

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review:

2nd Cycle, 26th Session

LITHUANIA

I. BACKGROUND INFORMATION

Lithuania became a party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter referred to jointly as the *1951 Convention*) in 1997. Lithuania also became a party to the *1954 Convention relating to the Status of Stateless Persons* (hereinafter referred to as the *1954 Convention*) and the *1961 Convention on the Reduction of Statelessness* (hereinafter referred to as the *1961 Convention*) in 1999 and 2013 respectively. Lithuania is also a party to important international human rights conventions, including the *European Convention on Human Rights and Fundamental Freedoms*.

The *Law on the Legal Status of Aliens* (hereinafter referred to as the *Aliens Law*)¹ lays down the foundations of the national asylum system. It provides for two distinct types of legal status afforded to beneficiaries of international protection – refugee status and subsidiary protection. The latter is usually granted to persons who may face indiscriminate violence in situations of armed conflict occurring in their country of origin. The rights and entitlements attached to each status differ in a number of respects. In particular, beneficiaries of subsidiary protection receive a different type of residence permit, which renders them ineligible for certain mainstream social guarantees.

The Ministry of the Interior (MoI) and the Ministry of Social Security and Labor (MSSL) are the main branch ministries responsible for persons of concern to UNHCR. Together they are responsible for the administration of asylum policies. The Migration Department at the MoI through its asylum unit is the central asylum authority responsible for the determination of asylum claims. Procedural decisions on asylum may be appealed to two bodies: the Vilnius Regional Administrative Court and the Supreme Administrative Court of Lithuania. State-funded lawyers and several NGOs provide legal aid to asylum-seekers.

¹ *Law on the Legal Status of Aliens*, 29 April 2004, No IX-2206, official gazette “*Valstybes žinios*“, 30 April 2004, No 73-2539, as subsequently amended. The consolidated version in Lithuanian is available at <https://www.e-tar.lt/portal/lt/legalAct/TAR.42837E5A79DD/UAmjPNLvup>.

The State Border Guard Service (SBGS) is responsible for the registration of asylum applications made at the border, and territorial border guard units, and conducting initial asylum interviews. The Lithuanian police undertake similar tasks for asylum claims made within the territory. The Migration Department rules on the admissibility of an asylum-seeker's claim based on the information collected by the SBGS and police. The SBGS is also responsible for the administration of the Foreigners' Registration Centre in the town of Pabrade; a facility comprised of two sections - a detention unit for irregular migrants and detained asylum-seekers and a reception unit for asylum-seekers who are not detained. The MSSL is responsible for integration of refugees and persons granted subsidiary protection. The MSSL also manages the Refugee Reception Centre in Rukla; a facility used for accommodation of recognized refugees and subsidiary protection beneficiaries during the initial post-recognition period. The MSSL is also responsible for administration of the *Asylum, Migration and Integration Fund* (AMIF); a key EU financial instrument aimed at supporting implementation of EU asylum legislation in Member States.

Lithuania remains a transit country for mixed-migratory movements. As compared to other EU countries, Lithuania consistently receives a relatively low number of asylum applicants. For example, in 2013, 2014, and 2015, 275, 406, and 291 asylum applications were filed, respectively. In 2014, the number of asylum applications registered at the border tripled those in 2013.

As of 30 June 2015, Lithuania hosted 1,055 refugees and beneficiaries of subsidiary protection, and 54 asylum-seekers. 3,583 documented stateless persons were registered as of 30 June 2015.

Out of 91 asylum claims approved in 2014, 24 persons were granted refugee status and 67 were granted subsidiary protection. 104 asylum applications were rejected. In 2015, 17 persons were granted refugees status and 69 were granted subsidiary protection. 97 asylum claims were rejected.²

Non-governmental organizations (NGOs), such as the Lithuanian Red Cross Society and Vilnius Caritas, have assisted with the reception and integration of persons granted protection in Lithuania. The NGOs have bridged gaps within the system. The Caritas Day Centre in Pabrade supplements insufficient reception conditions in the Foreigners' Registration Centre, and the Lithuanian Red Cross Society Day Centre in Kaunas adds support for Lithuania's limited integration policies. NGOs also raise awareness about conditions for refugees in Lithuania through studies, trainings and advocacy actions. The Lithuanian Red Cross offers *pro bono* legal assistance to asylum-seekers, refugees and beneficiaries of subsidiary protection on a regular basis. EU funds remain the main source of funding for NGO activities in Lithuania.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Asylum-seekers with specific needs:

² Statistical data extracted from UNHCR statistical reports made available by the Ministry of Interior of Lithuania in 2015 and the UNHCR Population Statistics Database, available at <http://popstats.unhcr.org>.

UNHCR welcomes the efforts of the Government of Lithuania to improve reception conditions for asylum-seekers in the Foreigners' Registration Centre in Pabrade. In particular, the renovations undertaken in both the detention section and the reception section of the center have contributed to the availability of better material reception conditions in the facility.

UNHCR likewise commends the recent amendments to the *Aliens Law* which provide for more flexible accommodation alternatives beyond the Foreigners Registration Centre. This includes designated residences in local communities and reception facilities run by NGOs for asylum-seekers with specific needs and their family members. UNHCR encourages full implementation of these legislative provisions, and the allocation of funds to support NGOs efforts to offer accommodation and other reception support to asylum-seekers with specific needs.

Protection and access to social support services for persons with subsidiary protection:

UNHCR notes with great appreciation that, as of 1 March 2015, beneficiaries of subsidiary protection are entitled to the same family reunification rights as refugees. The relevant amendments to the *Aliens Law* were adopted by the Seimas of the Republic of Lithuania on 9 December 2014. Further, the amendments exempt subsidiary protection beneficiaries from several preconditions for family reunification, which are generally applicable to other foreigners. Subsidiary protection beneficiaries do not need to demonstrate availability of suitable accommodation, health insurance, income, or residence in Lithuania for two years in order to qualify for family reunification. UNHCR encourages Lithuania to implement the new legislative framework in an effective and flexible manner so that both refugees and subsidiary protection beneficiaries can benefit from the right to family reunification *de facto*.

