

## LITHUANIA

### Follow-up - State Reporting

#### i) Action by Treaty Bodies, Including Reports on Missions

CCPR A/59/40 vol. I (2004)

### CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

...

260. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Of the 27 States parties (detailed below) that have been before the Committee under the follow-up procedure over the last year, only one (Republic of Moldova) has failed to provide information at the latest after dispatch of a reminder. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

261. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<u>State party</u>	<u>Date information due</u>	<u>Date reply received</u>	<u>Further action</u>
--------------------	-----------------------------	----------------------------	-----------------------

...

*Eightieth session (March 2004)*

...

Lithuania	1 April 200[5]	-	-
-----------	----------------	---	---

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

...

233. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the comprehensive table presented below. Since 18 June 2004, 15 States parties (Egypt, Germany, Kenya, Latvia, Lithuania, Morocco, the Netherlands, the Philippines, Portugal, the Russian Federation, Serbia and Montenegro, Slovakia, Sweden, Togo and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only six States parties (Colombia, Israel, Mali, Republic of Moldova, Sri Lanka and Suriname) have failed to supply follow-up information that had fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

224. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<u>State Party</u>	<u>Date Information Due</u>	<u>Date Reply Received</u>	<u>Further Action</u>
--------------------	-----------------------------	----------------------------	-----------------------

...

*Eightieth session (April 2004)*

Lithuania	1 April [2005]	18 March 2005	At its eighty-fourth session, the Committee decided to take no further action.
-----------	----------------	---------------	--

**Follow-up - State Reporting**  
**ii) Action by State Party**

**CCPR CCPR/CO/80/LTU/Add.1 (2005)**

Comments by the Government of Lithuania to the Concluding Observations of the Human Rights Committee

[23 March 2005]

The Government of the Republic of Lithuania has the honour to submit to the United Nations Human Rights Committee the information on the implementation of recommendations contained in paragraphs 7, 9 and 13 of the Concluding Observations of the United Nations Human Rights Committee on the Second Periodic Report of Lithuania (CCPR/CO/80/LTU). The Committee considered the Second Periodic Report of Lithuania (CCPR/C/LTU/2003/2) at its 2181st and 2182nd meetings, held on 24 and 25 March 2004.

**Recommendation 7**

The new Law on the Legal Status of Aliens of the Republic of Lithuania came into effect on 30 April 2004. Paragraph 2 of Article 130 of the Law stipulates that "an alien shall not be expelled from the Republic of Lithuania or returned to a country where there are serious grounds to believe that in the country the alien will be tortured or subjected to cruel, inhuman or degrading treatment or punishment". This provision of the Law is also applied to foreigners who constitute a threat to the public security or to the public order of the Republic of Lithuania. In the cases when the circumstances specified in paragraph 2 of Article 130 of the Law on the Legal Status of Aliens of the Republic of Lithuania exist, no decision regarding the expulsion of a foreigner from the Republic of Lithuania or his repatriation is made even if the foreigner's stay in the Republic of Lithuania threatens public security or public order.

It is also noteworthy that according to paragraph 4 of Article 127 of the Law on the Legal Status of Aliens of the Republic of Lithuania, decisions on the expulsion of aliens when their stay in the Republic of Lithuania poses a threat to public security or public order shall be taken only by the Vilnius County Administrative Court. In 2004, the Vilnius County Administrative Court passed such a decision only in one instance. However, later the enforcement of the decision was suspended on the grounds that the alien had not exhausted all the remedies available to defend his rights. Vilnius County Administrative Court decided to wait until the decision of the European Court of Human Rights on the admissibility of the communication submitted by this person is taken.

**Recommendation 9**

**Legislative initiatives**

With the purpose of providing for a new remand measure in the Code of Criminal Procedure, i.e. an injunction for the suspect to live separately from the victim, the Law Amending Articles 120,

121 and 126 of the Code of Criminal Procedure of the Republic of Lithuania and Supplementing the Code by Article 132-2 was passed and came into force on 26 November 2004. Said amendments were drafted with a view to implement measure 51.2 ("To create legal possibilities to restrain violent family members from the aggrieved family") provided for in the National Equal Opportunities Programme of 2003-2004 approved by the Resolution of the Government of the Republic of Lithuania (3 June 2003, No.712).

It is to be noted that the provisions of such character are laid down in the instruments of the United Nations and of the Council of Europe; corresponding legal provisions have been put into practice in many member states of the European Union. Injunction for the suspect to live separately from the victim imposed by an order of the pre-trial judge or court would prohibit the suspect from living in the place of residence of the victim during the criminal proceedings thereby protecting the victim from a likely unlawful impact, ensuring an unhindered investigation of the case and with a view to preventing new criminal acts (e.g., terrorising a person, offences affecting health etc.). This measure should be particularly effective in such cases when the victim is dependant on the suspect due to personal, social or any other reasons and has to live with him and the suspect takes advantage of this situation by using violence against and otherwise terrorising the victim and when, however, there are no grounds to impose the remand measure of detention upon the suspect. It is believed that it is more important to secure the victim's interests in such a case, therefore, the suspect rather than the victim should leave the dwelling during the criminal proceedings. As children frequently are also victims under such circumstances or they live together with the victim, the principle of legal interests of the child must also be given priority consideration (paragraph 1 of Article 4 of the Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania).

