



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-eighth session

SUMMARY RECORD OF THE 1733rd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 21 February 2006, at 3 p.m.

Chairman: Mr. de GOUTTES

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Second and third periodic reports of Lithuania (CERD/C/461/Add.2; HRI/CORE/1/Add.97)

1. At the invitation of the Chairman, the members of the delegation of Lithuania took places at the Committee table.
2. Mr. JUSYS (Lithuania), introducing the joint second and third periodic reports of Lithuania (CERD/C/461/Add.2), said that the document had been prepared with the participation of various national and municipal governmental bodies and NGOs. At present, there was no single institution addressing issues of racial discrimination; rather, that responsibility devolved on all governmental institutions. Domestic legislation classified acts of discrimination based on race or national origin as punishable offences. Measures had also been taken to implement relevant international instruments to which Lithuania was party, including the Council of Europe's Framework Convention for the Protection of National Minorities.
3. Although national or ethnic minorities formed a relatively small part of the population, they were considered an asset and efforts were being made to facilitate their integration. Lithuania's accession in 2004 to the European Union (EU) had been an important milestone in that process, as it had led to the gradual harmonization of domestic legislation with European legal instruments, in particular those relating to human rights. The resulting changes benefited both society at large and members of minority groups.
4. Progress had been made in the integration of Roma, in particular through the implementation of the 2004 Roma integration programme; implementation of a new programme, which was currently being drafted, was expected to commence in 2006. As of January 2005, the Office of the Equal Opportunities Ombudsman had started to function as a complaints mechanism, thus providing additional recourse for victims of racial discrimination.
5. Refugees were provided with financial support and child refugees were granted access to education. Furthermore, Lithuania had adopted the Hague Programme with a view to bringing its refugee and asylum policies into line with international standards; implementation of the programme was under way. However, refugees sometimes failed to take advantage of the programmes offered, such as Lithuanian language courses, since many regarded their stay in Lithuania as temporary and hoped to move on to other countries that provided better economic opportunities.
6. Mobilizing society against discrimination was no longer the sole prerogative of the State; NGOs had become increasingly active in promoting tolerance and conducted a wide range of activities to identify and combat the root causes of discrimination. The promotion of tolerance and non-discrimination was also a key educational objective in schools. The dialogue with the Committee was considered an invaluable tool in enabling Lithuania to fulfil its international commitment to combat discrimination.

7. Ms. KUDREVICIUTE (Lithuania) said that the Migration Annual 2004, which contained the most recent data on immigration in Lithuania, would be placed at the disposal of members. The document provided information on: immigration processes and documentary requirements; the number of persons applying for refugee status between 1999 and 2004; and the number of applications accepted and rejected. Only applications submitted by aliens from a safe country of origin or safe third countries were rejected; the legal definition of such countries was in line with the requirements set out in the pertinent international instruments and in the 2004 Law on the Legal Status of Aliens.

8. Ms. MILASIUTE (Lithuania) said that the International Convention on the Elimination of All Forms of Racial Discrimination had been invoked on several occasions by Lithuanian courts and pre-judicial bodies in connection with race-related offences. In its overview of case law pertaining to private international law, the Supreme Court of Lithuania had drawn the attention of lower courts to the relevance of international human rights instruments. In a group of cases relating to a specific incident, the competent court had accepted an expert analysis based on a definition of anti-Semitism established by the European Monitoring Centre on Racism and Xenophobia.

9. However, Lithuanian courts were often reluctant to apply the provisions of international law directly, partly owing to the multiplicity of pertinent instruments. Judges mostly relied on the provisions contained in domestic legislation as derived from international instruments. Domestic legislation governing race-related offences included the new Criminal Code, the Code of Administrative Offences, the Law on Equal Opportunities for Women and Men, and the new Law on Equal Opportunities.

10. An assessment of the effectiveness of domestic provisions governing race-related offences had shown an increase in the number of cases where such provisions were invoked, mostly in connection with offences governed by the Code of Administrative Offences. Attributing racist motivation to offences classified by the Criminal Code had proved more difficult. Several procedural and other issues needed clarification to ensure the effective application of the relevant provisions.

