



Office for Democratic Institutions and Human Rights

**Information Submitted to the
Office of the United Nations High Commissioner for
Human Rights
as a Stakeholder in the
Universal Periodic Review of Lithuania**



WARSAW, 24 MARCH 2016

OSCE/ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process

Participating/Partner State: Lithuania

UPR Session and Date of Review: 26th Session, October-November 2016

Background

Lithuania is a participating State in the Organization for Security and Co-operation in Europe (OSCE) and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹ The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including Lithuania, to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Lithuania and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms.

Election-related activities

Parliamentary Elections, 14 October 2012²: Following an invitation from the Ministry of Foreign Affairs of the Republic of Lithuania, the OSCE/ODIHR deployed an Election Assessment Mission (EAM) from 1 to 19 October 2012. Led by Ambassador Rolf Ekéus the mission consisted of six experts from five OSCE participating States. A high level of confidence in the functioning of the democratic process was expressed by most of the interlocutors met with by the OSCE/ODIHR EAM. The campaign was conducted with respect for all fundamental freedoms, and contestants were able to campaign freely, allowing voters to learn about their programmes. 14 recommendations in this report set out ways in which the electoral process may be further improved and relate to constituency boundaries, candidacy rights, transparency of campaign finance, decriminalization of defamation and slander, complaints and appeals procedures, as well as special measures to enhance participation of women and national minorities in public life. The OSCE/ODIHR stands ready to support the Lithuanian authorities in their efforts to address these recommendations.

Presidential Election, 11 May 2014³: Following an invitation from the Ministry of Foreign Affairs of Lithuania the OSCE Office for Democratic Institutions and Human Rights

¹ Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

² <http://www.osce.org/odihr/98586>

³ <http://www.osce.org/odihr/elections/116359>

(OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to Vilnius from 11 to 13 February. The NAM report concluded that all its interlocutors expressed confidence in the impartiality and professionalism of the election administration, noting that the diverse political and media landscape enhance transparency and accountability. The NAM concluded that some aspects of the electoral process could benefit from further scrutiny, including issues related to candidate registration, the administration of electronic voter lists, alternative voting mechanisms, and complaints and appeals. But the OSCE/ODIHR was not able to deploy a mission on this occasion because of budgetary constraints.

Expected activities: The OSCE/ODIHR is expecting an official invitation to observe the upcoming 9 October 2016 Parliamentary elections.

Legislation reviewed by ODIHR

Upon request by authorities of a participating State, and OSCE field operation or another OSCE institution, the OSCE/ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards. The legal reviews and opinions, often produced in co-operation with the Council of Europe's Commission for Democracy through Law (Venice Commission), are available at www.legislationline.org.

From January 2011 until 23 March 2016, ODIHR issued one legal opinion (OSCE/ODIHR Opinion on the Law of the Republic of Lithuania on the Seimas Ombudspersons (2011)).⁴ While noting that some provisions reflect good international practice, the Opinion recommended the Lithuanian authorities consider drafting a completely new restructured law on the Ombudsperson. Such a law should foresee only one Ombudsperson with a clear mandate of promoting and protecting human rights, while providing adequate safeguards and mechanisms to ensure the independence of the institution, and adopting a broader human-rights based approach, in accordance with the Paris Principles.

Follow-up: The Law of the Republic of Lithuania on the Seimas Ombudspersons (2011) has so far not been amended.⁵

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

The authorities in Lithuania and other sources have provided information to ODIHR, most recently for its 2014 hate crime annual reporting cycle. Extracts from this information are included below.

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. In this context, the OSCE/ODIHR

⁴ Available at <http://www.legislationline.org/documents/id/16646>.

⁵ See <http://www.lrski.lt/en/legal-acts.html>.

produces an annual report on hate crime to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. It also helps participating States to design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States' criminal justice agencies, prosecutors, judges and police; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

In 2015, the Lithuanian authorities co-operated with ODIHR to implement the Training Against Hate Crimes for Law Enforcement (TAHCLE) programme in the country. Following the signing of the Memorandum of Understanding between ODIHR and the Police Department under the Ministry of Interior of the Republic of Lithuania, an awareness-raising event for senior police officials and a three-day training-of-trainers for instructors and police officers was held in Vilnius.

Information concerning Lithuania in the most recent (2015) edition of the annual hate crime report⁶, referring to incidents that occurred in 2014, includes the following:

Information from the Lithuanian authorities: Lithuania regularly reports hate crime data to ODIHR. Lithuania's Criminal Code contains a combination of general and specific penalty-enhancement provisions and a substantive offence. Data are collected by the Police Department under the Ministry of the Interior and the Prosecutor General's Office. Data are not made publicly available. The Lithuanian authorities reported that there were no hate crimes recorded by the police in 2014.

Starting with its 2012 reporting cycle, ODIHR introduced a system of key observations for all countries, based on OSCE Ministerial Commitments related to hate crime recording and monitoring. In this case, ODIHR observes that Lithuania has not made public reliable data and statistics on hate crimes. The authorities should publicize reliable data and statistics on hate crimes.

Information from civil society organizations and groups: In addition to information received from national authorities, ODIHR sent requests for information on hate crimes in Lithuania to international and local civil society organizations and groups. The Lithuanian Gay League and ILGA-Europe reported four physical assaults motivated by bias against LGBT people, including one carried out by a group against a transgender woman and her sister, and one against an openly gay singer during a concert.

Information from the Holy See: The Holy See reported two incidents of the desecration of graves at the Christian cemetery. The Lithuanian authorities reported that police investigations did not reveal a bias motivation in either of these cases.

⁶ <http://hatecrime.osce.org/lithuania>

Roma and Sinti issues

The OSCE/ODIHR has a specific mandate to assist participating States in implementing the OSCE Action Plan for Improving the Situation of Roma and Sinti within the OSCE Area.⁷ The most recent Status Report on the implementation of the Action Plan was issued by ODIHR in 2013.⁸ The report included the following information about the situation of Roma and Sinti in Lithuania.

In its response to the questionnaire related to the 2013 Status Report, Lithuania listed some specific achievements with regard the improvement of situation of Roma, including the development of the National Roma Integration Strategy and programmes targeting Roma and Sinti as their main achievements.⁹ Among them are programs aimed at increasing employment or employability, inclusive of or targeted directly at Roma.¹⁰

Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)

Migration and Freedom of Movement: Lithuania was among three OSCE participating States (Estonia, Latvia and Lithuania), whose representatives of national authorities (a total of 28, 7 men and 21 women) participated in a two-day regional capacity-building workshop on gender-sensitive labour migration policies organized by ODIHR in Riga on 15 - 16 May 2014. ODIHR also supported Lithuanian capacity development on integration of migrants in line with the OSCE commitments, delivering a national training for 24 participants (3 men and 21 women), including officials and civil society, in Vilnius on 23 and 24 April 2015. Lithuanian government representatives also participated alongside other North European officials in a two-day expert workshop, “Relocation of persons in need of protection and their integration in the OSCE region: challenges and good practices”, on 2-3 December 2015 in Riga, Latvia.

Other assessments and recommendations contained in ODIHR reports on thematic human issues

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⁷ OSCE Ministerial Council Decision No. 3/03, “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” (OSCE Action Plan), Maastricht, 1-2 December 2003, available at: <<http://osce.org/odihr/17554>>.

⁸ OSCE, *Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area: Status Report 2013* (Warsaw: OSCE/ODIHR, 2013), available at: <<http://www.osce.org/odihr/107406>>.

⁹ *Ibid*, pp. 19-20.

¹⁰ *Ibid*, p. 39.