Access to the mainstream social welfare system for subsidiary protection beneficiaries has improved to some extent. With the adoption of the recast *Law on Cash Social Assistance for Poor Residents* of 1 December 2011,³ low income beneficiaries of subsidiary protection are now entitled to receive means-tested social benefits and compensations for the costs of heat, hot water, and drinking water – provided they do not receive alternative integration support.

The *Law on Housing Assistance*,⁴ adopted on 9 October 2014, does not contain any limitations based on nationality or residence status and benefits are therefore *de jure* accessible to all persons, including subsidiary protection beneficiaries. UNHCR appreciates the above steps and calls for effective implementation of the new provisions.

Following the adoption of the amendments to the *Law on Health Insurance*⁵ on 1 October 2013, beneficiaries of subsidiary protection are now fully integrated in the national health insurance system. Subsidiary protection beneficiaries can now benefit from the same health care services provided to Lithuanian nationals. UNHCR likewise appreciates that the new

³ See *Lietuvos Respublikos pinigines socialines paramos nepasiturintiems gyventojams istatymas*, Official Gazette “*Valstybes ziniuos*”, 2003-07-23, Nr. 73-3352, as subsequently amended, consolidated version is available in Lithuanian at <https://www.e-tar.lt/portal/lt/legalAct/TAR.3EEE59417F13/qxBaKAXBuU>.

⁴ See *Lietuvos Respublikos paramos bustui isigyti ar isinuomoti istatymas*, TAR, 2014-10-30, Nr. 15180, available in Lithuanian at <https://www.e-tar.lt/portal/lt/legalAct/e944ee0060011e4bad5c03f56793630>.

⁵ See *Lietuvos Respublikos sveikatos draudimo istatymas*, Official Gazette “*Valstybes ziniuos*”, 1996-06-12, Nr. 55-1287, as subsequently amended, consolidated version is available in Lithuanian at <https://www.e-tar.lt/portal/lt/legalAct/TAR.94F6B680E8B8/CaGLpLKOb>.

legislative provisions are, in general, effectively implemented in practice. UNHCR applauds this important development, and encourages the Government of Lithuania to apply the same approach with regard to access of beneficiaries of subsidiary protection to the social welfare system.

Other improvements to domestic refugee and asylum law:

A number of additional positive developments may also be singled out. In particular, UNHCR notes that with the adoption of amendments to the *Aliens Law* of 9 December 2014 and 26 November 2015, Lithuania has officially transposed the second-generation *EU asylum directives* into domestic law. As a result, the legislative framework governing substantive and procedural aspects of the national asylum system have been significantly reshaped. UNHCR has supported and welcomed a number of new provisions incorporated in the national asylum legislation as a result of the transposition process.

These positive steps include, *inter alia*: respect for the principle of the best interests of the child and other considerations for applicants with specific needs in all decisions concerning asylum applications; a duty for border guards and police to provide foreigners with information on the right to apply for asylum and applicable procedures where there are indications that the concerned persons may wish to request asylum; active identification of persons with specific needs and the provision with reception conditions that take into account their special needs; and, an exemption from accelerated procedures for unaccompanied minors and survivors of torture, rape or other serious forms of psychological, physical or sexual violence.

UNHCR believes that these new provisions, if properly implemented, will significantly strengthen the protection capacity of the national asylum system. UNHCR also notes with great appreciation that the latest amendments to the *Aliens Law* of 26 November 2015, for the first time, introduce a legislative framework for resettlement of refugees and relocation of persons who may be in need of international protection.

Lithuania has also taken positive steps to guarantee against the unlawful or arbitrary detention of asylum-seekers. Following a series of amendments, the *Aliens Law* currently provides, *inter alia*, that vulnerable persons and families with children may be detained only in exceptional cases and that detention of foreigners, including asylum-seekers, must be as brief as possible. These amendments partially incorporate UNHCR's *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*⁶ and hence strengthen guarantees against arbitrary detention of asylum-seekers. UNHCR also notes with appreciation that Lithuania provides and operates a system of alternatives to detention, which also helps to avoid unnecessary detention of asylum-seekers.

Furthermore, UNHCR appreciates Lithuania's commitments to relocate 1,035 asylum applicants from Greece and Italy as part of the *EU relocation scheme* and to resettle 70

⁶ UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available at: <http://www.refworld.org/docid/503489533b8.html>.

refugees in two years as part of the *joint EU response to the crisis situation in the Mediterranean*.⁷

UNHCR remains committed to work with the Lithuanian authorities to develop durable resettlement structures.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Admission to the territory and access to asylum procedures

As result of the implementation of the *Memorandum of Understanding* on border monitoring activities, authored by the SBGS, UNHCR and the Lithuanian Red Cross in 2010, a greater number of persons seeking international protection have been identified at the Lithuanian border. Nevertheless, some concerns regarding access to the territory and asylum procedure remain. For example, in a non-pecuniary damage case, the Supreme Court of Lithuania has established that, despite sufficiently clear articulations of protection related reasons for their flight by, two Afghan nationals were denied access to the asylum procedure. Instead they were prosecuted and placed in pre-trial custody in relation to irregular border crossing.⁸

UNHCR is aware of other similar instances whereby delays in accessing asylum procedures have occurred.

UNHCR is also concerned by a lack of effective access to information on asylum procedures for those in the detention section of the Foreigners Registration Centre, which is responsible for accepting and registering asylum requests. For several years, a considerable number of detainees sent their asylum requests to the Migration Department by post, as confirmed by the National Audit Office of Lithuania.⁹ UNHCR emphasizes that a wish to apply for protection does not need to be expressed in any particular form and that the word “asylum” does not need to be used expressly. Any expression of fear of return to one’s home country is enough to indicate a possible need for asylum. Therefore, where there are indications that third-country nationals or stateless persons fear return to their home countries or countries of prior habitual residence, the representatives of the SBGS must provide them with information on asylum procedures, register their asylum applications without delay, and refer those cases to the central determining authority.

