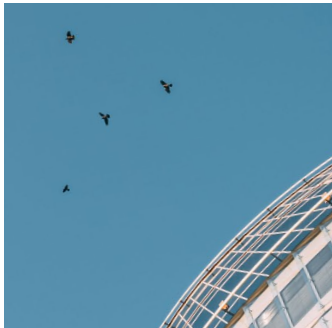




**ANNUAL REPORT OF 2022**  
ON THE ACTIVITIES OF THE SEIMAS  
OMBUDSPERSONS' OFFICE OF THE  
REPUBLIC OF LITHUANIA - THE NATIONAL  
HUMAN RIGHTS INSTITUTION



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## FOREWARD BY THE SEIMAS OMBUDSPERSONS



In review of the past year 2022, it should first of all be mentioned that in the implementation of its mission, the Seimas Ombudspersons' Office, like other state institutions, operated in the background of a special constitutional context: last year, the Republic of Lithuania celebrated two important anniversaries of its statehood – the 100th anniversary of the first modern permanent Constitution of the State of Lithuania and the 30th anniversary of the Constitution of the Republic of Lithuania, which is currently in effect. To mark these anniversaries, the Seimas of the Republic of Lithuania has declared year 2022 the Year of the Constitution of the State of Lithuania.

Since the content of the Constitution as a law limiting power and a social contract, reveals itself not only in the sense that it establishes fundamental human rights and freedoms, but also that it provides for a mechanism for their defence, it is

important to note that currently the constitution, which was adopted by the will of the citizens in a referendum held on 25 October 1992, is in effect. The Constitution of the Republic of Lithuania adopted by referendum in October 1992 is unique in comparison with constitutions of the inter-war period, i.e. the constitutions of 1918-1940, in that, inter alia, it introduces a pioneering institution for the defence of human rights and freedoms – the Seimas Ombudspersons – for the first time in the history of Lithuanian constitutionalism. It is safe to say that during the period of its functioning from 1994 to the present day, this constitutional institution has established itself as an effective instrument for the protection of human rights in the national human rights system.

The implementation of the mission of the Seimas Ombudspersons – to pay attention to and assist each individual by protecting and



respecting human rights and freedoms and promoting dialogue between the individual and the government, so that government institutions can serve the people well – continued successfully in 2022, with the three main objectives (mandates) assigned to the Ombudspersons: investigating citizens' complaints of abuse and bureaucracy by state and municipal officials (except judges), the prevention of torture and the functions of the national human rights institution.

Before starting to list the achievements in the above-mentioned areas, it is important to note that the Seimas Ombudspersons' Office was also involved in solving issues of global concern: within the limits of our competence, we consider it our duty to protect universal democratic values, such as respect for human life and dignity, and the territorial integrity of states. Russia's ongoing aggression against Ukraine is a clear example of what happens when there is no respect for the law, the rule of law and human rights. The Seimas Ombudspersons have been actively involved in the work of multilateral ombudsmen and national human rights institutions in support of Ukraine and the Ukrainian Ombudsmen's Office. On 31 March 2022, the Head of the Seimas Ombudspersons' Office Erika Leonaitė participated in the General Assembly of the European Network of National Human Rights Institutions (ENNHRI), which focused on the situation in Ukraine and the situation concerning Ukrainian war refugees.<sup>1</sup> It should be noted that staff of the Seimas

Ombudspersons' Office has taken specific actions and also contributed to the provision of assistance to Ukrainians<sup>2</sup>.

Moreover, the past year has opened up some gaps in the Lithuanian legal system with regard to the consequences of the migration crisis on the Lithuanian-Belarusian border in the context of European Union law. As could have been predicted, the Lithuanian courts have been engaged in legal proceedings concerning the validity and legality of the measures taken during the crisis, in particular the detention of persons. The legislative decisions taken to deal with the migration crisis and the practice of their application have had a significant impact on the whole asylum procedure in Lithuania, which has been in place for three decades. The Seimas Ombudspersons' Office has also devoted considerable attention to this issue. Erika Leonaitė discussed the most important challenges concerning human rights in the context of the migration crisis and possible solutions at a number of meetings with representatives of the European Union Agency for Fundamental Rights (FRA), the European Border and Coast Guard Agency (Frontex), the Ministry of the Interior, the State Border Guard Service, the United Nations High Commissioner for Refugees, the United Nations Refugee Agency, and the international organisation Amnesty International. In the exercise of its functions as a national human rights institution, the Seimas Ombudspersons' Office provided comments and suggestions on the improvement of legal regulation and draft laws, participated in discussions and consultations, monitored the situation of human rights and freedoms in registration centres for foreigners, drew attention of the

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<sup>1</sup> <https://www.lrski.lt/naujienos/ennhri-generalines-asamblejos-metu-demesys-ukrainai-ir-nuo-karo-begantiems-jos-zmonems/>

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<sup>2</sup> <https://www.lrski.lt/naujienos/parama-ukrainos-vaikams/>

Lithuanian institutions and the public to the gaps in ensuring their rights and freedoms.

In 2022, in the framework of the mandate of national prevention of torture, the Seimas Ombuds-person Erika Leonaitė and the Human Rights Division of the Seimas Ombudspersons' Office visited the Kybartai and Medininkai Foreigners' Registration Centres and, on the basis of the inspections carried out, published two detailed reports on the situation of human rights and freedoms at these centres.

During the reporting period, just like in the previous years of its operations, the Seimas Ombudspersons' Office investigated complaints from applicants regarding abuse by officials, bureaucracy or other violations of human rights and freedoms in the field of public administration. Thus, this area of activity – the investigation of complaints – is always the centre of attention. In order to ensure that the individual's right to proper public administration is enforced in reality, the Seimas Ombudspersons use all the rights granted by the Constitution and the law to them to investigate complaints, objectively assess the circumstances complained of, take decisions, make recommendations to institutions, analyse information on the implementation of the recommendations, and take other measures, if necessary, to ensure their effective implementation. The Seimas Ombudspersons try to respond to information received through the media or other means about possible abuse by officials, bureaucracy or any other violation of human rights and freedoms: 16 own-initiative investigations were launched last year. Thus, in 2022, the Seimas Ombudspersons received a total of 2,835 complaints from individuals within their remit, resulting in 1,420 complaint cases (1,015 against officials of public institutions and 405 against officials of municipalities).

Looking at the subject matter of the complaints received, social and economic rights remained a high priority issue in 2022: the Seimas Ombudspersons received requests from applicants who raised various problems with social assistance, the provision and adaptation of social housing, provision of social services and similar issues.

After establishing the norms and principles reflecting the social orientation of the state in the Constitution, it is important not only to declare them, but also to implement them in practice. The Constitution enshrines the state's duty to ensure the protection and defence of human dignity, which implies, inter alia, that State institutions and officials have a duty to respect human dignity as a special value. Violations of individual rights and freedoms may also undermine personal dignity. The state must establish a social welfare system that maintains living conditions consistent with the dignity of the individual and, where necessary, provides the individual with the necessary social protection.<sup>3</sup>

In other words, looking at the actual situation in the country, proper implementation of social and economic rights remains a major challenge for the state, and that their neglect can have negative consequences, especially for the most socially vulnerable and other vulnerable members of the society: the elderly, persons with disabilities, etc. For this reason, the Seimas Ombudspersons, who are primarily seen as human rights defenders – intermediaries between the individual and the public authorities – must help to ensure that public authorities do not infringe the rights and

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<sup>3</sup> For example, the Resolution of the Constitutional Court of the Republic of Lithuania of 9 December 1998, the Resolution of the Constitutional Court of the Republic of Lithuania of 9 December 2004, the Resolution of the Constitutional Court of the Republic of Lithuania of 2 September 2009.

freedoms of individuals in the areas of socio-economic life, and that the state fulfils one of its most important missions, namely, the proper allocation of available resources to all members of society. Thus, by examining complaints from individuals, initiating investigations into fundamental violations of human rights and freedoms, preventing torture, and monitoring human rights, the Seimas Ombudspersons strive and will continue to strive to pay attention to respect for the dignity of the individual, the proper exercise of economic and social rights, and the prevention of violations of the law, so that the dignity of the individual is protected and respected.

Another topic to be briefly presented is the persistent failure of public authorities and municipalities to meet the deadlines for handling complaints. In other words, there is a trend towards an increasing number of institutions that fail to deal with applicants' requests and complaints within the time limits laid down in the legislation, citing a lack of human resources. This suggests that the institutions do not ensure control over the handling of complaints and do not respect the principles of responsible management and good administration. The Seimas Ombudspersons point out that the heads of institutions and bodies are responsible for compliance with the requirements of legal acts in institutions and bodies. It is often observed that when the Seimas Ombudspersons initiate investigations into complaints or mediate, the requests and complaints of applicants are examined immediately.

In their complaints, applicants also raise issues relating to their right to receive certain information from state and municipal authorities. This includes cases where state and municipal institutions ignore the obligation to publish the Seimas Ombudspersons' statements and information on

the results of the examination of recommendations made to them. This restricts the right of individuals to know about the activities of the institution and the violations found.

It should also be noted that during the reporting year, the Seimas Ombudspersons' Office received a number of complaints regarding the actions/inaction of officials in the field of land management and administration. Complaints were lodged against the verification of cadastral data of land plots, activities of land surveyors, change of cadastral data of land plots in the cadastre of immovable property, special conditions for the use of land, the design of slip roads, the transfer of access roads to land plots and roads of gardeners' associations under the supervision of municipalities and the establishment of an easement by an administrative act, state control of land use, occupation of state land, use of land for purposes other than its intended purpose and type of use, land plot formation and redevelopment projects, land reform land-use planning projects, restoration of property rights to land in Vilnius city, delimitation of municipal territories, etc.

A significant share of the complaints addressed to the Seimas Ombudspersons are complaints from prisoners and the problems they raise, as well as complaints about the actions/inaction of officials of the penal enforcement system. Last year, as in previous years, prisoners complained about the actions of officials in applying disproportionately harsh measures that excessively restrict the rights of persons in prison. A significant proportion of complaints from prisoners and detainees still concern detention conditions. This category includes complaints about the furnishing of the premises, the provision of household amenities, the compliance of the living environment with the requirements of hygiene standards, etc.

In accordance with the provisions of the Law on the Seimas Ombudsmen, after conducting an investigation, the Seimas Ombudspersons may take the following decisions: to declare the complaint justified, to dismiss the complaint, or to discontinue the investigation of the complaint. In this context, it is important to mention that the law allows for the possibility to refuse to examine a complaint in certain cases, but the Seimas Ombudspersons try to help the complainants in every possible way, by providing written and oral explanations on the remedy of their rights, giving them the opportunity to express their concerns in their municipality of residence<sup>4</sup> or in the Seimas Ombudspersons' Office<sup>5</sup>, successfully applying the so-called mediation

institute, where the Seimas Ombudspersons, after assessing the circumstances of the complaint and deciding that it is appropriate to deal with the person's complaint in another institution, mediate with the competent public administration institution or body, and allow the public administration entity to resolve the problem identified in the complaint in good faith. In this case, although the Seimas Ombudspersons do not investigate the substance of the complaint, they usually make recommendations on how to improve public administration and address possible violations of human rights. It should be noted that mediation by the Seimas Ombudspersons is usually successful in resolving the problem identified in the complaint more quickly and efficiently.

