Committee on the Elimination of Racial Discrimination
Ninety-eighth session

Summary record of the 2722nd meeting
Held at the Palais des Nations, Geneva, on Wednesday, 1 May 2019, at 10 a.m.

Chair: Mr. Amir

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)

Combined ninth and tenth periodic reports of Lithuania (continued) (CERD/C/LTU/9-10 and CERD/C/LTU/Q/9-10)

1. At the invitation of the Chair, the delegation of Lithuania took places at the Committee table.

2. The Chair invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.

3. Mr. Germanas (Lithuania) said that the Government understood the importance of submitting its periodic reports in a timely manner and engaging with the Committee in other ways in order to contribute to achieving the aims of the Convention.

4. Ms. Montvydaitė (Lithuania) said that, according to the 2011 census, there were 150 different nationalities in Lithuania. However, some of the smallest nationality groups only accounted for 200 or even fewer people; in such cases, they were not constituted in non-governmental organizations (NGOs). Altogether, there were 250 NGOs in Lithuania representing a number of groups, including Polish and Russian communities, who were the largest minorities. In addition, 13 NGOs represented Roma, who, according to the 2011 census, numbered approximately 2,000 persons. Data collected by NGOs suggested that figure was actually lower, however. Over the previous 30 years, the population of Lithuania had fallen by 25 per cent, a trend that was also reflected in the figures for membership of minority groups.

5. The children belonging to the largest minority groups could receive an education in their native languages, namely, Polish, Russian and Belarusian. The growing Ukrainian population was also considering setting up its own Ukrainian-language schools. With respect to minority languages, the Government also funded Saturday school classes and ran training for teachers. Twenty-three different languages were spoken by people at home, alongside Lithuanian. Newspapers and television were available in several minority languages and, in regions in which there were fewer Lithuanian than Polish nationals, public signage was in both Lithuanian and Polish. Ninety-three per cent of Roma were Lithuanian citizens. Data on the number of stateless persons living in the country were difficult to collect, as such persons had little or no contact with the public authorities and relevant charities.

6. Given the relatively small number of Roma residing in Lithuania, the authorities could monitor the locations and number of school enrolments of Roma children. In Vilnius, for example, 121 Roma children were enrolled in school. The Government was trying to reduce school dropout rates by cooperating with municipalities and education officials and by deploying social workers to visit families and help them prepare their children for school in the morning. Preschool education was not a popular option in Lithuania, owing to the commonly held belief that small children should stay at home.

7. Through the Roma platforms, the Government paid active members of the Roma community a small sum to mediate with the authorities, with a view to assisting other Roma with administrative procedures, such as filling in documentation and obtaining State benefits. To boost employment levels, Roma in rural areas could, in some cases, use municipal facilities to follow vocational training through distance learning. International Roma Day was promoted by active members of the community and widely celebrated, and a proposal had been submitted to the parliament to recognize 2 August as a day of commemoration of the Romani genocide.

8. In 2007, 500 persons had been registered as living in poor conditions in the Kirtimai settlement. That figure currently stood at 155, of whom 55 were children. The Government was looking at how it could improve coordination with the municipality of Vilnius, which was already providing social housing and deploying social workers to help inhabitants register for unemployment benefits and search for work, for example. The Government
hoped that, by mid-2020, all the families currently living in the settlement would enjoy decent living conditions.

9. All persons in employment or registered as unemployed, children under 18 and pregnant women were covered by compulsory health insurance. However, there was no way to ensure that persons with little or no contact with public authorities, illegal workers, for example, had health insurance. Nonetheless, any person in need of emergency medical care would receive treatment, and the Government was endeavouring to increase healthcare coverage by coordinating with NGOs and community mediators.

10. Mr. Germanas (Lithuania) said that further information concerning Roma could be provided if necessary.

11. Ms. Lukoševičienė (Lithuania) said that, with respect to hate speech, the Constitution established the principle of non-discrimination of all persons, while the Law on Equal Treatment prohibited direct and indirect discrimination on grounds including gender, race, nationality, origin, language and ethnic origin. Articles 169 to 170 (1) of the Criminal Code provided for criminal liability for discrimination on grounds including nationality and race; incitement against any national, racial, ethnic, religious or other group of persons; and the creation or activity of groups or organizations aiming at discriminating against a group of persons or inciting against it. All those articles in the Code set out the same eight grounds of discrimination: gender, sexual orientation, race, nationality, language, descent, social status, religion, convictions or views.

