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Lithuania

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	10 Dec. 1998	None	Individual complaints (art. 14): No
ICESCR	20 Nov. 1991	None	–
ICCPR	20 Nov. 1991	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	20 Nov. 1991	None	–
ICCPR-OP 2	27 Mar. 2002	None	–
CEDAW	18 Jan. 1994	None	–
OP-CEDAW	5 Aug. 2004	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	1 Feb. 1996	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	31 Jan. 1992	None	–
OP-CRC-AC	20 Feb. 2003	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	5 Aug. 2004	None	–
CRPD	18 Aug. 2010	Declaration (art. 25(a))	–
CRPD-OP	18 Aug. 2010	None	Inquiry procedure (arts. 6 and 7): Yes
<i>Treaties to which Lithuania is not a party: OP-ICESCR³, OP-CAT, ICRMW, CED (signature only, 2007).</i>			

<i>Other main relevant international instruments⁴</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁵	Yes
Refugees and stateless persons ⁶	Yes, except the 1961 Stateless Convention.
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷	Yes
ILO fundamental conventions ⁸	Yes
UNESCO Convention against Discrimination in Education	No

1. In 2011, the Committee on the Elimination of Racial Discrimination (CERD) encouraged Lithuania to ratify ICRMW.⁹ In 2008, the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee against Torture (CAT)¹⁰ encouraged Lithuania to ratify ICRMW and CED.¹¹ CAT also encouraged Lithuania to ratify OP-CAT.¹²

2. CERD encouraged Lithuania to consider making the optional declaration provided for in article 14 and to ratify the amendments to article 8, paragraph 6, of ICERD.¹³ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made a similar recommendation on article 14.¹⁴

3. In 2011, UNHCR recommended that Lithuania accede to the 1961 Convention on the Reduction of Statelessness.¹⁵

4. In 2011, UNESCO and CERD encouraged Lithuania to ratify the UNESCO's Convention against Discrimination in Education.¹⁶

B. Constitutional and legislative framework

5. CERD and CAT welcomed the enactment of the Law on Equal Treatment in 2005 which prohibits direct or indirect discrimination on the grounds of, inter alia, age, sexual orientation, disability, race and ethnic origin.¹⁷ CEDAW welcomed that this law allowed temporary special measures to accelerate women's de facto equality with men. At the same time, it encouraged Lithuania to amend the Law on Equal Opportunities for Women and Men to simplify the procedure of applying temporary special measures in practice.¹⁸

6. CERD welcomed the ruling of the Constitutional Court declaring unconstitutional the Law on Citizenship, which discriminated against persons who were not of Lithuanian ethnic origin.¹⁹

7. CAT recommended that Lithuania incorporate into domestic law the crime of torture with a definition covering all the elements contained in article 1 of the Convention.²⁰

8. CAT recommended that Lithuania review its rules and provisions on the statute of limitations to ensure that they were fully in line with its obligations under the Convention.²¹ CRC recommended that Lithuania reconsider the limitation period for offences covered

under OP-CRC-SC so that they commenced only after the child victim had reached the age of majority.²²

9. CRC urged Lithuania to review its legislation, in particular the Criminal Code, with a view to bringing it into full conformity with OP-CRC-SC, including by introducing definitions of child prostitution and child pornography.²³

10. CRC noted that the national legislation in some areas, inter alia, protection from violence, corporal punishment, physical and psychological recovery, and reintegration of the child victim, had still not been brought into conformity with the Convention.²⁴

C. Institutional and human rights infrastructure

11. As of 12 May 2011, Lithuania did not have a National Human Rights Institution (NHRI) accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).²⁵

12. CERD regretted that Lithuania had not yet established an NHRI.²⁶ CESCR and CAT encouraged the Government to consider the establishment of an NHRI in accordance with the Paris Principles.²⁷

13. CEDAW recommended that Lithuania strengthen the gender equality machinery with respect to human and financial resources.²⁸

14. CRC recommended that Lithuania give timely consideration to the recommendations of the Children's Rights Ombudsman, and continue to strengthen it by providing sufficient human and financial resources.²⁹

D. Policy measures

15. CERD invited Lithuania to strengthen its policies for the integration of minority groups, in particular the Roma.³⁰ In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations noted that a Strategy for the Development of a Policy on National Minorities was approved in 2007, and requested Lithuania to provide information on the measures taken under this programme and their impact on promoting equality of opportunity and treatment in employment and occupation of minority groups, including the Roma.³¹