The pre-trial judge or the court, by ordering an injunction on the suspect to live separately from the victim, could also restrict the suspect from visiting certain places (e.g., the work or dwelling place of the victim), from communicating or making contact with the victim and other persons specified in the ruling (e.g., relatives of the victim). When ordering this remand measure, the suspect would be warned that another remand measure (detention, home arrest, taking of documents etc.) might be ordered for his failure to comply with such injunctions. The injunction to live separately from the victim would be revoked either when it is no longer necessary or when substituted by a more severe or more lenient remand measure. The remand measure would be revoked or varied by the prosecutor's decision or the court's ruling.

It should be stressed that the above-indicated restrictions can be ordered only by the judge or the court and only when there are reasonable grounds to believe that the person, living together with the victim and making use of the property, may violate the rights of the persons who live together with him: exert unlawful influence on the victim, commit new criminal acts directed against the victim or persons living together, hinder the commenced criminal proceedings etc. It should be noted that this restriction is not contrary to the core of ownership rights; the remand measure is temporary, applied only during the course of criminal proceedings to the extent it is necessary for an unhindered investigation of the case and the protection of interests of the victim and the family. Such restrictions of constitutional rights are in compliance with the principles of necessity and proportionality, since the given remand measure is based on the available factual data on the suspect's abuse of his rights to property or free abode, with a view to protect the life, health, freedom

and dignity of the individual, as well as the interests of under-age children.

### **Government initiatives in the fight against domestic violence**

Specific measures for tackling the problem of domestic violence are provided in the National Equal Opportunities Programme for 2003-2004 and in the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children.

While implementing the measures of the National Equal Opportunities Programme for 2003-2004, ten projects of social assistance for victims of domestic violence against women were supported by the Ministry of Social Security and Labour. The projects aimed at providing women who have suffered from domestic violence with a set of social services: granting temporary shelter, food, legal and psychological advice, assistance in obtaining and filing required documents.

A publication "Legal and Practical Advice for Female Victims of Violence" was issued in 2004. It was distributed to all municipalities, subdistrict offices, women's crisis centres, police offices and teaching institutions.

Seminars are organised for police officers where they are trained to deal with situations of domestic violence, by using the most appropriate measures of influence to assist families, which suffer from domestic violence, provide prompt assistance for the victims of violence and render advice to the people on these issues. Such seminars are held by the Training Centre of the Lithuanian Police, the Ministry of Social Security and Labour, public agency National University Hospital Child Development Centre, non-governmental organisations and foreign experts. The Faculty of Police of Mykolas Riomeris University has included lectures on violence against women and children into their curriculum.

Lithuania continues to develop the system of fight against domestic violence against women. In 2004, a scientific study relating to the actions for suppressing violence against women was carried out. The study included analysis of existing legislation and experience of foreign countries, recommended actions to combat violence against women and a model of integrated support. Bearing in mind the topicality of this problem, the draft National Strategy for Curtailment of Domestic Violence against Women and the Plan of Implementation Measures of the Strategy for 2006-2009 are being elaborated in order to develop the system for suppressing domestic violence against women and to ensure timely and accessible legal, social and psychological assistance to the victims of domestic violence, protect them from social isolation, organise the rehabilitation of victims, ensure the effective application of not only penal sanctions, but also of measures of alternative influence on the violator and build public intolerance towards domestic violence.

With a view to implementing the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children, a competition of projects of short-term and long-term support for children who have suffered from sexual abuse or commercial sexual exploitation was organised in 2004. Partial financing of 168,000 thousand litas (approximately 48,650 euros) for eight projects was granted by the Ministry of Social Security and Labour. The projects were implemented in June-December 2004 and included integrated support for children through psychological, social, legal, temporary accommodation and food supply services.

A two-stage training on the issues of sexual abuse and commercial exploitation of children for specialists working in the field of protection of the rights of children continued for the whole year 2004 in 10 Lithuanian counties. More than 300 specialists upgraded their qualifications during this training.

The concept of providing services for children who have suffered violence was drafted in 2004. The draft contains a review of the violence against children and its trends, provides for specific recommendations regarding the services of short-term and long-term rehabilitation for children victims of violence and their families, as well as for under-age offenders, forecasts the volume and types of the services that would be necessary for short-term or long-term rehabilitation.

In 2004, the following publications were also prepared: "Rehabilitation and Reintegration of Children who have Suffered Sexual Violence and their Relatives: Methodological Guidelines for Social Workers and Social Educators", "Rehabilitation and Reintegration of Children who have Suffered Sexual Violence and their Relatives: Methodological Guidelines for Psychologists". The publications are designed for social workers, social educators and psychologists working with children who have suffered violence and their families. The Methodological Guidelines extensively describe the stages of the work of social workers, social educators and psychologists, include case studies and discuss the extent of competence and responsibility of these specialists. The Guidelines should help the specialists to recognise a child who has suffered from violence, evaluate damage and render support to the child and his family. The publications have been widely circulated.