11. Mr. VIDTMANN (Lithuania) said that most of the 2,500 members of the Roma minority in Lithuania lived in towns or cities. While some Roma groups were long-standing residents and spoke Lithuanian, others had entered the country during the Soviet era. Working with the Roma community had become more difficult in recent years as many of its leaders had left the country following Lithuania's accession to the EU. The Roma had long been one of the most marginalized sectors of Lithuanian society; the fact that only three members of the Roma community had completed higher education illustrated the extent of the problem. Measures to combat their social and economic exclusion included implementation of the Roma integration programme 2000-2004.

12. Mr. JUSYS (Lithuania) said that, given the composition of the Lithuanian population, ILO Convention No. 169 concerning Indigenous and Tribal People in Independent Countries was not applicable. Accession to the Convention against Discrimination in Education was currently under consideration.

13. Mr. VIDTMANN (Lithuania) said that a total of 400,000 Lithuanian residents belonged to the Polish or Russian national minorities. Several State-run schools, including preschool establishments, offered teaching in Polish, Russian or Belarusian. Teaching was based on unified educational curricula; the State provided teaching materials in the respective languages. Over 50,000 pupils were currently enrolled in minority-language schools. The right to education in the languages of national minorities was enshrined in the Law on Education and in provisions governing the education of national minorities. A separate document concerning education for the Polish minority in Lithuania was currently being prepared with the participation of that minority.

14. Ms. SLIUZIENE (Lithuania) said that most members of the Roma community lived in the capital, Vilnius. The municipal authorities had implemented a series of measures to improve their situation, including the provision of benefits in kind and lump sums to support families and children. Mobile consultation services had been established to inform Roma families of the possibility of applying for social housing; 23 and 40 Roma families had filed such applications in 2004 and 2005 respectively. Efforts were also being made to identify the main impediments faced by Roma job-seekers with a view to developing innovative labour integration strategies.

15. Ms. MILASIUTE (Lithuania) said that, while the new Criminal Code did not establish racist motivation as a specific aggravating circumstance, article 54 of the Code stipulated that the motivation underlying the offence must be taken into account. Accordingly, more severe punishment was imposed for offences motivated by racism or xenophobia, for example the desecration of graves. However, a proposal to include “an act committed because of hatred of a group of people or its members characterized by gender, sexual orientation, race, ethnicity, language, descent, social origin, belief, convictions or views” in the list of aggravating circumstances was currently being considered in order to clarify the legal situation.

16. The Law on Equal Treatment had been formulated with the support of the UNDP. Preparation for the legislative changes had included: an extensive public information campaign; a series of public consultations to identify an optimum strategy for expanding institutional protection against discrimination; and a number of training courses for public officials.

17. New initiatives, such as awareness campaigns and seminars for NGOs working in the field, had been launched following Lithuania’s accession to the EU.

18. Mr. VIDTMANN (Lithuania) said that one of the first and most important steps taken by the Government to address the situation of the Roma was a four-year programme for the integration of Roma into Lithuanian society, aimed at the 400 or so Roma living in the Kitrimai settlement in Vilnius. Contrary to what had often been reported, representatives of the Roma community had played a part in designing that programme and sat on the Council of National Communities. The main components of the programme were improvements in education, sanitation, health, and public infrastructure, including the construction of roads, water towers, telephone lines and playgrounds. A welfare centre had been built for children, young people and adults in the Roma community; a health and hygiene centre had also been built; and preschool children were provided with health care, clothing and school supplies, in order to prepare them for entry into the regular State-run schools.