Recommendation:

UNHCR recommends that the Government of Lithuania:

- a. Ensure that persons who may seek international protection are proactively identified, including at border-crossing points and detention facilities, provided with information about the asylum procedure, registered as asylum-seekers, and referred to the determining asylum authority without delay.

⁷ *Decree of the Government of the Republic of Lithuania No 958 of 10 September 2015*, available in Lithuanian at <https://www.e-tar.lt/portal/lt/legalAct/cccc7e00588011e5825682aa0fc6b8d5>.

⁸ “For unlawful arrest of Afghans the state is ordered to pay non-pecuniary damages.” Press release by the Supreme Court of Lithuania of 14 July 2015 (in Lithuanian), available at <http://www.lat.lt/lt/naujienos/pranesimai/uz-neteiseta-afganistanieciu-ez7w.html>.

⁹ National Audit Office of Lithuania, *Management of Immigration Processes* (In Lithuanian), Preliminary Study, 25/05/2015, Page 8, available at https://www.vkontrole.lt/pranesimas_spaudai.aspx?id=18458.

Issue 2: Reception conditions

In UNHCR's view, reception arrangements must not only ensure a dignified standard of living, but must also respect human dignity – as required by applicable international human rights standards. Despite sound efforts by the Government of Lithuania to improve reception conditions at the Foreigners Registration Centre (the only state-funded reception facility for asylum seekers¹⁰), there is a need for further improvements. For example, the accommodation facility for asylum-seekers at the Foreigners Registration Centre is next to the detention section, which is surrounded by a barbed wired fence and uniformed guards. This atmosphere negatively impacts traumatized asylum-seekers, especially those who have been subjected to physical and/or psychological violence and persons with disabilities. Further, the number of social workers and psychological personnel employed in the Centre is insufficient and recreation and rehabilitation opportunities remain limited. The Caritas Day Centre in Pabrade, which has operated in cooperation with the Foreigners Registration Centre and the Lithuanian Red Cross, works towards remedying the shortcomings of the Registration Center. However, its projects depend on the availability of EU financial support.

Until recently, reception support measures such as distribution of medicine and sanitary materials and provision of health care services were, to a large extent, funded through the European Refugee Fund, which is now the AMIF. However, during the transition from the European Refugee Fund to the AMIF in 2015, Lithuania received no funding for their asylum reception programs for several months. Thus, the state should procure additional funding to provide adequate reception conditions for asylum-seekers. This measure may also reduce in secondary movements.

Furthermore, separate accommodations for asylum-seekers with specific needs, such as women with children, are unavailable due to the limited space in the Foreigners Registration Centre. While recognizing that a separate building for asylum-seekers with special needs is planned to be constructed in 2017 with AMIF support, UNHCR urges the Government of Lithuania to use recent amendments to the *Aliens Law* to provide for community-based reception arrangements for asylum-seekers with special needs, such as reception facilities run by NGOs. Financial support should be made available to allow for the effective implementation of these alternatives. Alternative reception facilities should contribute to a more welcoming environment that will further facilitate integration from an early stage.

Recommendations:

UNHCR recommends that the Government of Lithuania:

- a. Ensure that reception conditions for asylum-seekers in Lithuania are in line with international and EU standards by further improving reception conditions in the Foreigners Registration Centre and implementing alternative reception arrangements, especially for asylum-seekers with specific needs; and
- b. Allocate sufficient funds to ensure an adequate standard of living for asylum-seekers, including those living outside the Foreigners Registration Centre.

Issue 3: Integration

¹⁰ With the exception of unaccompanied minors who are offered accommodation in the Refugee Reception Centre in Rukla.

In a participatory assessment conducted by UNHCR and its partners in Lithuania in October and November 2013, refugees and beneficiaries of subsidiary protection noted a number of obstacles to integration, including:

- Insufficient financial support to cover essential needs during the so called “integration period”;
- Difficulties in finding housing due to xenophobic and intolerant attitudes of landlords who refuse to rent flats to refugees and beneficiaries of subsidiary protection; and
- Instances of aggressive behaviour of the local population.¹¹

The participatory assessment indicated that, in order to create a welcoming environment, equal opportunities should be created for refugees and beneficiaries of subsidiary protection by providing, for example, support in finding accommodation and employment and easily accessible language courses. Unfortunately, integration efforts have been harmed as a result of amendments to the *regulations governing the provision of integration related financial support on 18 November 2015*,¹² which cut significantly financial support for refugees and subsidiary protection beneficiaries. NGOs report that the decreased allowances are insufficient to secure accommodations and an adequate standard of living.¹³

Most refugees do not have the same opportunities as nationals to procure an adequate standard of living.¹⁴ Refugees and beneficiaries of subsidiary protection frequently suffer from trauma resulting from persecution, displacement, and language and cultural barriers – and thus require additional support.

Additional support for refugees and beneficiaries of subsidiary protection is also in line with principles of substantive equality and non-discrimination as enshrined in international law. According to the European Court of Human Rights, “[t]he right not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is also violated when States without an objective and reasonable justification fail to treat differently persons whose situations are significantly different.”¹⁵

¹¹ UNHCR, *Integration of Refugees in Lithuania: Participation and Empowerment. Understanding Integration in Lithuania through an age, gender and diversity-based participatory approach*, October – November 2013, pages 40, 41, 45 and 50, available at: http://www.unhcr-northerneurope.org/uploads/tx_news/UNHCR_Integration_of_refugees_in_Lithuania.pdf.

¹² With reference to *Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2015 m. lapkričio 18 d. įsakymas Nr. A1-668 “Dėl Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2004 m. spalio 21 d. įsakymo Nr. A1-238 „Dėl Lietuvos valstybės paramos teikimo užsieniečių, gavusių prieglobstį Lietuvos Respublikoje, integracijai tvarkos aprašo patvirtinimo“ pakeitimo”*, TAR, 2015-11-19, Nr. 18359, available in Lithuanian at <https://www.e-tar.lt/portal/lt/legalAct/a94de1c08dec11e5a6f4e928c954d72b/rJMNDcqJzX>.