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<sup>4</sup> In 2022, visits were organised to the following municipalities: the Ukmergė District, Kaunas City, Kaunas District, Trakai District, Panevėžys City, Panevėžys District, Prienai District and Birštonas municipality.

<sup>5</sup> In 2022, 39 applicants were admitted to the Seimas Ombudspersons' Office on a pre-announced admission date.

As foreseen in the Law on the Seimas Ombudsmen, the following chapters of the report present detailed and structured information on the activities of the Seimas Ombudspersons in the reporting year 2022, illustrating it with specific examples.

## MANDATES OF THE SEIMAS OMBUDSPERSONS

Article 73 of the Constitution of the Republic of Lithuania (hereinafter – the Constitution) establishes that the Seimas Ombudspersons have the duty to investigate the citizen's complaints about the abuse of office by, or bureaucracy of, state and municipal officials (except judges). The second part of the same article provides that the powers of the Seimas Ombudspersons shall be established by the Republic of Lithuania Law on the Seimas Ombudsmen (hereinafter – the Law on the Seimas Ombudsmen, the Law). Article 3 of the Law states that there are three main objectives (mandates) of the activities of the Seimas Ombudspersons:

- 1) defend the human right to good public administration that ensures human rights and freedoms, ensuring that public authorities comply with their duty to properly serve the people;
- 2) promote respect for human rights and freedoms in the exercise of the functions of a national human rights institution;
- 3) carry out national prevention of torture in places of detention in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### Investigation of complaints

The mandate of the Seimas Ombudspersons has been implemented through the investigation of citizens' complaints regarding the abuse of office by, and bureaucracy of, officials. This constitutional mandate arises from Article 73 of

the Constitution and is laid down in detail in the Law on the Seimas Ombudsmen. The investigation of complaints accounts for the major part of the Seimas Ombudspersons' activities which has received particular attention. With a view to achieving that the person's right to proper public administration becomes real, the Seimas Ombudspersons investigate complaints exercising all the rights provided by the Law, objectively assessing the circumstances of a complaint, making decisions, issuing recommendations to institutions, analysing information on the implementation of these recommendations, and, if necessary, taking other measures to ensure effective implementation of the recommendations. The Seimas Ombudspersons actively respond to the information received from media or by other means about possible abuse of office by officials, bureaucracy or other violations of human rights and freedoms. In such cases, the Seimas Ombudsperson conducts investigations on his/her own initiative.

Given that a detailed investigation of a complaint often requires obtaining additional clarifications from the authorities, carrying out inspections, and requesting conclusions from other authorities within their respective areas of competence, all of which are time-consuming, the practice of mediation is used in order to resolve the complainant's issue as quickly as possible. The right of Seimas Ombudspersons to mediate between an individual and an official who does not resolve his/her problem is a traditional right of ombudsmen exercised worldwide. This right is also enshrined in the Law on the Seimas Ombudsmen,



the provisions of which allow the Seimas Ombudpersons to mediate in pursuit of resolving a person's problem in good faith. By mediating between individuals and state or local government bodies and by making recommendations on how the complainant's problem should be resolved, the Seimas Ombudperson draws the attention of officials to shortcomings in their work and to violations of human rights in public administration. If the mediation procedure does not resolve the complainant's problem and the recommendations are not followed, the complaint is investigated on its merits. It should be noted that the mediation procedure allows for a significant reduction in the time taken to investigate complaints and to resolve issues relevant to complainants within 1-1.5 months, paying more attention to the pressing problems relevant to a large part of the society.

Only when people are confident that their rights and freedoms are protected and are effectively defended in the event of their violation, confidence in the State and its institutions will increase. Effective protection of human rights and freedoms is ensured by a variety of means: by investigating complaints, conducting investigations on own initiative, mediating between individuals and the State, collaborating with non-governmental organizations, etc. It should be emphasized that human rights are effectively protected only when all the planned human rights remedies are implemented, without restricting any of them.

### **National prevention of torture**

Since 2014, the Seimas Ombudpersons have been carrying out national prevention of torture (hereinafter also referred to as NPT) by regularly

visiting the places of detention. According to 19<sup>1</sup> (2), a place of detention is any place under the jurisdiction or control of the Republic of Lithuania, where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence, i. e. arrest houses, imprisonment institutions, nursing homes, mental health facilities, communicable disease treatment facilities, places of detention of foreigners and other institutions. According to the data available to the Seimas Ombudpersons' Office, there are more than 400 places of detention in Lithuania.

In carrying out the national prevention of torture, the Seimas Ombudpersons exercise broad powers, i.e. the right to choose which places of detention to visit and what persons to interview, to enter all places of detention and all the premises inside them, to acquaint with their facilities and infrastructure, to speak without witnesses with persons deprived of liberty, as well as to interrogate any other person who may provide the relevant information. In addition, the Seimas Ombudpersons have the right to conduct inspections of the places of detention together with selected experts. In performing this function, the places of detention are regularly visited and inspected to determine whether there are any manifestations of torture, other cruel, inhuman or degrading treatment, and other violations of human rights; furthermore, the implementation of the Seimas Ombudpersons' recommendations is supervised.

In performing national prevention of torture, it was ascertained that the prevention of torture and other violations of human rights is important and has positive effects such as: detection of various types of human rights violations that

were not known during the investigation of complaints, drawing attention of the institutions to the problems and aspects that are likely to give rise to the violation of rights of individuals in places of detention, the promotion of a progressive, respectful approach to attain the long-term goal of ensuring that the rights of persons in places of detention are not violated.

The ongoing national prevention of torture is an important contribution to the improvement of the human rights situation in the country through the implementation of the recommendations made to Lithuania by the United Nations (hereinafter also – the UN) Human Rights Council and various other international institutions.

### Nacional Human Rights Institution

The origin and scope of activities of national human rights institutions (hereinafter also – the NHRI) are closely linked to the international mechanism of the protection of human rights. The concept of the NHRI activities was formulated by the UN General Assembly in 1993 in Resolution No 48/134, which encourages Member States to set up NHRIs, emphasizes the need for such institutions to adhere to the principles defining their status, the operational guidelines and the main requirements (designated as the Paris Principles). The adopted document foresees that the status of the NHRI is assigned to the country's institutions if they are independent and able to ensure that international human rights organizations will be provided with the objective insights (opinion) on the progress of human rights in the country, they shall be able to, independently of the executive power of the State, participate in the discussion of the reports generated by the State in implementing

requirements of the provisions of the UN Convention for the Protection of Human Rights.

On 23 March 2017, the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights accredited the Seimas Ombudspersons' Office as an NHRI (Status 'A') in line with the Paris Principles. On 7 December 2017, the Seimas of the Republic of Lithuania (hereinafter also – the Seimas) passed the Law (entered into force on 1 January 2018) amending Articles 3, 19 and 19<sup>1</sup> of the Law on the Seimas Ombudsmen No VIII-950 and adding Article 19<sup>2</sup> which defined new areas of competence of the Seimas Ombudspersons in the exercise of the following functions attributable to the National Human Rights Institution:

- ♦ to carry out human rights monitoring in Lithuania and to prepare reports on the human rights situation;
- ♦ to carry out the dissemination of information on human rights and public education on human rights;
- ♦ to present assessment of the human rights situation in Lithuania to international organizations and to provide them with information in accordance with the obligations established in the international treaties of the Republic of Lithuania;
- ♦ to make proposals to state and municipal institutions and bodies on human rights problems;
- ♦ to seek harmonization of national legislation with the international obligations of the Republic of Lithuania in the field of human rights;
- ♦ to initiate investigations into the fundamental human rights problems.

It is necessary to emphasize the particular importance of the role of the NHRI in systematically analysing and summarizing the information for continuous reporting on the fundamental human rights issues, assessing the conformity of national legal acts with the universally recognized human rights principles and standards, proposing conditions for the elimination of potential violations of human rights, etc. In performing the functions of

the NHRI, a significant attention has been paid to the human rights standards developed by universal and regional international human rights protection mechanisms, the jurisprudence of the European Court of Human Rights (hereinafter – the ECHR), cooperating with public authorities and non-governmental organizations, involving experts, representatives of the academic community working in various fields of human rights.

# I. REPORT ON THE ACTIVITIES OF THE SEIMAS OMBUDSPERSONS IN COMPLAINT HANDLING

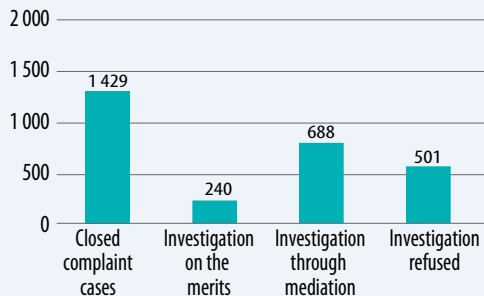
## STATISTICS OF COMPLAINT HANDLING IN 2022

In 2022, the Seimas Ombudspersons' Office received a total of 2,835 applications from natural and legal persons and opened 1,420 complaint cases.

<b>Complaint cases opened</b>	<b>1 420</b>
<b>Closed complaint cases:</b>	<b>1 429</b>
Investigation on the merits	<b>240</b>
Mediation	<b>688</b>
Investigation refused	<b>501</b>
<b>Decisions made in the cases investigated on the merits<sup>6</sup> :</b>	<b>385</b>
To recognise a complaint to be justified	<b>203</b>
To dismiss a complaint	<b>102</b>
To discontinue investigation	<b>80</b>
<b>Investigations on the initiative of the Seimas Ombudspersons</b>	<b>10</b>
<b>Problems investigated and decisions made</b>	<b>17</b>
Fact of violation confirmed	<b>14</b>
Fact of violation not confirmed	<b>0</b>
Investigation discontinued	<b>3</b>
<b>Recommendations from the Seimas Ombudspersons</b>	<b>1 741</b>

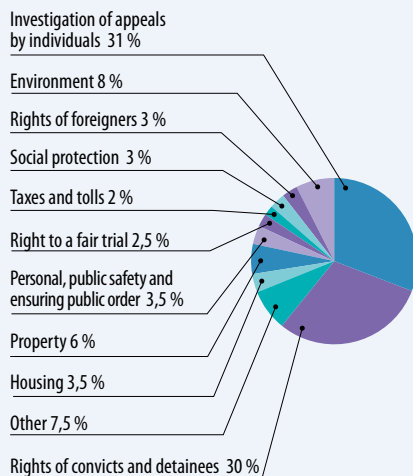
A complaint case is closed once the complaint has been investigated on the merits, investigated by mediation or when the investigation is refused.

In 2022, the Seimas Ombudspersons investigated 240 complaints on the merits, 688 through mediation, and refused 501 complaints (Figure 1).



**Figure 1.** Complaint cases closed in 2022

## Grouping of complaints received in 2022 by area



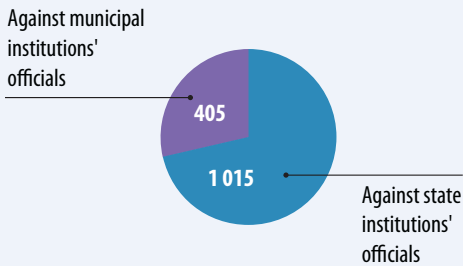
**Figure 2.** Complaints received from individuals by area

<sup>6</sup> It should be noted that a single complaint case usually raises several issues, so that the number of decisions taken on the merits of complaints is higher than the number of complaint cases handled.