19. Ms. SLIUZIENE (Lithuania) said that social benefits relating to health care and employment were granted to all citizens and legal residents in Lithuania, and social assistance was provided to asylum-seekers and refugees.
20. Mr. AMIR, Country Rapporteur, drawing attention to the concluding observations of the Committee (CERD/C/60/CO/8) concerning the initial report of Lithuania, noted with satisfaction that progress had been made in addressing the concerns and recommendations contained in paragraphs 10, 11 and 13 to 19. Referring to many of the new legislative instruments enacted during the period 2000-2003, he said that there were clear signs that Lithuania had made progress in implementing the provisions of the Convention.
21. It was noteworthy that within the Department of National Minorities and Lithuanians Living Abroad, a standing group of experts had been established in 2003 to protect the rights of persons belonging to national minorities. The detailed descriptions of the ethnic composition of the Lithuanian population and the sociological research presented in the third periodic report were exemplary and greatly facilitated the work of the Committee.
22. It was commendable that the provisions of international treaties could be invoked directly by the courts. That possibility had been established pursuant to article 138 of the Lithuanian Constitution, which provided that international agreements ratified by the Seimas were a constituent part of the Lithuanian legal system. Similarly, article 11 of the Law of the Republic of Lithuania on Treaties established the mandatory nature of international treaties.
23. Although article 169 of the Criminal Code classified an act involving discrimination as a criminal offence, the fact that the law had not defined what constituted an “ethnic minority” (thereby allowing broad interpretations), meant that an adequate solution for eliminating all forms of discrimination had not yet been achieved. He hoped that the draft law amending the Law on National Minorities would resolve that problem.
24. Equality of rights was not merely a theoretical concept but must be translated into reality. Despite the adoption of the Law on Equal Treatment in 2003, numerous impediments to the integration of minorities and disabled persons into Lithuanian society still existed. He noted the progress made in regulating the legal status of asylum-seekers who were unaccompanied minors and in the provision of residence permits and social assistance to foreigners who had been granted asylum. The delegation should explain why there were reports of discrimination against foreigners belonging to Afghan or Chechen ethnic groups if all asylum-seekers were subject to the same procedures and the same criteria.
25. The Roma integration programme for 2000-2004 and the 2001-2006 Community Action Plan to Combat Discrimination were commendable; it was regrettable, however, that the National Human Rights Action Plan did not include any reference to implementing the Durban Declaration and Plan of Action. He hoped that it was only a matter of time before that instrument was incorporated into a national plan of action.
26. In view of the progress made in bringing Lithuania’s legislation into conformity with article 4 of the Convention, it was unclear why in 2000-2003 no cases involving racist or anti-Semitic propaganda or incitement of hatred had been referred to or heard by the courts. The information provided in the report concerning the implementation of article 5 was thorough and

satisfactory. With regard to the effect given to article 6 and to the Committee's general recommendation XIX on racial segregation and apartheid, he commended the progress made in providing education and training for police officers and judges. Noteworthy also were the enactment of the Law on Equal Opportunities for Women and Men and article 6.263 of the Civil Code regarding the duty of every person to comply with a code of conduct so as not to cause harm to another person through his actions.

27. Regarding steps taken to give effect to article 7 of the Convention, he said that the question of education was closely linked to action to combat all forms of racial discrimination. Steps taken in Lithuania as part of that action included teaching about the Holocaust, instruction in the history of national minorities, the establishment of a specialized university course on the sociocultural history and anthropology of minorities, and regular public information campaigns aimed at promoting tolerance.

28. In recent years, Lithuania had made significant progress in the promotion and observance of human rights, although numerous institutional, judicial and administrative challenges remained. Those included: the need to allocate greater resources to the judicial system; ensuring that there were no exceptions to the non-refoulement procedure; prohibiting trafficking in human beings; and bringing to justice perpetrators of acts of discrimination. In addition, a national plan of action should be formulated to combat domestic violence, and special centres should be established to address the needs of disabled persons. In general, more attention should be given to improving the access of Roma to housing, health, employment and education. Lastly, he wished to know whether Lithuania planned to make a declaration under article 14 of the Convention so as to enable individuals or groups of individuals to lodge complaints alleging violations of provisions of the Convention.

29. Mr. SICILIANOS requested further information on the impact of the Law on Equal Treatment since its entry into force in January 2005.

30. Article 18 of the Law on Citizenship, which stipulated that acquisition of citizenship of another State resulted in the loss of Lithuanian citizenship, was not applicable to persons of Lithuanian descent. The reporting State should explain how that provision did not contravene article 1 (3) of the Convention, since it appeared to discriminate against persons who were not of Lithuanian descent.

31. Additional details should be provided on the resources available to implement the Action Programme for the Integration of National Minorities into Lithuanian Society (2005-2010), since the funding allocated was reportedly inadequate. It would also be useful to have a full account of the problems raised by Poles living in Lithuania and Lithuanians living in Poland.

32. More information should be provided on the content and implementation of the bilateral agreements on national minorities which the Government had concluded with Poland, Belarus, Ukraine and the Russian Federation.