16. CEDAW welcomed the adoption of a long-term National Strategy for Combating Violence against Women and a Plan of Implementing Measures 2007–2009. CEDAW encouraged Lithuania to institute a third National Programme for Equal Opportunities for Women and Men for the period 2010–2014 on the basis of an evaluation of the previous programme.³²

17. In 2010, the ILO Committee of Experts noted the Programme on the Prevention and Control of Trafficking in Humans 2009–2012 and hoped that it would address preventive and awareness-raising initiatives.³³ CRC welcomed the adoption and implementation of the Programme for the Prevention and Control of Trafficking in Human Beings (2005–2008), and the National Programme for Prevention of Violence against Children and Assistance for 2005–2007 and 2008–2010.³⁴

18. CRC was concerned that there was no specific plan of action in relation to the sale of children, child prostitution and child pornography, and recommended that Lithuania develop a national plan of action aimed at addressing comprehensively all the issues covered by OP-CRC-SC.³⁵

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body³⁶</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2010	March 2011	Due in 2012	Combined sixth to eighth reports due in 2014.
CESCR	2002	May 2004	–	Second report due in 2009, submitted in 2010.
HR Committee	2003	April 2004	March 2005	Third report due in 2009, submitted in 2010.
CEDAW	2005	July 2008	September 2010	Fifth report due and submitted in 2011.
CAT	2006	November 2008	March 2011	Third report due in 2012.
CRC	2004	January 2006	–	Third and fourth reports due in 2009, submitted in 2010.
OP-CRC-AC	2006	October 2007	–	Next report under the Convention.
OP-CRC-SC	2007	October 2008		Next report under the Convention.
CRPD			–	Initial report due in 2012.

19. HR Committee found violations to the right to a fair trial in two communications against Lithuania³⁷ and requested follow-up information, which was recently provided and considered satisfactory by the Committee.³⁸

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in 2007.
<i>Visits agreed upon in principle</i>	–
<i>Visits requested and not yet agreed upon</i>	–
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance expressed his gratitude to the Government for its cooperation and openness throughout the visit. ³⁹
<i>Follow-up to visits</i>	–
<i>Responses to letters of allegations and urgent appeal</i>	During the period under review, one (1) communication was sent. The Government replied to it.
<i>Responses to questionnaires on thematic issues</i>	Lithuania responded to 6 of the 24 questionnaires sent by special procedures mandate holders. ⁴⁰

3. Cooperation with the Office of the High Commissioner for Human Rights

20. Lithuania contributed financially to OHCHR in 1998, 2006 and 2007.⁴¹

21. In 2008-2009, OHCHR contributed standard-setting advice to Lithuania, as well as technical cooperation on the establishment of an NHRI.⁴² In 2009, OHCHR assisted with strengthening the involvement of national institutions in the UPR mechanism by providing training with participation from Lithuania, for example.⁴³

B. Implementation of international human rights obligations

1. Equality and non-discrimination

22. CEDAW continued to be concerned about the persistence of patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men, and called on Lithuania to strengthen its efforts to eliminate gender stereotyping.⁴⁴

23. CEDAW noted that vulnerable groups of women continued to suffer from discrimination based on their gender and on other grounds, and were thus exposed to multiple forms of discrimination.⁴⁵

24. The ILO Committee of Experts urged Lithuania to step up its efforts to reduce the gender wage gap, particularly in the private sector, analyse the underlying causes of the present differentials in the remuneration levels for women and men, and to take measures to address them accordingly.⁴⁶

25. After visiting the country in 2007, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance reported that there was a solid legal and institutional framework in place to tackle racism and discrimination in

Lithuania, but that further steps needed to be taken to ensure the full and complete application of existing legislation. However, the Special Rapporteur found areas of concern, particularly regarding historical minorities, such as people of Russian descent and some vulnerable groups, notably Romas and new non-European migrants. He further noted the profound discrimination faced by the Roma community, particularly in the fields of employment, education and housing. Non-European minorities had also faced growing problems in terms of racist violence as well as hate speech. Contrary to traditional minorities, which had been present in the country for decades or centuries, these new migrants posed new identity problems that need to be overcome through the promotion of tolerance and multiculturalism.⁴⁷ The Special Rapporteur recommended that Lithuania amend the Criminal Code to introduce a provision that makes committing an offence with a racist motivation or aim an aggravating circumstance, allowing for a more severe punishment for perpetrators of these acts.⁴⁸

26. CERD noted that racist and xenophobic incidents continued to occur and recommended that Lithuania ensure that these incidents were effectively prosecuted, that perpetrators were punished, and that effective remedies were made available to victims.⁴⁹

