**22/11/2013**

**Reply of Lithuania on the negative impact of corruption on the enjoyment of human rights**

1. **How do you deal with corruption in your country? Do you have a policy to combat corruption (specific fields and specific categories)?**

Law on Corruption Prevention identifies anti-corruption programmes as national, sectorial, institutional and other. Parliament in June 2011, adopted National Anti-Corruption Programme. This programme has concrete action plan (there are special tools to deal with corruption in different public sectors) and public institutions are responsible for its implementation. Action plan has wide range of implementation measures on practical issues of enforcement, prevention, law making, anti-corruption education and so on. The responsibility for development, organization and supervision of implementation of the National Anti-Corruption programme lies with the Government in co-operation with the Special Investigation Service (SIS).

Anti-corruption sector in Lithuania also includes:

* Parliamentary committees and commissions (Committee on National Security and Defence, Commission for Ethics and Procedures , Anti-Corruption Commission);
* Parliamentary Ombudsmen’s Office;
* Department for Combating Corruption and Organized Crime at the Prosecutor General's Office;
* Chief Official Ethics Commission;
* Inter-Agency Commission on Coordination of the Fight against Corruption ;
* Anti-Corruption Commission of Local Administrations;
* Departments at public institutions and organizations set up to prevent and disclose corruption (the internal investigation services, the Bureau of Criminal Police in Lithuania, etc.);
* Employees of state and municipal agencies whose main task is to implement the prevention of corruption (employees of internal audit, security departments, immunity boards, etc.).

**2. a) Is there an anti-corruption agency in your country? If so, does it address the negative impacts of corruption on human rights in its work? Can you cite some examples to this effect?**

The main anti-corruption body is the SIS, an independent body accountable to the President of the Republic and the Parliament (Seimas), which was established in 1998 and in 2000 received a broad anti-corruption mandate. SIS is a specialized anti-corruption body, which have sufficient powers for effective law enforcement. Generally SIS addresses the negative impact of corruption on human rights in its work.

In the area of corruption prevention, the negative impact of corruption on human rights is addressed by the SIS through a number of anti-corruption measures such as:

* anti-corruption assessment of legal acts and draft legal acts;
* conducting of corruption risk analysis;
* involvement in drafting and implementing the National Anti-Corruption Programme which is updated every 2 years as well as other anti-corruption programmes;
* provision of information on a person seeking or holding a position in a state or municipal institution or enterprise or a person nominated by the Republic of Lithuania to hold a position in the EU or international organisations;
* anti-corruption awareness raising and information of the public;
* giving publicity to the disclosed corruption-related criminal acts.

In the law enforcement area, SIS investigates corruption cases, including high-level corruption, in the public and private sectors. SIS has full powers to conduct its own criminal intelligence and operational activities. In the area of prevention, the main tasks of SIS are anti-corruption review of legislation, risk assessment of most corruption-prone areas and development of preventive measures including anticorruption policies and action plans. Moreover, SIS acts as a central body in coordinating and monitoring the implementation of the National Anti-Corruption Programme and other anti-corruption measures. In the area of anti-corruption education and rising of awareness, SIS provides methodological assistance to the development of a specialised anticorruption training for schools, universities, and civil service.

SIS is a national focal point of country reviews under the Implementation Review Mechanism of the United Nations Convention against Corruption. SIS is a Lithuanian counterpart in GRECO, the Council of Europe Group of States against Corruption. SIS is a member of the anti-corruption networks EPAC “European Partners against Corruption” and EACN “European Union Contact-point Network against Corruption”.

Another Lithuanian institution which is enabled to implement corruption prevention is the Chief official ethics commission (COEC). First of all, COEC work is based on the Constitutional principles that “State institutions shall serve the people” (5 article) and “All persons shall be equal before the law, the court, and other State institutions and officials. The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions, or views“ (article 29).