12. The Office of the Inspector of Journalist Ethics had launched a European Union-financed project in 2018 to strengthen the Government’s response to hate speech and hate crimes, focused primarily on building civil society’s capacity to tackle such crimes. In that connection, it ran workshops for social workers, teachers and professionals working with vulnerable groups, in which participants were encouraged to reflect on their views on hate speech and find ways of combating it. The Office had also developed online tools to enable civil society actors to report online hate speech to the authorities. A public information campaign had been conducted, with a view to increasing the number of reports of illegal online content. Thus far, the Office had reported 6,048 such crimes to a number of global social networking companies. In 2018, the Office had also issued recommendations following incidents of racial and ethnic discrimination: one recommendation explained how the use of black make-up (“blackface”) by non-black theatrical performers had negative connotations and should be used very cautiously. Another recommendation addressed negative stereotyping after an anti-smoking campaign had linked Russian ethnicity with negative behaviours.

13. Ms. Zieniūtė (Lithuania) said that Chapter XXV of the Criminal Code concerned crimes and misdemeanours against a person’s equal rights and freedom of conscience, and covered a number of areas, including hate speech, hate crime, discrimination and incitement to violence and hatred. Under the Code, the violation of public order or property or sexual crimes could also be considered hate crimes, and the latter would then be cited as aggravating circumstances. There had been 329 pretrial investigations into hate speech and hate crimes between 2014 and 2019; 188 cases had been terminated, 165 had been suspended, 97 had gone to trial and 16 were ongoing. Following a recommendation by the European Union Agency for Fundamental Rights and the Organization for Security and Cooperation in Europe (OSCE) to improve the registration and collection of data on hate crimes, an inter-institutional meeting had been held two weeks earlier, with a view to improving those areas and assisting prosecutors’ pretrial investigations.

14. The value of the “minimum subsistence level” indicator (MSL) for the purposes of calculating fines had been 38 euros (€) since 2015. Following a 2017 amendment to article 47 of the Criminal Code, the maximum fine that could be imposed on a convicted person had been increased to 2,000 MSL, amounting to €76,000.

15. The Prosecutor’s Office had specialized prosecutors who supervised cases of hate crimes and hate speech. The Government was working to implement the recommendations made to Lithuania during the second cycle of the universal periodic review and had drawn up a list of activities to combat racism, discrimination and xenophobia. The Prosecutor’s Office had subsequently organized training on those issues and conducted an examination.
of pretrial investigations of cases of discrimination or hate crimes that had been initiated but subsequently suspended or terminated. In light of the difficulties inherent in conducting pretrial investigations of such cases, regional prosecutors were required to provide information on the problems they had encountered in that regard and make suggestions as to how the legal regulations might be improved. In early 2019, meetings of prosecutors specialized in hate crimes had been organized, in which pretrial investigations and court proceedings were discussed and the needs of officials were identified. Prosecutors were requested to more closely supervise pretrial investigations into hate crimes.

16. The Prosecutor’s Office was committed to informing the public of ongoing investigations and cases involving discrimination and hate crimes, and the Prosecutor General had issued an order on public information procedures in 2018. Inter-institutional meetings were under way with a view to implementing the list of activities and developing strategies to combat hate speech and hate crimes. An inter-institutional project had been launched in order to strengthen responses to hate crimes and hate speech by developing effective prevention tools and best practices. Programmes for prosecutors, pretrial officers and judges focused on the protection of victims. In line with the list of activities, the Prosecutor’s Office would hold a meeting in 2019 with specialized prosecutors and NGOs with a view to identifying common goals and measures to combat discrimination. Emerging problems and possible solutions would also be discussed. The Prosecutor’s Office would continue working to combat discrimination and hate crimes with open communication, clear and precise regulations, protection for victims and appropriately trained officers and staff.

