative | Media campaign |
| Main target group | General public (focusing on younger age group 18–45) |
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | The two podcasts illustrate a qualitative change in the representation of the Roma Holocaust in Lithuania that has been observed since 2015. A host of initiatives (i.e. the musical play ‘SAMUDARIPEN. A girl from a wagon’ about the Roma Holocaust by the Roma musical ensemble Sare Roma, translation of children’s books, several exhibitions, a scientific conference, opening of several memorials etc.) by different organisations have contributed to wider recognition and improved understanding of the Roma Holocaust in society. This qualitative change might have been a significant factor (among others) that contributed to the official recognition of the Roma Holocaust Memorial Day by the Seimas (the Lithuanian Parliament) in 2019. The funding of the podcasts is also a good illustrative example of how private and public funds are combined to produce a high-quality service. |
| Highlight any element of the actions that is transferable (max. 500 chars) | Storytelling is a powerful way to develop an understanding, respect and appreciation for other cultures. The decision to use narrative podcasts to tell the story of the Roma Holocaust helps to attract new audiences (especially young people) to the topic and to promote a positive attitude to the Roma ethnic group. |
| Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’) | The podcasts provide rich multimedia material (free of charge) that can be used in educational setting by teachers and students alike. They also contribute to the development of public discourse on the topic of the Roma ethnic group in Lithuania. |

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| Give reasons why you consider the practice as having concrete measurable impact | The decision to focus on the topic of the Roma Holocaust has helped to expand the usually narrow public discourse on the Roma ethnic group. Instead of focusing on somewhat stigmatising topics such as social exclusion, criminal activities, housing segregation, etc., the shift to historical injustices has provided an opportunity to present the Roma in a different light. The public reception of such initiatives has been quite positive – local politicians were willing to participate in public events connected to the Roma Holocaust Memorial Day (i.e. in Panevėžys ¹³¹ and Alytus ¹³² . Opening ceremonies of Roma Holocaust memorials were attended by mayors and deputy mayors of the region). The musical play ‘SAMUDARIPEN. A girl from a wagon’ has attracted wide audiences in Šiauliai, Panevėžys and Vilnius ¹³³ . |
| Give reasons why you consider the practice as transferrable to other settings and/or Member States? | The issue of the Roma Holocaust is not only a national, but also a European issue, therefore the practice can be easily transferable to other Member States. Furthermore, although podcasting is a relatively new phenomenon in Europe, the interest in this form of storytelling has been growing across Member States. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice | |
| Explain, if applicable, how the practice provides for review and assessment | Dvi radijo dokumentikos tinklalaidės Juodojo paukščio žinia: romų genocidas Lietuvoje ir ‘Mes stiprūs, mes nerealiai stiprūs’ Lietuvos romai šiandien |

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| Thematic area | Asylum, visas, migration borders and integration Please provide a promising practice on the support provided to unaccompanied children when reaching majority. |
| | No promising practice has been identified for this thematic area. |

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| Thematic area | INFORMATION SOCIETY, DATA PROTECTION Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter |
| | No promising practice has been identified for this thematic area. |

¹³¹ Communication of NFP-Lithuania with Lithuanian Human Rights Centre (Lietuvos žmogaus teisių centras) (3 September 2019).

¹³² Indrelytė, E. (11 July 2019). *Alytaus rajone skambant gitarai ir smuikui atidengtas paminklas romams* (A memorial for the Roma has been unveiled in Alytus region with the music of guitar and violin). Available in Lithuanian at: <https://m.alytusplus.lt/naujienos/alytaus-rajone-skambant-gitarai-ir-smuikui-atidengtas-paminklas-romams> (accessed on 5 September 2019).

¹³³ Communication of NFP-Lithuania with the Department of National Minorities under the Government of Lithuania (Tautinių mažumų departamentas prie LR Vyriausybės) (13 August 2019).