¹³ With reference to statement by the director of Vilnius Caritas, available in Lithuanian at <http://www.15min.lt/naujiena/aktualu/lietuva/linas-kukuraitis-sumazintos-ismokos-pabegeliu-seimas-privers-skursti-jau-po-pusmecio-56-552407>.

¹⁴ A. Eide, *The Right to an Adequate Standard of Living Including the Right to Food*” in Economic, Social and Cultural Rights: A Textbook, pp. 133–148, quoted in E. Lester, 'Article 24', in A. Zimmerman (ed.), *Commentary of the 1951 Convention relating to the Status of Refugees*, Oxford University Press, 2011, p. 1049, at 19.

¹⁵ ECtHR, *Thlimmenos v. Greece* [GC], 06.04.2000, Reports 2000-IV, para. 44, available at: <http://www.unhcr.org/refworld/docid/4a3a3af70.html>.

Retrogressive measures taken with respect to integration related social support also conflict with the principle that a state should allocate the maximum resources available for the “progressive realization” of social and economic rights.¹⁶ Notably, no in-depth assessment of resource allocation for refugees and subsidiary protection beneficiaries has been presented for public consideration. Reduced funding may, in particular, have serious implications for beneficiaries of subsidiary protection, who are currently not given access to all mainstream social benefits available for nationals within the regular social welfare system, including child benefits and guarantees for persons with disabilities.¹⁷ Therefore, beneficiaries of subsidiary protection are even further disadvantaged by the reduction of benefits. Lessened state assistance limits their capacity to attain an adequate standard of living and exacerbates their inability to integrate.

In addition to decreased integration support, refugees and subsidiary protection beneficiaries face intolerance in local communities.¹⁸ Because Lithuania is preparing to receive a higher number of refugees and asylum-seekers under the *EU relocation and resettlement scheme*, the need to create a welcoming environment and provide equal opportunities for refugees and subsidiary protection beneficiaries is urgent. UNHCR advises the Government of Lithuania to take steps to prevent and respond to hate crimes and manifestations of intolerance or hatred targeted at asylum-seekers and refugees.

Recommendations:

UNHCR recommends that the Government of Lithuania:

- a. Ensure that monetary support for refugees and beneficiaries of subsidiary protection adequately covers the necessities of life and facilitates the process of social integration;
- b. Eliminate the differences in access to the mainstream social welfare system for beneficiaries of subsidiary protection; and
- c. Combat stereotypes, intolerance and prejudice against refugees and subsidiary protection beneficiaries and respond effectively to manifestations of hatred.

Issue 4: Determination and reduction of statelessness

Lithuania has few stateless persons compared to the other Baltic states of Latvia and Estonia, and that number is steadily decreasing. However, facilitation of naturalization procedures, to a large extent, is not available to stateless persons in Lithuania, despite the fact that the majority are long term habitual residents.

¹⁶ See para. 40 of the UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 19: The right to social security* (Art. 9 of the Covenant), 4 February 2008 available at: <http://www.refworld.org/docid/47b17b5b39c.html>.

¹⁷ See *Lietuvos Respublikos išmokų vaikams įstatymas*, Nr. I-621, consolidated version of 17 May 2014, available at https://www.e-tar.lt/portal/lt/legalAct/TAR.1DEDD43B92AE/TAIS_471308, *Lietuvos Respublikos neįgaliųjų socialinės integracijos įstatymas*, Nr. I-2044, consolidated version of 23 July 2013, available at https://www.e-tar.lt/portal/lt/legalAct/TAR.199156E4E004/TAIS_454193, *Lietuvos Respublikos valstybinių šalpos išmokų įstatymas*, Nr. I-675, consolidated version of 12 June 2014, available at https://www.e-tar.lt/portal/lt/legalAct/TAR.2CE6CFE9E2EE/TAIS_473878.

¹⁸ UNHCR, *Integration of Refugees in Lithuania: Participation and Empowerment. Understanding Integration in Lithuania through an age, gender and diversity-based participatory approach*, October – November 2013, page 50, available at: http://www.unhcr-northerneurope.org/uploads/tx_news/UNHCR_Integration_of_refugees_in_Lithuania.pdf.

Article 15 of the current *Law on Citizenship* stipulates that Lithuanian citizenship shall be acquired automatically by children born in the State's territory to stateless parents who legally reside in Lithuania. However, the Law does not grant automatic citizenship to children born in the country who would otherwise be stateless due to the fact that they were born to parents who possess a nationality, but who cannot confer that nationality to their children. [Under the current *Law on Citizenship*, these children can only acquire Lithuanian nationality through the naturalization procedure, under which they are required to have legal means of subsistence and to pass exams on knowledge of the Lithuanian language and of the fundamentals of the Constitution of the Republic of Lithuania. These requirements are at variance with Article 1(2) of the *1961 Convention* which sets out the limited conditions that States may impose for the acquisition of nationality by children who were born stateless in their territory. Although following Lithuania's accession to the *1961 Convention*, residency requirements were reduced for stateless persons born in Lithuania from 10 to 5 years, the additional requirements mentioned above remain.

UNHCR recommends introducing a provision providing for the automatic granting of nationality to all children born stateless in Lithuania, regardless of their parents' nationality or legal status in Lithuania. UNHCR further notes that if the Government would nonetheless prefer to introduce an application procedure, pursuant to Article 1(1)(b) of the *1961 Convention*, such a procedure must be non-discretionary, the application period should begin at birth or as soon as possible and in any case before adulthood, and no additional requirements other than those permissible under Article 1(2) should be introduced.

Recommendations:

UNHCR recommends that the Government of Lithuania:

- a. Facilitate naturalization procedures for stateless persons by, for example, reducing the number of years of residence required prior to being eligible for naturalization, expanding preparatory courses to stateless persons and reducing or waiving the fees;
- b. Ensure that all children born in Lithuania who would otherwise be stateless automatically be granted nationality; and should the Government introduce an application procedure, that no additional requirements other than those permissible under Article 1(2) of the *1961 Convention* be introduced; and
- c. With a view to ensuring effective access to the rights provided for under the *1954 Convention*, establish a statelessness determination procedure.

