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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 is being issued without formal editing.



1. Lithuania welcomes the interactive dialogue held in January 2022, during the third cycle of the Universal Periodic Review carried out by the United Nations Human Rights Council as well as the recommendations thereby presented. In total, Lithuania received 232 recommendations. Lithuania supported 138 recommendations and noted six recommendations outright. Concerning other 88 recommendations, Lithuania undertook the commitment to present its position on the recommendations before the start of the 50th session of the United Nations Human Rights Council in June 2022.
2. In this document, Lithuania sets out its position on the recommendations set out in paragraph 138 of the Report of the Working Group of the United Nations Human Rights Council and kindly requests that the following 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: 7–42, 44–55, 59, 60, 62–73, 75–88.
4. Lithuania does not support the following recommendations, which are therefore noted.
5. Lithuania **notes** recommendations 1-3 concerning accession to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It should be noted that Lithuania did not support equivalent recommendations in the second cycle of the Universal Periodic Review. According to Lithuanian national law, European Union law as well as United Nations human rights legal acts, migrant workers and members of 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 notes recommendation 4 on the ratification of the Treaty on the Prohibition of Nuclear Weapons (TPNW), as Lithuania's position of non-acceptance of the Treaty on the Prohibition of Nuclear Weapons (TPNW) has not changed and will remain unchanged for as long as NATO remains a nuclear alliance. The TPNW does not reflect the increasingly complex nature of the international security context, is at odds with the current order of non-proliferation and disarmament, is declaratory in nature, and binds only non-nuclear-weapon states. Lithuania, like all NATO allies, intends to continue to uphold the principles of NATO as a nuclear alliance for defence and deterrence as well as the doctrine that NATO is a nuclear alliance and will remain so as long as nuclear weapons exist.
7. Lithuania notes recommendation 5 as regards signing and ratifying the European Charter for Regional or Minority Languages. Lithuania did not support equivalent recommendations in the second cycle of the Universal Periodic Review. The Programme of the Eighteenth Government of the Republic of Lithuania pays significant attention to human rights and dignity, whereas the plan¹ implementing this Programme, *inter alia*, foresees the drafting and adoption of the Law on National Minorities in order to ensure the fulfilment of the identity of the national minorities living in Lithuania, as well as the implementation of equal conditions for the dissemination of their culture, the exercise of the freedom of expression and the right to self-fulfilment, and the further development of the presentation of the diversity of the culture of the minorities on all levels by using appealing means of modern expression and the involvement of different groups in society. Therefore, the linguistic issue of national minorities is planned to be dealt with through national regulation, while at the same time ensuring the usage of the Lithuanian State language in public life.
8. Lithuania notes recommendation 6 concerning ratification of the Convention on Discrimination in the area of Education. Lithuania did not support equivalent recommendation in the second cycle of the Universal Periodic Review. Most of the provisions of this Convention are obsolete and no longer correspond to the more progressive legal regulation currently in force in Lithuania compared to that laid down in the Convention adopted in 1960. Both the European Union and the Council of Europe, of which Lithuania is a member, set much higher standards for the implementation of human rights and non-discrimination in education. Thus, both the legislative framework in Lithuania and existing

international obligations currently ensure adequate implementation of these rights and the principle of non-discrimination in education.

9. Lithuania notes recommendation 43. According to official data from pre-trial investigations, there is no evidence of any alarming increase in trafficking in human beings, for sexual and labour exploitation, forced labour or widespread pornography in Lithuania. On the contrary, the Lithuanian authorities as well as non-governmental and international organisations, providing assistance to victims of trafficking in human beings, are actively and consistently combating the phenomenon of human trafficking. Since 2016, the Government has set up an inter-institutional Commission² for the Coordination of the Fight against Trafficking in Human Beings to coordinate the measures and actions of state and municipal institutions and bodies in the field of the fight against human trafficking. Lithuania therefore does not support the recommendation but the country will continue to step up its efforts to combat various forms of trafficking in human beings.

10. Lithuania notes recommendations 56, 57 and 61. It should be noted that rape and sexual assault are criminalised, respectively, in Articles 149 and 150 of the Criminal Code of the Republic of Lithuania (hereinafter referred to as the "CC"). The case law of the courts of the Republic of Lithuania in the field of Articles 149 and 150 of the CC covers, *inter alia*, rape and sexual assault in marriage, i.e., the acts criminalised by the abovementioned articles of the CC do not have any reservations and ensure liability when crimes are committed against a spouse or other family member. In addition, acts envisaged in Article 149(3) and (4) and Article 150(3) and (4) of the CC, when committed by a close relative, a member of the family or a person living in the same household of the minor victim, shall be considered as aggravating circumstances.

