



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Seventy-eighth session

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Consideration of reports submitted by States parties under article 9 of the Convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

Lithuania

1. The Committee considered the combined fourth and fifth periodic report of Lithuania (CERD/C/LTU/4-5), submitted in one document, at its 2075th (CERD/C/SR.2075) and 2076th meetings (CERD/C/SR.2076, held on 2 and 3 March 2011). At its 2087th meeting, held on 10 March 2011, it adopted the following concluding observations.

A. Introduction

2. The Committee commends the excellent quality of the combined fourth and fifth periodic reports submitted by the State party. It welcomes the presence of a large and high-level delegation and expresses its appreciation for updated information that the delegation provided verbally to complement the report, taking into account the list of themes identified by the Rapporteur. It also appreciates the frank and constructive dialogue with the State party.

B. Positive aspects

3. The Committee welcomes 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.

4. The Committee welcomes the amendment of legislation aimed at addressing discrimination such as:

(a) The amendment of the Criminal Code (July 2009) expressly considering racial motivation or aim behind a crime as an aggravating circumstance;

(b) The amendment of the Law on Equal Treatment (June 2008) providing victims of racial discrimination with more procedural guarantees by shifting the burden of proof in discrimination cases over to the respondent, except in criminal cases.

(c) The law amending and supplementing the Criminal Code (July 2007) extending the scope of the crime of desecration to other sites of public respect on racial, national or religious grounds.

5. The Committee welcomes the ruling of the Constitutional Court declaring unconstitutional the Law on Citizenship, which discriminated against persons who are not of Lithuanian ethnic origin.

6. The Committee commends the fact that all permanent residents, including stateless persons have the right to vote or to stand for elections to municipal councils.

7. The Committee welcomes the initiative taken in adding a new field to the statistical cards of the law enforcement institutions in order to better monitor racist crimes.

8. The Committee commends the disaggregated statistical data on the composition of the population provided by nationality, citizenship, religion and minority groups. It welcomes the 2011 national census which is currently being organized.

9. The Committee welcomes the Draft Law on National Minorities which gives a right to minorities living compactly in residential areas to address local authorities and organizations in their language as well provisions in the draft law that allow for signs and information to be provided in the languages of national minorities in addition to the official language.

C. Concerns and recommendations

10. The Committee, while commending the work of advisory bodies dealing with human rights, in particular the Equal Opportunities Ombudsman, expresses its concerns about budget cuts imposed on these bodies. It reiterates its regrets that the State party has not yet decided to establish a national human rights institution (CERD/C/LTU/CO/3, para. 11). However, the Committee takes note of the statement made by the delegation that this matter is still under consideration. (art. 2)

The Committee recommends that the State party provide these advisory bodies with appropriate human and financial resources in order to enable them to perform optimally. Furthermore, the Committee recommends that the State party establish an independent national human rights institution, in accordance with the Paris Principles (General Assembly resolution 48/134).

11. The Committee notes that a law on national minorities is under consideration.

The Committee encourages the State party to adopt this law as soon as possible, giving effect to the relevant provisions of the Convention, particularly those of article 4.

12. Despite legislative and institutional efforts made to combat racial prejudice and xenophobic stereotyping in sports, media and internet, the Committee notes that racist and xenophobic incidents continue to occur. (arts. 2 and 4)

The Committee recommends that the State party ensure that racist and xenophobic incidents and discriminatory behaviour are effectively prosecuted; that perpetrators are punished and that effective remedies are made available to victims. Referring to its previous concluding observations (CERD/C/LTU/CO/3, para. 12), the Committee recommends that the State party investigate cases of hate crimes in

accordance with national legislation and the Convention. Furthermore, the Committee recommends that the State party carry out awareness-raising campaigns to sensitize the public and prevent the occurrence of similar acts.

13. The Committee regrets that the State party has not provided adequate information on racial segregation and referred to it only as crime against humanity ignoring other aspects of its legislation. (art. 3)

The Committee recommends that the State party monitor any form of racial segregation in light with its general recommendation No. 19 (1995) on racial segregation and apartheid (art. 3 of the Convention) bearing in mind that conditions of racial segregation are not created only by governmental policies but may arise as an unintended by-product of the actions of private persons such as ghetto-like housing and other forms of social isolation. It invites the State party to include this information in its next periodic report.

14. The Committee welcomes statistics on racial discrimination cases provided by the delegation and notes the decreased number of complaints relating to racial discrimination. According to some information, victims of racial discrimination do not complain because they fear reprisals, including loss of their employment. (art. 4 and 6)

The Committee recommends that the State party make full use of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, including by developing appropriate education programmes for both law enforcement officials and minority groups. The Committee recommends that the State party take measures in order to ensure the representation of persons belonging to minority groups in the police and the judiciary.