Human Rights Liaison Unit
Division of International Protection
UNHCR
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ANNEX

Excerpts of Recommendations from the 1st cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

LITHUANIA

We would like to bring your attention to the following excerpts from the 1st cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Lithuania.

I. Universal Periodic Review

Recommendation ¹⁹	Recommending State/s	Position ²⁰
Trafficking		
89.45. Take firm measures to combat cross-border trafficking in women for sexual and other exploitative purposes and align its Criminal Code with the international and European Union law on trafficking in human beings;	Hungary	Supported
89.46. Make additional efforts in the area of human trafficking by developing new measures which would allow a better prosecution of criminal organizations as well as better protection of victims;	Spain	Supported
89.47. Continue efforts in combating human trafficking and provide the necessary assistance to the victims of trafficking;	Latvia	Supported
89.48. Reinforce further the country's efforts in the area of prevention of trafficking in human beings;	Slovakia	Supported
89.4. Intensify efforts to prevent trafficking in human beings, including cross-border trafficking in women for sexual and other exploitative purposes, and increase the number of prosecutions in this respect;	Republic of Moldova	Supported
90.20. Intensify efforts to combat trafficking in person inter alia by renewing individual invitations to the Special Rapporteur on trafficking in persons and the Special Rapporteur on the sale of children, child prostitution and child pornography. Bring the criminal law into full	Belarus	Supported ²¹

¹⁹ All recommendations made to Lithuania during its 1st cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review: Lithuania" (19 December 2011) [A/HRC/19/15](#).

²⁰ Lithuania's views and replies can be found in: *Addendum* (6 March 2012) [A/HRC/19/15/Add.1](#).

²¹ *Addendum*: "Lithuania has already implemented recommendations 90.16 and 90.20 to enable cooperation with the United Nations special procedures for human rights. In 2001, Lithuania issued a regular invitation to all the United Nations special procedures for human rights to visit Lithuania and is ready to cooperate with all special procedures without any preconditions. This position of Lithuania has been repeatedly voiced at the Human Rights Council of the United Nations, inter alia when supporting interregional declarations on cooperation with the special procedures."

conformity with the provisions of the Optional Protocol to the Convention on the Rights of the child relating to sale of children, child prostitution and child pornography;		
Racism, xenophobia and hate crimes		
88.18. Ensure that racist and xenophobic incidents are effectively prosecuted;	Iran	Supported
88.20. Further strengthen measures to prevent and combat discrimination and to investigate allegations of hate crimes;	Brazil	Supported
88.19. Establish, at the earliest, an action plan aimed at preventing racist assaults, so as to allow members of vulnerable groups to live in security and dignity;	Switzerland	Supported
88.23. Develop public awareness campaigns to combat manifestations of discrimination and racism, including xenophobia, homophobia, anti-Semitism, and other forms of intolerance in order to further protect and strengthen the rights of members of minority groups, including Lesbian, Gay, Bisexual, and Transgender individuals and the Roma community;	United States of America	Supported
LGBTI		
88.4. Refrain from adopting legislative measures which criminalise homosexual relations or breach the rights to freedom of expression and to non-discrimination of Lesbian, Gay, Bisexual and Transgender people;	Belgium	Supported
88.5. Refrain from legislative initiatives which may criminalize homosexual relations between consenting adults;	Slovenia	Supported
88.24. Consider/Study the possibility to take additional measures to combat discrimination against LGBT people;	Argentina	Supported
88.25. Take action in order to avoid discrimination of LGBT persons, in practice and through law;	Sweden	Supported
88.26. Carefully consider whether the right balance is struck when the main street of Vilnius is made available for annual marches by neo-Nazis on Independence Day, whilst vulnerable groups like the LGBT society are refused to use the same venue, and are referred to less attractive locations;	Norway	Supported
88.27. Take further steps to eliminate discrimination against people based on their sexual orientation or gender identity;	Ireland	Supported
88.33. Continue to ensure that lesbian, gay, bisexual and transgender people are able to exercise their rights to freedom of expression and assembly;	Australia	Supported
88.34. Ensure the full respect for freedom of expression and freedom of assembly for all, including LGBT people;	Slovenia	Supported
90.10. Review the Law on the Protection of Minors against the Detrimental Effect of Public Information in order to remove all	Belgium	Supported ²²

²² **Addendum:** “Lithuania has already implemented recommendations 90.10 and 90.11 to review the Law on the Protection of Minors against the Detrimental Effect of Public Information in order to ensure that its application

possibilities that this law may be applied in such a way to stigmatize or discriminate against Lesbian, Gay, Bisexual and Transgender people or to breach their rights to freedom of assembly or expression;		
90.11.Introduce necessary measures to ensure full respect of human rights for all, including for Lesbian, Gay, Bisexual and Transgender people, by reviewing the Law on the Protection of Minors against the Detrimental Effect of Public Information;	Switzerland	Supported ²³
90.13.Take steps to ensure that legislation protects the full rights of sexual minorities;	Denmark	Supported ²⁴
90.15.Repeal any discriminatory provision in existing laws on sexual orientation and gender identity;	Slovenia	Supported ²⁵
OP - CAT		
89.2. Adhere to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or punishment, at the earliest;	France	Supported
89.3. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;	Azerbaijan	Supported
89.4. Consider the possibility of ratifying the Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment;	Argentina	Supported
89.6. Ratify the Optional Protocol to the Convention against Torture;	Brazil	Supported
89.7. Sign and ratify the Optional Protocol of the Convention against Torture and other cruel, inhuman or degrading treatment;	Spain	Supported
89.9. Ratify or access, as appropriate, the Optional Protocol to the Convention on Torture;	Uruguay	Supported
Discrimination against minorities		
88.1. Review criminal law to make it fully comply with relevant international and regional obligations and, in particular, guarantee the protection of national, ethnic, religious or linguistic minorities;	Switzerland	Supported

does not violate the rights of LGBT (lesbian, gay, bisexual and transgender) people. Discrimination on grounds of sexual orientation is prohibited in Lithuania. This law does not contain provisions that would allow discrimination of persons by reason of their sexual orientation. The implementation of the provisions of the law is supervised by the Journalist Ethics Inspector. The inspector also summarises the practice of application of the said law and performs the function of drafting legislation for the implementation of this law and submitting those drafts to responsible authorities. Thus, the law itself provides a mechanism for monitoring and improvement thereof.”