The National Programme of Prevention of Violence against Children and of Support for Children for 2005-2007 has been developed. The Programme sets forth the following underlying objectives: reducing violence against children by building a negative stance of every individual on violence against children as a phenomenon and enhancing the abilities of children to protect themselves from violence; eradicating the causes and factors of violence against children in a multifaceted manner; creating a system of preventive measures to curb violence against children; developing an effective system of support for children who have suffered from violence, their families, and violent under-age offenders; and developing international co-operation in this field. By way of the implementation of this Programme, the support necessary due to the damage suffered by the child and his family as well as the services acceptable to the child would be provided, the risk of far-reaching negative consequences would be reduced and potential violent offences should be prevented in the future. Aftercare services for persons who have committed sexual offences will be organised to help such people to learn how to suppress their sexual desire for children, thereby reducing repeated sexual offences against children.

### **Recommendation 13**

#### **Administrative arrest**

The Code of Administrative Offences of the Republic of Lithuania (hereinafter - the CAO) provides for "administrative arrest" as a type of the penalty (Art. 21 of the CAO) (in the Concluding Observations it is referred to as "detention as administrative punishment"), however, the CAO does

not stipulate such forms of administrative detention as involuntary psychiatric care and immigration detention.

In accordance with the CAO, administrative arrest is imposed for up to 30 days only in exceptional cases for certain violations of administrative law. Administrative arrest is sanctioned by the court. Administrative arrest may not be ordered for pregnant women, women who have children under 12, persons under eighteen years of age and disabled persons of Group 1 and Group 2. Pursuant to the CAO, administrative arrest may be imposed for the following violations of administrative law:

- illegal acquisition or possession of narcotic or psychotropic substances without intent to sell or distribute them in any other manner;
- minor hooliganism, that is offensive language or indecent gestures in public places, offensive harassment and other similar acts which disturb public peace or order;
- knowingly false calling of fire protection, police, medical first aid and other emergency services;
- defamation of a bailiff;
- resistance to a police officer or police supporter who is discharging his duties of protecting public order;
- refusal to adhere to the lawful instructions or demands of an officer of the police or the Special Investigation Service, the State Border Guard Service, the Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania and the National Security Department, as well as defamation of an officer, expressed either in word or bodily gestures, offensive behaviour, harassment or other acts;
- failure to comply with the lawful instructions or demands of authorised police officials by the person included on the police operative-prevention register under the procedure prescribed by the Law on Organised Crime Prevention;
- violations of the Law on Assemblies of the Republic of Lithuania;
- holding an unlawful meeting, demonstration, protest and other acts in the sanitary protection zone of a nuclear facility;
- drinking alcoholic beverages in public places, except public places where sale of such beverages is allowed for consumption in these places, or showing up in public places while intoxicated with alcohol thereby contravening human dignity and public morals. Administrative arrest may be only imposed if an offender was previously punished for the same violations two times during one year;
- running dens for gambling, debauchery or consumption of alcoholic drinks. Administrative arrest may be only imposed if an offender was previously punished for the same violation;
- prostitution trade. Administrative arrest may be only imposed if an offender was previously punished for the same violation.

We believe that, considering the grounds for imposing administrative arrest, conditions and application procedure thereof, this sanction for violations of administrative law is in compliance with the principles of necessity and proportionality.

In addition it should be noted that the CAO requires that nature of violation, personality of offender, mitigating and aggravating circumstances indicated in the CAO must be evaluated when

imposing punishment.

### **Administrative apprehension**

The CAO stipulates that the application of administrative apprehension of a person, as a measure for ensuring proceedings of administrative law violations, is allowed only in the cases explicitly laid down in the laws of the Republic of Lithuania in order to prevent violations of administrative law, draw up law infringement records, ensure timely and fair hearing and the enforcement of orders in administrative proceedings. A person may be apprehended only by the bodies or officers authorised for this purpose and only for specific violations listed in Article 266 of the CAO:

1) by the police - for violations of administrative law when the CAO allows administrative arrest for such violations; for violations of the regulations of transactions in foreign currency; for drinking alcohol in public places or showing up in public places while intoxicated with alcohol and thereby contravening human dignity and public morals; in cases when there are grounds to believe that people are involved in prostitution; for infringement of traffic regulations, hunting, fishing or fish stock protection regulations and other infringements of the legislation on the protection and use of animal life; as well as in other cases explicitly provided for by the laws of the Republic of Lithuania;

2) by the officers of the Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania - for violations of the regulations of transactions in foreign currency;

3) by the officers of the State Border Guard Service and of the Customs Office - for violations of the regulations of the frontier, rules of border crossing point operations or customs duty regulations;

4) by the senior security officer at the site of the protected object - for violations of law relating to attempts to invade protected objects and other State-owned or public property;

5) by the officers of imprisonment and pre-trial detention establishments, social and psychological rehabilitation institutions - for delivery or attempts to deliver prohibited substances, articles and objects.