In terms of issues, 31% of all complaints received by the Seimas Ombudspersons in 2022 were related to the handling of individual' appeals in state and municipal institutions, 30% - to the restriction of liberty, 8% - to the environment, and 6% - to property issues (Figure 2).

In 2022, a group of complaints concerning the rights of foreigners stood out compared to the previous year (3% of the total number of complaints handled). This relates to ensuring the rights of war refugees from Ukraine and persons who have crossed the Lithuanian-Belarusian border into the Republic of Lithuania. The percentage of complaints on other issues remained similar.

There were 1,015 complaints concerning the activities of officials of public authorities and bodies, and 405 complaints concerning municipal authorities and bodies (Figure 3).

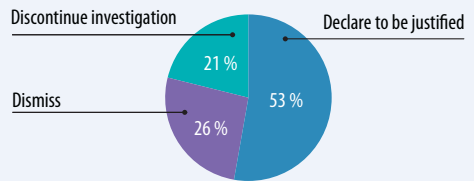


**Figure 3.** Distribution of complaints received in 2022

Having examined a complaint case on the merits, the Seimas Ombudspersons make one of the following three decisions: to declare a complaint (a part of it) justified, to dismiss a complaint (a

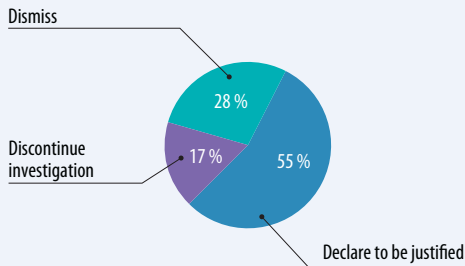
part of it) (to declare it to be unjustified), or to discontinue the investigation of a complaint (a part of it). It should be noted that the investigation of the complaint is also closed in cases where the problems raised in the complaint are resolved in good faith through the mediation of the Seimas Ombudspersons.

In 2022, having investigated complaints on the merits, the Seimas Ombudspersons in 53% cases decided to declare a complaint to be justified, dismissed a complaint in 26% of cases, and discontinued an investigation of a complaint in 21% of cases (Figure 4).



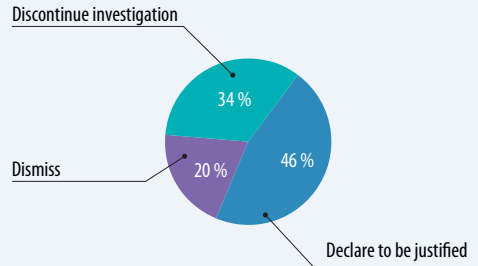
**Figure 4.** Results of decisions taken following an investigation of a complaint on the merits

In the investigation of complaints regarding the activities of state institutions and bodies and their officials, slightly more than a half of the complaints investigated (55%) were found to be justified, 28% were dismissed and 17% were closed (Figure 5). In most cases, investigations were discontinued when the problems raised in the complaint were resolved in good faith through the mediation of the Seimas Ombudsperson, or when it became apparent that the complaint is or was pending before a court.



**Figure 5.** Distribution of decisions made in respect of state authorities and bodies

46% of the complaints investigated on the merits were found to be justified, 20% were dismissed and 34% were closed (Figure 6).



**Figure 6.** Distribution of decisions made in respect of municipal authorities and bodies

In the investigation of complaints against municipal institutions and bodies and their officials,

### Statistics on complaint investigations by ministries and bodies under their authority

The Ministry and the bodies and institutions under its authority	Complaints received	Investigation refused	Mediated	Complaints investigated on the merits	Decisions made	Justified complaints	Dismissed complaints	Investigation discontinued	Recommendations provided
<b>Justice</b>	562	251	183	137	163	84	58	21	501
<b>The Interior</b>	168	74	82	19	27	20	5	2	206
<b>Agriculture</b>	102	39	46	21	26	19	4	3	140
<b>Environment</b>	77	22	29	27	29	20	3	6	156
<b>Social security and labour</b>	56	21	28	9	13	3	3	7	66
<b>Health</b>	41	12	14	11	11	4	5	2	43
<b>Transport</b>	25	12	11	1	3	0	2	1	16
<b>Finance</b>	20	14	5	3	3	1	1	1	18
<b>Economy and innovation</b>	15	7	8	2	2	0	1	1	10
<b>Education, science and sport</b>	5	3	2	0	0	0	0	0	11
<b>Culture</b>	4	3	0	0	0	0	0	0	0
<b>Foreign Affairs</b>	3	2	1	0	0	0	0	0	1
<b>National Defence</b>	1	1	0	0	0	0	0	0	0
<b>Energy</b>	1	0	0	0	0	0	0	0	0

Among the institutions under the Ministry of Justice, the Department of Prisons and imprisonment institutions under its subordination (now – the Prison Service) stood out, with 542 complaints received regarding this institution.

Among the institutions falling under the authority of the Ministry of the Interior, the Migration Department (57 complaints received), the Police Department with its police commissariats (53 complaints received), and the State Border Guard Service (33 complaints received) can be distinguished.

Among the bodies under the authority of the Ministry of Agriculture, the National Land Service and its territorial units stood out (92 complaints received).

Among the bodies under the jurisdiction of the Ministry of the Environment, 42 complaints were received regarding the State Territorial Planning and Construction Inspectorate and its departments.

Among the institutions under the authority of the Ministry of Social Security and Labour, the State Social Insurance Fund Board (11 complaints received) and the Child Rights Protection and Adoption Service (10 complaints received) stood out.

### Statistics on complaint investigations by municipality and its subordinate institutions

The table below shows the municipalities and institutions subordinate to them accounting for the largest number of complaints (five or more) in 2022.

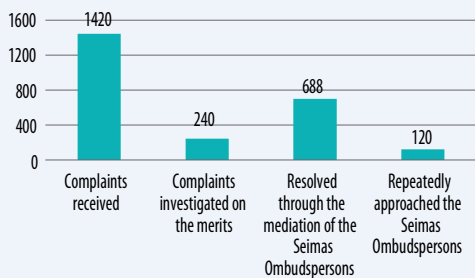
Municipality	Complaints re-received	Investigation refused	Mediated	Complaints investigate on the merits	Decisions made	Justified complaints	Dismissed complaints	Investigation discontinued	Recommendations provided
Vilnius City	132	38	71	23	27	16	2	9	155
Ukmergė District	41	21	16	2	2	1	1	0	18
Kaunas City	29	7	19	4	4	0	0	4	38
Palanga City	28	2	22	3	4	1	1	2	12
Klaipėda City	19	5	11	3	3	2	1	0	19
Šiauliai City	13	1	9	2	3	1	1	1	17
Klaipėda District	12	4	5	3	5	3	0	2	16
Trakai District	10	0	8	3	6	2	0	4	24
Mažeikiai District	9	2	5	1	2	2	0	0	17
Vilnius District	9	3	3	2	2	0	2	0	5
Kretinga District	8	2	5	1	1	1	0	0	16
Prienai District	8	2	4	1	1	0	1	0	6
Druskininkai	7	3	2	2	4	2	2	0	5
Panevėžys City	7	0	5	2	3	0	1	2	6
Jonava District	6	0	1	5	7	5	0	2	11
Kaunas District	5	0	4	0	0	0	0	0	6
Zarasai District	5	0	5	2	2	0	0	2	13
Kaišiadorys District	5	1	3	0	0	0	0	0	4

The majority of complaints was received against Vilnius City Municipality and its subordinate bodies. More than a half of the problems raised were resolved through mediation. 23 complaints were investigated on the merits and 60% of them were found justified.

It should be noted that in 2022, no complaints were received and investigated against the actions of officials of the municipalities of Alytus, Biržai, Ignalina, Kalvarija, Kazlų Rūda, Kelmė, Molėtai, Pakruojis, Raseiniai, Šakiai, Šilalė, Švenčionys, Šilutė, Švenčionys and Visaginas, and institutions subordinate to them.

### Mediation by the Seimas Ombudspersons

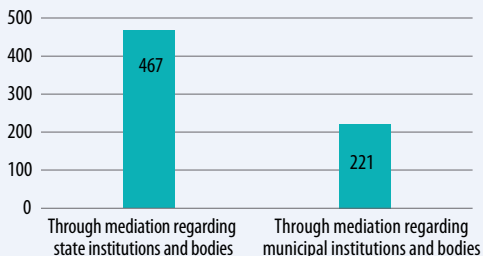
When the Seimas Ombudspersons determine that a complaint should be handled by another institution or body, they often mediate with the relevant institutions or bodies, making recommendations on how to resolve the problems raised by the applicant. In 2022, the Seimas Ombudspersons mediated 688 complaints. The effectiveness of the mediation is demonstrated by the fact that only 17.4% of applicants repeatedly approached the Seimas Ombudspersons (Figure 7).



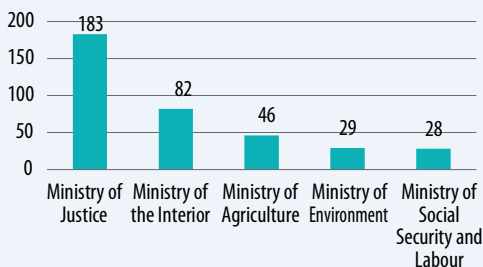
**Figure 7.** Statistics of investigated complaints

In order to solve the problems identified in the complaints, the Seimas Ombudspersons

addressed state institutions and bodies through mediation 467 times and municipal institutions and bodies 221 times. (Figure 8).



**Figure 8.** Mediation of complaints regarding the activities of state and municipal institutions and bodies



**Figure 9.** Mostly mediated regarding activities of officials of the following state institutions and bodies under their authority

In the investigation of activities of officials of state institutions and bodies, the Seimas Ombudsperson E. Leonaitė most often mediated in solving problems of applicants relating to the Ministries of Justice (183), the Interior (82), Agriculture (46), Environment (29), Social Security and Labour (28) and the institutions under their authority (Figure 9).



The Lithuanian Prison Service<sup>7</sup> and its subordinate institutions stood out among the institutions under the authority of the Ministry of Justice (179 mediations).

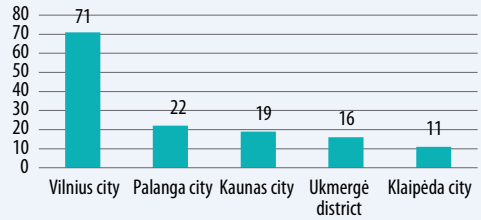
Among the institutions falling under competence of the Ministry of the Interior, the Migration Department (36 mediations) and the State Border Guard Service (30 mediations) can be distinguished. This concerns war refugees from Ukraine and persons entering the Republic of Lithuania via the Lithuanian-Belarusian border.

Among the bodies under the authority of the Ministry of Agriculture, the National Land Service<sup>8</sup> and its territorial divisions required the most mediations (41 mediations).

The State Territorial Planning and Construction Inspectorate and its divisions stood out among bodies under the jurisdiction of the Ministry of Environment, (mediated 16 times).

Among the institutions under the management of the Ministry of Social Security and Labour, the State Social Insurance Fund Board (mediated 8 times) and the Child Rights Protection and Adoption Service (mediated 7 times) can be distinguished.