²³ *Id.*

²⁴ **Addendum:** “Lithuania **has already implemented** recommendations 90.13 and 90.15 on the protection of sexual minority rights and on the repeal of statutory provisions discriminating persons on grounds of sexual orientation and gender identity, at the same time noting that the precise evaluation of these recommendations depends on the interpretation of the terms “sexual minorities”, “gender identity”, “full rights” and “discrimination”. In Lithuania, discrimination on various grounds is prohibited by the Constitution and the list of grounds for discrimination given therein is understood as an open (non-exhaustive) list. The prohibition of discrimination on grounds of sexual orientation is elaborated in the Law on Equal Opportunities.”

²⁵ *Id.*

8.6. Strengthen the domestic legal framework to punish racial segregation and step up all types of measures to prevent, prohibit and eliminate in its territory all practices of this nature, in line with article 3 of the Convention on the Elimination of Racial Discrimination;	Uruguay	Supported
88.40. Use more actively existing or new platforms for involving the Roma community in policy formulation, implementation and actively pursue an increase in the number of Roma in all public institutions;	Netherlands	Supported
88.41. Develop a close dialogue with all minorities regarding language education issues;	Norway	Supported
88.42. Further consider measures to secure the integration of the Roma community;	Sweden	Supported
89.22. Implement policies and actions aimed at the effective integration of the Roma community which would include the employment, education, security, social and health sectors, emphasis on the promotion of the Roma language, and the regularization of their identity documents;	Mexico	Supported
89.23. Enact a more robust set of policies and procedures to combat anti-Semitism, and that a public strategy be developed to dissuade prejudices and intolerance towards the Jewish population and its culture, including with respect to Jewish memorial and commemorative sites within Lithuania;	Canada	Supported
89.26. Continue to fund programs aimed at integrating Roma and take further steps to address the on-going social exclusion of Roma;	Australia	Supported
89.52. Reinforce policies for the integration of minority groups, particularly Roma, in line with CERD recommendations.	Chile	Supported
90.8. Adopt a new Act on National Minorities in order to precisely stipulate the rights and obligations of persons belonging to national minorities in Lithuania in accordance with its international obligations, notably the Council of Europe's Framework Convention for the Protection of National Minorities;	Poland	Supported ²⁶

²⁶ Lithuania **is already implementing** recommendation 90.8 on the adoption of a new law governing the rights of persons belonging to national minorities. A conceptual framework for such law has been drafted. The provisions of the new law drafted in accordance with the said conceptual framework are expected to conform to the requirements of the United Nations legal acts on the protection of human rights. In addition, the possibility of providing an even higher protection level for the rights and freedoms of persons belonging to national minorities is under consideration.

90.9. Ensure full compliance of the Lithuanian legislation and practice with international law which guarantees every person belonging to minority the right to have his or her name in official documents written in minority language;	Poland	Noted ²⁷
90.21.Enable national minorities to freely use their languages in public domain, including topographical indications in minority areas;	Poland	Noted ²⁸
90.22.Abandon the practice of applying the so-called retrogressive measures whereby members of national minorities are deprived of their rights and freedoms which they had been enjoying and exercising earlier, sometimes for many decades;	Poland	Noted ²⁹
Asylum seekers		
90.23.Consider granting the right to work, to asylum seekers who have been in the country for more than six months;	Iran	Noted ³⁰

II. Treaty Bodies

Committee on the Elimination of Discrimination against Women

Concluding Observations, 24 July 2014, [CEDAW/C/LTU/CO/5](#)

Trafficking in women and exploitation of prostitution

²⁷ **Addendum:** “Lithuania does not support recommendation 90.9 insofar as it alleges a lack of compliance of Lithuanian legislation and practice with international law. Lithuania emphasises that international law does not grant persons belonging to national minorities the right to have their names written in the official State documents in their native language. Lithuania is currently unable to provide a final response with regard to recommendation 90.9 to write the names of persons belonging to minority in official documents in minority language. Lithuania is considering the possibility of authorising in its legislation the writing of names in official documents using non-Lithuanian characters of the Latin-based alphabet with due consideration of the interests of the State language and recognising that this issue is important not only to persons belonging to national minorities. With a view to facilitating the use of national minority personal names, the resolution of the Supreme Council of the Republic of Lithuania of 31 January 1991 “On the writing of names in the passport of a citizen of the Republic of Lithuania” envisages a possibility for persons of non-Lithuanian ethnicity to choose between having their names written with or without Lithuanian endings. Moreover, it should be noted that Lithuania has various national minorities and therefore the definition of the rights of persons belonging to national minorities should be based on adequate assessment of the interests of the use of different languages (including the languages based on non-Latin alphabets).”

²⁸ **Addendum:** “Lithuania is currently unable to provide a final response on recommendation 90.21 on the expansion of the use of national minority languages in the public domain, including topographical indications in minority areas. The possibility of expanding the opportunities to use minority languages at the same time ensuring the interests of using Lithuanian, as the State language, in public life is now being considered. See also the evaluation of recommendation 90.8.”

²⁹ **Addendum:** “Lithuania does not support recommendation 90.22 to abandon the practice of narrowing down the rights and freedoms of the members of national minorities, as it believes that the rights and freedoms of the persons belonging to national minorities are not being narrowed down in Lithuania. At present, the possibilities of ensuring an even higher level of protection for the rights and freedoms of persons belonging to national minorities are being considered. See also the evaluation of recommendation 90.8.”

³⁰ **Addendum:** “Lithuania **does** not support recommendation 90.23 to consider granting the right to work to asylum seekers, as the right to work in Lithuania is granted to persons who have been granted asylum, while the extension of this right to asylum seekers might encourage the abuse of the asylum seeking system.”