17. Ms. Charašauskaitė (Lithuania) said that training for law enforcement officials on how to address hate crimes had been introduced, and more than 100 police officers had received training in 2018. Also in 2018, a 20-month project had been established with the aim of strengthening responses to hate crimes and hate speech. The project, with a budget of more than €286,000, aimed to ensure effective investigation, prosecution and sentencing and to address underreporting and online hate speech. Analysis would be undertaken to identify shortcomings in law enforcement and the justice system. Further training would be provided to officials of those institutions. Research would be undertaken to identify how authorities could interact more effectively with vulnerable populations. The Ministry of the Interior had organized workshops on the difference between hate speech and freedom of expression.

18. Lithuania participated fully in the Common European Asylum System. The Government had improved reception conditions for asylum seekers by renovating reception centres and providing day centres for children, in collaboration with NGOs. The Government also provided psychological assistance, health care, social services, education and legal aid for appealing asylum decisions. The construction of a new facility for interviewing asylum seekers had begun.

19. Training had been organized for persons working with refugees, including on human trafficking. In 2017, the Government had adopted a resolution approving the procedures for housing of asylum seekers, which provided for alternatives to reception centres. The aim of the resolution was to establish new procedures for vulnerable groups and alternatives when reception centres were full. With a view to implementing the resolution, the Ministry of the Interior had signed a cooperation agreement on accommodation for asylum seekers with several NGOs. Since 2017, more than 100 asylum seekers had been housed in flats rented by NGOs, rather than in reception centres.

20. Ms. Aleknė (Lithuania) said that, with a view to strengthening policies for integration of refugees, the Government had adopted a resolution in 2016 approving State support for such integration. Support began at the reception centre, where refugees were provided with accommodation, social and psychological services, health care, Lithuanian language courses and necessities such as clothing. Following the period in a reception centre, support was provided by local municipal authorities. Mentors were available to assist with, inter alia, accommodation and language courses. Refugees received a monthly stipend for necessities and accommodation during their integration period. The integration process had recently been simplified and refugees could now move straight to a municipality, rather than completing the first phase of the process in a reception centre. In
2016, the Government had established integration centres in three cities, which provided Lithuanian language courses, legal and psychological support and other social services. An action plan for the integration of foreigners was being implemented.

21. Refugees received social assistance on an equal footing with Lithuanian citizens. Following significant amendments to the Law on Employment, refugees could receive employment subsidies and support for vocational training. The Employment Service provided refugees with information, advice, planning support, mediation and assessments of their professional skills. Employers of refugees were eligible for an employment subsidy of up to 75 per cent of salaries and social security contributions for a period of two years. In 2019, the Employment Service had registered 116 refugees and had been involved in the recruitment of 76 refugees. Under the Action Plan for the Promotion of Non-discrimination for 2017–2019, activities had been undertaken to prevent discrimination in the labour market and foster intercultural awareness.

22. Ms. Charašauskaitė (Lithuania) said that Lithuania had ratified the United Nations Convention on the Reduction of Statelessness in 2014. The Migration Department was working in collaboration with the Lithuanian Red Cross Society to disseminate information on the benefits of gaining Lithuanian citizenship. An awareness-raising campaign on acquisition of citizenship for stateless persons had been conducted. Stateless persons could acquire citizenship after having legally resided in Lithuania for 5 years, rather than the usual period of 10 years. In 2018, 27 persons (including 3 stateless persons) had had Lithuanian citizenship granted or restored.

23. Ms. Lukoševičienė (Lithuania), responding to the question raised about compensation for victims of crime, said that national legislation did not provide for any special protections for victims of discrimination, except for those who were also victims of violent crime. A victim was defined as any natural person who had suffered damage as a result of a criminal offence, or family members or close relatives who had suffered as a result of the unlawful death of a natural person.

24. The Government had mandated the Ministry of Justice to examine European Court of Justice Case C-601/14, which pertained to national schemes for fair and appropriate compensation of victims of violent intentional crime. On the basis of that examination, the Ministry of Justice had submitted legislative proposals to improve compensation for victims, by extending the definition of violent crimes and simplifying compensation procedures. The legislative proposals also clarified the functions of the Ministry of Justice and the Fund for Victims of Crime. The draft legislation developed by the Ministry of Justice in 2018 had been submitted to the Government in March 2019.

