**In response to the call for inputs of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Ms. Irena Khan, the Republic of Lithuania would like to provide the following answers:**

1. **In your view, how does the right to freedom of opinion and expression contribute to the achievement of the SDGs? Please provide examples, where possible, with concrete data relating to impact. Please also mention relevant laws, policies and other measures.**

Freedom of opinion and expression is key to the protection and promotion of all other human rights, and therefore a driver of the sustainable development of our societies. Right to receive and disseminate information freely contribute to fundamental societal changes, including raising awareness about climate change, advancing women's rights and securing attention to other important developments. As a result, situations in which the right to freedom of opinion and expression is restricted are extremely dangerous.

The role of the free media is also especially vital in the context of Russian war of aggression against Ukraine, the violent crackdown on protesters in Iran, and other conflicts around the globe.

Lithuania, in its national capacity is taking numerous steps to ensure freedom of expression and opinion and the safety of journalists. To enhance media ownership transparency, the Ministry of Culture in 2022 has launched a publicly available Information System of Producers and Disseminators of Public Information. The system, called ‘VIRSIS’ ([www.virsis.lt](http://www.virsis.lt)) provides data on media owners and amounts of funds obtained from public bodies. From 2023 public bodies and institutions on their websites will have to provide the information about the funds they used for state advertising.

Journalists are entitled to have free access to information held by the state registers (as for example, the Real Property Cadastre and Register and the Register of Legal Entities), according to amendments (in 2021 and 2022) to the Law on the Provision of Information to the Public and other laws.

1. **Are there restrictions or other challenges to freedom of expression or access to information that affect the delivery of public services and achievement of economic, social and cultural rights in your country? Which groups of people are most affected by these restrictions and in what ways? What measures would you recommend to address their problems?**

2.1. To tackle the problem of SLAPPs, in 2022 legislative amendments to the Code of Civil Procedure and the Criminal Code have been adopted.[[1]](#footnote-1)

2.2. In 2022, compared to 2021, the budget of the Press, Radio and Television Support Fund (it provides financial support to the media projects) increased by 1 million. EUR - up to 3,736 thousand euros.[[2]](#footnote-2)

2.3. The State has also changed the legislation that now allows partially compensate the costs of the delivery of newspapers/magazines in cities that fall into sparsely and moderately densely populated residential areas.[[3]](#footnote-3)

2.4. The Ministry of Culture every year awards two cash prizes to cultural journalists or editors. Last year, the cash prizes were increased.[[4]](#footnote-4)

2.5. The authorities have also reduced the fees payable by audiovisual media and radio service providers. The Law on the Provision of Information to the Public guarantees editorial independence by prohibiting to exert influence on media, their owners and journalists with the objective of obtaining incorrect or biased reporting. The Law also sets out the types of media activities that are subject to licensing, such as TV or radio broadcasting, and the main principles of licensing, such as organising tenders and giving priority to entities undertaking to ensure the provision of truthful and impartial information. It further establishes safeguards against the control of media by individuals with links to third countries not belonging either to the EU or NATO and that are deemed to threaten national security. Audiovisual media service providers and radio broadcasters are required to pay fees to the regulator (the Lithuanian Radio and Television Commission) and an annual fee which is transferred to the Public Information Ethics Commission. Following complaints from the companies concerned about the high financial burden, the regulator proposed lowering the annual fees. On 25 April 2022, the Ministry of Culture made the necessary amendments to lower the fees.

2.6. After the start of the Russia’s war of aggression in Ukraine, the legislative amendments to the Law on the Provision of Information to the Public have been adopted:[[5]](#footnote-5)

1. to clarify the grounds and improve the procedure when and how the media services can be suspended;
2. to allow the Press, Radio and Television Support Fund in the time of war or state of emergency to organize new tenders that are not specifically mentioned in the Law on the Provision of Information to the Public.