Article 267 of the CAO establishes that administrative apprehension may last not longer than five hours, save in the instances when different time limits of administrative apprehension are applied under exclusive necessity.

The CAO specifies that persons being subject to administrative liability for violations of the regulations of the frontier or the rules of border crossing point operations may be apprehended for up to three hours for the purposes of drawing up an infringement record; for up to 48 hours, when it is necessary to establish the person's identity and to ascertain the circumstances of the violation; and persons subjected to administrative liability for petty hooliganism or infringements of the rules of assemblies and other mass gatherings may be apprehended until the district court judge or the police commissioner considers the case within the prescribed time limits, but not longer than for 48 hours.

The Law on the State of Emergency of the Republic of Lithuania stipulates that, during a

state of emergency, people shall always carry documents proving their identity, otherwise they may be kept in detention until their identity is established; the detention period not exceeding 24 hours.

The Law on the Legal Status of Aliens of the Republic of Lithuania sets forth that the police or any other law enforcement institution officer may detain (apprehend) an alien for a period not exceeding 48 hours. The Law on the Legal Status of Aliens of the Republic of Lithuania sets forth the following grounds for detaining aliens:

- 1) in order to prevent the alien from entering into the Republic of Lithuania without a permit;
- 2) if the alien has illegally entered into or stays in the Republic of Lithuania;
- 3) when it is attempted to return the alien to the country from whence he has come if the alien has been refused entry into the Republic of Lithuania;
- 4) when the alien is suspected of using forged documents;
- 5) if a decision on the expulsion of the alien from the Republic of Lithuania has been taken;
- 6) in order to stop the spread of dangerous and especially dangerous communicable diseases;
- 7) when the alien's stay in the Republic of Lithuania constitutes a threat to public security, public order or public health.

An alien may be detained for a period of over 48 hours at the Foreigners' Registration Centre on court order. An alien under the age of 18 may be detained only in an extreme case when the alien's best interests are the main consideration. In view of the fact that the alien's identity has been established, he constitutes no threat to public security and public order, provides assistance to the court in determining the alien's legal status in the Republic of Lithuania as well as other circumstances, the court may take a decision not to detain the alien.

### **Psychiatric care**

It should be noted that the CAO does not provide for such a form of detention for administrative law violations as involuntary psychiatric care. Article 271(1) of the CAO only stipulates that in cases when there are valid grounds to believe that the persons apprehended for violations of administrative law are intoxicated with alcohol, narcotic or psychotropic substances, a test shall be performed in accordance with the prescribed procedure to determine whether they are intoxicated with alcohol, narcotic or psychotropic substances. Such persons are referred for tests for insobriety or intoxication with narcotic or psychotropic substances administered under the procedure defined by the Government of the Republic of Lithuania; however, such testing cannot be considered as psychiatric care of the person.

The Code of Criminal Procedure of the Republic of Lithuania provides for placement in health care institutions as one of the coercive procedural measures. In cases when it is necessary to conduct the suspect's forensic medical or psychiatric examination, the suspect may be referred, based on the order of the pre-trial judge or the court, to the examination institution and held there until the examination statement is submitted to the prosecutor or court (the time spent at the examination institution is included into the time of detention). In the event it is found by the forensic psychiatry examination that the suspect is dangerous to the public due to his mental disease, his time at the examination institution may be prolonged by the order of the judge or he may be referred to another special institution until the court decides the issue of coercive medical measures. If the suspect is

referred to the examination institution the time periods for holding him therein are determined or extended in accordance with the same procedure as the procedure applied for ordering, extending or appealing against the detention.

### **Detention in police custody**

The Code of Criminal Procedure stipulates that the pre-trial judge or the prosecutor may detain the person caught during the commission of a crime or shortly after the commission of a crime when there are grounds to believe that such a person may escape or, at the given moment, it is not possible to ascertain his identity, as well as when legal prerequisites for pre-trial detention exist. Such temporary apprehension cannot exceed 48 hours.

The Law on Pre-Trial Detention of the Republic of Lithuania sets forth that persons for whom detention is chosen as a remand measure shall be kept in pre-trial detention establishments, founded and liquidated by the Government of the Republic of Lithuania upon recommendation of the Ministry of Justice, or be detained in police custody for no longer than 15 days. The latter provision is pragmatically determined by the fact that there are just four pre-trial detention facilities in Lithuania: Lukiškes Remand Prison in Vilnius, Remand Prison in Kaunas, Remand Prison in Šiauliai and Kaunas Juvenile Remand Prison and Correctional Home.