27. CRC reiterated its concern that the principle of non-discrimination was not fully implemented for children living in vulnerable families and institutions, children with disabilities, Roma children, refugee and asylum-seeking children and children living in rural areas, in particular with regard to their access to adequate health and educational facilities.⁵⁰

28. The ILO Committee of Experts, noting the Act on the Evaluation of the USSR State Security Committee (SSC), considered that the broad exclusion of “former permanent SSC employees” from working in the private and public sectors was not sufficiently well-defined and delimited to ensure that it did not lead to discrimination in employment occupation based on political opinion.⁵¹

2 Right to life, liberty and security of the person

29. CAT expressed concern at allegations of excessive use of force and ill-treatment by law enforcement officials and recommended that Lithuania ensure that law enforcement officials only use force when strictly necessary.⁵²

30. CAT recommended that Lithuania strengthen its measures to ensure effective investigations into all allegations of torture and ill-treatment committed by law enforcement officials, and that it try perpetrators and impose appropriate sentences in order to eliminate impunity.⁵³ HR Committee had raised similar concerns.⁵⁴

31. CAT remained concerned at allegations of ill-treatment of conscripts in the army.⁵⁵ CRC was concerned that Lithuania could engage children under 18 in military activities.⁵⁶

32. CAT was concerned at continuing overcrowding in places of detention, and at the overall conditions in some prisons, including unsuitable infrastructures and unhygienic living conditions.⁵⁷

33. CAT expressed concern about the high prevalence of violence against women and children, and regretted the absence of a definition of domestic violence in the national legislation.⁵⁸ CEDAW⁵⁹ shared similar concerns.

34. CERD was concerned that victims of trafficking, particularly non-citizens, were hesitant to complain due to lack of confidence in law enforcement institutions.⁶⁰

35. CRC was concerned at the information that children under 18 years, in particular adolescent girls in special boarding schools, special child-education and care homes, or

socially at-risk families very often became victims of trafficking in human beings, prostitution and pornography.⁶¹

36. CAT was concerned about persistent reports of cross-border trafficking in women for sexual and other exploitative purposes, and it regretted the low number of prosecutions in this respect.⁶² HR Committee raised similar issues.⁶³

37. CRC reiterated its concern at the acute problem of violence against children and abuse within families, which was one of the most serious obstacles to the full implementation of child rights in Lithuania.⁶⁴

38. CRC recommended that Lithuania strengthen its measures to effectively protect children from being exposed to violence, racism and pornography through mobile technology, video movies and games and other technologies, including the Internet.⁶⁵

39. CRC remained concerned at the continued use of corporal punishment, in particular within the family, due to the generally tolerant attitude towards this practice and recommended that Lithuania explicitly prohibit corporal punishment in the family and implement existing prohibitions.⁶⁶

40. CESCR was concerned about the problem of street children in Lithuania, as well as the lack of information about children placed in institutions.⁶⁷

3. Administration of justice, including impunity and the rule of law

41. CAT recommended that Lithuania take effective measures to ensure that all detainees were afforded fundamental legal safeguards in practice, including the right to have access to a doctor.⁶⁸

42. CAT recommended that Lithuania ensure that legislation concerning evidence to be adduced in judicial proceedings explicitly exclude any evidence obtained as a result of torture.⁶⁹

43. CAT remained concerned at reports of prolonged pretrial and administrative detention of both minors and adults and the high risk of ill-treatment which it entailed, and regretted the lack of use of alternatives to imprisonment.⁷⁰

44. CAT was concerned at the insufficient prosecution and sentencing of those criminally responsible for crimes against humanity, including possible acts of torture committed during the Nazi and Soviet occupations.⁷¹

45. CRC recommended that Lithuania consider taking measures to extend its universal jurisdiction to cover all the offences referred to in OP-CRC-SC and to abolish the requirement of dual criminality.⁷²

46. CRC recommended that Lithuania continue to strengthen its measures, including legislation, to protect the rights and interests of child victims and witnesses of the offences prohibited under OP-CRC-SC, at all stages of the criminal justice process.⁷³

47. CRC urged Lithuania to take all possible measures to avoid stigmatization and social marginalization of child victims of the offences covered by OP-CRC-SC.⁷⁴

48. CRC was concerned at the lack of courts with specialized juvenile judges and that judges and lawyers lacked appropriate training for the application of the Convention. CRC also regretted that children could be detained for a long period of time in police stations and detention centres before trial.⁷⁵

