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**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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**COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION**

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION**

**Information provided by the Republic of Lithuania
on the implementation of the concluding observations of the
Committee on the Elimination of Racial Discrimination**

[14 February 2007]

GE.07-42164

Additional information submitted in response to paragraph 29 of the concluding observations of the Committee on the Elimination of Racial Discrimination on the second and third periodic reports of the Republic of Lithuania (CERD/C/LTU/CO/3)

1. The Committee on the Elimination of Racial Discrimination considered the second and third periodic reports of the Republic of Lithuania, submitted in one document (CERD/C/461/Add.2), at its 1733rd and 1734th meetings (CERD/C/SR.1733 and 1734), held on 21 and 22 February 2006. At its 1753rd meeting (CERD/C/SR.1753), held on 7 March 2006, it adopted its concluding observations (CERD/C/LTU/CO/3).
2. In paragraph 29 of the concluding observations, the Committee requested Lithuania to inform it of its implementation of the recommendations contained in paragraphs 13, 17, 22 and 23 within one year of the adoption of these conclusions. The requested information is presented below.

**I: ACCESS TO JUSTICE
(CERD/C/LTU/CO/3, para. 13)**

3. In 2006, Lithuanian competent institutions heard several cases or complaints related to discrimination on the basis of race or ethnic origin.
4. On 10 November 2006, the Šiauliai City Regional Court rendered a first instance judgement on case where a group of persons had been charged under articles 170(1) and 171 of the Criminal Code (CC) and concluded that, in their public statements, both oral and written, these persons had scorned, incited hatred and encouraged discrimination towards the group of people – Jews – on the basis of their nationality, language, origin, religion, beliefs and opinions. An appeal has been lodged against this judgement.
5. In 2006, the Office of Equal Opportunities Ombudsman received 20 complaints relating to discrimination on the basis of ethnic origin. None of those were submitted by members of the Roma community. The decisions taken are presented in the table below (the data of 2005, when the Law on equal opportunities came into force, are given for comparison).

Table 1: Decisions taken by the Equal Opportunities Ombudsman (2005-2006)

Item No.	Decisions taken by the Equal Opportunities Ombudsman	2005	2006
1.	To address the appropriate person or institution with the recommendation to discontinue the actions violating equal opportunities or to repeal a legal act relating to that	2	7
2.	To dismiss the complaint, if the alleged violations have not been corroborated	6	2

3.	To discontinue the investigation if the complainant withdraws the complaint or when objective information concerning the violation, which has been committed, is lacking, or when the complainant and the offender reach settlement, or when acts violating equal rights are discontinued; or when a legislation violating equal rights is repealed	6	6
4.	To admonish regarding a violation which has been committed	1	none
5.	To reject the complaint if the investigation of the circumstances indicated in the complaint does not fall within the competence of the Equal Opportunities Ombudsman (article 21, paragraph 1, subparagraph 3, of of the Law on equal opportunities for women and men)	3	4
6.	The complaint is under investigation	none	1 ^a
	Total requests (complaints)	18	20

a. One complaint received in 2006 is under investigation (whether the citizens of the Republic of Poland and the citizens of the Republic of Lithuania working in the company Mažeikių Nafta receive equal remuneration for their work).

6. With a view to ensuring that all persons who have suffered discrimination on the basis of race or ethnic origin contact law enforcement institutions and that their cases are heard promptly and impartially, Lithuanian State institutions are planning to improve public awareness about human rights and to devote more attention to training for judiciary and law enforcement personnel on these issues.

7. On 19 September 2006, the Government of the Republic of Lithuania passed resolution No. 907 on the approval of the National Anti-Discrimination Programme for 2006-2008¹. The objectives of the Programme are: (a) to investigate thoroughly manifestations of discrimination, inter alia on the basis of race or ethnic origin, in all areas of public life, (b) to increase tolerance by improving public awareness and providing more information to social partners and different resident groups about non-discrimination, equal treatment, equal rights and equal opportunities, and (c) to improve the legal protection against discrimination. The Government made it mandatory for ministries and State institutions to investigate complaints of discrimination (including racial discrimination) promptly and impartially.