Vilnius, 18-03-2005

**CERD, CERD/C/LTU/CO/3/Add.1 (2007)**

**Information provided by the Republic of Lithuania on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination**

[14 February 2007]

Additional information submitted in response to paragraph 29 of the concluding observations of the Committee on the Elimination of Racial Discrimination on the second and third periodic reports of the Republic of Lithuania (CERD/C/LTU/CO/3)

1. The Committee on the Elimination of Racial Discrimination considered the second and third periodic reports of the Republic of Lithuania, submitted in one document (CERD/C/461/Add.2), at its 1733rd and 1734th meetings (CERD/C/SR.1733 and 1734), held on 21 and 22 February 2006. At its 1753rd meeting (CERD/C/SR.1753), held on 7 March 2006, it adopted its concluding observations (CERD/C/LTU/CO/3).

2. In paragraph 29 of the concluding observations, the Committee requested Lithuania to inform it of its implementation of the recommendations contained in paragraphs 13, 17, 22 and 23 within one year of the adoption of these conclusions. The requested information is presented below.

**I: Access to justice  
(CERD/C/LTU/CO/3, para. 13)**

3. In 2006, Lithuanian competent institutions heard several cases or complaints related to discrimination on the basis of race or ethnic origin.

4. On 10 November 2006, the Šiauliai City Regional Court rendered a first instance judgement on case where a group of persons had been charged under articles 170(1) and 171 of the Criminal Code (CC) and concluded that, in their public statements, both oral and written, these persons had scorned, incited hatred and encouraged discrimination towards the group of people – Jews – on the basis of their nationality, language, origin, religion, beliefs and opinions. An appeal has been lodged against this judgement.

5. In 2006, the Office of Equal Opportunities Ombudsman received 20 complaints relating to discrimination on the basis of ethnic origin. None of those were submitted by members of the Roma community. The decisions taken are presented in the table below (the data of 2005, when the Law on equal opportunities came into force, are given for comparison).

Table 1: Decisions taken by the Equal Opportunities Ombudsman (2005-2006)

<b>Item No.</b>	<b>Decisions taken by the Equal Opportunities Ombudsman</b>	<b>2005</b>	<b>2006</b>
1	To address the appropriate person or institution with the	2	7

	recommendation to discontinue the actions violating equal opportunities or to repeal a legal act relating to that		
2	To dismiss the complaint, if the alleged violations have not been corroborated	6	2
3	To discontinue the investigation if the complainant withdraws the complaint or when objective information concerning the violation, which has been committed, is lacking, or when the complainant and the offender reach settlement, or when acts violating equal rights are discontinued; or when a legislation violating equal rights is repealed	6	6
4	To admonish regarding a violation which has been committed	1	none
5	To reject the complaint if the investigation of the circumstances indicated in the complaint does not fall within the competence of the Equal Opportunities Ombudsman (article 21, paragraph 1, subparagraph 3, of of the Law on equal opportunities for women and men)	3	4
6	The complaint is under investigation	none	0.04167 <sup>a</sup>
	Total requests (complaints)	18	20

a. One complaint received in 2006 is under investigation (whether the citizens of the Republic of Poland and the citizens of the Republic of Lithuania working in the company Mapeikiø Nafta receive equal remuneration for their work).

6. With a view to ensuring that all persons who have suffered discrimination on the basis of race or ethnic origin contact law enforcement institutions and that their cases are heard promptly and impartially, Lithuanian State institutions are planning to improve public awareness about human rights and to devote more attention to training for judiciary and law enforcement personnel on these issues.

7. On 19 September 2006, the Government of the Republic of Lithuania passed resolution No. 907 on the approval of the National Anti-Discrimination Programme for 2006-2008<sup>1</sup>. The objectives of the Programme are: (a) to investigate thoroughly manifestations of discrimination, inter alia on the basis of race or ethnic origin, in all areas of public life, (b) to increase tolerance by improving public awareness and providing more information to social partners and different resident groups about non-discrimination, equal treatment, equal rights and equal opportunities, and (c) to improve the legal protection against discrimination. The Government made it mandatory for ministries and State institutions to investigate complaints of discrimination (including racial discrimination) promptly and impartially.

8. The Programme provides also for specific public awareness measures: a cycle of TV and radio programmes; contests; and a campaign against discrimination. Clear and easy to understand information on manifestations of discrimination and human rights remedies will be drafted and published. Furthermore, this Programme provides for training intended for employers, police

officers, labour market institutions, trade unions and non governmental organizations (NGO) representatives, pedagogues, judges and lawyers on the issues of discrimination, equal rights and their protection.

9. One of the Programme measures is to supplement article 60 of the Criminal Code with a new provision relating to aggravating circumstances, e.g.: committing a criminal act with racist or xenophobic motives or intentions.

10. When organizing training for judges, a lot of attention is devoted to human rights issues. The analysis of these issues is integrated into training programmes for particular branches of law and into the Programme for strengthening professional qualifications of judges being implemented by the Ministry of Justice. Special seminars are held. Besides, Lithuanian representatives participated in the seminar on “Non-Discrimination in Europe: Fight against Discrimination on the Basis of Race or Ethnic Origin, Religion and Other Beliefs” organized by the European Institute of Public Administration and Maastricht University in Warsaw on 16-17 October 2006.