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| Thematic area | RIGHTS OF THE CHILD Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter. |
| Title (original language) | Švarus internetas |
| Title (EN) | Clean internet |
| Organisation (original language) | Lietuvos Respublikos ryšių reguliavimo tarnyba |
| Organisation (EN) | Communications Regulation Authority of the Republic of Lithuania |
| Government / Civil society | Government |
| Funding body | European Union |
| Reference (incl. url, where available) | https://svarusinternetas.lt/ https://svarusinternetas.lt/en |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | From 2007 until at least 2020 |
| Type of initiative | Tool for reporting illegal and harmful content online |
| Main target group | Members of the public who notice illegal and harmful content online |
| Indicate level of implementation: Local/Regional/National | National and regional (Communications Regulation Authority is a member of the INHOPE association). |
| Brief description (max. 1000 chars) | <p>The Hotline is part of the Communications Regulatory Authority of Lithuania (RRT). Reports are accepted and processed according to the operational procedures approved by the Police Department under the Ministry of the Interior and Office of the Inspector of Journalist Ethics of the Republic of Lithuania. RRT has written agreements with these law enforcement bodies.</p> <p>An electronic report form on the project website is the main tool for reporting illegal and harmful content on the internet. Hotline employees screen all reports. If the reported content is illegal or harmful and is located on Lithuanian servers, the information is forwarded to the appropriate Lithuanian institutions (Police Department or the Office of the Inspector of Journalist Ethics). If the illegal or harmful content is located on international servers, such information is forwarded to the appropriate Hotline of INHOPE or directly to the Lithuanian Police. RRT has been a member of INHOPE since 2008.</p> |
| Highlight any element of the actions that is transferable (max. 500 chars) | <p>The model of cooperation among various government bodies that are responsible for addressing and responding to illegal and harmful content online;</p> <p>Convenient and easily accessible online tool for members of the public to report any illegal or harmful content online.</p> |
| Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’) | The Hotline has been running since 2007 and the financial support for this project has been regularly extended. |
| Give reasons why you consider the practice as having concrete measurable impact | In 2018, specialists at the Hotline dealt with 3,149 reports of potentially illegal or harmful internet content. Altogether 43 reports have been forwarded to the Police Department for investigation; 42 reports have been passed on to the Inspector for Journalist Ethics; 291 reports have been forwarded to the hotlines in other countries, members of INHOPE; 321 reports have been forwarded to internet services providers, owners of the websites, and managers of social networks seeking immediate removal of the harmful content. In 2018 alone, the specialists provided 367 consultations to social media users in relation to removal of unlawfully published personal or harmful information, and other issues of concern. The Hotline established cooperation with non-governmental |

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| | stakeholders such as the national children's Hotline 'Child Hotline' and the business association 'Window to the Future' with the aim to further raise awareness on internet safety and carry out prevention of illegal and harmful content online. |
| Give reasons why you consider the practice as transferrable to other settings and/or Member States? | The working model of the Hotline is easy to replicate. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice | Implementation: If the reported content is illegal or harmful and is located on Lithuanian servers, the information is forwarded to the appropriate Lithuanian institutions (Police Department or the Office of the Inspector of Journalist Ethics). If the illegal or harmful content is located on international servers, such information is forwarded to the appropriate hotline of INHOPE or directly to the Lithuanian Police. |
| Explain, if applicable, how the practice provides for review and assessment | The Hotline publishes quarterly reports on reports received and dealt with by the Hotline. |

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| Thematic area | ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter. |
| Title (original language) | MoterysMoterims.lt |
| Title (EN) | Women to Women |
| Organisation (original language) | Lygių galimybių kontrolieriaus tarnyba kartu su Žmogaus teisių teбėjimo institutu, Lygių galimybių plėtros centru ir socialinės reklamos agentūra Nomoshiti |
| Organisation (EN) | Office of the Equal Opportunities Ombudsman, together with the Human Rights Monitoring Institute, the Centre for Equality Advancement and social advertising agency Nomoshiti |
| Government / Civil society | Government together with civil society |
| Funding body | European Union |
| Reference (incl. url, where available) | www.visureikalas.lt/en/campaign-women-to-women |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | February 2019 and ongoing |
| Type of initiative | Online forum for female victims of domestic violence |
| Main target group | Survivors of domestic violence against women |
| Indicate level of implementation: Local/Regional/National | National |
| Brief description (max. 1000 chars) | The forum was developed as a safe virtual space for women to share their experiences and enable them to support each other to recognise patterns and different forms of violence (i.e. psychological, economic, sexual and physical abuse), as well as to seek help. The forum has a quick exit |

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| | <p>button, momentarily redirecting to a popular news site, and information on how to delete browsing history.</p> <p>The forum is one of the activities of the project ‘Stop Violence Against Women: From (A)wareness to (Z)ero Victims Blaming’. Within the framework of this project, two other large information campaigns were launched. The first one ‘Perfect Family. This is (also) Violence’ aimed to help women identify different forms of domestic violence. The second one ‘Support Survivors’ targeted victim-blaming attitudes, which are widely prevalent both in the general population and among professionals who are providing help.</p> |
| Highlight any element of the actions that is transferable (max. 500 chars) | Similar forums for victims of domestic violence can be created in any jurisdiction. |
| Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’) | Domestic violence is a systemic problem. |
| Give reasons why you consider the practice as having concrete measurable impact | The aim of this forum is to enable female survivors of domestic violence both to recognise the patterns of violence and to help other victims of violence, including by sharing experiences, informational material, contact details of government and non-government institutions providing support to victims of domestic violence, etc. During the first 6 months of its existence, the forum attracted 186 registered users, 42 separate discussions on various related topics were created by forum users, and a total of 498 individual entries made. |
| Give reasons why you consider the practice as transferrable to other settings and/or Member States? | The working model of the forum is easy to replicate. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice | Topics for discussions can (and are) created primarily by victims of domestic violence. However, administrators of the forum (Office of Equal Opportunities Ombudsman and Human Rights Monitoring Institute) may also add particular topics or relevant information, as well provide consultations and guidance for users. |
| Explain, if applicable, how the practice provides for review and assessment | Forum administrators can review information on registered users, topics, entries, etc. In addition, a survey for feedback from users was integrated into the forum. |