In terms of municipalities, in 2022, the Seimas Ombudsperson M. Vainiutė mainly mediated with the municipalities of Vilnius City (71), Palanga City (22), Kaunas City (19), Ukmergė District (16) and Klaipėda City (11) and their subordinate institutions (Figure 10).



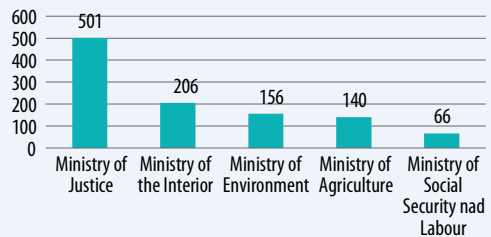
**Figure 10.** Mostly mediated regarding activities of municipalities and bodies under their authority

### Recommendations provided in 2022

The provisions of the Law on the Seimas Ombudsmen give the Seimas Ombudspersons the right to make recommendations, that must be examined by the institution and body or official to whom such a recommendation is addressed and to inform the Seimas Ombudspersons of the results of the examination.

In 2022, the Seimas Ombudspersons made a total of 1,741 recommendations.

The Seimas Ombudspersons made the most recommendations concerning the Ministry of Justice (501), Ministry of the Interior (206), Ministry of Environment (156), Ministry of Agriculture (140), Ministry of Social Security and Labour (66) and the bodies under their authority (Figure 11).

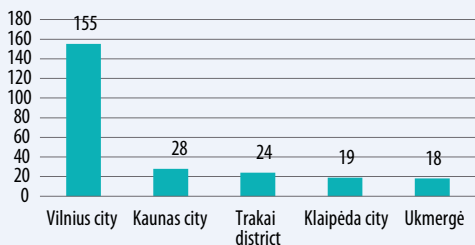


**Figure 11.** Ministries and bodies under their authority that received the most recommendations

<sup>7</sup> On 1 January 2023, the Prison Department under the Ministry of Justice was reorganised into the Lithuanian Prison Service.

<sup>8</sup> On 4 January 2023, the National Land Service under the Ministry of Agriculture was moved under the authority of the Ministry of Environment.

In 2022, the most recommendations were made to the municipalities of Vilnius City (155), Kaunas City (38), Trakai District (24), Klaipėda City (19), Ukmergė District (18) and their subordinate bodies (Figure 12).



**Figure 12.** Municipalities and their subordinate bodies having received the most recommendations

The information provided by the institutions on the implementation of the Seimas Ombudspersons' recommendations accounted for 98%.

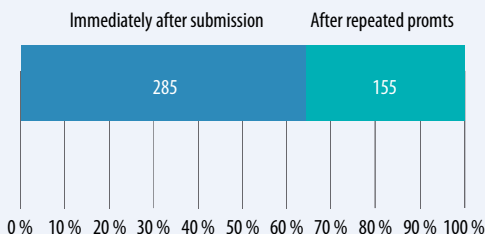
Recommendations made by the Seimas Ombudspersons are generally taken into account. However, the proper implementation of the recommendations often requires reapplying to institutions, providing additional reasoning, holding meetings, justifying the importance of the recommendations to society, etc.

After investigating complaints on the merits, 516 recommendations were made by the Seimas Ombudspersons to institutions.

The recommendations of the Seimas Ombudsperson (286) drew the attention of officials to non-compliance with the law or other legal acts, abuse, bureaucracy or violations of human rights and freedoms in the field of public administration and suggested that measures be taken to eliminate violations of the law or other legal acts, their causes and conditions.

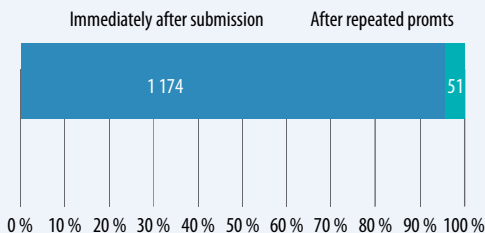
A large proportion of the recommendations (166) were suggestions to the collegiate body or officials to annul, suspend or reverse decisions contrary to laws and regulations or to adopt decisions that were not taken due to abuse and/or bureaucracy, in accordance with the procedures established by law.

Figure 13 presents data on the implementation of recommendations following investigations on the merits by the Seimas Ombudspersons.



**Figure 13.** Data on the implementation of recommendations after an investigation of a complaint on the merits

Mediation of complaints resulted in 1,225 recommendations from the Seimas Ombudspersons on improving public administration to ensure that human rights and freedoms are not violated. Data on the implementation of these recommendations are presented in Figure 14.



**Figure 14.** Data on the implementation of recommendations following mediation by the Seimas Ombudspersons

Recommendation	Number of recommendations	
	To state institutions	To municipal institutions
To draw the attention of officials to non-compliance with the law or other legislation, abuse, bureaucracy or violations of human rights and freedoms in the field of public administration, and to propose measures to remedy violations of the law or other legislation, and the causes and conditions thereof	194	92
for a collegiate institution or official to annul, suspend or reverse decisions contrary to laws and regulations, or to take decisions that are not taken because of abuse or bureaucracy, in accordance with the procedure laid down by law	112	54
the Seimas, the government, other state or municipal institutions and bodies to amend laws or other regulatory acts that restrict human rights and freedoms	42	0
for officials or experts from government agencies, ministries, municipalities and their institutions and bodies to provide a conclusion within their area of expertise	13	1
for a collegiate institution, head of institution or higher authority and institution to conduct an investigation into misconduct in office or into failure to perform duties	3	2
for a pre-trial investigation body or prosecutor to assess the material forwarded for a procedural decision	1	-
for a public prosecutor to apply to a court for the defence of the public interest in accordance with laws	1	-
for the Chief Official Ethics Commission to assess whether the official has not violated the Law on the Adjustment of Public and Private Interests in the Public Service	1	-

## Complaints refused

### Complaint must be heard by a court – 213 (29%)

For example, a decision on the approval of a land formation and redevelopment project, the conclusion and execution of sale and lease contracts for state land, the establishment of an easement, the validity of tax assessments, the correctness of the data in the Land Register, the drawing up of a report on an administrative offence, and the correctness of the resolution adopted is appealed.

### Complaint must be handled by another institution – 204 (28%)

For example, the applicant has not contacted the authority empowered to deal with a specific problem; the legislation makes it compulsory to complain to a specific authority under the out-of-court preliminary dispute settlement procedure.

### Complaints concerned actions of non-officials – 69 (9.4%)

For example, complaints about the activities of natural or private legal persons.

### Complaints related to civil-legal relationships – 67 (9.1%)

For example, complaints about the terms and conditions of transactions (purchase-sale, rent, consumption).

### Complaints about employment relations – 25 (3.4%)

For example, complaints about dismissals, unfair performance appraisals, failure to open misconduct investigations, incorrect organisation of competitions for vacant positions, and selection of applicants.

### Complaints about procedural actions and decisions of pre-trial investigation officials – 25 (3.4%)

### Lack of evidence to start an investigation of a complaint – 20 (2.7%)

For example, if the complaining person fails to provide in the complaint and, on request, does not clarify the information the absence of which makes it impossible to open an investigation into the complaint, or if the text of the complaint is illegible.

### Complaint on the issue that has already been dealt with – 17 (2.3%)

Once the complaint has been investigated, a re-submitted complaint is not investigated, unless new facts or circumstances come to light.

### Complaints about court decisions – 16 (2.2%)

The Seimas Ombudspersons do not check the reasonableness and legality of decisions, sentences and rulings issued by courts.

### Complaints is or was heard in court – 9 (1.2%)

### Other reasons - 68 (9.3%)

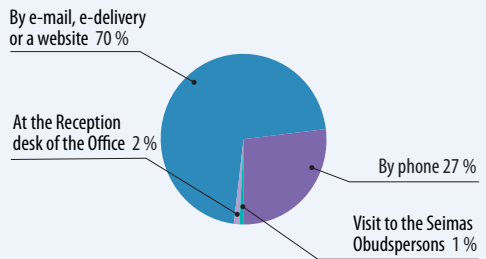
Complaints concerning the activities of the President of the Republic, members of the Seimas, the Prime Minister, the Government (as a collegial body), the Auditor General, the judges of the Constitutional Court and other courts, activities of municipal councils (as collegial bodies) and activities of intelligence institutions; complaints filed after a one-year time limit from the date when the acts complained were committed or the decision appealed was adopted; also anonymous complaints.

### Consultations to residents

Every day, people who do not get answers to their concerns in other institutions visit the reception desk of the Seimas Ombudspersons' Office. The main function of the reception desk is to provide applicants with the information and assistance they need to resolve their issues in a timely manner.

The Seimas Ombudspersons' Office reception remains the only place where many people on low income turn for legal aid. In 2022, 864 people received legal aid at the Seimas Ombudspersons' Office.

Applicants also contact the Seimas Ombudspersons having received answers from the respective institution which they are dissatisfied with. Visitors are also often provided with information on the procedure for appealing against decisions taken by the institutions. If a complainant is unable to describe the circumstances of the complaint, the reception desk always helps to write a complaint.



**Figure 15.** Methods of addressing the Seimas Ombudspersons' Office

## KEY ISSUES RAISED IN THE APPLICANTS' COMPLAINTS

### 1. Investigations into violations of individuals' rights in the fields of land management, administration and the environment

During the reporting year, the Seimas Ombudspersons received a number of complaints about the actions/inactions of officials in the field of land management and administration. Complaints were received regarding the verification of cadastral data of land plots, the activities of land surveyors, the change of cadastral data of land plots in the cadastre of immovable property, special conditions for the use of land, the design of slip roads, the handover of the access road to the land plots, and the handover of the roads of gardeners' associations to the municipalities, establishment of easements by administrative act, state control of land use, occupation of state land, use of land for purposes other than its intended purpose and type of

use, formation of land plots and redevelopment projects, land reform projects, restitution of property rights to land in Vilnius city, and delimitation of municipal territories.

There were complaints about possible violations of environmental rights received in the reporting year. The right of the public to receive information on the environment, to participate in decision-making and to have access to justice in environmental matters is guaranteed by the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ratified by the Seimas of the Republic of Lithuania on 10 July 2001 (the Aarhus Convention). The Aarhus Convention defines the environment as the state of the air and atmosphere, water, soil and land, landscape and natural areas, including wetlands, coastal and marine areas, biodiversity and its components, including genetically modified organisms, and the state of such factors as the emission, discharge and other introduction of substances, energy, noise, radiation or waste, including radioactive waste, which have or are likely to have an impact on the environment. During the reporting year, a major study was carried out on the feasibility of implementing the public right of access to justice in environmental matters guaranteed by the Aarhus Convention in Lithuania. This study was prompted by complaints from non-governmental organisations and individuals, which showed that individuals do not know how to defend their rights in the field of the environment, and that those who do know are not able to exercise the right of recourse to courts guaranteed by the Aarhus Convention, because the courts are not accepting their applications due to the possibly inadequate and unclear regulation of the legislation.

In 2022, the Seimas Ombudspersons received complaints about actions (inaction) of officials in the field of the environment in relation to residential air pollution, sewage damage, municipal waste collection and management, road management, maintenance, construction, spatial planning procedures, the construction of communication (telecommunication) network structures, potentially unauthorised construction, loopholes in the legislation on construction and the use of buildings in the area of state supervision.