4. Right to privacy, marriage and family life

49. CRC noted the lack of clarity on the legal minimum age of sexual consent as there was no provision to this effect in domestic legislation.⁷⁶

50. CEDAW was concerned at the recent adoption of the Conceptual Framework for National Family Policy given that it relied on a restricted concept of family, which could have a negative impact on the exercise and enjoyment of their human rights by women in marriage and family relations.⁷⁷

51. CEDAW was concerned that current legislation on the distribution of assets on divorce may not adequately address gender-based economic disparities between spouses.⁷⁸

52. CRC remained concerned that institutionalization was prioritized as a form of alternative care, and that the foster-care system was insufficiently regulated and resourced.⁷⁹

53. In 2011, UNHCR stated that, while the Law on the Legal Status of Aliens granted family members the right to join a recognized refugee at a later date, it did not give family members the right to be granted derivative refugee status.⁸⁰ The provisions regarding family reunification only apply when both of the alien spouses or aliens who had contracted a registered partnership were not younger than 21. Furthermore, beneficiaries of subsidiary protection were not eligible for family reunification at all, regardless of the length of their stay in Lithuania.⁸¹ UNHCR recommended that Lithuania review and amend the Law on the Legal Status of Aliens to address issues related to family unity.⁸²

5. Freedom of religion or belief, expression and association

54. HR Committee reiterated its concern that the registration process for religious communities continued to make distinctions between different religions. HR Committee recommended that Lithuania ensure that there was no discrimination in law or in practice in the treatment of different religions.⁸³

55. CERD recommended that Lithuania investigate cases of hate crimes in accordance with national legislation and the Convention.⁸⁴

56. In 2011, UNESCO stated that Lithuania respected freedom of speech and of the press, and that access to the Internet was not restricted. Media outlets of all forms expressed a wide variety of views. However, there was no written comprehensive code of conduct or professionalism for the press.⁸⁵ UNESCO recommended that Lithuania develop such a code of conduct or professionalism for the press.⁸⁶

57. In 2009, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression together with the Special Rapporteur on the situation of human rights defenders sent an urgent appeal to the Government of Lithuania regarding the adoption of the Law on the Protection of Minors against the Detrimental Effect of Public Information.⁸⁷ The Law sought to ban public dissemination of information considered harmful to the mental health or the intellectual and moral development of minors.⁸⁸ Concern was expressed that the aforementioned legislation could result in limiting the right of freedom of expression in Lithuania. Further concern was expressed that the law could be applied to limit the legitimate work of human rights defenders, particularly those working to defend the rights of lesbian, gay, bisexual and transgender (LGBT) people in the country.⁸⁹ The Government sent a detailed response.⁹⁰

6. Right to work and to just and favourable conditions of work

58. CEDAW continued to be concerned about the significant vertical and horizontal occupational segregation between women and men in the labour market, the persistence of

a gender-based wage gap, and the low percentage of men taking parental leave.⁹¹ CESCR had raised similar concerns.⁹²

59. CESCR recommended that Lithuania promote the integration of people with disabilities into the labour market, including through providing incentives to employers and strengthening the system of job quotas.⁹³

60. UNHCR stated that under the legislation on aliens, asylum-seekers did not have a right to work regardless of how much time had passed since their initial application.⁹⁴ UNHCR recommended that Lithuania consider granting the right to work to asylum-seekers who have been in the country for over six months.⁹⁵

7. Right to social security and to an adequate standard of living

61. CRC noted with concern the high number of children living in households below the national poverty line, and that financial assistance and support had not always kept pace with economic growth.⁹⁶

62. CEDAW remained concerned at the persistent high rate of abortion and the limited access by girls and women to family planning methods, including contraceptives, especially among women in rural areas. CEDAW was deeply concerned at the draft law on the protection of human life in the prenatal phase, which stipulated only three situations in which abortion would be lawful within very strict time-limits.⁹⁷ HR Committee shared similar views.⁹⁸

63. CRC was concerned about the frequency of unplanned pregnancies and abortions among adolescents and noted the limited availability of programmes and services in schools in the area of adolescent health. CRC was also concerned at information that abortion was used as a primary method of family planning.⁹⁹

64. CRC expressed concern at the limited access to clean and safe drinking water in the country. It also remained concerned at the number of cases of tuberculosis and of children suffering from iodine deficiency, as well as the low exclusive-breastfeeding rate in the country. The Committee recommended that the Government strengthen its efforts to improve the health situation of children, including through the promotion of healthy feeding practices and exclusive breastfeeding for six months after birth, with the addition of an appropriate infant diet thereafter.¹⁰⁰