When implementing the „Law on prevention of corruption“, the COEC:

* Analyses ethical problems confronting the public servants, and, seeking to eliminate the factors contributing to a conflict between public and private interests, shall make proposals concerning adoption and improvement of anti-corruption programmes and legal acts;
* Makes proposals to the Seimas, other state and municipal institutions related to the implementation of the provisions of this Law;
* Sums up the application of legal provisions setting out the institutional ethics requirements in different areas, and shall participate in the drafting and codifying such provisions;
* Implements the corruption prevention measures assigned to it together with the other state and municipal institutions.

Rights of the COEC are established in „Law on the Chief official ethics commission“ (article 18). When carrying out its functions, the COEC shall be entitled to:

* receive all necessary information, explanations, orders, decisions and other documents from state and municipal institutions, state and private capital enterprises, commercial banks, establishments and other organizations, persons working in the civil service and other persons, as well as obtain free of charge information from state or departmental registers, which is necessary for the fulfilment of the duties of the COEC;
* make reports of administrative violations of law and appeal to the court regarding imposition of administrative penalties on the persons who have committed the violations of the provisions of the Law on the Adjustment of Public and Private Interests in the Civil Service or the Law on Lobbying Activities;
* propose to the collegiate state or municipal institution, the head of the state or municipal establishment, or the state or municipal institution or establishment of a higher subordination level to impose disciplinary penalties on the persons who have committed the violations of the Law on the Adjustment of Public and Private Interests in the Civil Service or the Law on Lobbying Activities;
* propose to the collegiate state or municipal institution, the head of the state or municipal establishment or the state or municipal institution of a higher subordination level to repeal, suspend or amend the legal acts or decisions which do not meet the requirements of the Law on the Adjustment of Public and Private Interests in the Civil Service or the Law on Lobbying Activities, or propose to take the measures which would prevent violations of other legal acts in the future;
* refer the material to a pre-trial investigation establishment or a prosecutor, when the elements of a criminal act have been determined, or propose to the prosecutor to appeal in accordance with the procedure laid down by law to the court regarding defence of the public interest;
* file claims (submit requests) to the court regarding termination of or declaring null and void the employment contracts and transactions concluded in violation of the requirements of the Law on the Adjustment of Public and Private Interests in the Civil Service;
* inspect activities of lobbyists and activity reports of lobbyists;
* conduct investigation if there is grounded information that persons do not comply with the requirements of the Law on Lobbying Activities;

Furthermore, COEC has the right (and duty) to control declarations of private interests which is one of the measures of prevention.

For example, COEC sometimes identifies violations based on nepotism (when persons in the civil service possibly (and actually) considered issues related to their close persons – creating exclusive rights and privileges to their close persons, distinguishing them from others (discrimination). COEC deals with the damage to the human rights and the public interest by, as already mentioned, filing claims to the court regarding termination of or declaring null and void the employment contracts and transactions and decisions.

**b)** **Are there national human rights institutions in your country? If so, are they mandated to deal with corruption?**

There are no **specific** nationalhuman rights institutions in Lithuania. There are few non-governmental organizations which are working in the field of human rights, but they are not directly dealing with corruption issues (The Human Rights Monitoring Institute (HRMI), Lithuanian Centre for Human Rights (LCHR), etc.).

Lithuania has the following institutions that deal with human rights:

* The Seimas (Parliament) Ombudsmen’s Office (the purpose of activities of the Seimas Ombudsmen is to protect a person’s right to good public administration securing human rights and freedoms, to supervise fulfilment by state authorities of their duty to properly serve the people);
* Equal Opportunities Ombudsperson’s Office;
* Institution of the Ombudsman for Children Rights;
* Office of the Inspector of Journalist Ethics;
* State Data Protection Inspectorate;
* Parliamentary Committee on Human Rights;
* ministries;
* over 50 non-governmental organisations.

