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Agenda item 6

Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Lithuania

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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1. Lithuania welcomes the interactive dialogue held in November 2016, during the second cycle of the universal periodic review carried out by the United Nations Human Rights Council as well as the recommendations presented. Lithuania received the total of 172 recommendations. Lithuania rejected one recommendation outright. Concerning other recommendations, Lithuania undertook the commitment to present its position on these recommendations before the start of the 34th session of the United Nations Human Rights Council in March 2017.
2. In this document, Lithuania sets out its position on the recommendations contained in paragraph 100 of the Report of the Working Group of the United Nations Human Rights Council and kindly requests that these responses be included, as an annex, in the Report of the Working Group of the United Nations Human Rights Council.
3. Lithuania **supports** the following recommendations: 9, 10, 15–20, 23–57, 59–86, 88, 90–142, 144–171.
4. Lithuania **notes** the following recommendations without expressing support for them (hereinafter – “does not support”).
5. Lithuania **does not support** recommendations 1–5 concerning accession to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. According to Lithuanian national law, European Union law as well as the United Nations human rights legal acts legally binding Lithuania, migrant workers and their families are granted certain rights, however the expansion of these rights as required by the said Convention is not envisaged at present, especially as regards the application of the unconditional equal treatment principle in areas such as education, provision of accommodation, social services and health care services. Currently, Lithuania is not able to undertake such extensive commitments.
6. Lithuania **does not support** recommendations 6 and 11 as regards joining the International Labour Organization Convention on Domestic Workers No. 189. Domestic work is not very widespread in Lithuania. While broadly supporting the objectives of the International Labour Organization, Lithuania ensures the fundamental rights and freedoms of domestic workers, including child domestic workers, by its national legislation. Moreover, Lithuania complies with relevant European Union legislation.
7. Lithuania **does not support** recommendations 7 and 8 concerning ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Lithuania has assumed the obligations under the International Covenant on Economic, Social and Cultural Rights and, as required by the Covenant, to the maximum of its available resources, is taking all steps with a view to achieving progressively the full realization of the rights recognized therein. At the moment, Lithuania does not plan to assume any international obligations that would limit the discretion enjoyed by the national legislature in distributing State resources as a result of quasi-judicial decisions of international institutions.
8. Lithuania **does not support** recommendations 12–14 regarding accession to the Convention against Discrimination in Education. Lithuania has launched the internal legal procedures necessary for the accession to international treaties; however, Lithuania would propose to update this Convention by providing for more responsibilities for the States and believes that it would be appropriate to accede to the Convention when it is updated. Lithuania has a more progressive legal regulation in force as compared to that of the existing Convention.
9. Lithuania **does not support** recommendations 21 and 22 as regards joining the European Charter for Regional or Minority Languages. The Lithuanian language has the status of the State language in Lithuania. Lithuania has also enabled wide use of minority

languages (in the areas of education and culture; furthermore, persons who are not proficient in the State language are entitled to translation/interpretation in judicial and administrative proceedings) in compliance with the requirements of the human rights legislation of the United Nations that legally bind Lithuania. At present, further expansion of the opportunities to use minority languages is being considered, while ensuring the interests of using the Lithuanian State language in public life.

10. Lithuania **does not support** recommendation 58 to eliminate discrimination on the basis of language in the area of education and employment insofar as it alleges non-compliance of Lithuanian legislation and practice with international law. The Lithuanian Constitution and laws prohibit discrimination. The Law on Education provides for and elaborates on the right to be educated in the State and mother language. As regards employment, the Law on Equal Opportunities implementing EU law provides for exceptional cases when, by reason of the nature of particular occupational activities or the conditions in which they are carried out, a certain characteristic of an individual, including language, constitutes a genuine and determining occupational requirement, on the basis of which differentiation is possible. Such a differentiation is not considered discrimination.

11. Lithuania **does not support** recommendations 87 and 89 to amend and review the Law on the Protection of Minors against the Detrimental Effect of Public Information. Lithuania's position is that this Law is necessary for the protection of the child's rights, and that proper, i.e. non-discriminatory application of the Law is facilitated by educational measures. The monitoring of the application of this Law does not indicate that the Law is being implemented in a discriminatory manner.

12. Lithuania **does not support** recommendation 143 to provide proper conditions and financial means for national minority schools within the framework of the education reform insofar as it alleges non-compliance of Lithuanian legislation and practice with international law. The Law on Education provides for the requirements of education quality and its monitoring. It should be noted that the national minority schools are allocated more funds than other schools. According to the Methodology for the Calculation and Allocation of the Student's Basket Funds approved by Government Resolution, the student's basket allocated for minority schools is 20 per cent higher than for other schools.