11. The Office of Equal Opportunities Ombudsman is actively engaged in educating the general public and specific target groups about the implementation of the equal opportunities principle and the fight against discrimination. In 2006, the specialists of the Office of Equal Opportunities Ombudsman organized training sessions for the institutions subordinate to the Police Department in Vilnius, Kaunas and Alytus, for officers of the State Border Protection Service in Medininkai and Palanga, and for officers of the Fire and Rescue Service in Vilnius. During the training, the main legal instruments of the United Nations and the European Union as well as national legal texts governing non-discrimination principles were presented. During the training course, the provisions of the laws of the Republic of Lithuania and European Union directives (namely 96/97/EC, 86/378/EEC, 97/80/EC, 2000/43/EC, 2000/78/EC, 2002/73/EC and 2004/113/EC), their validity and application in Lithuania were analysed in detail. The participants were introduced to the features of complaint investigations carried out by the Office of Equal Opportunities Ombudsman and the statistics of complaints received by the Office regarding various forms of discrimination. Anti-discrimination provisions were introduced to experts in labour exchanges, representatives of trade unions and employers in Vilnius, Kaunas, Marijampolė and Alytus as well as to experts of the Ministry of Environment and its subordinate institutions in Vilnius. Municipal civil servants, business representatives and leaders of NGOs in Īiauliai, Birėtonas, Marijampolė, Durskininkai and Anykėėiai were introduced to the provisions of the Law on equal opportunities and the type of complaints investigated by the Office of Equal Opportunities. Three-day training was organized for 20 young Lithuanian lawyers on the theme: “EU Anti-Discrimination Law: Implementation of Directive 2000/43/EC (“implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”) and Directive 2000/78/EC (“establishing a general framework for equal treatment in employment and occupation”).

12. By order of the Prosecutor General of 8 March 2006, the competence of the Special Investigations Division of the Office of Prosecutor General was expanded to the investigation of criminal acts related to discrimination of persons and incitement to hatred. This Division was entrusted to coordinate, to manage and to carry out the pre-trial investigations of violations of the principle of the equality of all persons and freedom of conscience and to develop a uniform practice

for the pre-trial investigations of such criminal acts.

13. The concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination (CERD) and the European Commission against Racism and Intolerance (ECRI) were discussed in the meeting of the Board of the Prosecutor's Office held on 29 September 2006. The Board approved proposals to strengthen the role and activities of the Office of the Prosecutor General, which functions as a pre-trial investigation institution, in resolving the problems specified in the recommendations. The proposal to strengthen prosecutors' professional qualifications and their theoretical and practical capacities in matters related to the management of pre-trial investigation of criminal acts committed with racist and nationalistic motives, discrimination or incitement to hostility against particular groups of persons or their members was approved. The Training Methodology Division of the Office of the Prosecutor General has incorporated training on the appropriate and efficient application of the International Convention on the Elimination of All Forms of Racial Discrimination and of the provisions of the European Union, the Council of Europe and national legal instruments on racial and other forms of discrimination, incitement to racism, xenophobia and anti-Semitism into the planned training programmes for prosecutors and trainee prosecutors, in 2007. Experts from the scientific world, State and public institutions and NGOs working in the field of human rights were invited to cooperate in drafting training programmes on this subject.

14. On 11 October 2006, the Prosecutor General addressed a letter to the heads of all territorial regional and district prosecutor's offices and drew their attention to the conclusions and recommendations of CERD and ECRI. The Prosecutor General recommended that heads and prosecutors of territorial divisions of the Prosecutor's Office manage in a more efficient way the pre-trial investigations initiated under articles 169 (discrimination on the grounds of nationality, race, sex, origin, religion or any other affiliation) and 170 (inciting hostility against any nation, race, ethnic, religious or any other groups of persons) of the Criminal Code upon complaints submitted by persons. In addition, the Prosecutor General has recommended for prosecutors to use more actively the right provided to them in article 166 of the Code of Criminal Procedure (CCP) to immediately determine the features of criminal act and to initiate a pre-trial investigation in cases related to racial discrimination. Furthermore, it was recommended that prosecutors study international legal instruments in this field ratified by the Republic of Lithuania and apply them in practice more often and more efficiently to cases of pre-trial investigation of the criminal acts specified in articles 169 and 170 of the Criminal Code.

15. Besides, the Prosecutor General drew the attention of heads and prosecutors of territorial prosecutor's offices to the fact that there are such cases in practice when investigating events of a violent nature, pre-trial investigation officers and prosecutors managing the investigation do not always take into account the racist, nationalistic or discriminatory motives of these events indicated by witnesses or victims. In such cases, prosecutors were recommended not only to organize a pre-trial investigation in an objective and impartial way ensuring that the aforementioned circumstances would be assessed during the investigation, but also to take respective procedural decisions in all cases without any exception.