25. The draft Law amending the Law on State-guaranteed Legal Aid, adopted in 2018, was not intended to replace the existing legal aid system, but rather to extend the scope of such aid to include the services of a lawyer (secondary legal aid). Under the amended legislation, secondary legal aid would be provided, irrespective of assets and criminal proceedings, to victims of terrorism, human trafficking, domestic violence, sexual abuse and organized crime. Legal aid for those victims was therefore not limited to civil claims for damages. The amendments formed part of efforts to assist victims to be more active in criminal proceedings.

26. Ms. Charašauskaitė (Lithuania) said that the Action Plan for Anti-Trafficking in Human Beings 2017–2019 was one of the central mechanisms to combat that crime in the country. The Action Plan had been adopted by the Ministry of the Interior with the aim of strengthening coordination, prevention and support for victims and those at risk of being trafficked. The Public Security Development Programme for 2015–2025 aimed to combat human trafficking. The Government had established a Coordination Commission in 2018, which was chaired by high-ranking Government officials and included representatives of NGOs and the International Organization for Migration. In 2016, a national rapporteur on human trafficking had been appointed. The rapporteur was responsible for collecting and evaluating statistics and other relevant information on human trafficking and submitting recommendations to the Ministry of the Interior and the Coordination Commission.
27. Lithuania participated in the work of the Council of the Baltic Sea States, which paved the way for enhanced cooperation to combat trafficking in the region. In 2018, the Government had signed a joint statement with the Government of the United Kingdom of Great Britain and Northern Ireland, in which the two countries committed themselves to working together to address human trafficking and modern slavery. Lithuania had also collaborated with the United States of America to address those issues. In 2018, awareness-raising campaigns had been conducted on means of public transport in the cities in Lithuania where recruitment for human trafficking was most prevalent. Leaflets had also been distributed at airports. Awareness-raising efforts would continue in 2019.

28. **Ms. Zieniūtė** (Lithuania) said that prosecutors were specially trained to deal with cases of human trafficking. In 2015, the Prosecutor General’s Office, the Ministry of the Interior and the Ministry of Social Security and Labour had issued a recommendation on how to combat human trafficking crimes. Three meetings to discuss inter-institutional cooperation in dealing with trafficking issues had been held during the period from 2017 to 2019, attended by representatives of the Ministry of the Interior, the State Labour Inspectorate, the State Border Guard Service, the Ministry of Foreign Affairs, the Ministry of Social Security and Labour, the Police Department and the Prosecutor General’s Office. High priority was also given to international cooperation with Eurojust, the judicial cooperation unit of the European Union.


30. **Ms. Alekniūtė** (Lithuania) said that, as noted in paragraph 133 of her country’s combined ninth and tenth periodic reports, there were no specific provisions in the Labour Code governing domestic workers because domestic labour was not widespread. Lithuania guaranteed the fundamental rights and freedoms of domestic workers through its national and European Union legislation. The State Labour Inspectorate examined all reports and complaints of violations of the Labour Code and of occupational safety and health regulations. It coordinated measures aimed at combating undeclared and forced labour with other institutions and monitored compliance with the Labour Code, including provisions concerning employment contracts, wages, organization of work and leisure time. Labour inspectors provided advice, on request, to both employers and employees.

31. **Mr. Staniulis** (Lithuania) said that, in 2017, the mandate of the Seimas Ombudsmen’s Office had been expanded and it had been accredited with category A status as the country’s national human rights institution. There were also other independent human rights institutions, including the Equal Opportunities Ombudsperson. When Lithuania had chaired the OSCE in 2011, it had accorded high priority to the foreign policy goal of establishing independent human rights institutions.

32. The Seimas Ombudsmen’s Office and the Equal Opportunities Ombudsperson had stated in their reports to the Committee that they required additional resources. The budgetary allocation for the Seimas Ombudsmen’s Office had increased from €1,044,000 in 2017 to €1,130,000 in 2019. The allocation of €538,000 for the Equal Opportunities Ombudsperson in 2017 had included a sum of €150,000 for the purchase of property; that accounted for the smaller allocation of €408,000 in 2019.