8. The Programme provides also for specific public awareness measures: a cycle of TV and radio programmes; contests; and a campaign against discrimination. Clear and easy to understand information on manifestations of discrimination and human rights remedies will be drafted and published. Furthermore, this Programme provides for training intended for employers, police officers, labour market institutions, trade unions

¹ Official Gazette *Valstybės Žinios*, 2006, No. 100-3872.

and non governmental organizations (NGO) representatives, pedagogues, judges and lawyers on the issues of discrimination, equal rights and their protection.

9. One of the Programme measures is to supplement article 60 of the Criminal Code with a new provision relating to aggravating circumstances, e.g.: committing a criminal act with racist or xenophobic motives or intentions.

10. When organizing training for judges, a lot of attention is devoted to human rights issues. The analysis of these issues is integrated into training programmes for particular branches of law and into the Programme for strengthening professional qualifications of judges being implemented by the Ministry of Justice. Special seminars are held. Besides, Lithuanian representatives participated in the seminar on “Non-Discrimination in Europe: Fight against Discrimination on the Basis of Race or Ethnic Origin, Religion and Other Beliefs” organized by the European Institute of Public Administration and Maastricht University in Warsaw on 16-17 October 2006.

11. The Office of Equal Opportunities Ombudsman is actively engaged in educating the general public and specific target groups about the implementation of the equal opportunities principle and the fight against discrimination. In 2006, the specialists of the Office of Equal Opportunities Ombudsman organized training sessions for the institutions subordinate to the Police Department in Vilnius, Kaunas and Alytus, for officers of the State Border Protection Service in Medininkai and Palanga, and for officers of the Fire and Rescue Service in Vilnius. During the training, the main legal instruments of the United Nations and the European Union as well as national legal texts governing non-discrimination principles were presented. During the training course, the provisions of the laws of the Republic of Lithuania and European Union directives (namely 96/97/EC, 86/378/EEC, 97/80/EC, 2000/43/EC, 2000/78/EC, 2002/73/EC and 2004/113/EC), their validity and application in Lithuania were analysed in detail. The participants were introduced to the features of complaint investigations carried out by the Office of Equal Opportunities Ombudsman and the statistics of complaints received by the Office regarding various forms of discrimination. Anti-discrimination provisions were introduced to experts in labour exchanges, representatives of trade unions and employers in Vilnius, Kaunas, Marijampolė and Alytus as well as to experts of the Ministry of Environment and its subordinate institutions in Vilnius. Municipal civil servants, business representatives and leaders of NGOs in Šiauliai, Birštonas, Marijampolė, Durskininkai and Anykščiai were introduced to the provisions of the Law on equal opportunities and the type of complaints investigated by the Office of Equal Opportunities. Three-day training was organized for 20 young Lithuanian lawyers on the theme: “EU Anti-Discrimination Law: Implementation of Directive 2000/43/EC (“implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”) and Directive 2000/78/EC (“establishing a general framework for equal treatment in employment and occupation”).

12. By order of the Prosecutor General of 8 March 2006, the competence of the Special Investigations Division of the Office of Prosecutor General was expanded to the investigation of criminal acts related to discrimination of persons and incitement to hatred. This Division was entrusted to coordinate, to manage and to carry out the pre-trial

investigations of violations of the principle of the equality of all persons and freedom of conscience and to develop a uniform practice for the pre-trial investigations of such criminal acts.

13. The concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination (CERD) and the European Commission against Racism and Intolerance (ECRI) were discussed in the meeting of the Board of the Prosecutor's Office held on 29 September 2006. The Board approved proposals to strengthen the role and activities of the Office of the Prosecutor General, which functions as a pre-trial investigation institution, in resolving the problems specified in the recommendations. The proposal to strengthen prosecutors' professional qualifications and their theoretical and practical capacities in matters related to the management of pre-trial investigation of criminal acts committed with racist and nationalistic motives, discrimination or incitement to hostility against particular groups of persons or their members was approved. The Training Methodology Division of the Office of the Prosecutor General has incorporated training on the appropriate and efficient application of the International Convention on the Elimination of All Forms of Racial Discrimination and of the provisions of the European Union, the Council of Europe and national legal instruments on racial and other forms of discrimination, incitement to racism, xenophobia and anti-Semitism into the planned training programmes for prosecutors and trainee prosecutors, in 2007. Experts from the scientific world, State and public institutions and NGOs working in the field of human rights were invited to cooperate in drafting training programmes on this subject.