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

Annex 2 – Case law

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| Thematic area | <p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report</p> |
| Decision date | 24 May 2019 |
| Reference details | Ruling of the Supreme Administrative Court of Lithuania (Lietuvos vyriausioji administracinis teismas) in administrative case No. 3P-863/2019. |
| Key facts of the case (max. 500 chars) | <p>The applicant N.N. wrote a book of fairy tales where she deconstructed classical narratives of the tales by integrating diverse identities of the main heroes. With financial support from the Ministry of Culture, the University of Educational Science (currently Vytautas Magnus University, now the defendant in this case) was to publish the book and distribute 140 copies to public libraries in municipalities. The book was published by the publishing house of the Lithuanian University of Education Science. Distribution of the books was suspended however, because the content was seen as detrimental for children due to storylines about love and partnership between same sex persons. The applicant claims that distribution of the book was suspended because of discrimination on the grounds of sexual orientation.</p> <p>The defendant denied the accusations and argued that the university had not refused to distribute the book, but had delayed it until the explanatory release by the Office of the Inspector of Journalist Ethics. According to this release, certain fairy tales in the book negatively affect minors due to the explicit depiction of same-sex life patterns. The defendant therefore stated that it could only distribute the book with a warning note to the effect that the information in the book could have a negative effect on minors. According to the defendant, it followed the decision of the Inspector of Journalist Ethics, which was not disputed by the applicant, and disagreed that the applicant was being discriminated against on the basis of sexual orientation by the defendant's actions.</p> |
| Main reasoning/argumentation (max. 500 chars) | <p>The applicant's case was dismissed by the first instance court (Vilnius City District Court) in 2014. The appeal court (Vilnius Regional Court) left the decision unchanged. The Supreme Court of Lithuania annulled the decision and returned the case back for re-examination in 2016. The appeal court (Vilnius Regional Court) annulled the decision and referred the case to the first instance court (Vilnius City District Court), since the ruling stated that the court of first instance had not made an assessment of the conclusion of the Inspector of Journalist Ethics regarding the impact of the book on minors. Vilnius City District Court rejected the applicant's appeal in 2018, because it did not see any reason to believe that the defendant discriminated on the grounds of sexual orientation. The applicant appealed to Vilnius Regional Court (No. E2A-221-803/2019), but the appeal was rejected. The applicant submitted an appeal in cassation to the Supreme Administrative Court. The judges in the ruling of the Supreme Administrative Court of Lithuania in the administrative case No. 3P-863/2019, ruled that the arguments provided in the cassation appeal did not substantiate the statements that the courts had misapplied and violated the rules of law and that this could influence an incorrect resolution of the case. In addition, the judges stated that there was no legal problem in the appeal which would be fundamental to the unification of</p> |

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| | both the interpretation and application of the law and to the development of a court precedent. |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars) | Applicant N.N submitted the cassation appeal against the decision of the Appeal Court in the case and sought to terminate the discriminatory practices and to distribute the book. The Appeal Court upheld the lower court ruling which dismissed the applicant's claim. The court rejected the assumption that these actions were carried out on the basis of discrimination of sexual orientation. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | The Supreme Administrative Court refused to accept the cassation appeal. |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | <p>‘kasaciniame skunde nekeliami tokių teisės klausimų, kurie atitiktų CPK 346 straipsnio 2 dalyje nurodytus bylos peržiūrėjimo kasacine tvarka pagrindus, todėl paduotą kasacinį skundą, kaip neatitinkantį CPK 346 straipsnio, 347 straipsnio 1 dalies 3 punkto reikalavimų, priimti atsisakytina.’</p> <p>‘The cassation appeal does not raise issues of law which would comply with the grounds for review of the case referred to in Art. 346 part 2 of the Civil Procedure Code, therefore it is refused to consider the presented cassation appeal because it does not comply with the requirements of Art. 346 and part 1 item 3 of Art. 347 of the Civil Procedure Code.’</p> |