33. The Seimas Ombudsmen’s Office had intended to participate in 2016 in the Lithuanian delegation’s dialogue concerning the universal periodic review. However, it had been informed that such independent institutions should not form part of the delegation. Both the Seimas Ombudsmen’s Office and the Equal Opportunities Ombudsperson had declined an invitation to join the delegation currently appearing before the Committee.

34. **Mr. Germanas** (Lithuania) said that both ombudsperson institutions had reassured the delegation that they would be following the interactive dialogue remotely.
35. Ms. Jakštienė (Lithuania) said that human rights issues formed part of the primary education curriculum and the lower and upper secondary education curricula in subjects such as civics, ethics, religious instruction, history, philosophy and law. Non-formal education included compulsory social and extracurricular activities related, for example, to community life and self-government. Relevant educational materials had been published for both teachers and students. Tests were conducted each year to assess students’ achievements in terms of citizenship training, their familiarity with civic and ethical values, notably racial, ethnic and religious tolerance, and their awareness of human rights violations, such as violence, bullying, discrimination, racism and human trafficking, and the authorities to be contacted in such cases.

36. In 2018, the Ministry of Foreign Affairs, together with the Embassy of the United States of America and the Seimas Ombudsmen’s Office, had organized an essay competition for students on the Universal Declaration of Human Rights. A similar competition would be organized in 2019.

37. Mr. Murillo Martínez said that the State party would shortly be celebrating the thirtieth anniversary of the Baltic Way, a peaceful political demonstration held on 23 August 1989, during which some 2 million people had joined hands to form a human chain. He would be interested in hearing how the State party proposed to commemorate that landmark event, since it would provide an opportunity to deliver a message of peace to the world.

38. Mr. Avtonomov said that he wished to know whether the State party was participating in the International Decade for People of African Descent. It was a matter of concern that, according to Eurostat, the State party’s population, not just that of minorities, had been decreasing since 1992. It now stood at about the same level as in the late 1950s.

39. Ms. Li (Country Rapporteur) said that the Committee had been informed that, pursuant to the current Law on Citizenship, citizenship was acquired automatically by children born in the State’s territory to stateless parents who were legally resident in the country. However, it was not acquired automatically by children born to parents of a specific nationality who were unable to transfer that nationality to their children. In such cases, children could only acquire citizenship through a naturalization procedure. As that situation was inconsistent with article 1(2) of Convention on the Reduction of Statelessness, she wished to know how the State party planned to tackle the issue.

40. Ms. Shepherd said that she would like to hear whether there were any statistics indicating the percentage of people of African descent living in the State party. She wished to know whether there had been any complaints about racial profiling or discrimination towards such people and, if so, how it manifested itself. Adebayo Akinfenwa, a football player of Ghanaian origin, had reported in January 2018 that the two years he had spent in Lithuania had helped him to develop a tough skin against racism. She would like to know whether the State party had implemented successful strategies to counter racism in sport.

41. Ms. Dah said that she wished to apologize for the Committee’s failure to inform the State party that, once a national human rights institution had been accredited with category A status, it could not form part of its delegation.

42. It was commendable that the State party was extending legal aid to victims of terrorism, including persons who had suffered collateral damage and who were financially incapable of instituting legal proceedings. Noting that the State party accorded priority to the protection offered to domestic workers under national and European Union legislation, rather than under International Labour Organization conventions, she wished to know whether any cases concerning abuse of domestic workers had been heard by the State party’s courts.

43. Mr. Kut said that the delegation should provide more information on activities to support the Karaim minority, a community so small that it was at risk of extinction.

44. Mr. Germanas (Lithuania) said that the Baltic Way had been a very significant historical event and its thirtieth anniversary would be celebrated later in 2019. While the national population appeared to have fallen in recent years, once Lithuanians living abroad on a temporary basis were included, the figures would be similar to those reported in the
past. A referendum was due to take place on changing the Constitution to allow dual citizenship, which would help Lithuanians abroad to retain their ties with their home country.

45. Africa Day was celebrated each year on 25 May. The 2019 event would be opened by a Lithuanian minister and attended by high-level African leaders. Although there were not many persons of African descent in the country, public pride in the achievements of persons of African descent who played for Lithuanian basketball teams – the country’s most popular sport – had a positive impact on social attitudes.