16. The Prosecutor General encouraged that prosecutors of territorial prosecutor's offices in the

regions would take initiative to conduct regional media monitoring. Having noticed any manifestations of discrimination against persons or particular groups of persons (CC, art. 169) or inciting hostility against any nation, race or any other affiliation (CC, art. 170) in the media, prosecutors have been encouraged, on their own initiative (e.g.: not waiting until persons who suffered from such acts have filed complaints), to start a pre-trial investigation into such criminal acts. They should also initiate investigation into such cases where any manifestations of racism, xenophobia or other intolerance are expressed in various forms during public events (meetings, demonstrations, sports competitions, exhibitions, etc.) held in regions.

## **II. Provision of training to law enforcement personnel (CERD/C/LTU/CO/3, para. 17)**

17. In Lithuania there are several independent institutions mandated to control police activities and authorized to investigate potential manifestations of discriminatory or racist behaviour on the part of the police. Article 10, paragraph 1, regarding the “Control of Police Activities” of the Law on police activities<sup>2</sup> stipulates that the Minister of the Interior and authorized institutions, namely the Prosecutor’s Office, Seimas Ombudsmen’s Office, the Office of Equal Opportunities Ombudsman and the administrative courts, exercise control over police activities.

18. Injured parties may submit information on inappropriate behaviour of police officers directly to the heads of the police. For instance, on 26 January 2006, the Crime Investigation Service of Criminal Police of Vilnius Chief Police Commissariat started a pre-trial investigation into the manifestations of the criminal act referred to in article 228 of the Criminal Code as “abuse of authority” on the basis of the information about the beating of a member of the Roma community during his arrest. Furthermore, on 21 June 2006, the Crime Investigation Service of Criminal Police of Vilnius Chief Police Commissariat started a pre-trial investigation into the manifestations of the criminal act specified in article 229 of the Criminal Code as “non-compliance with the duties of the office”, regarding the negligent behaviour of the police when investigating the complaint filed by a citizen of Chechnyan nationality.

19. In recent years there have indeed been several conflicts between the police and members of the Vilnius Roma community when an attempt has been made to introduce stricter control over the Vilnius Roma settlement and to prevent illegal actions performed by members of this community. After these events a decision was made to look for different forms of a constructive dialogue between Roma people and police representatives. Members of the Roma community quite actively cooperate in the forms of dialogue proposed. Currently, a dialogue between the police and members of the Roma community is held whenever the need for it is expressed on the initiative of either side. Meetings are attended by representatives of Vilnius City Chief Police Commissariat and the Vilnius Roma community. Besides, every week, a resident reception is organized at the police station in the vicinity of the Vilnius Roma settlement according to the announced schedule.

20. Under decision No. 1-838 of 22 June 2005, the Vilnius City Municipality approved the Programme for Ensuring Maintenance and Safety in the Vilnius Roma Community and Other Territories around the Settlement and for Reduction of Roma Segregation for 2005-2010. Vilnius City Chief Police Commissariat is among the participants in the implementation of the aforesaid

programme.

21. Better access to legal information would allow Roma representatives to file complaints against illegal actions of the police and other institutions in a qualified manner. To this end, the Vilnius City Municipality provides legal services to residents of the Vilnius City free of charge. The persons residing in the Vilnius Roma settlement located in Kirtimai neighbourhood have been informed about the possibility of receiving legal advice free of charge.

22. Article 4 of the Law on police activities provides that, in compliance with laws and other legal acts, the police impartially protect all persons who are in the territory of the Republic of Lithuania, regardless of their nationality, race, sex, language, origin, social status, religious beliefs, convictions or views. In article 5 of the same law, the protection of human rights and freedoms is indicated as being the first task of the police.

23. Since 2001, the Lithuanian Police Training Centre has been organizing general training under the programme “Police and Human Rights”. This programme is aimed at conveying the significance of the implementation of human rights principles in the police and providing knowledge of the international and European systems of human rights protection. In 2003, this programme was expanded and updated.

24. Currently, police officers participate in the 8-academic-hour advanced qualification programme “Human Rights Protection and Ethical Conduct of Police Officers”. The training is organized around lectures and workshops. During the training, police officers are familiarized with the definition of racial discrimination as contained in the International Convention on the Elimination of All Forms of Racial Discrimination, the features of the application of article 14 (Prohibition of Discrimination) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and potential violations are analysed.

25. Since 2002, implementing the “Universal Police Patrol” concept, training programmes have been drafted for patrols working in public order, protection organizations, and traffic control and prevention divisions. The thematic plans of these training programmes include such general subjects as “Protection of Human Rights and Freedoms” and “Professional Ethics of Police Officers”. These advanced qualification courses for police patrols have been organized by higher-level police commissariats.

### **III. Programmes and projects relating to the health situation of the Roma COMMUNITY (CERD/C/LTU/CO/3, para. 22)**

26. Under the Law on health system<sup>3</sup> and the Law on health insurance<sup>4</sup>, Roma people have equal rights to health care as all other residents of Lithuania. In compliance with article 6 of the Law on health insurance, the insured and persons covered by compulsory health insurance are not categorized according to nationality, race or sex. Under article 49 of this law, the right to receive State-funded personal health care is enjoyed by citizens of the Republic of Lithuania and foreign national as well as stateless persons who are permanent residents of Lithuania. In the institutions of the Lithuanian national health care system, basic medical care is provided free of charge to all

permanent residents, irrespective of whether they are covered by compulsory health insurance and the number of patient's visits to the medical treatment institution per calendar year and his or her place of residence.