In their complaints, both in the field of land management and administration and in the field of the environment, the applicants highlighted delays in decision-making by officials, unjustified suggestions by officials to refer to another institution supposedly competent to take the necessary decisions, unjustified demands on the applicants, failure to provide them with information on the progress of the application or complaint, and unreasoned and incomplete replies, which led to repeated failure to handle applicants' requests, applications, complaints within the time limits laid down in the legislation, on the grounds of lack of human resources and the resulting increase in workload, lack of responsibility on the part of the officials, and their perception that they would not be subjected to a disciplinary sanction because there was no one to carry out the functions entrusted to them by the authority.

In the reporting year, there has been a trend towards an increase in the number of institutions failing to handle applicants' requests and complaints within the time limits set by the legislation, indicating a shortage of human resources as an excuse. It should also be noted that institutions or bodies which are subject to different time limits for investigating complaints than those laid down in the Law on Public Administration often

delay the handling of complaints. For example, the Law on State Supervision of Spatial Planning and Construction stipulates that complaints shall be examined within 20 working days from the date of receipt of all documents and information required to be submitted. However, the Seimas Ombudsperson's investigation of a complaint regarding the unreasonable length of time taken to process an applicant's complaint about unauthorised construction revealed that the State Territorial Planning and Construction Inspectorate under the Ministry of Environment did not initiate the procedure for processing the applicant's complaint for 3 months or more, or that a month or more elapsed between the time when one official took action and the time when the next official acted in the procedure. This allows concluding that the institution does not ensure control over the actions carried out in the complaint procedure and does not respect the principles of responsible management and good administration. The Seimas Ombudspersons point out that the heads of institutions and bodies are responsible for compliance with the requirements of legal acts in institutions and bodies. It is often observed that when the Seimas Ombudspersons initiate investigations into complaints or address institutions with a mediation letter, the applicants' requests and complaints are examined immediately.

In the reporting year, after conducting investigations in the field of land management and administration and the environment, the Seimas Ombudspersons repeatedly had to propose amendments to legislation, apply to the Prosecutor's Office for the protection of the public interest or a possible criminal offence, and to Government representatives for an assessment of the legislation adopted by municipal councils to determine whether it is in compliance with the

law and Government decisions. Investigations were also initiated at the initiative of the Seimas Ombudspersons into whether the State Territorial Planning and Construction Inspectorate under the Ministry of the Environment, which is responsible for the state supervision of construction, is taking action to resolve the situation in Simonas Grunau Street (Pilaitė neighbourhood) in Vilnius, regarding the possible illegal construction of a wastewater treatment plant and a pumping station, and the non-compliance with the procedures for completion of the construction of multi-family residential houses in the manner prescribed by the legislation; on the assessment of actions (inaction) of the officials of the National Land Service under the Ministry of the Environment in terms of proper information of the interested persons on the decisions taken regarding the inclusion of the sanitary protection zone around the buildings/facilities belonging to AB Vilniaus Paukštynas in the cadastre of the Real Estate and the Real Estate Register, the circumstances that led to their adoption, and the possibilities of appealing against those decisions. An investigation was also initiated and completed at the initiative of the Seimas Ombudsperson on the possible violation of the rights of persons during the process of adjustment of cadastral measurements of land plots by actions (inaction) and decisions taken by the officials of the National Land Service under the Ministry of Environment.

## **2. Investigations into violations of individuals' rights in the field of social security**

The Seimas Ombudspersons receive complaints where applicants point out various problems with social assistance, social housing, and

housing adaptation, which they have been unable to resolve with state or municipal institutions or bodies. Having initiated investigations into complaints, the Seimas Ombudspersons usually not only contact the institution or body complained about for information, but also, having identified possible shortcomings in the legal regulation related to ensuring the rights of the most vulnerable groups of persons (socially disadvantaged persons, persons with disabilities), they also contact the Ministry of Social Security and Labour to provide an opinion and, if necessary, take legislative measures.

It should be noted that municipal authorities often take the suggestions of the Seimas Ombudsperson to solve the problem of the complaint in good faith and take measures not only with regard to a particular person into account, but also, if necessary, improve municipal legislation in order to prevent the recurrence of the problem raised by the applicant.

### **3. Investigations into the right to lodge asylum applications**

The Seimas Ombudsperson Erika Leonaitė received complaints from foreigners about the decisions of the Migration Department, which refused to accept the applicants' applications for asylum in the Republic of Lithuania because they were not submitted without delay to the authorities referred to in Article 67(1<sup>1</sup>) of the Law on the Legal Status of Foreigners of the Republic of Lithuania (hereinafter – LLSF), and about the actions (inaction) of the officials of the State Border Guard Service. The applicants also complained about the allegedly improper registration of the applicants by officials of the SBGS.

The Seimas Ombudsperson also recommended that the Director of the Migration Department, inter alia, takes measures to insure that: the right to lodge an asylum application is not linked to the time limit for lodging the application; having received an asylum applicants' applications and found that they have been lodged with the wrong entity, the Migration Department ensures that these applications are registered within 6 or 10 days, as provided for in Article 6 of the Asylum Procedures Directive; the Migration Department acts with due care and diligence in assessing the applicants' applications and properly evaluates the evidence on which its decisions are based; the Migration Department's decisions comply with the requirements of the Law on Public Administration and the information is provided to the foreigners in writing, in a language which they can reasonably be expected to understand.

The Seimas Ombudsperson recommended to the Head of the SBGS: to ensure that the officers of the SBGS carry out the functions assigned to them in accordance with the requirements of the legislation in force (i.e., properly carry out actions of registration of foreigners); take measures to ensure that foreigners are provided with the correct information in a language they understand about their right to apply for asylum and the applicable procedures.

### **4. Investigations into the problem of handling complaints of individuals**

State institutions, bodies, officials and other persons with relevant powers are obliged to comply with the principles of good public administration, objectivity, proportionality and non-abuse of power enshrined in the Law on Public Administration. In order to implement the principle of good public administration, to ensure the protection of human

rights and freedoms and the rights of the private individual as the weaker party in the relationship with the public administration, public authorities must, in all situations, be guided by the fundamental principles of reasonableness, justice and fairness, and must take into account, when making decisions, the totality of the factual circumstances. The principle of responsible management (good administration) enshrines the duty of the public administration to act proactively. It follows from the principle of sound administration that public authorities must exercise due care and diligence when taking administrative decisions.

A review of the complaints handled in 2022 shows that state institutions do not act with sufficient diligence, do not always comply with the principle of good public administration, and do not respect the duty to serve people as enshrined in the Constitution.

## **5. Investigations into actions/inaction of officials of the penal enforcement system**

### ***5.1. Concerning the conditions of detention in places of detention***

A significant part of the complaints received by the Seimas Ombudsperson Erika Leonaitė were complaints about the conditions of detention of convicted persons and detainees. This category includes complaints about the furnishing of premises, the provision of household amenities, and the compliance of the living environment with the requirements of hygiene standards.

The living conditions of prisoners in places of detention are an important prerequisite for achieving the objectives of a custodial sentence. However, the level of these conditions is a significant challenge in many places of detention. It should be noted that in some cases the failure to ensure adequate living conditions may even be

considered inhuman and degrading treatment, and thus a violation of Lithuania's international obligations in the field of human rights.

### ***5.2. Regarding the hearing of complaints, requests and decision-making***

The Supreme Administrative Court of Lithuania has repeatedly stated that in addition to the special provisions of law, the officials of the penal enforcement system are obliged to comply with the principles of public administration in their activities, and the decisions adopted must clearly state the reasons for the decision based on objective data (facts) and legal norms, which, inter alia, comply with the requirements laid down in the Law on Public Administration.

Officials of places of detention have the discretion to take decisions on certain matters set out in the legislation, which determine the rights and/or obligations of convicts. Often, convicts turn to the Seimas Ombudsperson to ask for clarification of the reasons for which the officials have taken such a decision. The Seimas Ombudsperson has repeatedly pointed out that, despite the discretionary power granted to officials in some cases to decide on issues related to the rights of convicted persons and to take decisions in this regard, such decisions, like any other decision of an official (institution) exercising the functions of a public administration entity, must be motivated. Only a reasoned decision can be considered justified. The duty of justification should include an assessment of the relevant circumstances set out in the convict's application and the arguments in support of the decision to be taken.

When dealing with complaints of convicts (detainees), officials must also comply with the principles of public administration laid down in the Law on Public Administration, including the



principle of objectivity. This principle guarantees an impartial complaints procedure. In her recommendations, the Seimas Ombudsperson emphasised that responsible officials must avoid even the appearance of bias.

In 2022, a number of complaints were received from detainees concerning breaches of the principle of good administration. The most frequent of these complaints concerned biased and unreasoned decisions taken by the responsible officials, failure to take and/or deliver administrative decisions, and refusal to provide requested information. It should be noted that some of the issues raised in the complaints reveal not only a sometimes very formal interpretation of the legal regulation, but also possible cases of abuse.

### ***5.3. Regarding non-application of the principle of proportionality and other excessive restrictions***

Negative consequences of penal sanctions imposed by criminal law, which involve restrictions on a person's liberty, constitute a necessary element of a sentence. However, as the Constitutional Court of the Republic of Lithuania stated in its resolution of 9 December 1998, when the state imposes restrictions on liberty enshrined by law on persons, it assumes responsibilities in respect of those persons, including positive obligations to ensure that the person deprived of liberty does not suffer more severe restrictions than those normally associated with the implementation of a custodial sentence. Given that a person subject to a custodial sentence or restriction of liberty becomes dependent on the actions of state institutions and their officials, ensuring the legal protection of such a person is of particular importance and the measures taken by officials must therefore be proportionate. The principle of proportionality means that the

measures taken must not be more drastic and severe than necessary to achieve the desired objective. The measure taken must not manifestly impose a greater burden on the person concerned than is necessary to achieve the legitimate aim. Unnecessary excessive restriction of a person's rights must therefore be avoided.

In 2022, just like in previous years, complaints were received from persons serving prison sentences about the actions of officials in applying disproportionately harsh measures that excessively restrict the rights of prisoners. The Seimas Ombudsperson Erika Leonaitė carried out a number of investigations on these issues, including on her own initiative. The following are examples of investigations carried out into the application of measures and restrictions that do not comply with the principle of proportionality.

### **EXAMPLES OF PROBLEMS SUCCESSFULLY RESOLVED THROUGH MEDIATION OF THE SEIMAS OMBUDSPERSONS**

The applicants refer to the Seimas Ombudspersons when they are unable to resolve their problems with the public administration institutions, which indicates that there may be some deficiencies in the functioning of the public administration entity complained about. Having assessed circumstances of the complaint and decided that it is appropriate to refer the person's complaint to another institution, the Seimas Ombudspersons mediate with the competent public administration institution or body and give the public administration entity the opportunity to resolve the problem referred to in the complaint in good will. In such a case, although the Seimas Ombudspersons do not investigate the complaint on the merits, they usually make recommendations on ways to improve public administration and address possible violations of human rights.

It should be noted that mediation by the Seimas Ombudspersons is usually successful in resolving the problem identified in the complaint more quickly and efficiently. There are also cases when the competent institution or body takes additional actions, which the Seimas Ombudspersons did not specify in their recommendations, but which are nevertheless necessary to resolve the problem identified in the complaint.