33. It would be interesting to learn whether steps had been taken to evaluate the impact of the Roma integration programme conducted between 2000 and 2004. If so, the delegation should provide data, particularly on unemployment rates among the Roma population and any

improvements in health and housing indicators. Given that the 2000-2004 programme had focused on the Roma community in Vilnius, the Government should ensure that the new programme included all Roma in the State party, and that additional efforts were made to develop the programme in cooperation with the Roma population.

34. The delegation should indicate the Government's current position on making the declaration provided for in article 14 of the Convention.

35. Mr. KJAERUM commended the Government for extending the right to participate in municipal elections to EU citizens and permanent residents from other countries.

36. While the publication of a Roma language textbook was admirable, it would be interesting to learn whether there were plans to produce more such books, and in particular, whether teachers would receive training to enable them to assist Roma children in using them.

37. Additional information on the outcome of the Roma integration programme and an evaluation of the reasons for such an outcome should be provided. If the programme had proved ineffective, the delegation should indicate whether that might be partly attributable to a lack of involvement of the Roma in the formulation of the programme, as had been alleged by some members of that community.

38. The delegation should provide details of the status of the case currently before the Constitutional Court concerning the constitutionality of article 18 of the Law on Citizenship.

39. It would be useful to learn whether any measures had been taken to improve investigation and prosecution when articles reflecting racist attitudes were published in the media. In that respect, the Government should take particular note of paragraphs 140 to 147 of the Durban Programme of Action. Moreover, the police should be better trained to enforce the legal provisions relating to the prevention of racial discrimination.

40. Given the reported low level of awareness about human rights among the Lithuanian public and its lack of knowledge of, and confidence in, existing human rights mechanisms, it would be interesting to learn the Government's view on the establishment of a national human rights institution.

41. Mr. VALENCIA RODRÍGUEZ requested updated information on the situation with regard to ratification of the international instruments mentioned in paragraph 107 of the report. It would be useful to have further details on how the provisions of domestic legislation prohibiting racial discrimination were applied in practice, and on the amendment to the regulations of the Department of National Minorities and Lithuanians Living Abroad.

42. The reporting State should be more specific about the special procedures in applications for asylum or refugee status referred to in paragraph 73 of the report. In particular, clarification was needed on whether applications were treated differently depending on the nationality or ethnicity of the applicant. Had the Ombudsman received any complaints of racial discrimination, and if so, how had those complaints been processed?

43. He asked for further details of the cases quoted in paragraphs 120 to 126 of the report regarding violations of article 4 (a) of the Convention. It would be useful to learn whether the Government had studied the experience of other States in combating racist propaganda and incitement to racial hatred on the Internet.

44. The delegation should explain how the provisions of article 2 of the Law on Ethnic Minorities were applied to ensure that national minorities were represented in government bodies. The Committee would also welcome statistical information on inter-ethnic marriage, particularly marriage contracted between partners from Roma and other national minorities.

45. The delegation should indicate whether any problems had been experienced in implementing the principle of equality for all, as enshrined in article 2 (1) (iv) of the new Labour Code. It would be interesting to learn which criteria were used in establishing the employment quota for foreigners. What measures had the Government taken to reduce the high unemployment rate among minority groups?

46. He wished to know whether the criminal and civil justice systems were able to guarantee effective protection and remedies for everyone, in line with article 6 of the Convention. Details of the functioning of those institutions should be provided. He commended the State party for the human rights training provided to law enforcement officials and judges. The Committee would appreciate additional information on the outcome of that training.

47. Mr. PILLAI commended the State party for the involvement of NGOs in the preparation of the report, and for the amount of current research on the ethnic composition of Lithuania. The delegation should provide further information on efforts to increase the representation of the Roma in the police force.

48. He expressed concern at the apparent use of the terms “ethnicity” and “nationality” as synonyms in the report, particularly in paragraph 55 and tables 2 and 7. Article 1 of the Convention made a clear distinction between those terms.

49. He requested updated information on the reopened case concerning the publication in February and March 2004 of articles of an anti-Semitic nature, which had been brought before the Office of the Prosecutor General. More generally, how would the Government raise awareness among public authorities of the need to prevent incitement to racial discrimination while also respecting freedom of expression?