26. The Committee is concerned about the absence of comprehensive legislation and strategies against trafficking in persons, in particular women and children, and the fact that the State party remains a source, transit and destination country for women and girls subjected to trafficking for purposes of sexual exploitation. The Committee is also concerned about the decrease in the number of prosecutions and convictions of traffickers, the limited training on gender-sensitive investigation of trafficking for law enforcement officers and the lack of updated disaggregated data on trafficking. The Committee regrets the lack of information and data on the extent of prostitution and the limited measures taken by the State party to reduce the demand for prostitution and to provide alternative income-generating opportunities for women who wish to leave prostitution.

27. **The Committee recommends that the State party:**

- (a) Adopt comprehensive legislation and policies against trafficking in persons, in particular women and children, and ensure that victims are properly identified and provided with adequate protection and assistance;**
- (b) Ensure the effective prosecution and punishment of traffickers;**
- (c) Build the capacity of law enforcement officers, including police officers, prosecutors and the judiciary, immigration officers and social workers with regard to gender-sensitive ways to deal with victims of trafficking;**
- (d) Ensure that women and girls who are victims of trafficking have access to medical care, legal aid, psychosocial counselling and rehabilitation and reintegration programmes, regardless of their ability or willingness to testify against traffickers;**
- (e) Impose adequate sanctions on law enforcement officers convicted in trafficking cases;**
- (f) Address the root causes of trafficking and prostitution by increasing efforts to provide educational and income-generating opportunities for women and girls, thereby minimizing their vulnerability to exploitation;**
- (g) Take appropriate measures to combat exploitation of prostitution, including by criminalizing demand for prostitution.**

Nationality

30. The Committee notes with concern that the law on citizenship has an adverse impact on women and girls, given that it does not grant automatic citizenship to children born in the State party's territory to stateless parents who are not permanent residents of Lithuania. The Committee is also concerned at the nationality status of Roma children.

31. **The Committee encourages the State party to bring its national citizenship legislation in line with the 1961 Convention on the Reduction of Statelessness, in particular by providing for the automatic granting of nationality to all children born in Lithuania, including Roma children, who would otherwise be stateless.**

Committee on Economic, Social and Cultural Rights

Concluding Observations, 24 June 2014, [E/C.12/LTU/CO/2](#)

Social exclusion of and discrimination against Roma

7. The Committee remains concerned at the lack of progress achieved in addressing the social exclusion of Roma and discrimination against Roma in the enjoyment of their rights

under the Covenant, particularly in the areas of housing, health, employment and education. While noting the adoption of various programmes and action plans on the integration of Roma, the Committee regrets the lack of resources allocated for their effective implementation, particularly between 2008 and 2010 (art. 2).

Noting that the State party will adopt a new Roma integration strategy in 2015, the Committee urges the State party to ensure that:

- (a) The strategy contains concrete objectives and benchmarks and a regular monitoring and evaluation mechanism to periodically assess the results obtained in improving the socioeconomic situation of Roma, particularly in the areas of housing, health, employment and education;**
- (b) Adequate financial and human resources are allocated for its implementation; and**
- (c) Members of the Roma community actively participate in its design, implementation and evaluation, as rights-holders.**

Non-discrimination

8. The Committee is concerned at the situation of individuals in the State party who face discrimination in their enjoyment of the rights guaranteed under the Covenant on the grounds of sexual orientation or gender identity, including access to health-care services such as gender reassignment surgery. The Committee also regrets the lack of information on measures taken to combat and prevent discrimination on the basis of sexual orientation, particularly in respect of access to employment, health care and education (arts. 2 and 12).

The Committee encourages the State party to take effective measures to ensure that lesbian, gay, bisexual and transgender persons can enjoy their economic, social and cultural rights without discrimination, including access to health care, employment and education, and that legal recognition of their gender is not dependent on whether or not they have undergone gender reassignment surgery.

Trafficking in persons

16. The Committee is concerned that the State party remains a source, transit and destination country for the trafficking of women and girls for sexual exploitation, despite the measures adopted by the State party, which include the establishment in 2006 of the specialized Department for Trafficking in Human Beings Investigation, within the Criminal Police Bureau. It also regrets the lack of information on the extent of the problem, including on trafficking of men for forced labour. The Committee further expresses its concern that funding for programmes to combat trafficking remains at a low level, and that support to non-governmental organizations providing assistance to victims of trafficking is insufficient (art. 10).

The Committee urges the State party to strengthen its efforts to combat trafficking in persons, including by increasing the capacity of law enforcement officers to identify victims of trafficking, training members of the judiciary, and allocating sufficient resources to provide effective protection and assistance to victims. It reiterates its previous recommendation that the State party provide, in its next periodic report, comparative statistical data indicating the extent of trafficking in the State party, as

well as detailed information on the number of investigations undertaken, the number of prosecutions of trafficking-related cases and the number of convictions of perpetrators, and on remedies provided to victims in relation to all forms of trafficking, including trafficking of men for forced labour.

National minorities

24. The Committee is concerned at the lack of a legal framework for the protection of the rights of national minorities in the State party following the abrogation of the Law on National Minorities of 1989 in January 2010. It also expresses its concern that following the dismantling in 2009 of the Department of National Minorities and Lithuanians Living Abroad, responsibility for national minority issues has been divided among various ministries, and that no effective coordinating body has been established (arts. 2 and 15).

The Committee recommends that the State party expedite the process for adopting the new Law on National Minorities, and that in the interim, it take effective measures to fully protect the rights of all national minorities, including their language, religion, culture and identity, and including the use of their names in their original form. The Committee also recommends that the State party establish an effective entity within the Ministry of Culture for effective coordination of national minority issues.