### ***Mediation on domestic violence issues***

The Seimas Ombudsperson Erika Leonaitė received a complaint in which the applicant stated that not only had she suffered violence at the hands of her spouse, but that, after the court had ordered the State Social Insurance Fund Board to pay compensation for property damages to her abusive spouse, she had to cover damage herself from her own salary, as her spouse was not working.

Seeing the seriousness of the problem and in order to resolve it more quickly, the Seimas Ombudsperson decided to mediate and contacted the Ministry of Social Security and Labour to ask it to assess the problem outlined in the complaint and to provide information on the measures taken to resolve the problem.

In response to the Seimas Ombudsperson's appeal, the Ministry of Social Security and Labour organised an inter-institutional meeting with representatives of the National Health Insurance Fund under the Ministry of Health, the Police Department under the Ministry of the Interior, and the Ministry of Justice, during which the complexity of the problem was assessed, as the aim should be not only to protect victims of domestic violence from additional financial consequences, but also to avoid impunity for the perpetrator of a criminal act. The representatives of the above-mentioned institutions acknowledged that the

existing legislation does not provide for the situation described in the complaint, and therefore agreed that, in order to prevent the phenomena of domestic violence and to protect the victims of domestic violence from additional financial or other damage, they will initiate, together with the competent authorities, systematic amendments to the applicable legislation (the Law on State Social Insurance, the Law on Health Insurance, and other laws and sub-legislative acts). The response of the institutions is pending.

### ***Mediating on the provision of information to the media***

The Seimas Ombudsperson Milda Vainiutė received a complaint from the applicant regarding the actions (inaction) of the Kaunas City Municipality Administration and a member of the municipal council in providing information to the media. In the complaint, a representative of a media outlet asked for an assessment of whether the conduct of the municipal administration is appropriate and whether the municipality may refuse to comply with provisions of the Law on Public Information regarding the provision of information to media outlets.

Having assessed the circumstances of the complaint, the Seimas Ombudsperson decided to mediate and addressed the Director of Kaunas City Municipality Administration with a request to analyse the complaint and to provide a reasoned response, explaining in detail whether the above-mentioned request for information had been received and examined by the municipality, and, if the request was not examined, to explain the reasons for not examining it or, if it was examined, indicate the date of receipt of the request and the reasons for not replying within the time limits laid down in the Law on Public Information. The municipality was asked to provide the requested

answers to the media outlet and, if the municipality could not provide the information, to state the reasons and the procedure for appealing against the answer. Should the municipality detect any violations in the provision of information, it is recommended to take measures to remedy them.

Having examined the Seimas Ombudsperson's appeal, the municipality informed that the requested information was provided to the applicant late. The reasons for the delay in the response were related to the questions sent, which required more time than usual to collect and summarise the information requested; the questions were addressed to specialists from two departments. The Municipal Administration informed that the responsible PR officer had been warned of possible negligence and assured that the process of responding to the media would be more rigorously controlled in the future in the organisation of the work of the Public Relations Unit.

### ***Mediation in the administration of multi-apartment buildings***

Applicants often refer to the Seimas Ombudsperson Milda Vainiūtė regarding problems in the administration of multi-apartment buildings, although the supervision of the activities of the managers of common-use objects of multi-apartment buildings (e.g. administrators, associations) and the supervision of the use of buildings is carried out by municipal institutions. In such cases, the Seimas Ombudsperson usually addresses municipal administrations by their letter of mediation with recommendations to take action to control the activities of managers of multi-apartment buildings. The municipalities usually properly assess the problems raised in the complaints and initiate inspections of managers, informing the applicants and the Seimas Ombudsperson about the results of the inspections.

For example, the Seimas Ombudsperson's mediation revealed deficiencies in the activities of the chairperson of the owners' association of a multi-family building (e.g. excessive rate of accumulation of funds), and the Vilnius City Municipality Administration not only initiated an administrative misconduct proceeding, but also took steps to remedy the identified deficiencies (e.g. organisation of the repair works of the roof of the building, collection of funds, fixing of mailboxes, staircases, etc).

Moreover, municipal administrations often take into account recommendations to improve the service they provide to individuals, e.g. regarding the compliance with deadlines for responding to individuals' requests, completeness of responses, etc.

### ***Mediation regarding the release of occupied public land***

The Seimas Ombudsperson Erika Leonaitė received a complaint of an applicant regarding the actions (inaction) of the responsible officials of the Klaipėda City and Neringa Division of the National Land Service (NLS) in dealing with the issue of possible violation of use of state land and adjacent land plots in Neringa, and a failure to take measures to fix violations by differently assessing the persons in the same situation and (not) subjecting them to administrative liability.

In order to solve the problem raised in the complaint, the Seimas Ombudsperson wrote to the NLS asking to inform her whether state land was occupied in the place specified in the complaint, why the persons responsible for the violations were not subjected to administrative liability and measures were not taken to vacate the occupied land, and when the violations would be removed.

In response to the Seimas Ombudsperson's mediation letter, the NLS explained that the

assessment of the available data revealed that specialists of the NLS Division had responded appropriately to the circumstances of the complaint received at the NLS Division regarding possible violations of the land use procedure and had carried out an inspection of the use of the land in the area specified in the complaint, and, having identified the signs of possible violations, carried out an administrative offence investigation in accordance with the procedural provisions of the Code of Administrative Offences, but subsequently the NLS Division failed to ensure that the violations of the use of public land (the greenhouse and the smokery) identified were remedied. The NLS (the Central Division) contacted the Head of the NLS Division asking to immediately remedy the identified violations. The NLS further informed that the violations of the use of public land (greenhouse and smokery) had been removed.

The problem raised by the applicant was resolved through the mediation of the Seimas Ombudsperson.

### ***Mediation regarding an access road provided for in a planning document but not marked on the land plot***

The Seimas Ombudsperson Erika Leonaitė received a complaint of the applicant regarding actions (inaction) of officials of the State Forestry Enterprise (hereinafter – SFE), who refused to adjust the cadastral data of a land plot held in trust at their own expense (to mark the access road), thus limiting the possibility of the applicant and two other persons to access their land plots.

In order to resolve the problem addressed in the complaint, the Seimas Ombudsperson applied to the Ministry of Agriculture by a mediation letter asking for a reasoned opinion on who should

revise the plan of the land plot held by the SFE under the right of trust, because, as stated by the SFE, the 5-meter-wide public road, which had been designed in the land reform land-use planning project used as a basis in forming the land plot, was not marked in this plan.

The Ministry of Agriculture (hereinafter – the AM) submitted a response and explained that having examined the documents submitted by the NLS, they found that the land plot plan was not drafted in accordance with the decisions of the cadastral area land reform project, therefore the cadastral data of the land plot should be adjusted, however, the SFE refused to do that.

The mediation letter also asked the NLS to provide information on what further actions and measures the NLS plans to take to resolve the situation. After collecting all the information and documents, and having received the SFE's opinion on the circumstances of the complaint, the NLS informed that if no common agreement is reached with the SFE, the NLS would apply to the Prosecutor's Office for initiation of a public interest case.

### ***Mediation regarding unjustified local waste collection and management charges***

The Seimas Ombudsperson Milda Vainiutė received an applicant's complaint regarding the activities (inaction) of the municipal company Vilnius Waste System Administrator (VASA), regarding the unjustified charging of the toll for the collection and management of municipal waste, and non-application of a toll concession.

In order to resolve the complaint, the Seimas Ombudsperson wrote to the Vilnius City Municipality asking it to provide an explanation of the circumstances referred to in the complaint and to take measures to eliminate the infringements, if any.

The municipality informed that, having assessed the arguments put forward in the applicant's complaint and the information provided in the letter from the VASA, it had found that in taking its decision, VASA had not examined the merits of the complaint, had not provided any arguments in response to the applicant's comments that a part of the applicant's house was actually non-existent and that there were co-owners living in the part of the house actually remaining, which did not belong to the applicant, who had concluded contracts with providers of public utility services (electricity, gas, etc.), and who had an individual waste container.

In this context, the municipality instructed the VASA to re-examine the circumstances set out in the applicant's complaint, to verify the factual situation, to take a decision on the recalculation of the toll rate and to inform the applicant and the municipality of the decision.

In its supplementary letter, the municipality informed the Seimas Ombudsperson that the VASA had informed the applicant and the municipality that the VASA's Commission for the Examination of Requests and Complaints had decided to grant the applicant an exemption in the case of non-use of the property (i.e. not to charge the variable component of the local toll) for the part of the property in Vilnius that belongs to the applicant. Thus, the problem of the applicant's complaint was resolved with the mediation of the Seimas Ombudsperson.

### ***Mediation regarding the provision of copies of documents to an applicant serving a custodial sentence***

The problem raised by the applicant in his complaint to the Seimas Ombudsperson regarding the failure of the officials of the Pravieniškės

Correction House-Open Prison Colony (now – Pravieniškės Prison No. 1) to respond to the applicant's request to provide copies of the documents has been resolved.

As part of the mediation procedure, the Seimas Ombudsperson addressed the Director of the Prison Department (now the Prison Service), recommending, inter alia, to find out why the officials of the Pravieniškės Correction House did not take into account the previous request of the Prison Department to ensure that copies of the documents referred to in the applicant's application were immediately made available to him. The Seimas Ombudsperson also recommended to identify the officials who do not respond to the applicant's requests and to conduct an official inspection, and, if the elements of misconduct are established, to take a decision within competence, also taking measures to ensure that the requirements of legal acts are followed and the rights of persons to receive information are not restricted at the Pravieniškės Correction House-Open Prison Colony.

In response to the recommendations made by the Seimas Ombudsperson, the Department of Prisons informed that during the investigation of the complaint, it was established that one month after the instruction of the Prison Department, the administration of the Pravieniškės Correction House-Open Prison Colony had made copies of the requested documents and sent them to the applicant's home address.

### ***Mediation on inadequate conditions of detention for persons serving a prison sentence***

In some cases, the Seimas Ombudsperson Erika Leonaitė has taken decisions to mediate in order to ensure that the problems raised in complaints about living conditions of detainees are resolved as quickly as possible, drawing the attention of

officials to the need to ensure that the conditions of detention of detainees are based on human rights standards.

The Seimas Ombudsperson received a complaint from the applicant about the inadequate sanitary environment in Šiauliai Remand Prison (now Šiauliai Prison). In his complaint, the applicant stated, inter alia, that the officials of the Šiauliai remand prison do not react to his requests (complaints) regarding the presence of pests in the living quarters, such as fleas, lice and fleas, and do not take any measures to eradicate them.

Having taken into account the fact that the problem raised in the complaint could be resolved more quickly and efficiently with the assistance of the Prison Department (now the Prison Service) (in accordance with the principle of subsidiarity), the Seimas Ombudsperson decided that it was appropriate for the applicant's complaint to be examined by the Director of the Prison Department first, who would provide a reasoned response.

In the mediation procedure, the Seimas Ombudsperson recommended the Director of the Prison Department to find out the reason why the officials did not respond to the applicant's requests/complaints about the pests in the living room and did not take any measures to eradicate them.