50. Ms. JANUARY-BARDILL said it was clear that Lithuania had made a serious attempt to tackle the difficult political, cultural and social issues related to preventing and eliminating racial discrimination. According to paragraph 54 of the periodic report, there was no definition of “ethnic minority” in the law. She therefore asked for clarification on the concept of “national minority” to which various references had been made, but more specifically, within the context of paragraphs 34, 54 and 55, and on the use of the terms “nationality” and “citizenship”.

51. With reference to the Law of the Republic of Lithuania on Equal Treatment, she asked what equal treatment meant in that connection. She wondered whether it referred to equal access to information and jobs, and the sharing of resources, or whether the application of equal

treatment was expected to lead to changes in the demographic composition of the workforce. It might be useful for the Government to set clear targets for the desired outcome. In addition, she enquired about the methods used to monitor policy on equal treatment and its achievements to date.

52. She was also interested in hearing about the experience of Somalis who sought asylum in Lithuania. Were there any mechanisms to monitor their treatment and status? Paragraph 94 of the report stated that most aliens did not satisfy the requirements of Lithuania's labour market because of their inadequate level of education, but she was curious to know whether that statement alluded to levels of formal education, work experience, language proficiency, or all three factors.

53. The section of the report dealing with article 4 suggested a certain degree of tolerance of racist propaganda in Lithuania. Given recent developments on the international scene, she said the Committee was particularly interested in the balance between freedom of expression and the infringement of rights. She asked how the Government intended to address such issues.

54. Referring to paragraphs 322 and 333, she said the category of "high-risk groups" that was used to denote certain vulnerable members of society ran the risk of further stigmatizing the persons included under that heading. Focus should rather be placed on high-risk behaviour rather than on attaching labels to persons in need of assistance.

55. Mr. TANG drew attention to table 4 in paragraph 73, which gave statistical data on the granting of asylum, and asked why an overwhelming proportion of applicants had been granted asylum rather than refugee status. He wondered whether the discrepancy reflected the fact that the procedure for applying for refugee status was too complex.

56. He asked the delegation to provide more information on the implementation of the asylum and refugee policy, particularly with respect to the operation of the Foreigners' Registration Centre and the Refugee Reception Centre. In that regard, he invited comments on the allegation that many applicants for refugee status were actually imprisoned. In addition, he was interested in receiving information on the achievements of the Office of the Equal Opportunities Ombudsman under its expanded mandate.

57. Mr. LINDGREN ALVES asked the delegation to provide more information on the types of problems that had been created by members of the Polish national minority, and on the nature of "national activities" to which reference was made in paragraph 19.

58. Although he, personally, did not agree with the continued use of the term "Roma", he wished to know whether the integration measures adopted by the Government had been well received by the target population, or whether they were even interested in being integrated into Lithuanian society. He conceded that the issue of integrating "gypsies" was highly complex, and wondered whether the Committee should not spend more time discussing groups that were interested in being integrated into the societies in which they lived, rather than on a small number of people who had no such interest.

59. As to the sociological research project on tolerance in Lithuania, referred to in paragraph 30 of the report, he acknowledged that the intent of conducting such research was laudable. But the listing of groups of persons of whom Lithuanians were least tolerant seemed unfortunate, to say the least.

60. Mr. YUTZIS commended the efforts of the Government of Lithuania in embracing the process of reform since its change of status from a former Soviet republic, and the cultural changes and evolution of ideas and social prospects which had taken place.

61. On the question of tolerance, he said that, by definition, a research project could not be exhaustive; the study mentioned in paragraph 30 had shown, among other things, the relative level of tolerance some Lithuanians had for certain specific groups. It was yet to be seen whether there was inherent prejudice towards the Roma national minority in particular. He referred to various steps that had been taken to improve the prospects of integrating the Roma population, but there were reported deficiencies and incidents that revealed shortcomings in the integration process. He believed there was a need for clarification of the general situation of the Roma national minority, the failure of job training programmes and the reported demolition of dwellings.

62. Mr. EWOMSAN, noting that Lithuania had not ratified article 14 of the Convention, asked why the Government had been reluctant to take that step.

63. Mr. AVTONOMOV enquired whether the Polish national minority was able to receive higher education in the Polish language. He was also curious to know whether there was a nomadic Roma population in Lithuania, and if that was the case, which authorities were responsible for providing infrastructural facilities for them. In addition, he asked for more information on centres devoted to the cultures of national minorities, and whether the ethnic group previously known as “Liths” still existed.

The meeting rose at 6 p.m.