



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Concluding observations on the combined sixth to eighth
periodic reports of Lithuania**

Addendum

**Information received from Lithuania on follow-up to the
concluding observations***

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Report of Lithuania on the implementation of the recommendations (paras 7, 27, 31 and 36) received in the concluding observations on the sixth to eighth periodic reports of Lithuania

I. Introduction

1. At its 2412th and 2413th meetings, held on 7 and 8 December 2015, the United Nations Committee on the elimination of racial discrimination (hereinafter — the Committee) adopted the following concluding observations on the sixth to eighth periodic reports of the Republic of Lithuania (C/LTU/CO/6-8). In accordance with Article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requested the Republic of Lithuania to provide, within one year of the adoption of the concluding observations, information on its implementation of the recommendations contained in paragraphs 7, 27, 31 and 36. Presented below is the report that provides an overview of the progress made by the Republic of Lithuania as regards the implementation of the above mentioned Committee's recommendations.

II. Information on the implementation of the Committee's recommendations

Paragraph 7: The Committee recommends that the State party speed up the consideration and the adoption of the draft Law on National Minorities.

2. It should be mentioned, with regard to Article 2 of the Convention and the Committee's recommendation, that drafting of a Law on National Minorities was envisaged in the 2012-2016 Programme of the Government of the Republic of Lithuania (Section X "National minorities"). Presently, Draft No XIP-1648 of the Law on National Minorities has already passed two out of the three stages of the legislative process at the Seimas of the Republic of Lithuania, i.e. the readings by the Seimas Committee on Human Rights and by a plenary meeting of the Seimas. The Draft Law was given approval following the readings and is now ready for the final stage, adoption in the Seimas.

Paragraph 27: The Committee recommends that the State party consider further facilitating the naturalization process of stateless persons who have been living in its territory and sensitize them on the new Law on Citizenship, while monitoring closely the application of the provisions of the Law on Citizenship under which a person can be deprived of citizenship and left stateless. The Committee also recommends that the State party take appropriate measures to improve the reception conditions and integration of refugees and asylum seekers.

I. With regard to facilitating the naturalization process of stateless persons and sensitizing them on the new Law on Citizenship, while monitoring closely the application of the provisions of the Law on Citizenship under which a person can be deprived of citizenship and left stateless.

3. In the light of Article 5 of the Convention and the Committee's recommendation, and in order to properly address the issue of the legal status in the Republic of Lithuania of stateless persons holding Lithuanian residence permits, local police offices have been instructed to verify whether a person did not previously acquire Lithuanian citizenship by

way of both of his/her parents becoming Lithuanian citizens before the child turned 14. In addition, local police offices inform stateless persons (at the time of their visit at those offices) and provide them with details, in writing or orally, on the possibility of acquiring Lithuanian citizenship in accordance with the procedure prescribed by the Law on Citizenship of the Republic of Lithuania.

4. In order to sensitize stateless persons on the process of acquiring citizenship, the Ministry of the Interior of the Republic of Lithuania in cooperation with the Lithuanian Red Cross Society prepared a leaflet which provides information on the procedure of acquiring Lithuanian citizenship. The leaflet has been available on the website of the Migration Department under the Ministry of the Interior of the Republic of Lithuania (<http://www.migracija.lt/index.php?-817605824>) as of June 2016.

5. Also, in order to facilitate the process of informing asylum seekers of their rights, obligations and procedures, a guidance note for asylum seekers has been prepared providing them with extensive information on the asylum granting procedure in Lithuania. Additionally, asylum decisions will contain a short summary of each decision along with the information on the procedure of appeal against the decision in the asylum seeker's native language (or the language he/she understands best).

II. *On taking appropriate measures to improve the reception conditions and integration of refugees and asylum seekers.*

6. With respect to Article 5 of the Convention and the Committee's recommendation, it should be noted that, pursuant to Article 108 of the Law of the Republic of Lithuania on the Legal Status of Aliens, in implementing Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9) and with a view to improving the reception conditions and integration of refugees and asylum seekers, the Government of the Republic of Lithuania adopted *Resolution No. 998 on 5 October 2016 approving the Procedure for granting State support for the integration of asylum seekers* (hereinafter — "the Resolution"). Previously, the above mentioned procedure was governed by the now repealed Order No A1-238 of the Minister of Social Security and Labour of the Republic of Lithuania of 21 October 2004, an act that was in a lower position in the hierarchy of the legislation of the Republic of Lithuania.