In response to the Seimas Ombudsperson's appeal, the Prison Department immediately contacted the Director of the Šiauliai Remand Prison with a request to arrange as soon as possible the disinfection (disinfestation) of the cell in which the applicant was living, and to ensure that not

only written, but also verbal complaints and requests were adequately addressed.

The Seimas Ombudsperson received a complaint from the applicant about actions (inaction) of officials of the Praveniškės Correction House-Open Prison Colony (now Praveniškės Prison No.1), who allegedly failed to provide an opportunity to call his relatives and to respond to complaints of mosquitoes in his cell.

In order to clarify the situation and to help resolve the problem as soon as possible, the Seimas Ombudsperson addressed the Director of the Praveniškės Correction House-Open Prison Colony with her recommendations and asked him to find out why the applicant had not been given the opportunity to call his relatives and why the applicant's complaints about mosquitoes in his cell had not been addressed, and to take measures to resolve the problem.

In response to the recommendations of the Seimas Ombudsperson, the administration of the Praveniškės Correction House informed that it had found out why the applicant had not been able to call. When attempting to make a call together with an officer of the Security Management Unit, it was noted that the applicant had not pressed the one digit on the keypad before entering his PIN, possibly because he had been using a payphone for a long time. This was the reason why the applicant could not make a call. During the check, it was verified that the calling card was working and that calls could be made from the payphone.

The administration also informed that the mosquito problem had been solved by installing a mosquito net in the cell and replacing the window pane.

## II. REPORT ON IMPLEMENTATION OF THE NATIONAL PREVENTION OF TORTURE

A total of 6 inspections of places of deprivation of liberty were carried out in 2022, 3 of which were initial inspections and will continue in 2023. Visits were carried out to places of detention of foreigners, places of imprisonment (prisons) and social care institutions. In 2022, 3 reports on the situation of human rights and freedoms in the places of detention of foreigners and the social care institution visited were prepared. A report on the situation in places of imprisonment (prisons) is going to be prepared in 2023, after completing all the planned inspections of places of imprisonment (prisons). This report provides information on the comments and recommendations made to the places of detention in 2022 with a view to improving the situation of human rights and freedoms of the persons detained there, and on the developments achieved in these places. The inspections of the places of detention identified later in this report have revealed substantial violations of human rights and freedoms and other systemic problems, which all responsible institutions and bodies have been called upon to address in order to ensure that Lithuania's international obligations in the field of protection of human rights and freedoms are not violated, and that violations of the protection of human rights and freedoms do not recur at the places of detention visited and at similar places.

Two workshops – training sessions for staff of social care and imprisonment institutions were

organised with an aim of raising their competences in line with an approach based on the protection of human rights and freedoms. An external expert was brought in to provide advice and training (see page 50-51 of the report for more details). Meetings were also held with representatives of the European Union Agency for Fundamental Rights (FRA), the international humanitarian organisation Doctors Without Borders, the European Border and Coast Guard Agency (Frontex) and the United Nations Refugee Agency (UNHCR), discussing topical issues relating to the safeguarding of human rights and freedoms and the prevention of torture in places of deprivation of liberty.

### Key observations, recommendations and changes achieved

#### Inspections of places of detention of foreigners

A national emergency was declared throughout the country by Resolution No 517 of the Government of the Republic of Lithuania of 2 July 2021 "On Declaring National Emergency and Appointing a National Emergency Operations Manager" due to the mass influx of foreigners from the Republic of Belarus.

Due to the threat to public order caused by the massive influx of foreigners, a state of emergency was introduced in the entire border section along the state border of the Republic of Lithuania with

the Republic of Belarus and 5 kilometres inland from the border section, as well as in the places of accommodation of foreigners designated by authorities of the Republic of Lithuania, including the Kybartai Foreigners' Registration Centre (hereinafter – the Kybartai FRC) of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter – SBGS) by Resolution No XIV-733 of the Seimas of the Republic of Lithuania of 7 December 2021 “On the Introduction of a State of Emergency” from 10 December 2021 till 14 January 2022 00:00. After 14 January 2022, the state of emergency due to the mass influx of foreigners was not prolonged, but the Government Resolution No 517 of 2 July 2021 declared a national emergency due to the mass influx of foreigners in 2022. Thus, during the inspections of the Kybartai FRC, both a national and a state-level emergency due to the mass influx of foreigners were in force, while during the inspection of the Medininkai Foreigners' Registration Centre (hereinafter – the Medininkai FRC) a national emergency was in force due to the mass influx of foreigners.

The Law on the Legal Status of Foreigners (version in force until 1 January 2023) (hereinafter – the LLSF) established certain restrictions on the rights of asylum seekers, which may be temporarily and proportionately applied during a state of war, a state of emergency, national emergency or an extreme event resulting from a mass influx of foreigners, if certain rights of asylum seekers (with exceptions) cannot be guaranteed for objective and justified reasons, also establishing that the accommodation of asylum seekers and other foreigners in places adapted for that purpose, without granting them the right of free movement in the territory of the Republic of Lithuania, may last up to 12 months.

In order to prevent torture and other cruel, inhuman or degrading treatment or punishment in places of accommodation of foreigners due to the massive influx of foreigners during the declared state of emergency and national emergency, the Seimas Ombudsperson Erika Leonaitė and employees of the Human Rights Division of the Office conducted inspections at the Kybartai FRC on 22-23 December 2021 and 12 January 2022, and at the Medininkai FRC on 24 May 2022 and 20 June 2022.

### **Inspection at the Kybartai Foreigners' Registration Centre**



The Kybartai FRC was established in the premises of the former Kybartai ward of the Marijampolė Correctional Facility. It accommodates adult males resettled from the temporary migrant camp at the Rūdninkai polygon. The Kybartai FRC was selected for inspection in view of information received from different sources about extremely difficult accommodation conditions and possible cases of violence.

During the inspections at the Kybartai FRC, the following issues were assessed: ensuring the material conditions of reception of foreigners,



including accommodation conditions, arrangement of meals and provision of clothing; organisation of employment and the possibility to practise religion; accessibility of information on one's status, rights, obligations, asylum application procedures and the possibility of submitting applications; accessibility of legal aid; accessibility of personal health care services; assessment of the vulnerability of persons and their special needs; management of conflicts and the use of coercion by officials.

The following deficiencies and violations of human rights and freedoms identified during the inspections carried out at the Kybartai FRC are to be taken into account, the totality of which was considered to amount to inhuman or degrading treatment or punishment prohibited by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:



- ◆ The nature and degree of actual restrictions imposed on foreigners accommodated in the Kybartai FRC (material reception conditions, nature of supervision/control, severe restrictions on freedom of movement, duration of accommodation, etc.) resembled those of detention;

- ◆ asylum seekers and foreigners who did not have the status of an asylum seeker were not differentiated in terms of assurance of material conditions nor restrictions imposed on them;
- ◆ material conditions of accommodation of foreigners in Sector A of the Kybartai FRC (living space per person significantly smaller than the minimum; lack of private space; lack of furniture, equipment and other inventory; extremely severe restrictions on movement; lack of opportunities for personal and environmental hygiene; insufficient number of sanitary facilities; lack of cleanliness and hygiene of the common areas, lack of ventilation, etc.) were not properly guaranteed;
- ◆ material conditions of accommodation of foreigners in Sectors B and C of the Kybartai FRC (cell-type living quarters; lack of furniture, equipment and other inventory; extremely strict restrictions on movement) were not adequately ensured;



- ◆ The Kybartai FRC had very limited opportunities for spending time meaningfully, a lack of equipment and infrastructure for leisure and

sport, and no accessible facilities for non-Christians to pray, which meant that the employment of foreigners and their ability to practise their religion were not adequately ensured;

- ◆ Formal, laconic and incomplete information on their rights was provided to foreigners accommodated in the Kybartai FRC, decisions related to the examination of asylum applications and expulsion decisions were provided to the foreigners without metadata, and information on the grounds for the decisions taken in respect of them was not provided in the languages they understand; there was lack of information on the internal procedures of the Kybartai FRC, including the right to lodge applications and complaints, and there were extremely limited possibilities for foreigners to contact their relatives and the outside world, which did not adequately ensure their right to receive information on their rights and obligations, their legal status in the Republic of Lithuania and the legal procedures related to them;



- ◆ the foreigners were not provided with a detailed information on the procedure for allocation of state-guaranteed legal aid,

the procedure for informing them about the state-guaranteed legal aid provider (lawyer) assigned to them was not clear; visits of lawyers to the Kybartai FRC were rare and sporadic, thus the right of the foreigners to receive actual rather than formal state-guaranteed legal aid and the necessary and timely information on the possibilities of exercising this right was not properly ensured;

- ◆ The position of the head of the Reception Division, which is responsible, inter alia, for providing foreigners with material and domestic necessities, food, primary health care and social employment of foreigners accommodated in the Kybartai FRC, was vacant, and out of the 26 staff positions available in this Division, only 11 were taken, i.e. there were less than a half of the total required number of staff employed. Only 11 out of the 22 available positions of social workers and assistants were filled;



- ◆ positions of family doctors and general nurses were vacant, which led to a lack of continuity and systematicity in the provision of services to patients, as well as a lack of

timely dentist services. Emergency care was only available at weekends, which clearly shows that access of foreigners to personal health care at the FRC was not properly ensured;

- ◆ a comprehensive vulnerability assessment of foreigners was not carried out, the staff of the Kybartai FRC was not trained in assessing vulnerability and special needs, most foreigners were not provided with a Foreigners' Accommodation Questionnaire for completion, so not all initial needs of foreigners were identified right away; vulnerable persons were identified during the inspections whose vulnerability was not known to the administration of the Kybartai FRC; therefore, it can be stated that the vulnerability and special needs of foreigners at the Kybartai FRC were not properly assessed;
- ◆ although no systemic problems related to physical violence between foreigners themselves or from officials have been identified at the Kybartai FRC, there were reports that Kybartai FRC officials conducted repeated checks at night, waking up foreigners and putting them under psychological pressure to make decisions to return to their countries of origin as soon as possible.



It is to specify that most of the recommendations made have been implemented, including improving material conditions of the accommodation of foreigners at the Kybartai FRC (new sanitary facilities were installed, measures were taken to ensure the supply of hot water in the washrooms and toilets, new kitchens were installed and new household appliances were purchased, measures were taken to ensure the proper installation and operation of smoking areas/rooms, a leisure room, a library/reading room and a sewing room were set up, also renovating outdoor leisure areas); also measures were taken to ensure the cleanliness of living quarters and common-use areas, and the menu was updated to allow foreigners to choose between three types of meals; the menus were translated into languages that foreigners understand and displayed in a place accessible to them. The position of the Head of the Reception Division was filled; a contract for the purchase-sale of psychological services was signed, and monthly plans were drawn up and implemented for the organisation of social and psychological services for foreigners. Detailed information on, inter alia, the procedures and deadlines for

Taking into account the identified shortcomings, the Seimas Ombudsperson made 43 recommendations to the responsible state bodies and institutions and other competent entities (the Ministry of the Interior of the Republic of Lithuania, the Migration Department, the SBGS, the Bar Association) on improving the human rights situation at the Kybartai FRC.

examining asylum applications in the Republic of Lithuania, the procedure for submitting and examining complaints, applications and other requests at the Kybartai FRC, the grounds and procedure for confiscating mobile phones of foreigners, have been published on information boards.