65. CRC reiterated its concern that children with disabilities living in rural areas did not have access to the same level of services and medicines as children living in other parts of the country. Furthermore, it was concerned at the number of children with disabilities who were institutionalized and the general lack of resources and specialized staff for these children.¹⁰¹

66. UNHCR stated that although Lithuania granted international protection to beneficiaries of subsidiary protection, it effectively excluded them from accessing social welfare. While beneficiaries of subsidiary protection were accorded a temporary residence permit, only persons with permanent residency could benefit from the social welfare system. UNHCR recommended that Lithuania guarantee beneficiaries of subsidiary protection access to social welfare.¹⁰²

67. In 2011, UNHCR stated that article 47 of the Lithuanian Law on Health Care Systems granted beneficiaries of subsidiary protection the right to health care funded by the State only if an order has been adopted by the Government or other authorized institution. However, such an order has not been adopted and it is thus impossible to realize this right in practice. UNHCR recommended that Lithuania ensure that beneficiaries of subsidiary protection had effective access to health care.¹⁰³

8. Right to education and to participate in the cultural life of the community

68. CRC recommended that Lithuania improve the efficiency of the educational system, paying particular attention to the high dropout rates; strengthen support to children in rural communities, minority groups and risk-group families so that these children can attend school; and improve access to preschool education throughout the country, including to children living in rural areas.¹⁰⁴

69. CERD recommended that Lithuania resolutely address the problem of Roma children dropping out of school, and promote Roma language in the school system.¹⁰⁵

70. In 2011, UNESCO encouraged Lithuania to enhance the right to take part in the cultural life of the community through the implementation of the Convention concerning the Protection of the World Cultural and Natural Heritage (1972).¹⁰⁶

9. Minorities and indigenous peoples

71. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance reported that the Roma community in Lithuania, as in many European countries, was a particularly vulnerable group, and subject to profound discrimination – not sanctioned by laws, but deeply rooted in the minds of many citizens – and thus required concerted efforts by authorities at the national and local levels. Apart from the provision of basic rights, especially good housing conditions, education and health care, Lithuanian authorities should focus on broader actions that target not only the community itself, but society as a whole. One of the central causes of the marginalization of Roma citizens was intolerance and a lack of acceptance by society at large, which could only be redressed through a national strategy to promote cultural diversity and acceptance of multiculturalism.¹⁰⁷

72. CERD expressed concern that Roma continued to be marginalized and lived in precarious conditions in terms of adequate housing, access to adequate health facilities, employment, and that some of them did not have identity documents and were considered stateless although born in the country.¹⁰⁸ CESC and HR Committee raised similar concerns.¹⁰⁹

10. Migrants, refugees and asylum-seekers

73. UNHCR stated that Lithuania remained a transit country for mixed migratory movements. Illegal migration and human trafficking were continuously on the rise.¹¹⁰

74. UNHCR was concerned about the existing reception conditions for asylum-seekers. The Law on the Legal Status of Aliens (2008) provided for the Foreigners' Registration Centre to serve as the only facility for all asylum-seekers during the processing of asylum claims. The Centre was deficient in social, psychological and rehabilitation services, particularly as regards traumatized asylum-seekers who had been subjected to torture, rape or other serious forms of violence. UNHCR was also concerned with the lack of measures to prevent assault and harassment of single women in the Centre.¹¹¹

75. CAT noted with concern that the principle of non-refoulement did not apply with respect to an alien who, for serious reasons, constituted a threat to the security of Lithuania. It recommended that individuals under Lithuania's jurisdiction receive appropriate consideration by the competent authorities and be guaranteed fair treatment at all stages of the proceedings, including an opportunity for effective, independent and impartial review of decisions on expulsion, return or extradition.¹¹² HR Committee had raised similar concerns.¹¹³

76. CRC was concerned about reports that children seeking asylum were detained and that they shared facilities with undocumented migrants.¹¹⁴ It recommended that Lithuania identify at the earliest possible stage refugee, asylum-seeking and migrant children entering Lithuania who may have been recruited or used in hostilities abroad, and take all necessary measures to ensure that the return of a child to his/her country of origin is only arranged when it was in the best interests of the child.¹¹⁵

77. CERD expressed concern regarding the high number of stateless persons in the country.¹¹⁶ CRC reiterated its concern that children born to stateless persons who had no right of permanent residence in Lithuania did not automatically obtain a nationality.¹¹⁷