7. The Procedure for granting State support for the integration of asylum seekers, approved by the afore-mentioned Resolution, sets out the following essential changes: (1) more active participation in the process of asylum seeker integration by municipalities, which are tasked to appoint a director of the administration or a person authorised by the director as a coordinator of support in the territory of the municipality; (2) intensified teaching of the Lithuanian language (courses at level A1 within a month, and an opportunity to learn Lithuanian at levels A2 and B1 and to take the State exams); (3) the amounts of the following allowances have been defined: the allowance paid by the Refugee Reception Centre; the lump-sum settlement allowance; the monthly cash allowance for basic necessities, calculated based on the size of the family (these allowances are cut in half where support for integration into the municipality is received for 7-12 months); the lump-sum allowance for school-age children for basic school necessities; the monthly reimbursement of the costs of child education under the pre-school and/or pre-primary education programmes; benefits paid upon child birth or death to persons granted asylum as well as the child benefit in accordance with the procedure prescribed by the laws of the Republic of Lithuania; (4) new shorter integration time limits have been set: up to three months at the Refugee Reception Centre and up to 12 months in the municipalities. The

integration time limits were longer before Lithuania agreed to the resettlement of 1 105 aliens. Shorter time limits are intended to encourage persons granted asylum to actively prepare for their independent life in the municipalities (through learning the Lithuanian language and culture and demonstrating keen interest in labour market participation); 5) aiming to promote early labour market participation, the Refugee Reception Centre informs persons granted asylum about employment opportunities (through vocational guidance and consulting; where necessary, vocational training is available).

8. Additionally, to improve the reception conditions for asylum seekers and to ensure compliance with the EU standards (the provisions of Directive 2013/33/EU on the reception standards), Order No IV-131 of the Minister of the Interior of the Republic of Lithuania of 24 February 2016 was passed approving the *Procedure for granting and withdrawal of asylum in the Republic of Lithuania* (hereinafter — “the Procedure”). The Procedure lays down new arrangements for the submission and consideration of asylum applications, evaluation of the reasoning of asylum applications, adoption of asylum decisions, withdrawal of asylum and other procedural steps. To comply with the requirements of the above-mentioned legislation, a new section was drafted concerning the special competencies and training of civil servants, the procedure for the provision of translation services to asylum seekers has been modified, a detailed procedure for asylum seeker accommodation and relevant decision-making has been set, and medical examination of asylum seekers has been introduced.

9. It should be noted additionally that a *draft Resolution of the Government of the Republic of Lithuania approving the Procedure for asylum seeker accommodation* is currently being drafted, which will regulate asylum seeker accommodation in the event of an increase in the flows of asylum seekers to Lithuania that would exceed the available reception capacities available in the Lithuanian asylum system.

Paragraph 31: The Committee urges the State party to adopt the draft laws implementing EU Victims “Directives” as a means to provide for reparation to victims of racial discrimination.

10. With regard to Article 6 of the Convention and the Committee’s recommendation and in order to ensure effective legal remedies and measures for just reparation, it should be noted that in order to properly transpose the provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, *Law No. XII-2194 amending Articles 8, 9, 28, 43, 44, 128, 185, 186, 188, 214, 239, 272, 275, 276, 280, 283 and 308 and the Annex to the Code of Criminal Procedure of the Republic of Lithuania* (hereinafter — “the CCP”) and adding Articles 27¹, 36², 56¹ and 186¹ to the Code was adopted on 17 December 2015, which has provided victims (including victims of hate crimes) with additional procedural guarantees of protection (or strengthened the already existing guarantees) in criminal proceedings, updated the definition of a victim, expanded the opportunities of providing victims with information in criminal proceedings, refined the procedure of victim questioning and protection guarantees, reinforced the procedural guarantees for minors, introduced the evaluation of special protection needs of victims, etc.

11. Articles 44-46 of the CCP, as amended by the above-mentioned Law, stipulate that each victim of crime has the right to demand that the offender be identified and justly punished and is entitled to a compensation for the damage inflicted by the criminal act and, in the cases specified by law, a compensation from the Fund for Victims of Crime, as well as State-guaranteed free legal assistance rendered in accordance with the procedure prescribed by law. The judge, prosecutor and pre-trial investigation officer must introduce victims to their procedural rights and make sure that they are able to exercise them. If a

person recognised as a victim has suffered damages as a result of a violent crime, the pre-trial investigation officer or prosecutor must, immediately upon the person's recognition as a victim, inform him/her of the right to compensation under the Law of the Republic of Lithuania on Compensation for the Damage inflicted by Violent Criminal Acts.