14. On 11 October 2006, the Prosecutor General addressed a letter to the heads of all territorial regional and district prosecutor's offices and drew their attention to the conclusions and recommendations of CERD and ECRI. The Prosecutor General recommended that heads and prosecutors of territorial divisions of the Prosecutor's Office manage in a more efficient way the pre-trial investigations initiated under articles 169 (discrimination on the grounds of nationality, race, sex, origin, religion or any other affiliation) and 170 (inciting hostility against any nation, race, ethnic, religious or any other groups of persons) of the Criminal Code upon complaints submitted by persons. In addition, the Prosecutor General has recommended for prosecutors to use more actively the right provided to them in article 166 of the Code of Criminal Procedure (CCP) to immediately determine the features of criminal act and to initiate a pre-trial investigation in cases related to racial discrimination. Furthermore, it was recommended that prosecutors study international legal instruments in this field ratified by the Republic of Lithuania and apply them in practice more often and more efficiently to cases of pre-trial investigation of the criminal acts specified in articles 169 and 170 of the Criminal Code.

15. Besides, the Prosecutor General drew the attention of heads and prosecutors of territorial prosecutor's offices to the fact that there are such cases in practice when investigating events of a violent nature, pre-trial investigation officers and prosecutors managing the investigation do not always take into account the racist, nationalistic or discriminatory motives of these events indicated by witnesses or victims. In such cases, prosecutors were recommended not only to organize a pre-trial investigation in an objective and impartial way ensuring that the aforementioned circumstances would be

assessed during the investigation, but also to take respective procedural decisions in all cases without any exception.

16. The Prosecutor General encouraged that prosecutors of territorial prosecutor's offices in the regions would take initiative to conduct regional media monitoring. Having noticed any manifestations of discrimination against persons or particular groups of persons (CC, art. 169) or inciting hostility against any nation, race or any other affiliation (CC, art. 170) in the media, prosecutors have been encouraged, on their own initiative (e.g.: not waiting until persons who suffered from such acts have filed complaints), to start a pre-trial investigation into such criminal acts. They should also initiate investigation into such cases where any manifestations of racism, xenophobia or other intolerance are expressed in various forms during public events (meetings, demonstrations, sports competitions, exhibitions, etc.) held in regions.

II. PROVISION OF TRAINING TO LAW ENFORCEMENT PERSONNEL (CERD/C/LTU/CO/3, para. 17)

17. In Lithuania there are several independent institutions mandated to control police activities and authorized to investigate potential manifestations of discriminatory or racist behaviour on the part of the police. Article 10, paragraph 1, regarding the "Control of Police Activities" of the Law on police activities² stipulates that the Minister of the Interior and authorized institutions, namely the Prosecutor's Office, Seimas Ombudsmen's Office, the Office of Equal Opportunities Ombudsman and the administrative courts, exercise control over police activities.

18. Injured parties may submit information on inappropriate behaviour of police officers directly to the heads of the police. For instance, on 26 January 2006, the Crime Investigation Service of Criminal Police of Vilnius Chief Police Commissariat started a pre-trial investigation into the manifestations of the criminal act referred to in article 228 of the Criminal Code as "abuse of authority" on the basis of the information about the beating of a member of the Roma community during his arrest. Furthermore, on 21 June 2006, the Crime Investigation Service of Criminal Police of Vilnius Chief Police Commissariat started a pre-trial investigation into the manifestations of the criminal act specified in article 229 of the Criminal Code as "non-compliance with the duties of the office", regarding the negligent behaviour of the police when investigating the complaint filed by a citizen of Chechnyan nationality.