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| Thematic area | RACISM, XENOPHOBIA AND RELATED INTOLERANCE. |
| | Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally. |
| | No case law has been identified for this thematic area. |

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| Thematic area | ROMA INTEGRATION |
| | Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed. |
| | No case law has been identified for this thematic area. |

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| Thematic area | INFORMATION SOCIETY, DATA PROTECTION Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter |
| Decision date | 25 September 2019 |
| Reference details | Ruling of the Supreme Administrative Court of Lithuania (Lietuvos vyriausiasis administracinis teismas) in administrative case No. eA-1401-629/2019 http://liteko.teismai.lt/viesaspredimupaieska/tekstas.aspx?id=fcbcf7f7-eb90-4ea0-8e95-8076e67dd672 |
| Key facts of the case (max. 500 chars) | The applicant claimed damages by stating that protection of her personal data was breached when an employee of Kaunas city municipality formed an extract of records from the Database of the Real Estate Registry concerning land and constructions owned by her under common ownership; this data was provided to a third party – private person – without the applicant’s consent. The event took place on 27 July 2015. |
| Main reasoning/argumentation (max. 500 chars) | Processing of personal data is only lawful if it complies with the provisions of Articles 3 and 5 of the Law on Legal Protection of Personal Data (LLPPD). This means that personal data may be processed only for the specified and legitimate purpose, only to the extent necessary to achieve the stated purpose, and only based on one of the criteria provided in LLPPD (e.g. consent of data subject; exercise of official powers by state institutions, etc.). As the processing of the applicant’s personal data did not correspond to any of the criteria provided by LLPPD, the applicant gained the right to claim compensation for material and non-material damage. |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars) | The Court clarified that in the present case, the pecuniary and non-pecuniary damage suffered is to be regarded as sufficiently substantiated. The conduct of the defendant which caused it cannot be recognised as minor; negative experiences and spiritual harm suffered by the applicant are not to be regarded as of one-off nature or instantaneous. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | The appeal by Kaunas city municipality was dismissed the decision by first instance court, awarding the applicant € 230 for non-pecuniary damage and € 34 for pecuniary damage. |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | By extracting information from the Real Estate Registry on the applicant’s co-owned land and structures and transferring it to a third party, as well as by including those extracts in the technical design of the building and publishing them in the information system, the defendant breached the obligation under Article 3 (1)(2) of the Law on Legal Protection of Personal Data to ensure that personal data were processed in a lawful manner. The fact that the information was searched for by the address of the site next to the planned construction and not by the applicant's name, is irrelevant in classifying the defendant's actions. |

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| Thematic area | RIGHTS OF THE CHILD Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter. |
| | No case law has been identified for this thematic area. |

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| Thematic area | ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter. |
| | No case law has been identified for this thematic area. |

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| Thematic area | Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning. |
| Decision date | 3 July 2019 |
| Reference details | www.diena.lt/naujienos/kaunas/nusikaltimai-ir-nelaimes/teismo-verdiktas-uz-slapta-moters-sterilizacija-ligonine-paklos-tukstantine-suma-920629 Civil case was heard in Kaunas District Court in non-public hearings; therefore, no further comment is available on the decision. |
| Key facts of the case (max. 500 chars) | The victim – a woman with cerebral palsy is confined to a wheelchair. She gave birth to her son by her husband in 2004; the baby was delivered by caesarean section. Doctors confirmed that it was at that time that she underwent a tubal ligation because she had not undergone any other surgery subsequently. The woman's husband said that they learned they could not have any more children following a surgical intervention in 2016, when she went to a private medical facility, after several years of failed attempts to have more children. Her medics found a fallopian tube defect. The family believes the operation was performed at the request of their relatives, who opposed the couple's plans to have children. |
| Main reasoning/argumentation (max. 500 chars) | No public decision is being made available. |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars) | Without her knowledge, during the caesarean section, a fallopian tube ligation was performed on the woman. Such an operation could only have been performed in a hospital, as she has not undergone any other surgery since. The family suspects that it was the doctor who performed the caesarean section who also performed the sterilisation as the request of her relatives. Such an irreversible intervention was performed on the woman because of her disability. She was not allowed to make her own decisions; everything was decided for her as if she were incapable of making her own decisions. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | Kaunas District Court (...) Decided to uphold the claim in part and the respondent Lazdijai Hospital was required to pay the victim € 1,000 in property damage and € 25,000 in moral compensation. A further € 6,000 was awarded to her husband in non-pecuniary damages. |
| Key quotation in original language and translated into English with reference details (max. 500 chars) | No public decision is being made available |

