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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 was not edited before being sent to the United Nations translation services.

1. Lithuania welcomes the interactive dialogue that took place during the universal periodic review carried out by the United Nations Human Rights Council as well as the recommendations presented. Lithuania has received the total of 119 recommendations. Lithuania accepted 43 of them outright and evaluated 52 other recommendations as already implemented or being implemented at present. With regard to 23 recommendations Lithuania declared that the possibility of implementing them needs further consideration and committed itself to presenting its position on these recommendations before the start of the 19th session of the United Nations Human Rights Council. One recommendation was outright rejected by Lithuania.
2. By this document, Lithuania sets out its position on the recommendations that it saw as requiring additional considerations 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 **does not support** recommendations 90.1 and 90.2 as well as that part of recommendation 90.6 which concerns 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.
4. Lithuania **does not support** recommendations 90.3 and 90.5 as regards joining 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 undertake 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.
5. Lithuania **does not support** recommendation 90.4 regarding the accession to 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 legal acts 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 Lithuanian, as the State language, in public life.
6. Lithuania **supports** that part of recommendation 90.6 which concerns accession to the Convention on Enforced Disappearances. Lithuania signed this Convention on 6 February 2007 and at present is working on draft legislation the adoption of which would make it completely prepared to meet the obligations under the Convention and thus able to ratify it.
7. Lithuania **does not support** recommendation 90.7 on the procedure for individual petitions under the International Convention on the Elimination of all Forms of Racial Discrimination (on making a declaration under Article 14 of the Convention). Recognition of this additional procedure is not envisaged in the near future, since the existing remedies

(access to the State's domestic courts, the possibility of individual petitions to the Human Rights Committee under the International Covenant on Civil and Political Rights, as well as complaints to the European Court of Human Rights under the Convention of the Council of Europe for the Protection of Human Rights and Fundamental Freedoms) are deemed to be sufficient.

8. Lithuania **is already implementing** recommendation 90.8 on the adoption of a new law governing the rights of persons belonging to national minorities. A conceptual framework for such law has been drafted. The provisions of the new law drafted in accordance with the said conceptual framework are expected to conform to the requirements of the United Nations legal acts on the protection of human rights. In addition, the possibility of providing an even higher protection level for the rights and freedoms of persons belonging to national minorities is under consideration.

9. Lithuania **does not support** recommendation 90.9 insofar as it alleges a lack of compliance of Lithuanian legislation and practice with international law. Lithuania emphasises that international law does not grant persons belonging to national minorities the right to have their names written in the official State documents in their native language. Lithuania is currently **unable to provide a final response** with regard to recommendation 90.9 to write the names of persons belonging to minority in official documents in minority language. Lithuania is considering the possibility of authorising in its legislation the writing of names in official documents using non-Lithuanian characters of the Latin-based alphabet with due consideration of the interests of the State language and recognising that this issue is important not only to persons belonging to national minorities. With a view to facilitating the use of national minority personal names, the resolution of the Supreme Council of the Republic of Lithuania of 31 January 1991 “On the writing of names in the passport of a citizen of the Republic of Lithuania” envisages a possibility for persons of non-Lithuanian ethnicity to choose between having their names written with or without Lithuanian endings. Moreover, it should be noted that Lithuania has various national minorities and therefore the definition of the rights of persons belonging to national minorities should be based on adequate assessment of the interests of the use of different languages (including the languages based on non-Latin alphabets).

10. Lithuania **has already implemented** recommendations 90.10 and 90.11 to review the Law on the Protection of Minors against the Detrimental Effect of Public Information in order to ensure that its application does not violate the rights of LGBT (lesbian, gay, bisexual and transgender) people. Discrimination on grounds of sexual orientation is prohibited in Lithuania. This law does not contain provisions that would allow discrimination of persons by reason of their sexual orientation. The implementation of the provisions of the law is supervised by the Journalist Ethics Inspector. The inspector also summarises the practice of application of the said law and performs the function of drafting legislation for the implementation of this law and submitting those drafts to responsible authorities. Thus, the law itself provides a mechanism for monitoring and improvement thereof.

11. Lithuania is currently **unable to provide a final response** concerning recommendation 90.12 on the recognition of the diversity of families, because there is an active discussion going on in the political and legal domains on the concept of family and respective legal amendments are being drafted and considered. Provision of the same rights to same sex couples and opposite sex couples is not envisaged.