19. In recent years there have indeed been several conflicts between the police and members of the Vilnius Roma community when an attempt has been made to introduce stricter control over the Vilnius Roma settlement and to prevent illegal actions performed by members of this community. After these events a decision was made to look for different forms of a constructive dialogue between Roma people and police representatives. Members of the Roma community quite actively cooperate in the forms of dialogue proposed. Currently, a dialogue between the police and members of the Roma

² Ibid., 2000, No. 90-2777

community is held whenever the need for it is expressed on the initiative of either side. Meetings are attended by representatives of Vilnius City Chief Police Commissariat and the Vilnius Roma community. Besides, every week, a resident reception is organized at the police station in the vicinity of the Vilnius Roma settlement according to the announced schedule.

20. Under decision No. 1-838 of 22 June 2005, the Vilnius City Municipality approved the Programme for Ensuring Maintenance and Safety in the Vilnius Roma Community and Other Territories around the Settlement and for Reduction of Roma Segregation for 2005-2010. Vilnius City Chief Police Commissariat is among the participants in the implementation of the aforesaid programme.

21. Better access to legal information would allow Roma representatives to file complaints against illegal actions of the police and other institutions in a qualified manner. To this end, the Vilnius City Municipality provides legal services to residents of the Vilnius City free of charge. The persons residing in the Vilnius Roma settlement located in Kirtimai neighbourhood have been informed about the possibility of receiving legal advice free of charge.

22. Article 4 of the Law of the on police activities provides that, in compliance with laws and other legal acts, the police impartially protect all persons who are in the territory of the Republic of Lithuania, regardless of their nationality, race, sex, language, origin, social status, religious beliefs, convictions or views. In article 5 of the same law, the protection of human rights and freedoms is indicated as being the first task of the police.

23. Since 2001, the Lithuanian Police Training Centre has been organizing general training under the programme “Police and Human Rights”. This programme is aimed at conveying the significance of the implementation of human rights principles in the police and providing knowledge of the international and European systems of human rights protection. In 2003, this programme was expanded and updated.

24. Currently, police officers participate in the 8-academic-hour advanced qualification programme “Human Rights Protection and Ethical Conduct of Police Officers”. The training is organized around lectures and workshops. During the training, police officers are familiarized with the definition of racial discrimination as contained in the International Convention on the Elimination of All Forms of Racial Discrimination, the features of the application of article 14 (Prohibition of Discrimination) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and potential violations are analysed.

25. Since 2002, implementing the “Universal Police Patrol” concept, training programmes have been drafted for patrols working in public order, protection organizations, and traffic control and prevention divisions. The thematic plans of these training programmes include such general subjects as “Protection of Human Rights and Freedoms” and “Professional Ethics of Police Officers”. These advanced qualification courses for police patrols have been organized by higher-level police commissariats.

**III. PROGRAMMES AND PROJECTS RELATING TO THE HEALTH
SITUATION OF THE ROMA COMMUNITY
(CERD/C/LTU/CO/3, para. 22)**

26. Under the Law on health system³ and the Law on health insurance⁴, Roma people have equal rights to health care as all other residents of Lithuania. In compliance with article 6 of the Law on health insurance, the insured and persons covered by compulsory health insurance are not categorized according to nationality, race or sex. Under article 49 of this law, the right to receive State-funded personal health care is enjoyed by citizens of the Republic of Lithuania and foreign national as well as stateless persons who are permanent residents of Lithuania. In the institutions of the Lithuanian national health care system, basic medical care is provided free of charge to all permanent residents, irrespective of whether they are covered by compulsory health insurance and the number of patient's visits to the medical treatment institution per calendar year and his or her place of residence.

27. Personal health care services are provided to the members of the Roma community living in Vilnius in the same way as to all other residents of the Republic of Lithuania, in compliance with the aforementioned legal acts. The organization of their health care services falls under the competence of Vilnius City Municipality. Roma people covered by health insurance (mothers who have more than three children, children under 18 years of age, persons with disabilities, employed persons or persons registered in the Labour Exchange) choose their family doctor (general physician). Only basic medical care is provided to those who are not covered by health insurance. The majority of Roma people receive medical treatment at the Naujininkai clinic, which serves the territory where the Roma settlement is located. At present, there are 190 adults and 189 children registered in the Naujininkai clinic. At this clinic, Roma people receive primary and secondary health care services. If necessary, Roma people may be sent, according to the general procedure, to institutions providing in-patient personal health care services.