27. Personal health care services are provided to the members of the Roma community living in Vilnius in the same way as to all other residents of the Republic of Lithuania, in compliance with the aforementioned legal acts. The organization of their health care services falls under the competence of Vilnius City Municipality. Roma people covered by health insurance (mothers who have more than three children, children under 18 years of age, persons with disabilities, employed persons or persons registered in the Labour Exchange) choose their family doctor (general physician). Only basic medical care is provided to those who are not covered by health insurance. The majority of Roma people receive medical treatment at the Naujininkai clinic, which serves the territory where the Roma settlement is located. At present, there are 190 adults and 189 children registered in the Naujininkai clinic. At this clinic, Roma people receive primary and secondary health care services. If necessary, Roma people may be sent, according to the general procedure, to institutions providing in-patient personal health care services.

28. Upon expiry of the in-patient treatment period which is covered by the Patients' Fund, costs of nursing and supporting care provided to residents of the Vilnius City who are not covered by compulsory health insurance (including Roma people) are paid by the Health and Social Security Department of the Vilnius City Municipality in compliance with decision No. 371 on the "Approval of the payment procedure for services provided to patients who are not covered by compulsory health insurance and whose inpatient treatment period, which is covered by the Patients' Fund, has expired, in supporting care and nursing hospitals and inpatient personal health care institutions" of 18 July 2001 of Vilnius City Municipality Council and decision No. 1-567 on the "Amendment to Council decision No. 371 of 18 July 2001" of 17 November 2004 of Vilnius City Municipality Council.

29. In 2006, a total of 15,000 litas was allocated for the provision of mobile health care services to the Roma community, of which an amount 9,800 litas was spent on pharmaceuticals. These funds were used for the activities of the mobile health care office of the Vilnius Centre for Addictive Disorders in the settlement. Medical personnel provided health care services and consultations to Roma people and implemented preventive measures against infectious, skin and addictive disorders.

30. Implementing the Programme for Ensuring Maintenance and Safety in the Vilnius Roma Community and Other Territories around the Tabor and for Reduction of Roma Segregation for 2005-2010, the Vilnius City Municipality intends to further provide basic health care to persons who are not covered by health insurance and mobile health services (programme "The Blue Minibus"). At its own expense, the municipality ensures maintenance of the roads, pavements and water hydrants as well as the children's playground and athletic field located in the Roma residential territory, lighting of the settlement and surrounding territories as well as maintenance of the electricity network. Waste removal is organised as well. In addition to the aforementioned health care and territory cleaning and maintenance measures, this Programme contains specific measures aimed at resolving problems related to education and development, social assistance and aid, employment promotion, accommodation, crime prevention, and abuse of narcotic and psychotropic substances.

31. In other counties and municipalities such as Alytus, Kaunas, Klaipėda, Marijampolė or Īiauliai, Roma people live not in settlements but in their own housing and their lifestyle does not differ from their neighbours and they receive medical treatment in the same way as all residents of Lithuania.

**IV. Regarding article 18 (1) of the new Law on CITIZENSHIP  
(CERD/C/LTU/CO/3, para. 23)**

32. On 13 November 2006, the Constitutional Court of the Republic of Lithuania passed its ruling on the compliance of the legal acts regulating citizenship relations of the Republic of Lithuania with the Constitution. Among other issues, the Constitutional Court investigated whether article 18 of the Law on citizenship is not in conflict with articles 29 and 12 of the Constitution.

33. The Constitutional Court stated that “all residents of the Republic of Lithuania, irrespective of their ethnic origin, are equal according to the Constitution; they must not be discriminated against or granted any privileges on the basis of their ethnic origin or nationality”. The Constitutional Court established that paragraph 2 of article 18 of the Law on citizenship is in conflict with the Constitution. Furthermore, the Constitutional Court indicated that “no matter how the legal regulation of citizenship relations of the Republic of Lithuania may be revised in the future, the provisions of the Constitution, which inter alia provide for the equality of all persons and non-discrimination on the basis of one’s ethnic origin must be respected”.

34. Under article 72 of the Law on the Constitutional Court<sup>5</sup>, a law (or part thereof) may not continue to be applied from the day of the official promulgation of the Constitutional Court ruling deciding that the act in question (or part thereof) is in conflict with the Constitution of the Republic of Lithuania. Decisions based on legal acts which have been recognized as being in conflict with the Constitution or laws must not be executed, if they have not been executed prior to the appropriate Constitutional Court ruling.

35. As under the Ruling of the Constitutional Court referred to above, part of the provisions of the Law on citizenship were recognized as being in conflict with the Constitution, on 20 December 2006, the Prime Minister of the Republic of Lithuania formed a working group to analyse the issues related to the concept of Lithuanian citizenship under the current conditions of the Lithuanian statehood development. The working group was authorized to present proposals by 1 February 2007.