**c)** **Do your anti-corruption agency and national human rights institutions cooperate in tackling corruption? If so, what mechanisms exist to promote cooperation between the respective institutions?**

There is a mechanism of exchanging information which falls within the realm of competence of the institution that is provided with the information has been in place. Discussions between the inter-institutional working groups also take place.

**3.** **Which measures have been adopted in your country that take into account the negative impact of corruption on the enjoyment of human rights? What are the best practices and what are the challenges in this respect?**

In accordance with the Republic of Lithuania Law on Prevention of Corruption, anti-corruption education of the public is an integral part of raising awareness of the public with a view to promoting personal integrity, the concept of the Lithuanian State, fostering civic responsibility, the rights and duties of an individual towards the public and ensuring the implementation of the aims of corruption prevention**.**

All the anti-corruption efforts focused on reducing the level of corruption contribute to decreasing the negative impact of corruption on human rights in the broadest sense. The best practices, *inter alia*, include:

* declaration of private interests;
* annual declaration of assets of a resident (family);
* provision of information on a person seeking or holding a position in a state or municipal institution or enterprise or a person nominated by the Republic of Lithuania to hold a position in the EU or international organisations.

**4.** **In your country, which are the human rights that are the most affected by corruption? What specific negative impact can corruption have on the enjoyment of human rights by vulnerable groups such as women, children, elderly, persons with disabilities, indigenous people and others?**

There have been no special sociological surveys conducted on the human rights that are most affected by corruption. All the available data does not allow to identify a specific vulnerable group having a negative impact of corruption. Corruption creates discrimination in access to public services in favour of those able to influence the authorities to act in their personal interest, including by offering bribes. The corrupt management of public resources compromises the government’s ability to deliver an array of services, including health, educational and welfare services, which are essential for the realization of economic, social and cultural rights. Corruption also affects the enjoyment of civil and political rights and weakens democratic institutions. So corruption, in general has impacts for all vulnerable groups of people.

Theoretically, it is possible to distinguish the following areas that are most prone to corruption:

* public procurement;
* health care and social security;
* environmental protection, energy, cultural heritage, e. g. issuing of permissions and licences, etc.;
* land-use planning;
* scrutiny of business;
* law-making and politics;
* administration of justice.

**5.** **What measures can be taken by the Human Rights Council and its subsidiary bodies or by States to combat corruption with specific consideration regarding the negative impact of corruption on the enjoyment of human rights?**

Lithuania has ratified the United Nations Convention against Corruption that provides for a sufficient range of anti-corruption measures. The implementation of the Convention against Corruption has been put under scrutiny based on the mechanism for the review of Implementation of the United Nations Convention against Corruption. It would also be useful to perform social studies on negative impact of corruption on human rights topics and present them to the society, which may considerably Galbūt jūs norėjote ieškoti: padidinti visuomenės ***sąmonė***increase public awareness of this issue.

An engaged civil society and media that value and demand accountability and transparency are vital in addressing corruption. We think that transparency and accountability are key principles of a human rights-based approach to development that are also integral to successful anti-corruption strategies. Some of the measures that can enhance transparency and accountability and contribute to sustainable anti-corruption measures are the adoption of laws ensuring the public’s access to information on governmental processes, decisions and policies as well as institutional reforms which strengthen transparency and accountability.

**6.** **How can the United Nations human rights mechanisms be utilized for anti-corruption efforts? What other institutional mechanisms could be used to integrate a human rights-based approach in combating corruption or vice-versa at both, the international and national level?**

There is a need to increase synergy between inter-governmental efforts to implement the United Nations Convention against Corruption and international human rights conventions. Collaboration between government and society in the fight against corruption is essential for raising awareness among key stakeholders and the public of the links between corruption and human rights, thereby diminishing public tolerance of corruption and strengthening public support for anticorruption measures.

The main mechanisms for anti-corruption efforts may be:

* computerized information sharing or unified databases;
* sharing social studies results and conclusions;
* usage of unified public education programs.