12. Pursuant to Articles 109-117 of the CCP, a person who has sustained pecuniary or non-pecuniary damages as a result of a criminal act, has the right to bring a civil claim in the course of the criminal proceedings against the suspect or the accused or against the persons bearing material responsibility for the acts of the suspect or the accused. The court is to examine such a civil claim together with the criminal case. In addition, where a criminal act has caused damage to the State or to a person incapable of defending his legitimate interests on account of his minority, illness, dependence on the accused or other reasons, a civil claim, if it has not been filed yet, must be filed with the court by the prosecutor bringing the indictment. Where a civil claim is brought in the course of a pre-trial investigation, data supporting the grounds and the amount of the civil claim must be gathered during the pre-trial investigation. A civil claim is brought by submitting an application to the pre-trial investigation officer, prosecutor or court at any stage in the procedure, but necessarily before the start of judicial examination of evidence. If a victim has not filed a civil claim in criminal proceedings, he/she has the right to bring such a claim under the civil procedure. A stamp duty is not charged for a civil claim brought in criminal proceedings. When passing a sentence, the court satisfies the civil claim in full or in part or dismisses it, based on the evidence presented in support of the grounds and the amount of the civil claim. When upholding a civil claim, the court can go outside the bounds of the action, provided that the amount of the claim has no bearing on the classification of the criminal act and the scope of punishment.

13. It should be emphasized that in case the accused or the persons bearing material responsibility for his/her actions do not possess the awarded amount of assets to cover the damage, the compensation may be paid from the respective State resources in the cases and in accordance with the procedure prescribed by the *Law of the Republic of Lithuania on Compensation for the Damage Inflicted by Violent Criminal Acts (hereinafter — "the Law")*. The purpose of the said Law is to protect the rights and legitimate interests of victims of violent crime. The Law prescribes compensation for pecuniary and/or non-pecuniary damage inflicted by violent criminal acts as awarded by the court, as well as advance compensation of pecuniary and/or non-pecuniary damage inflicted by violent criminal acts. Victims are entitled to compensation for pecuniary and/or non-pecuniary damage inflicted by violent criminal acts under the procedure prescribed by the above Law if the court has made an award of pecuniary and/or non-pecuniary damages caused by a violent criminal act or has approved an agreement on compensation for, or repair of, the damage caused. The Law also provides for a possibility to seek advance compensation for the damage inflicted by a violent criminal act in the absence of a court ruling ordering the offender or the person responsible for the offender's actions to pay the damages. A violent criminal act is an act that has the elements of a crime specified in the Criminal Code of the Republic of Lithuania and that consists of intentional taking of human life or severe or non-severe health impairment, or a less serious, serious or grave offence against human liberty, freedom of sexual self-determination or inviolability. An act that has the elements of a crime specified in the Criminal Code is not treated as a violent criminal act if it has inflicted physical pain on a person and caused a minor injury or short-term illness of a person. A detailed list of criminal offences subject to damage compensation was approved by Order No 1R-88 of the Minister of Justice of the Republic of Lithuania of 20 March 2009 approving the List of criminal offences subject to damage compensation. Requests for compensation for damage caused by violent criminal acts are examined and decided upon by the Ministry of Justice of the Republic of Lithuania or by the institutions authorised by the Ministry. Under the above-mentioned Law, the amount of pecuniary and non-pecuniary

damage is set by the court, within the limits law down in Article 7 of the Law: 1) pecuniary damage: a) 100 minimum standards of living (hereinafter referred to as “MSL”) where a human life has been taken by the violent criminal act; b) 80 MSLs where the violent criminal act has caused severe health impairment to a person, or a violent criminal act other than the one referred to in point 1 of this paragraph has inflicted damage on a minor; c) 60 MSLs for other violent criminal acts 2) non-pecuniary damage: a) 120 MSLs where a human life has been taken by the violent criminal act; b) 100 MSLs where the violent criminal act has caused severe health impairment to a person, or a violent criminal act other than the one referred to in point 1 of this paragraph has inflicted damage on a minor; 3) 80 MSLs for other violent criminal acts.

Paragraph 36: The Committee recommends that the State party ratify the amendment 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.

14. With regard to the Committee’s recommendation and the obligations undertaken, it should be noted that on 15 September 2016 the Government of the Republic of Lithuania passed Resolution No 910 requesting the President of the Republic of Lithuania to submit the amendment to Article 8(6) of the International Convention on the Elimination of all Forms of Racial Discrimination to the Seimas of the Republic of Lithuania for ratification. Accordingly, on 26 September 2016 the President of the Republic of Lithuania passed Decree No 1K-761 submitting the amendment to Article 8(6) of the International Convention on the Elimination of all Forms of Racial Discrimination to the Seimas of the Republic of Lithuania for ratification, and on 15 November 2016 the Seimas of the Republic of Lithuania adopted the Law ratifying the amendment to Article 8(6) of the International Convention on the Elimination of all Forms of Racial Discrimination. Thus, pursuant to the Committee’s recommendation, final steps in the ratification procedure remain for the entry into force of the amendment to the treaty.