78. In 2011, UNHCR stated that the 2010 amendment to the Law on Citizenship guaranteed that children born to stateless parents who were permanently resident on Lithuanian territory acquired Lithuanian citizenship at birth. The amended law does not ensure that all children acquired a nationality at birth. In particular, the safeguards in the Law do not address the situation of children born to stateless persons who are not permanent residents in Lithuania or whose parents possess a nationality, but could not confer it on their children.¹¹⁸

79. UNHCR stated that the number of stateless persons granted citizenship annually was very low; 106 citizenships were granted in 2009 and only 78 in 2010. There was a lack of proper attention to the issue, and no actual data or studies existed to identify reasons behind statelessness in Lithuania.¹¹⁹

11. Human rights and counter-terrorism

80. In a 2010 Joint study on Global practices in relation to secret detention in the context of countering terrorism, special procedures experts reported that research appeared to confirm that Lithuania was integrated into the CIA secret detention programme in 2004. Two flights to Vilnius were identified. The dummy flight plans filed for these flights used airports of destination in different countries altogether, excluding any mention of a Lithuanian airport as an alternate or back-up landing point.¹²⁰

81. In its submission for the joint study, the Lithuanian Government informed of the steps it had taken to investigate this situation, including the findings of a Parliament investigation. The Parliament investigation stated that the State Security Department (SSD) had received requests to “equip facilities in Lithuania suitable for holding detainees”. While the experts welcomed the work of the Parliament as an important starting point in the quest for truth about the role played by Lithuania in the secret detention and rendition programme, they stressed that its findings could in no way constitute the final word on the country’s role.¹²¹

82. The experts stressed that all European Governments were obliged under the European Convention of Human Rights to investigate effectively allegations of torture or cruel, inhuman or degrading treatment or punishment. Failure to investigate effectively might lead to a situation of grave impunity, besides being injurious to victims, their next of kin and society as a whole, and fostered chronic recidivism of the human rights violations involved.¹²²

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

83. For election to the Human Rights Council, Lithuania pledged the following, among others:¹²³

- (a) Further respect and implement international obligations, both multilateral and bilateral, giving particular attention to opinions of the treaty bodies;
- (b) Continue to implement activities to improve the national human rights situation; give particular attention to the welfare of children, the fight against trafficking in human beings and assisting the victims of this criminal activity; ensure equal opportunities for women and men; improve conditions in the penitentiary; and address issues of corruption;
- (c) Consider allowing more treaty bodies to receive and consider individual complaints;
- (d) Work closely with non-governmental organizations and respond to their opinions regarding human rights.

B. Specific recommendations for follow-up

84. In 2011, CERD requested Lithuania to provide information, within one year, on its follow-up to the recommendations related to prosecution of racist or xenophobic incidents, the situation of Roma, the situation of women belonging to minorities, and the situation of stateless persons.¹²⁴

85. In 2008, CAT requested Lithuania to provide, within one year, information on its response to recommendations related to medical services in detention facilities, conditions of detention, complaints about ill-treatment by law enforcement officials, and ill-treatment of conscripts.¹²⁵ Lithuania responded in 2011. Follow-up dialogue is still ongoing.¹²⁶

V. Capacity-building and technical assistance

N/A

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance

- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “the present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁴ Information relating to other relevant international human rights instruments may be found in the pledges and commitments undertaken by Lithuania before the Human Rights Council, as contained in the note verbale dated 10 April 2006 sent by the Permanent Mission of Lithuania to the United Nations and addressed to the President of the General Assembly.
- ⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁹ CERD/C/LTU/CO/4-5, para. 22.
- ¹⁰ CAT/C/LTU/CO/2, para. 24.
- ¹¹ CEDAW/C/LTU/CO/4, para. 93.
- ¹² CAT/C/LTU/CO/2, para. 23.
- ¹³ CERD/C/LTU/CO/4-5, paras. 26 and 27.
- ¹⁴ A/HRC/7/19/Add.4, para. 86.
- ¹⁵ UNHCR submission to the UPR on Lithuania, p. 7.
- ¹⁶ UNESCO submission to the UPR on Lithuania, para. 24; CERD/C/LTU/CO/4-5, para. 22.
- ¹⁷ CERD/C/LTU/CO/4-5, para. 3; CAT/C/LTU/CO/2, para. 4.