11. It should be noted that the protection of victims of domestic violence in the country is constantly strengthened. On 15 March 2022, the Seimas of the Republic of Lithuania adopted Law No: XIV-934 amending the Law No: XI-1425 on Protection from Domestic Violence (that will enter into force on 1 July 2023) which, among other things, introduces the Order of the Protection from Domestic Violence i.e. a preventive protection measure aimed at protecting a person at risk of domestic violence; the measure obliges an adult person posing a risk of domestic violence to temporarily move out of the residence if they are living together with a person at risk of domestic violence, to refrain from visiting the residence, to refrain from approaching a person at risk of domestic violence and/or children living with them, and to refrain from communicating or seeking contact.

12. Moreover, the text of recommendation 138.61 implies that in cases of domestic violence any form of mediation, i.e. both compulsory and voluntary mediation, should be eliminated. It should be noted that the current legislation does not provide for compulsory mediation (conciliation) in criminal cases. It should be recalled that Article 20(1)(1) of the Law on Mediation of the Republic of Lithuania provides for an exception to mandatory mediation in family disputes: compulsory mediation shall not be applied when the person who has experienced domestic violence seeks to apply to court for the settlement of the dispute, the other party to the dispute being the alleged perpetrator and a pre-trial investigation related to domestic violence has been opened or a case related to domestic violence is pending in court, either a conviction for domestic violence has been handed down or a certificate from a body authorised by law to provide specialised integrated assistance has been submitted concerning the provision of specialised integrated assistance to the person in relation to the allegedly suffered domestic violence. It is also noteworthy that, according to both academics and legal practitioners who specialize in the field of mediation, voluntary mediation in cases of domestic violence is possible in cases when the victim is adequately empowered (e.g., a person in whom the victim has confidence is present), and if the mediator possesses the appropriate skills (has competences to assess the suitability of mediation for a given situation, is familiar with the necessary mediation techniques, etc.). In order to avoid possible negative influence of one party to the other, the mediator may, *inter alia*, organise separate meetings with the parties, make use of the possibilities offered by electronic means of communication etc. Experience shared by various other countries shows that mediation can serve as an effective measure in addressing cases of domestic violence. There are cases of good practice in this area in Lithuania as well. For example, the results of the project "Implementation of Mediation in Probation Services" carried out in Lithuania in 2015–2016 showed that even in

case of sensitive conflicts arising from domestic violence, an agreement can be reached and a joint decision can be made between the parties on child maintenance, upbringing conditions and other issues in as many as 85% of the cases. In conclusion, recommendation 138.61 cannot be supported insofar as it relates to the elimination of the voluntary mediation in domestic violence cases.

13. Lithuania notes recommendation 58. Lithuania has never practiced violent pushbacks. Even in the event of the state of emergency, which was declared as a reaction to materialised migration created and used by a third country, Lithuania ensured that legitimate ways of applying for asylum were established. According to the Law on the Legal Status of Aliens, a person can apply for asylum at a diplomatic mission, at border checkpoints or the Migration Department under the Ministry of the Interior of the Republic of Lithuania if he or she has entered the territory of Lithuania legally. Those trying to enter Lithuania illegally are directed to the nearest border checkpoint and given all the information about asylum procedures in different languages in written and orally. It should also be noted, that border guards make a separate individual assessment of a person's vulnerability.

14. Lithuania notes recommendation 74. According to Article 11(3) of the Law on Employment of the Republic of Lithuania, the objectives of the employment support system and employment support measures shall be implemented and labour market services shall be provided in accordance with the principles of equal opportunities for women and men and non-discrimination. Employment support measures and labour market services are therefore available to people regardless of their mother tongue. Russian speakers, like other third-country nationals coming to work in Lithuania, are subject to the general provisions on employment of the Law on the Legal Status of Aliens. Discrimination is prohibited by the Lithuanian Constitution and other legal acts. The Law on Education provides for and details the right to education in the State language and a person's mother tongue. Taking into account the principle of equal opportunities laid down in Article 5 of the Law on Education of the Republic of Lithuania and Article 4 of the Law on Vocational Training it should be concluded that the education system is socially just and it ensures the realisation of the rights of the individual as well as the equality of persons irrespective of their sex, race, nationality, language, origin, social status, religion, beliefs or opinions; besides, it guarantees the accessibility of education to all persons and it ensures that all persons have access to general education and have a possibility to acquire their first qualifications, and that the system provides the conditions for the upgrading of their existing qualifications or for acquiring new ones.

Notes

¹ Plan for the implementation of the provisions of the Eighteenth Programme of the Government of the Republic of Lithuania, approved by Resolution No 1558.1.11 p of the Government of the Republic of Lithuania of 10 March 2021.

² Government Resolution No: 785 of 11 August 2016 "On the coordination of the fight against trafficking in human beings" is available at: 785 Dėl kovos su prekyba žmonėmis koordinavimo (lrs.lt)