In practice it was used in the summer of 2022 – the Fund launched the tender procedure for projects that can improve public safety and security (priority was given to the projects in minority languages; projects involving Ukrainian journalists, representatives of Russian and Belarusian opposition media; projects that would increase the accessibility of information to people with visual or hearing disabilities).[[6]](#footnote-6)

2.7. In order to improve the financial support to the media, legislative amendments establishing a new Media Support Fund were prepared.[[7]](#footnote-7)

2.8. The Law on the Provision of Information to the Public and other specific procedural rules protect journalistic sources.[[8]](#footnote-8)

2.9. The Law on Lithuanian National Radio and Television contains specific safeguards for the independence of public service media (LRT). In particular, the ‘Council’ is entrusted with representing the whole society in its management supervision activities. The term of office of Council members does not coincide with those of the different appointing institutions and bodies. Also, the members of the Council cannot be members of political parties and cannot be removed from the office before the end of the term, save on the limited grounds specified in the Law. The LRT’s Director General is selected through a public competition and can be dismissed only by a two thirds’ majority of the members of the Council. The LRT is financed from fixed shares of tax income.

**5. What laws, policies and practices exist in your country to facilitate public participation and access to information and data relating to sustainable development? Where have there been successes, or conversely challenges, with facilitating access to information and data relating to sustainable development in relation to a) governments and b) companies?**

Important to highlight that Lithuania ranked first on the 70-country Environmental Democracy Index in 2015 in recognition of the country’s well-developed regulatory framework for access to information, public participation in decision making and access to justice in environmental matters. Lithuania has been party to the Aarhus Convention since 2002, from that moment it became an integral part of the legal system of the Republic of Lithuania. Aarhus Convention enshrines following rights: the right to receive information, the right of the public to participate in decision-making, and the right to apply to courts on environmental issues.

To improve civic engagement, Lithuania is striving continuously to move beyond formal compliance with legal requirements and procedures. For that in 2018, the government issued a methodology for public consultation with the aim of expanding public engagement. The Ministry of Environment routinely provides drafts of new or amended legislation for review and comments to relevant government stakeholders, social and economic partners, associations, and the public.

As of data relating to sustainable development, the Lithuanian Department of Statistics (Statistics Lithuania), together with ministries and other institutions has prepared a national list of sustainable development (SD) indicators in relation to the implementation of the UN Agenda 2030 for Sustainable Development. Databases, definitions of indicators and sources of UN and other international organizations are analyzed regularly in order to update the national list of SD indicators.  Statistics Lithuania has been  assigned to coordinate the receipt of indicators relevant for monitoring of implementation of the UN Agenda 2030 for Sustainable Development from institutions and release data on Official Statistical Portal, which is publicly available, see: <https://osp.stat.gov.lt/en/darnaus-vystymosi-rodikliai>. The portal of SDGs is being continuously improved and allows users - governmental institutions as well as companies or society to find information on SDG’s and its indicators in one place.

**6. What role does the media play in promoting sustainable development in your country? What challenges and threats do journalists face in accessing public information or reporting on or criticizing development policies?**

The media plays an important communication role in promoting sustainable development. Issues relating to the balance between the right of journalists (the public) to information and the protection of personal data are particularlyrelevant.

The Office of the Inspector of Journalist Ethics (hereinafter referred to as the Office) receives requests from journalists and public information producers/disseminators for advice and clarification on the relationship between the right to receive information from state and municipal authorities and bodies and the right to data protection under the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter referred to as the Regulation).

Some practical issues occur with the misinterpretation of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repeals Directive 95/46/EC (General Data Protection Regulation). An over-extended interpretation of this document in some instances complicates the ability of journalists to conduct investigations in relation to public figures. Each situation needs to be assessed on its own merits, but the protection of personal data and the Regulation must not prevent the exercise of journalists’ functions. In response to these issues, on 23 December 2021, Seimas of the Republic of Lithuania made the legislative change to the Law on the Provision of Information to the Public of the Republic of Lithuania, which broadened the definition of the public person. Contributing to solving this problem the Office of the Inspector of Journalist Ethics has prepared and made publicly available practical guidelines on the provision of information that is at the disposal of public sector bodies and contains personal data to journalists.