- ¹⁸ CEDAW/C/LTU/CO/4, paras. 61 and 69.
- ¹⁹ CERD/C/LTU/CO/4-5, para. 5.
- ²⁰ CAT/C/LTU/CO/2, para. 5.
- ²¹ Ibid.
- ²² CRC/C/OPSC/LTU/CO/1, para. 24.
- ²³ Ibid., para. 22.
- ²⁴ CRC/C/LTU/CO/2, para. 8.
- ²⁵ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/16/77, annex.
- ²⁶ CERD/C/LTU/CO/4-5, para. 10.
- ²⁷ E/C.12/1/Add.96, para. 52; CAT/C/LTU/CO/2, para. 6.
- ²⁸ CEDAW/C/LTU/CO/4, para. 73.
- ²⁹ CRC/C/OPSC/LTU/CO/1, para. 11; CRC/C/LTU/CO/2, para. 15.
- ³⁰ CERD/C/LTU/CO/4-5, para. 17.
- ³¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation), 1958, (No.111), 2010, Geneva, doc. No. (ILOLEX) 092010LTU111, 4th para.
- ³² CEDAW/C/LTU/CO/4, paras. 63 and 73.
- ³³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010LTU182, 3rd and 6th paras.
- ³⁴ CRC/C/OPSC/LTU/CO/1, para. 4.
- ³⁵ Ibid., paras. 8 and 9.
- ³⁶ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities. |
- ³⁷ CCPR/C/77/D/836/1998, CCPR/C/78/D/875/1999.
- ³⁸ A/64/40 (Vol. I), p. 143.
- ³⁹ A/HRC/7/19/Add. 4 para. 3.
- ⁴⁰ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2007 and 1 June 2011. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) A/HRC/6/15, para. 7; (b) A/HRC/7/6, annex; (c) A/HRC/7/8, para. 35; (d) A/HRC/8/10, para. 120, footnote 48; (e) A/62/301, paras. 27, 32, 38, 44 and 51; (f) A/HRC/10/16 and Corr.1, footnote 29; (g) A/HRC/11/6, annex; (h) A/HRC/11/8, para. 56; (i) A/HRC/11/9, para. 8, footnote 1; (j) A/HRC/12/21, para. 2, footnote 1; (k) A/HRC/12/23, para. 12; (l) A/HRC/12/31, para. 1, footnote 2; (m) A/HRC/13/22/Add.4; (n) A/HRC/13/30, para. 49; (o) A/HRC/13/42, annex I; (p) A/HRC/14/25, para. 6, footnote 1; (q) A/HRC/14/31, para. 5, footnote 2; (r) A/HRC/14/46/Add.1; (s) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see http://www2.ohchr.org/english/issues/water/iexpert/written_contributions.htm; (t) A/HRC/15/32, para. 5; (u) A/HRC/16/44/Add.3; (v) A/HRC/16/48/Add.3, para. 5, endnote 2; (w) A/HRC/16/51/Add.4; (x) A/HRC/17/38, annex 1.
- ⁴¹ OHCHR, *Annual Report 2006*, pp. 157-158; OHCHR, *2007 Annual Report: Activities and Results*, pp. 147-148 and 166..
- ⁴² OHCHR, *2008 Annual Report: Activities and Results*, pp. 8 and 154.; and OHCHR, *2009 Report: Activities and Results*, p. 169.
- ⁴³ OHCHR, *2009 Report: Activities and Results*, p. 170.
- ⁴⁴ CEDAW/C/LTU/CO/4, paras. 70-71.