46. Ms. Charašauskaitė (Lithuania), responding to questions on statelessness, said that citizenship was a sensitive issue and the Law on Citizenship was currently under review by the relevant institutions.

47. Mr. Germanas (Lithuania) said that adequate financing of human rights institutions was crucial to their operation.

48. Mr. Staniulis (Lithuania) said that there were two paths to the establishment of a national human rights institution: the creation of a new institution, or the development of an existing one. The latter path had been chosen, and the Seimas Ombudsmen’s Office had been selected and attributed additional functions, notably a mandate to promote human rights, while continuing to perform its original function of investigating complaints related to the public administration. The Seimas Ombudsmen’s Office had only been operating as the national human rights institution for a short time, and it was hoped that its capacities would be increased and that it would fulfil its mandate, including its role in seeking to harmonize national legislation with the Government’s international human rights commitments. Resources for the Seimas Ombudsmen’s Office were provided for in the State budget.

49. Ms. Montvydaitė (Lithuania) said that one notable member of the Karaim minority had previously been director of the National Minorities Department. There were currently just over 200 members of the Karaim minority in the country. Their survival as a group was in question, as there had been few marriages in the community in recent years and, as a result, the community was scarcely growing. Action to support Karaims included preserving their heritage, in particular through the publication in April 2019 of a book of songs, and funding summer camps for Karaim children, which also hosted Karaim children from Poland and Ukraine.

50. The number of Roma attending university was not as high as it should be. Some Roma university students were willing to act as public role models, while others preferred to maintain their privacy.

51. Ms. Lukoševičienė (Lithuania) said that her Government was proud to provide secondary legal aid to victims of terrorism and was working to extend the list of cases in which victims were entitled to such legal aid.

52. Mr. Diaby said that information should be provided on the representation of minorities among the prison population. In view of figures from the 2011 census, stating that 77 per cent of the population identified themselves as Roman Catholic, and given the specialist services provided for that majority community, particularly within the armed forces, he would appreciate receiving details of whether identical or similar services were made available to religious minorities.

53. Mr. Calí Tzay said that he would welcome responses to his questions about where the burden of proof fell in cases of racial discrimination, how many cases of racial discrimination had been heard and which rulings had been handed down. Furthermore, he wished to know whether the complainant in a case of racial discrimination could invoke the Convention directly before the courts, and he would appreciate information on the status of the Convention in the State party’s domestic legislation.

54. Mr. Yeung Sik Yuen said that the increase in fines for crimes related to racial discrimination was welcome, since it indicated the serious nature of those crimes and would have a significant impact on perpetrators. In that regard, the delegation should provide
information on cases in which the justice system had held to account powerful interests, such as the media and politicians, for crimes related to racial discrimination.

55. **Ms. Lukoševičienė** (Lithuania) said that the latest statistics provided by the prison department of the Ministry of Justice indicated that, as at the end of February 2019, 121 foreigners were being detained; 81 were in prison and the rest were being held in detention. The persons held were from 17 different nationalities, with the majority from the Russian Federation and Latvia.

56. **Ms. Zieniūtė** (Lithuania) said that, in criminal cases, the burden of proof fell on the State, rather than on the victim of an alleged crime.

57. **Ms. Lukoševičienė** (Lithuania) said that article 138 of the Constitution established that the international treaties ratified by the Seimas formed part of the domestic legal system, while article 12 of the Law on International Treaties further stipulated that ratified international treaties had the force of law in the territory of Lithuania.

58. **Ms. Li** said that she wished to thank the delegates of Lithuania for their informative answers to the Committee’s questions and noted their open and cooperative approach. The interactive dialogue had proved constructive, fruitful and candid, and it would help the Committee draft its concluding observations on the combined ninth and tenth periodic reports of Lithuania.

59. **Mr. Germanas** (Lithuania) said that he appreciated the constructive and productive nature of the exchange of views with the Committee. His Government reaffirmed its obligation to ensuring the protection and promotion of all human rights and its commitment to improving policies in line with international human rights standards. All comments by the Committee would be taken into consideration, as tools to strengthen the State party’s efforts to eradicate all forms of racial discrimination.

*The meeting rose at 12.50 p.m.*