15. The Committee expresses its concern that Roma continue to be marginalized and live in precarious conditions in terms of adequate housing, access to adequate health facilities, employment and that some of them do not have identity documents and are considered stateless although born in the country. (arts. 3 and 5)

The Committee recommends that in light of its general recommendation No. 27 (2000) on discrimination against Roma, the State party take special measures for Roma in light of its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination by promoting the advancement and protection of Roma. It also recommends that the State party allocate sufficient resources for programmes targeting the Roma community, for example, to solve the problems of their identity cards and statelessness and to involve Roma representatives and civil society organizations in the implementation of these programmes.

The Committee recommends that the State party evaluate existing programmes developed for Roma in order to assess their integration into Lithuanian society.

16. The Committee notes the State party's efforts to ensure that the education of Roma children is improved. However, it regrets the absence of statistics on the number of Roma children completing secondary education and the placement of Roma children in special-needs schools. (art. 5)

Further to its previous concluding observations (CERD/C/LTU/CO/3, para. 19) the Committee recommends the State party to increase its efforts in ensuring that Roma children integrate in the mainstream schools, to resolutely address the problem of Roma children dropping out of school and to promote Roma language in the school system.

The Committee recommends further that the State party establish a mechanism to accurately assess the number of Roma children pursuing education at the secondary level and above.

The Committee requests the State party to provide in its next periodic report additional information on the decision-making procedure relating to the placement of Roma children in special-needs schools and on measures undertaken by the State party to provide incentives to Roma parents to send their children to school.

17. The Committee notes with concern that due to the financial crisis, the State party's programmes aimed at addressing racial discrimination, mainly discrimination against Roma, have suffered from disproportionate budget cuts. (art. 5)

The Committee invites the State party to strengthen its policies and programmes for the integration of minority groups, in particular the integration of Roma into Lithuanian society, in light of its general recommendation No. 27 (2000) on discrimination against Roma. It encourages the State party to participate in collective European initiatives for Roma and to allocate sufficient resources to existing programmes on Roma.

18. The Committee regrets the absence of comprehensive information on the situation of women belonging to minority groups who generally encounter multiple forms of discrimination (art.5).

The Committee reiterates its previous recommendations (CERD/C/LTU/CO/3, para. 16) to the State party to provide updated information on the overall situation of women from minority groups in view of its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination.

19. The Committee expresses its concern regarding the high number of stateless persons in the country. (art.5)

The Committee requests information on measures and actions taken by the State party to reduce statelessness bearing in mind its general recommendation No. 30 (2004) on discrimination against non-citizens. The Committee draws the attention of the State party to its obligations under the 1954 Convention relating to the Status of Stateless Persons which it acceded to on 7 February 2000.

20. The Committee welcomes programmes implemented by the State party to combat trafficking in human beings but is concerned about budget cuts which hinder their effective implementation. It expresses its concern that victims of trafficking, particularly non-citizens, are hesitant to complain due to lack of confidence in law enforcement institutions (arts. 5 and 6).

The Committee recommends that the State party continue with its efforts to combat human trafficking in general and particularly for the purpose of sexual exploitation. It urges the State party to allocate sufficient resources in this area and to update the Committee on the achievements in the next periodic report.

21. The Committee notes with regret that human rights awareness is still low in Lithuania as reflected in the periodic report while referring to a resolution of the European Youth Campaign "All Different – All Equal". (art.7)

The Committee recommends that the State party allocate adequate resources in order to increase activities on human rights awareness and education with particular emphasis on non-discrimination, culture of communication and respect for diversity. It encourages the State party to particularly target the training of teachers and law enforcement officials.

22. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and the UNESCO Convention against Discrimination in Education (1960).
23. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.
24. The Committee recommends that the State party undertake and publicize adequately an appropriate programme of activities to commemorate 2011 as the International Year for People of African Descent, as proclaimed by the General Assembly in its resolution 64/169 of 18 December 2009.
25. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.
26. The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.
27. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolutions 61/148 and 63/243, in which the General Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.
28. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.
29. Noting that the State party submitted its core document in 1998, the Committee encourages the State party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006. (HRI/MC/2006/3).
30. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 12, 15, 18 and 19 above.
31. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 13, 16, 20, 23 and requests the State party to provide

detailed information in its next periodic report on concrete measures taken to implement these recommendations.

32. The Committee recommends that the State party submit its sixth to eighth periodic reports in a single document, due on 9 January 2014 taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, para. 19).