- ⁴⁵ Ibid., para. 84.
- ⁴⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Equal Remuneration Convention, 1951 (No.100), 2010, Geneva, doc. No. (ILOLEX) 062010LTU100, 1st para.
- ⁴⁷ A/HRC/7/19/Add.4, p. 1.
- ⁴⁸ Ibid., para. 83.
- ⁴⁹ CERD/C/LTU/CO/4-5, para. 12.
- ⁵⁰ CRC/C/LTU/CO/2, para. 26.
- ⁵¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation), 1958 (No.111), 2010, Geneva, doc. No. (ILOLEX) 062010LTU111, 4th-10th paras.
- ⁵² CAT/C/LTU/CO/2, para. 13.
- ⁵³ Ibid., para. 14.
- ⁵⁴ CCPR/CO/80/LTU, para. 10.
- ⁵⁵ CAT/C/LTU/CO/2, para. 15.
- ⁵⁶ CRC/C/OPAC/LTU/CO/1, para. 6.
- ⁵⁷ CAT/C/LTU/CO/2, para. 12.
- ⁵⁸ Ibid., para. 20.
- ⁵⁹ CEDAW/C/LTU/CO/4, paras. 74–75.
- ⁶⁰ CERD/C/LTU/CO/4-5, para. 20.
- ⁶¹ CRC/C/OPSC/LTU/CO/1, para. 18, see also CRC/C/LTU/CO/2, para. 66.
- ⁶² CAT/C/LTU/CO/2, para. 21.
- ⁶³ CCPR/CO/80/LTU, para. 14.
- ⁶⁴ CRC/C/LTU/CO/2, para. 43.
- ⁶⁵ Ibid., para. 36.
- ⁶⁶ Ibid., paras. 37–38.
- ⁶⁷ E/C.12/1/Add.96, para. 22.
- ⁶⁸ CAT/C/LTU/CO/2, para. 7.
- ⁶⁹ Ibid., para. 18.
- ⁷⁰ Ibid., para. 11.
- ⁷¹ Ibid., para. 17.
- ⁷² CRC/C/OPSC/LTU/CO/1, para. 26.
- ⁷³ Ibid., para. 28.
- ⁷⁴ Ibid., para. 30.
- ⁷⁵ CRC/C/LTU/CO/2, para. 68.
- ⁷⁶ Ibid., para. 24.
- ⁷⁷ CEDAW/C/LTU/CO/4, paras. 78.
- ⁷⁸ Ibid., paras. 86.
- ⁷⁹ CRC/C/LTU/CO/2, para. 41.
- ⁸⁰ UNHCR submission to the UPR on Lithuania, p. 3.
- ⁸¹ Ibid., p. 4.
- ⁸² Ibid., p. 5.
- ⁸³ CCPR/CO/80/LTU, para. 16.
- ⁸⁴ CERD/C/LTU/CO/4-5, para. 12.
- ⁸⁵ UNESCO submission to the UPR on Lithuania, para. 22.
- ⁸⁶ Ibid., para. 26.
- ⁸⁷ A/HRC/14/23/Add.1, para. 1400.
- ⁸⁸ Ibid., para. 1402.
- ⁸⁹ Ibid., para. 1405.
- ⁹⁰ Ibid., paras. 1406–1413.
- ⁹¹ CEDAW/C/LTU/CO/4, para. 76.
- ⁹² E/C.12/1/Add.96, para. 10.
- ⁹³ Ibid., para. 34.
- ⁹⁴ UNHCR submission to the UPR on Lithuania, p. 4.
- ⁹⁵ Ibid., p. 5.
- ⁹⁶ CRC/C/LTU/CO/2, para. 52.

- ⁹⁷ CEDAW/C/LTU/CO/4, para. 80.
⁹⁸ CCPR/CO/80/LTU, para. 12.
⁹⁹ CRC/C/LTU/CO/2, para. 50.
¹⁰⁰ Ibid., para. 48–49.
¹⁰¹ Ibid., para. 46.
¹⁰² UNHCR submission to the UPR on Lithuania, pp. 4–5.
¹⁰³ Ibid., p. 5.
¹⁰⁴ CRC/C/LTU/CO/2, para. 55.
¹⁰⁵ CERD/C/LTU/CO/4-5, para. 16.
¹⁰⁶ UNESCO submission to the UPR on Lithuania, para. 25.
¹⁰⁷ A/HRC/7/19/Add.4, para. 79.
¹⁰⁸ CERD/C/LTU/CO/4-5, para. 15.
¹⁰⁹ E/C.12/1/Add.96, para. 9; CCPR/CO/80/LTU/1, para. 8.
¹¹⁰ UNHCR submission to the UPR on Lithuania, p. 2.
¹¹¹ Ibid., p. 3.
¹¹² CAT/C/LTU/CO/2, para. 9.
¹¹³ CCPR/CO/80/LTU/1, para. 7.
¹¹⁴ CRC/C/LTU/CO/2, para. 60.
¹¹⁵ CRC/C/OPAC/LTU/CO/1, para. 9.
¹¹⁶ CERD/C/LTU/CO/4-5, para. 19.
¹¹⁷ CRC/C/LTU/CO/2, para. 33.
¹¹⁸ UNHCR submission to the UPR on Lithuania, p. 6.
¹¹⁹ Ibid.
¹²⁰ A/HRC/13/42, para. 120.
¹²¹ Ibid., paras. 121–122.
¹²² Ibid., para. 123.
¹²³ Note verbale dated 10 April 2006 from the Permanent Representative of Lithuania to the President of the sixtieth session of the General Assembly, p. 3, available at <http://www.un.org/ga/60/elect/hrc/lithuania.pdf>.
¹²⁴ CERD/C/LTU/CO/4-5, para. 30.
¹²⁵ CAT/C/LTU/CO/2, para. 15.
¹²⁶ CAT/C/LTU/CO/2/Add.1.
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