



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Lithuania and welcome the constructive engagement of the Government of Lithuania during the 40th session of the UPR Working Group in January/February 2022.

As the final outcome report on the review of Lithuania was recently adopted by the Human Rights Council at its 50th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Lithuania – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 82 delegations and the presentation made and responses provided by the delegation of Lithuania. I have also considered the actions taken by the Government of Lithuania to implement the 153 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I am pleased to note that, in 2017, the Seimas Ombudspersons' Office was accredited as a national human rights institution with A status under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). I also welcome the efforts aimed at Roma inclusion and would encourage Lithuania to continue with these efforts, including through the adoption of a comprehensive law on national minorities, in order to ensure the promotion and protection of the rights of all in Lithuania. In addition, I encourage Lithuania to ensure that all legislation and regulations on asylum are in compliance with its international obligations.

I regret that the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is still pending in the parliament and would urge your Government to step up efforts to ensure its ratification.

I encourage Lithuania to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations.

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H.E. Mr. Gabrielius LANDSBERGIS
Minister of Foreign Affairs
Republic of Lithuania



I also encourage Lithuania to establish a national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage the Government of Lithuania to consider submitting a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

My Office looks forward to discussing with you ways in which it may assist Lithuania in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc.: H.E. Ms. Jurga GREIČIENĖ
Vice Minister
Ministry of Justice
Republic of Lithuania

Ms. Birgit VAN HOUT
Regional Representative the United Nations High Commissioner for Human Rights
OHCHR Regional Office for Europe
Belgium

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Expediting the ratification process of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and ILO Domestic Workers Convention, 2011 (No. 189).

National human rights framework

- Allocating sufficient funding to the office of the Seimas Ombudspersons' Office so that it can effectively and independently fulfil its mandate, including in its new areas of competence in full compliance with the principles relating to the Paris Principles.
- Establishing a permanent national mechanism for implementation, reporting and follow-up of human rights recommendations, and considering the possibility of receiving cooperation for this purpose.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Strengthening its efforts to combat intolerance, stereotypes, prejudice and discrimination towards minorities and vulnerable groups, and increasing its efforts to prevent hate speech and hate crimes; and undertaking educational and awareness-raising programmes, including the provision of adequate human rights training to police officers, prosecutors and judges, to eliminate hate speech towards such groups and to ensure that all cases are systematically investigated, that perpetrators are held accountable and that victims have access to full reparation.
- Continuing to build a more LGBTQI+ inclusive society and ensuring legal protection of family life of same-sex couples, including by adopting legislation that would provide for legal recognition of same-sex partnerships and by developing a national strategy on LGBTQI+; and strengthening measures aimed at fighting discrimination against LGBTQI+ persons and at preventing, investigating and punishing acts of discrimination and violence against them.

Human rights and counter-terrorism

- Ensuring that all counter-terrorism measures comply with international human rights and humanitarian laws and conducting transparent investigation into Lithuania's participation in the Central Intelligence Agency's secret detention programme, and publishing the results of the investigation and the involvement of the Lithuanian authorities; and ensuring that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and compensation for victims of extrajudicial detentions is provided.

B. Civil and political rights

Right to life, liberty and security of person



- Ensuring that conditions of detention comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules); taking effective steps to address overcrowding and poor conditions in places of detention; and following up the recommendations of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to improve the functioning of the correctional services.

Administration of justice, including impunity, and the rule of law

- Continuing to strengthen the independence of the judiciary through a transparent system for appointing judges and prosecutors.

Fundamental freedoms

- Fully decriminalizing defamation and placing it within a civil code, in accordance with international standards.
- Continuing to implement measures to ensure freedom of expression.

Prohibition of all forms of slavery

- Increasing efforts to proactively identify sex trafficking and labour trafficking victims, and continuing efforts to strengthen gender-sensitive training on all aspects of trafficking in persons, including on the use of the national referral mechanism, for judges, prosecutors, police officers and border guards.
- Ensuring the effective prosecution and punishment of perpetrators of acts of trafficking and enhancing assistance to victims, in order to reintegrate them into society.

Right to family life

- Recognizing non-traditional forms of family relations other than marriage, including same-sex and de facto unions.

C. Economic, social and cultural rights

Right to social security

- Improving the funding of social services to ensure their quality, giving priority to childcare facilities.

Right to an adequate standard of living

- Continuing with efforts to combat poverty, by strengthening the prevention policy.
- Implementing additional integrated measures for poverty reduction and social inclusion, especially among older persons, persons with disabilities, and single parent households.

Right to health

- Improving access to adequate sexual and reproductive health services, in particular to antenatal, delivery and postnatal services.