**7. What laws, policies and other institutional measures exist in your country to protect investigative journalism and whistleblowing? How effective are they and what further measures should be taken to protect journalists and whistleblowers? Where possible, please provide concrete examples of investigative journalism or whistleblowing related to sustainable development, e.g. exposure of corruption or misuse of natural resources.**

Investigative journalism and freedom of expression are protected by the Constitution of the Republic of Lithuania and the Law on the Provision of Information to the Public, as well as the Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. The proper implementation of the public interest and the freedom of expression is ensured by The Inspector of Journalists' Ethics which examine the complaints from interested parties.

In 2022 legislative amendments to the Code of Civil Procedure and the Criminal Code have been adopted to ensure protection of journalists against SLAPPs at national level. New amendments provide adequate protection against strategic lawsuit against public participation (SLAPP). Adopted rules protect journalists and civil society from such lawsuits.

1. Sources in LT: <https://www.e-tar.lt/portal/lt/legalAct/ef69f080881d11ed8df094f359a60216>, <https://www.e-tar.lt/portal/lt/legalAct/53d1fae0881e11ed8df094f359a60216> [↑](#footnote-ref-1)
2. Source in LT: <https://lrkm.lrv.lt/lt/naujienos/leistina-valstybes-pagalba-ziniasklaidos-kulturiniams-ir-svieciamiesiems-projektams-dideja-desimtis-kartu> [↑](#footnote-ref-2)
3. Source in LT: <https://www.e-tar.lt/portal/lt/legalAct/26cb843080f811ed8df094f359a60216> [↑](#footnote-ref-3)
4. Source in LT: <https://lrkm.lrv.lt/lt/naujienos/padidintos-bronio-savukyno-ir-publicistikos-premijos-laukiama-pretendentu> [↑](#footnote-ref-4)
5. Source in LT: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/435dcea2c16d11ec9f0095b4d96fd400?positionInSearchResults=3&searchModelUUID=bb9dd3df-38b5-433a-8511-d5ce6e051eda> [↑](#footnote-ref-5)
6. Source in LT: <https://lrkm.lrv.lt/lt/naujienos/visuomenes-informavimo-saugumo-projektams-paskirstyta-0-5-mln-euru> [↑](#footnote-ref-6)
7. Source <https://lrkm.lrv.lt/en/news/reform-of-the-model-for-supporting-the-media-more-funds-flexibility-and-independence> [↑](#footnote-ref-7)
8. The Law on the Provision of Information to the Public

   Article 8. Confidentiality of the Source of Information

   1. The producer, disseminator of public information, their participant or a journalist shall have the right to keep the confidentiality of the source of information and not to disclose it, except for the cases specified in this Article.

   2. A court may, by a reasoned decision, order to disclose the source of information or may apply coercive measures with an aim of disclosing the source of information where it is necessary to disclose the source of information for vitally important or otherwise significant public interests, also in order to ensure the protection of persons’ constitutional rights and freedoms and the administration of justice, and where it is impossible to disclose the source of information by any other means or where such means have already been exhausted.

   3. Search or seizure at the office, living quarters, backroom space of producers, disseminators of public information, their participant or journalists as well as in vehicles in order to disclose the source of information shall be conducted in accordance with the procedure laid down by the Code of Criminal Procedure of the Republic of Lithuania with participation of a representative authorised by the meeting of representatives of journalists’ and producers’ organisations or a witness proposed the owner or user of the said premises or vehicle. The meeting of representatives of journalists’ and producers’ organisations must approve the list of authorised representatives and present it to the institutions concerned. [↑](#footnote-ref-8)