Committee against Torture

Concluding Observations, 17 June 2014, [CAT/C/LTU/CO/3](#)

Trafficking in human beings

14. While amendments have been made to the Criminal Code in relation to trafficking in human beings, the Committee is concerned that the State party remains a country of origin, transit and destination of human trafficking and is registering a rise in the number of cases. It is also concerned that six Lithuanian nationals from an organized crime gang charged with trafficking in women have not been sentenced since 2010. (arts. 2, 10, 12, 13 and 16)

The State party should:

- (a) Take effective measures to prevent human trafficking, including vigorous enforcement of anti-trafficking legislation and enhancement of international cooperation to combat trafficking, in particular for the purpose of sexual exploitation;**
- (b) Continue to conduct specialized training for the police, prosecutors and judges, migration officers and border police, including on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and on effective prevention, investigation, prosecution and punishment of acts of trafficking, and continue nationwide awareness-raising and media campaigns about the criminal nature of such acts;**
- (c) Promptly, effectively and impartially investigate, prosecute and punish trafficking in persons and related practices;**
- (d) Provide redress to victims of trafficking.**

Asylum seekers

17. The Committee is concerned about the detention of all asylum seekers, throughout the asylum procedure, at the Foreigners' Registration Centre in Pabrade, which lacks adequate reception conditions, including social, psychological and rehabilitation services. Traumatized persons and those with specific needs, including women, are not housed separately. The Centre is also used as an administrative detention facility for migrants in an irregular situation. It is also in need of renovation. (arts. 3, 14 and 11)

The State party should:

- (a) Refrain from detaining asylum seekers and illegal immigrants for prolonged periods and use the detention of asylum seekers only as a measure of last resort for as short a period as possible;**
- (b) Promote alternatives to detention and revise policy in order to bring it into line with the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum Seekers and Alternatives to Detention published by the Office of the United Nations High Commissioner for Refugees;**
- (c) Put in place a mechanism to identify persons with special needs and possible victims of torture, and provide legal and practical mechanisms to ensure full redress for torture victims;**
- (d) Proceed with the announced reconstruction of the Foreigners' Registration Centre, in which vulnerable persons will be offered separate accommodation.**

Committee on the Rights of the Child

Concluding Observations, 30 October 2013, [CRC/C/LTU/CO/3-4](#)

Non-discrimination

16. The Committee is concerned about gaps in the implementation of the 2008 Equal Opportunities Law and ongoing discrimination against children in marginalized and disadvantaged situations, including children with disabilities, Roma children, children living in poverty, children living in care institutions and children in conflict with the law.

17. **The Committee urges the State party to enforce its anti-discrimination legislation and take urgent measures to prevent discrimination against children in marginalized and disadvantaged situations, including children with disabilities, Roma children, children living in poverty, children living in care institutions and children in conflict with the law. The Committee further recommends that the State party include information in its next periodic report on measures and programmes of relevance to the Convention that the State party has undertaken in follow-up to the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the outcome document adopted at the 2009 Durban Review Conference.**

Human Rights Committee

Principal matters of concern and recommendations

7. While noting the continuation of the National Programme for the Integration of the Roma into Lithuanian Society (2012-2014), the Committee is concerned that Roma continue to suffer from discrimination, poverty, low educational attainment, large-scale unemployment, and inadequate standards of living, in particular as regards housing (arts. 2 and 26).

The State party should evaluate the implementation of existing policies and programmes in order to assess the extent to which they have effectively contributed to improving the social and economic conditions of Roma.

8. The Committee is concerned that certain legal instruments such as the Law on the Protection of Minors against the Detrimental Effect of Public Information (art. 7) may be applied in a manner unduly restrictive of the freedom of expression guaranteed under the Covenant and may have the effect of justifying discrimination against lesbian, gay, bisexual and transgender (LGBT) individuals. The Committee is furthermore concerned at various legislative proposals, including amendments to the Code of Administrative Offences, the Constitution, and the Civil Code which, were they to be adopted, would impact negatively on the enjoyment of fundamental rights by LGBT individuals. The Committee is also concerned at the increasing negative attitudes against, and stigmatization of, such persons in society, which has manifested itself in instances of violence and discrimination, and at reports of reluctance on the part of police officers and prosecutors to pursue allegations of human rights violations against persons on the basis of their sexual orientation or gender identity (arts. 2, 19 and 26).

The State party should take all necessary measures to ensure that its legislation is not interpreted and applied in a discriminatory manner against persons on the basis of their sexual orientation or gender identity. The State party should implement broad awareness-raising campaigns, as well as trainings for law enforcement officials, to counter negative sentiments against LGBT individuals. It should consider adopting a targeted national action plan on the issue. The Committee, finally, recalls the obligation of the State party to guarantee all human rights of such individuals, including the right to freedom of expression and the right to freedom of assembly.

11. While noting the various programmes implemented by the State party to combat trafficking in human beings, including through international cooperation, and to support victims of trafficking, the Committee is concerned at the continued existence of this problem in the State party, and in particular by information that children under 18 years of age, in particular adolescent girls living in boarding schools, special child-education and care homes, governmental and non-governmental child-care homes, and those in risk families, very often become victims of trafficking (art. 8).

The State party should continue its efforts to combat trafficking of human beings and balance its criminal response with protection measures for victims. It should pay particular attention to preventing sexual exploitation of children in this regard. The State party should, furthermore, expand its cooperation with other States in eliminating

trafficking across national borders. Lastly, it should evaluate the impact of its programmes with a view to addressing the root causes of the problem.

15. The Committee is concerned that, despite a number of legislative and institutional measures taken by the State party, xenophobic and in particular anti-Semitic incidents continue to occur. The Committee is also concerned that manifestations of hatred and intolerance towards members of national or ethnic minorities as well as LGBT individuals remain widespread particularly on the Internet (arts. 2, 19, 20, 21, 22 and 27).

The State party should, in line with the Committee's general comment No. 34 (2011) on article 19 (freedoms of opinion and expression), strengthen its efforts to prevent crimes committed with racial, discriminatory or xenophobic motives, to bring perpetrators of such crimes to justice and to make effective remedies available to victims. It should reinforce its awareness-raising campaigns to sensitize the public and reduce the prevalence of hatred and intolerance in the media, including the Internet. It should also continue its training programmes in this context, especially targeting law enforcement agencies.