- Taking concrete measures to guarantee that vulnerable groups, particularly Roma, have access to adequate health care.
- Regulating the termination of pregnancy by legislation, rather than in ministerial regulations, and considering the legalization of abortion in cases of rape, incest, threats to life or health of the pregnant woman or serious foetal malformations; moving towards the decriminalization of abortion in all other cases, and providing women access to safe abortion services.
- Allocating sufficient resources for the prevention of suicide among young people.

Right to education

- Implementing further measures to ensure full access to education to children from vulnerable groups and pursuing the strengthening of the comprehensive initiatives on education in favour of ethnic minorities, women and children.
- Removing obstacles hindering the inclusion of children with special educational needs in the education system, and pursuing efforts to promote the enrolment of Roma children in preschool education and to support Roma children and young people in their completion of compulsory education and in their access to tertiary education.
- Continuing to expand human rights education programmes, comprehensively at all levels.

D. Rights of specific persons or groups

Women

- Continuing gender-mainstreaming policies with a special focus on women in vulnerable situations and those residing in remote regions.
- Considering adopting comprehensive legislation on gender equality and non-discrimination.
- Continuing efforts to promote gender equality, including by educating the society on gender stereotypes and building the capacities of media enterprises, including through efforts to combat gender stereotyping in social media, radio and television programming.
- Continuing to promote women's equal participation in the economic sector and eliminating the gender pay gap.
- Taking further measures to address domestic violence, including by: strengthening the legal framework for the protection of women against violence, as well as explicitly criminalizing marital rape and eliminating resort to reconciliatory mediation for victims of domestic violence; thoroughly and promptly investigating cases of domestic violence and ensuring stricter punishment for perpetrators; establishing an appropriate and effective mechanism to prevent violence against women; and providing increased funding to special assistance centres for women victims of violence.

Children

- Setting the minimum age of marriage for women and men to 18 years of age, without exception.
- Intensifying efforts to complete the reform of the childcare system, by increasing investment in social services to prevent unnecessary family separations and by providing quality

alternative care options, prioritizing family-based solutions; and increasing the capacities and funding of the national system for the protection of the rights of the child.

- Adopting measures to regularly monitor the conditions and treatment of children in institutional settings, and protecting them from all forms of violence, exploitation and trafficking.

Persons with disabilities

- Continuing with the full integration of persons with disabilities, by promoting access to employment and improving the planning of public spaces and transport.
- Implementing human rights-based mental health policies aligned with the Convention on the Rights of Persons with Disabilities and ensuring that any restriction on legal capacity is no greater than necessary, is imposed pursuant to appropriate legal and procedural safeguards, and that free and effective legal representation is ensured in all proceedings.
- Continuing with consistent efforts to ensure equal access to the labour market for all persons with disabilities.

Minorities

- Accelerating the drafting and adoption of a comprehensive law on national minorities and ensuring that representatives of the different national minorities are consulted in the course of the drafting process.
- Continuing efforts to provide protection and integration of minorities, especially the Roma minority, and intensifying its efforts to address stereotypes, prejudice, intolerance and systemic discrimination against the Roma population.
- Continuing the efforts aimed at Roma inclusion; facilitating the access of the Roma population to adequate housing, including access to social housing and subsidies for home rental; and ensuring support to Roma children and young people in their completion of compulsory education.
- Strengthening formal and informal Holocaust education to combat the rise of antisemitism, developing a proposal for final restitution of private and heirless property seized during the Holocaust, and promoting a historically accurate Holocaust narrative.

Migrants, refugees and asylum seekers

- Revising the amendments to asylum legislation and regulations to ensure compliance with its international obligations.
- Ensuring that all applications for international protection are promptly received and registered and referred to the asylum authority; and improving asylum and refugee reception procedures to ensure an effective humanitarian response in dealing with migrants and asylum seekers.
- Reconsidering the maximum allowed period of immigration detention, which can be up to 18 months, and considering the use of alternatives to detention.
- Strengthening coordination with international organizations to cease arbitrary detentions of migrants at the border and improving the reception of foreigners, in accordance with treaty law and the Convention relating to the Status of Refugees.

- Ensuring that migrants, refugees and asylum seekers can access education and health services without discrimination, and taking measures to facilitate the regularization of migrants residing with their children, taking into account the best interests of the child.

Stateless persons

- Harmonizing national legislation on citizenship with the 1961 Convention on the Reduction of Statelessness; establishing a formal statelessness identification and determination procedure, in accordance with human rights obligations and standards; and considering the revision of the nationality law to provide for the automatic granting of Lithuanian citizenship at birth to all children born in its territory who would otherwise be stateless.