12. Lithuania **has already implemented** recommendations 90.13 and 90.15 on the protection of sexual minority rights and on the repeal of statutory provisions discriminating persons on grounds of sexual orientation and gender identity, at the same time noting that the precise evaluation of these recommendations depends on the interpretation of the terms “sexual minorities”, “gender identity”, “full rights” and “discrimination”. In Lithuania,

discrimination on various grounds is prohibited by the Constitution and the list of grounds for discrimination given therein is understood as an open (non-exhaustive) list. The prohibition of discrimination on grounds of sexual orientation is elaborated in the Law on Equal Opportunities.

13. Lithuania **has already implemented** recommendation 90.14 to incorporate in national law the crime of torture, defining torture as a crime comprising all the elements of Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, since all the elements of torture identified in this Convention are duly criminalised by the Criminal Code as individual acts, i.e. without combining them under a single definition of torture as a criminal act.

14. Lithuania **has already implemented** recommendations 90.16 and 90.20 to enable cooperation with the United Nations special procedures for human rights. In 2001, Lithuania issued a regular invitation to all the United Nations special procedures for human rights to visit Lithuania and is ready to cooperate with all special procedures without any preconditions. This position of Lithuania has been repeatedly voiced at the Human Rights Council of the United Nations, inter alia when supporting interregional declarations on cooperation with the special procedures.

15. Lithuania **does not support** recommendation 90.17 on the easing of procedure for obtaining citizenship, as it does not have any data showing that the Lithuanian provisions on obtaining citizenship create any obstacles to ensuring adequate protection of human rights for Lithuanian residents.

16. Lithuania **is already implementing** recommendation 90.18 to reopen the investigation on secret CIA prisons. Lithuania has conducted an open parliamentary investigation into the possible transportation and detention of people by the CIA. To further investigate this matter, the General Prosecutor's Office also carried out a pre-trial investigation into received additional data, which was terminated due to insufficient evidence. If any new data arrive or new circumstances come to light concerning this issue that would justify the reopening of the investigation, information on further implementation of this recommendation will be presented in the next report for the United Nations universal periodic review.

17. Lithuania **does not support** recommendation 90.19 to ensure the enforceability of the Law on Domestic Violence by harmonising this law with the provisions of the Criminal Code and the Code of Criminal Procedure, because a legal analysis conducted has not demonstrated any need to amend the provisions of the Criminal Code and the Code of Criminal Procedure. It should be noted that the Law on Protection from Domestic Violence came into force on 15 December 2011 and operates in practice. Should its practical application reveal the need to improve this or other valid legal acts of Lithuania to ensure the protection of the victims of violence, these circumstances will be duly taken into account.

18. Lithuania **is already implementing** the part of recommendation 90.20 which calls for intensifying the efforts to combat human trafficking and bringing criminal law into full conformity with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Pursuant to the National Action Plan for combating human trafficking adopted in 2002, specific programmes for combating human trafficking are carried out in Lithuania to prevent and control human trafficking. A third programme (for 2009–2012) is now in progress. The implementation of this programme has resulted in draft amendments to the Criminal Code aimed at the implementation of the provisions of the Convention of the Council of Europe of 16 May 2005 on Action against Trafficking in Human Beings in order to ratify this Convention and to bring the provisions of the Criminal Code into compliance with the

requirements set out in other international legal acts, including the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, by transposing these legal provisions into the national law of the Republic of Lithuania. Lithuania is also implementing European Union legal acts on the prevention and combating of trafficking in humans and victim protection and on the fight against sexual violence against children, sexual exploitation of children and child pornography. At present, the possibility of ratifying the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation is also under consideration.

19. Lithuania is currently **unable to provide a final response** on recommendation 90.21 on the expansion of the use of national minority languages in the public domain, including topographical indications in minority areas. The possibility of expanding the opportunities to use minority languages at the same time ensuring the interests of using Lithuanian, as the State language, in public life is now being considered. See also the evaluation of recommendation 90.8.

20. Lithuania **does not support** recommendation 90.22 to abandon the practice of narrowing down the rights and freedoms of the members of national minorities, as it believes that the rights and freedoms of the persons belonging to national minorities are not being narrowed down in Lithuania. At present, the possibilities of ensuring an even higher level of protection for the rights and freedoms of persons belonging to national minorities are being considered. See also the evaluation of recommendation 90.8.

21. Lithuania **does not support** recommendation 90.23 to consider granting the right to work to asylum seekers, as the right to work in Lithuania is granted to persons who have been granted asylum, while the extension of this right to asylum seekers might encourage the abuse of the asylum seeking system.