28. Upon expiry of the in-patient treatment period which is covered by the Patients' Fund, costs of nursing and supporting care provided to residents of the Vilnius City who are not covered by compulsory health insurance (including Roma people) are paid by the Health and Social Security Department of the Vilnius City Municipality in compliance with decision No. 371 on the "Approval of the payment procedure for services provided to patients who are not covered by compulsory health insurance and whose inpatient treatment period, which is covered by the Patients' Fund, has expired, in supporting care and nursing hospitals and inpatient personal health care institutions" of 18 July 2001 of Vilnius City Municipality Council and decision No. 1-567 on the "Amendment to Council decision No. 371 of 18 July 2001" of 17 November 2004 of Vilnius City Municipality Council.

³ Ibid., 1994, No. 63-1231, and 1998, No.112-3099.

⁴ Ibid., 1996, No 55-1287, and 2002, No. 123-5512.

29. In 2006, a total of 15,000 litas was allocated for the provision of mobile health care services to the Roma community, of which an amount 9,800 litas was spent on pharmaceuticals. These funds were used for the activities of the mobile health care office of the Vilnius Centre for Addictive Disorders in the settlement. Medical personnel provided health care services and consultations to Roma people and implemented preventive measures against infectious, skin and addictive disorders.

30. Implementing the Programme for Ensuring Maintenance and Safety in the Vilnius Roma Community and Other Territories around the Tabor and for Reduction of Roma Segregation for 2005-2010, the Vilnius City Municipality intends to further provide basic health care to persons who are not covered by health insurance and mobile health services (programme "The Blue Minibus"). At its own expense, the municipality ensures maintenance of the roads, pavements and water hydrants as well as the children's playground and athletic field located in the Roma residential territory, lighting of the settlement and surrounding territories as well as maintenance of the electricity network. Waste removal is organised as well. In addition to the aforementioned health care and territory cleaning and maintenance measures, this Programme contains specific measures aimed at resolving problems related to education and development, social assistance and aid, employment promotion, accommodation, crime prevention, and abuse of narcotic and psychotropic substances.

31. In other counties and municipalities such as Alytus, Kaunas, Klaipėda, Marijampolė or Šiauliai, Roma people live not in settlements but in their own housing and their lifestyle does not differ from their neighbours and they receive medical treatment in the same way as all residents of Lithuania.

IV. REGARDING ARTICLE 18 (1) OF THE NEW LAW ON CITIZENSHIP (CERD/C/LTU/CO/3, para. 23)

32. On 13 November 2006, the Constitutional Court of the Republic of Lithuania passed its ruling on the compliance of the legal acts regulating citizenship relations of the Republic of Lithuania with the Constitution. Among other issues, the Constitutional Court investigated whether article 18 of the Law on citizenship is not in conflict with articles 29 and 12 of the Constitution.

33. The Constitutional Court stated that "all residents of the Republic of Lithuania, irrespective of their ethnic origin, are equal according to the Constitution; they must not be discriminated against or granted any privileges on the basis of their ethnic origin or nationality". The Constitutional Court established that paragraph 2 of article 18 of the Law on citizenship is in conflict with the Constitution. Furthermore, the Constitutional Court indicated that "no matter how the legal regulation of citizenship relations of the Republic of Lithuania may be revised in the future, the provisions of the Constitution, which inter alia provide for the equality of all persons and non-discrimination on the basis of one's ethnic origin must be respected".

34. Under article 72 of the Law on the Constitutional Court⁵, a law (or part thereof) may not continue to be applied from the day of the official promulgation of the Constitutional Court ruling deciding that the act in question (or part thereof) is in conflict with the Constitution of the Republic of Lithuania. Decisions based on legal acts which have been recognized as being in conflict with the Constitution or laws must not be executed, if they have not been executed prior to the appropriate Constitutional Court ruling.

35. As under the Ruling of the Constitutional Court referred to above, part of the provisions of the Law on citizenship were recognized as being in conflict with the Constitution, on 20 December 2006, the Prime Minister of the Republic of Lithuania formed a working group to analyse the issues related to the concept of Lithuanian citizenship under the current conditions of the Lithuanian statehood development. The working group was authorized to present proposals by 1 February 2007.

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⁵ Ibid., 1993, No. 6-120