### Inspection at the Medininkai Foreigners' Registration Centre



The Medininkai FRC was established on 16 September 2021 as a temporary solution in response to large flows of foreigners irregularly crossing the Lithuanian border. The monitoring visit to this registration centre was organised to assess both the nature of the restrictions imposed on the foreigners and the material conditions, in particular in view of the fact that some of the foreigners had already been held for about a year in a camp of container houses with a limited water and electricity supply, which is essentially temporary in nature. Accordingly, the inspections at the Medininkai FRC assessed the following issues: the validity of the placement of foreigners in the Medininkai FRC on the basis of the detention conditions and the restrictions of liberty imposed on them; material conditions of reception of the foreigners, including the

infrastructure of the place of residence and the provision of domestic and material facilities; the possibility of submitting foreigners' complaints, requests and other applications to the administration of the Medininkai FRC and their handling procedure.

The following deficiencies and violations of human rights and freedoms identified during the inspections at the Medininkai FRC can be distinguished:



- ◆ The nature and degree of the actual restrictions imposed on the foreigners accommodated at the Medininkai FRC (accommodation in locked sectors and limited possibilities of movement between the sectors, extremely severe restrictions on liberty, the nature of the supervision/control, limited free space in the residential sectors, failure to ensure active and meaningful activities on a day-to-day basis, and prolonged stay (for more than 10 months) were equivalent to detention;
- ◆ material conditions of accommodation of foreigners in Sectors A, B, C and D of the

Medininkai FRC (lack of furniture, equipment and other inventory in common areas; lack of sanitary facilities in kitchenettes; lack of cleanliness and hygiene in the common areas; less than the minimum living space per person in Sector B; insufficient number of toilets for women in Sector A; inadequate number of staff in the Reception Division of the Medininkai FRC, etc.) were not properly ensured;



- ♦ the procedure of handling applications, complaints and other requests from foreigners was not clear and comprehensive, foreigners were not properly informed about it, and foreigners' requests were answered verbally or not at all; having decided to reject and or to refuse to meet foreigners' requests, foreigners were not provided with written replies indicating the reasons and grounds for such decisions and the procedure for appealing against them, and therefore the right of foreigners to submit applications, complaints and other appeals was not adequately ensured;

The Reception Division of the Medininkai FRC, which is responsible, inter alia, for the material and household care, food, primary personal health care and social employment of foreigners accommodated at the Medininkai FRC, had 21 positions and 12 positions of social workers and their assistants, however, at the time of the inspections, only one of the 21 planned positions (that of the Head of the Reception Division) was filled, and out of the 12 planned position, only one social worker and one assistant social worker had been recruited on a full-time basis, and the position of one psychologist still was open.

These circumstances allowed concluding that the totality of the restrictions imposed on the foreigners accommodated at the Medininkai FRC amounted to *de facto* detention, that their applications were not handled in accordance with the procedure laid down in legislation, and that the conditions of detention of foreigners at the Medininkai FRC, when they were held in detention for a prolonged period of time, without the right of freedom of movement, amounted to treatment that violates human dignity prohibited under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Taking into account the identified shortcomings, the Seimas Ombudsperson made 17 recommendations to the responsible state bodies and institutions (the SBGS), the State Food and Veterinary Service (SFVS), the National Public Health Centre under the Ministry of Health (NPHC)) to improve the human rights situation at the Medininkai FRC.



After making recommendations on improving material accommodation conditions, the Seimas Ombudsperson noted that if the implementation of these recommendations is not possible for some objective reasons (e.g. to ensure water supply to the kitchenettes, to solve the problems of electricity supply), the issue of transferring the foreigners from the Medininkai FRC to other temporary accommodation facilities for foreigners, where adequate material conditions of reception of foreigners are ensured, should be considered.

In its report on the implementation of the recommendations, the SBGS indicated that a decision was made to close the Medininkai FRC relocating all foreigners residing there to other centres. It also informed that despite the closure of the Medininkai FRC, the SBGS had comprehensively assessed the shortcomings identified in the report, paying particular attention to the recommendations concerning the possibility for foreigners to lodge complaints and other appeals with the management of the Medininkai FRC concerning material conditions, violence, etc.

The foreigners' accommodation centres under the subordination of the SBGS were informed about the shortcomings identified during the inspections at the Medininkai FRC, instructing their management to ensure that a concise information document on the procedure for submitting and processing applications, complaints and other requests in the foreigners' registration centres is prepared as soon as possible, if not already, translated into the languages commonly spoken by the foreigners residing at the centres, and posted in places that are readily accessible to them, to ensure that complaints, applications and other requests submitted by foreigners are answered properly and as quickly as possible; also to send translations of the internal rules of procedure of the accommodation centres and of provisions of the procedure of temporary accommodation of foreigners of the SBGS to translators for checking in order to ensure that the translations are accurate, without interpretation or distortion of the original meaning of the document.

Having conducted an inspection on the basis of the recommendation of the Seimas Ombudsperson, Officials of the SFVS, Vilnius Department,

found that foodstuffs were transported to the Medininkai FRC without ensuring hygienic conditions (the interior surface of the car transporting packaged food was not clean, the cleaning of the car was of poor quality), the weight of the served hot meals was not checked, the size of the portions was not uniform (for example, after weighing 4 portions of fried fish, it turned out that one of the portions weighed 66 g, while the documented yield was 85 g), the storage conditions of hot food were not ensured, i.e. it was stored at a temperature below +63 °C, a device maintaining heat was set up at the place where food was handled/distributed, but was not turned on; documents confirming medical check-up of one employee and his completion of hygiene training were not provided. In light of the deficiencies found, the SFVS obliged the catering establishment to remedy the deficiencies identified during the inspection, provided methodological assistance and instructed it to comply with the requirements of the legislation when carrying out its food processing activities.

### Inspection at the Macikai social care institution



Macikai Social Care Home is the largest care home in Lithuania, with 340 residents living there at the time of the inspection conducted in 2022. The first inspection of this institution was carried out by the Human Rights Division in 2020, and it revealed a number of shortcomings, which indicated that the standards of human rights protection were not sufficiently met. In this context, 44 recommendations were made in 2020 to address these shortcomings, recommending the Macikai Social Care Home to ensure, inter alia, that:

- ◆ physical restraint is applied only on the decision of a psychiatrist, in accordance with the law and without violating the dignity of the person;
- ◆ all cases of physical restraint measures are properly recorded;
- ◆ furniture and objects in rooms where physical restraint is applied are fixed, free of sharp corners and/or other dangerous parts, and the rooms have clocks hanging in them;
- ◆ the residents' rooms are always screened for personal hygiene procedures; staff members always knock before entering the residents' rooms;
- ◆ residents are given the opportunity to make requests for a range of foodstuffs or meals, taking requests into account where possible;
- ◆ in order to increase residents' participation in free-time activities, motivate and encourage residents in all wings of the facility to engage in a wider range of activities that match their skills and interests;
- ◆ engagement of residents who are unable to get out of bed because of their health

conditions is better organised, offering activities tailored to their individual needs and social skills, taking them outdoors periodically when possible;

- ◆ residents' individual social care plans take into account a comprehensive assessment of their health status and their resulting special needs, and include information on their visual, hearing and other impairments, as well as dental, oral and other diseases, and the health care services they need;
- ◆ residents' clothing is personalised and assigned to each individual.



Taking into account the number of residents at the Macikai Social Care Home and the nature of the violations found in 2020 (e.g. the procedure of applying restraint measures was assessed as potentially amounting to inhuman and degrading treatment), the Seimas Ombudsperson Erika Leonaitė instructed the staff of the Human Rights Division to carry out a follow-up inspection of the Macikai Social Care Home in 2022, assessing the implementation of the recommendations made in 2020.

The results of the follow-up inspection of the Macikai Social Care Home revealed a number of positive developments, indicating that most of the recommendations had been implemented. For example, the practice of using physical restraints on agitated residents, which is highly critical from a human rights based approach, has been discontinued, aiming to resolve difficult situations by talking and allowing the person to calm down. The inspection also found that the residents of the institution were given the opportunity to express their preferences regarding the menu, the residents interviewed appreciated the quality of the food provided to them, kitchenettes were installed in the wings of the care home where residents could cook their own food. Staff have received training on the protection of rights of persons with mental and behavioural disorders.

The inspection also assessed issues related to ensuring the privacy of residents of the Macikai Social Care Home, ensuring freedom of movement, promoting independence, drawing up an individual social care plan, access to employment and other issues related to the situation of human rights in the institution.

The following deficiencies identified during the follow-up inspection; however, should be mentioned:

- ◆ failure to ensure that a blind for personal hygiene procedures in residents' rooms is used, so that other residents could not observe the procedures;
- ◆ failure to ensure that staff always knocked and waited at least a few seconds for residents to answer before entering their rooms;
- ◆ failure to ensure that staff knowledge of residents' right to privacy and the rights of persons with disabilities is periodically improved,



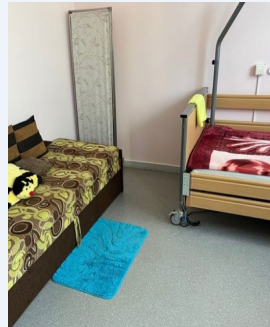
with training focusing on changing staff attitudes towards persons with disabilities;

- ♦ there was no periodic awareness-raising of residents about their right to privacy and the rights of persons with disabilities;



- ♦ no measures have been taken to record how many of the residents and how often they participate in engagement activities and physiotherapy sessions, and what the demand for engagement is, in order to ensure effective engagement planning for less active residents on the basis of this data;
- ♦ failure to ensure that residents with more severe disabilities who are unable to move without a wheelchair are taken outside periodically, recording this fact in order to assess the frequency and periodicity of residents going outside;
- ♦ failure to ensure that residents are provided with more frequent engagement and activities tailored to their individual needs and social skills, and that staff activities are organised in a way consistent with residents' agendas;
- ♦ failure to ensure that all residents of the Macikai Social Care Home have their own personal clothing;

- ♦ failure to encourage more independent residents to wash their own clothes, providing them with the necessary tools for that;
- ♦ there was no ongoing communication between physiotherapists and nursing professionals to improve the effectiveness of physiotherapy services in improving personal motor skills;



- ♦ failure to ensure that meetings of the Residents' Council of Macikai Social Care Home are held periodically, without prolonged interruptions;
- ♦ insufficient attention to the timeliness and quality of personal healthcare services provided to residents of the Macikai Social Care Home;
- ♦ insufficient measures have been taken to make the living environment close to home, to encourage residents to settle in comfort and to personalise their living spaces;
- ♦ additional shortcomings of inadequate use of chemicals in the premises of the Macikai Social Care Home, including living rooms, were identified.

Taking into account the identified shortcomings, the Seimas Ombudsman made 17 recommendations to responsible state bodies and institutions (the Macikai Social Care Home and

the Ministry of Social Security and Labour) on improving the human rights situation at the Macikai Social Care Home.

To inform about the implementation of these recommendations, the Macikai Social Care Home provided an implementation plan and additional information on the execution of the recommendations. The Macikai Social Care Home indicated that many of the recommendations made had already been implemented, including that measures had been taken to ensure that a blind was always used in the residents' rooms during personal hygiene procedures so that other residents were not able to observe the procedures; social workers and general nurses have been obliged to talk to service staff to ensure that staff members always knock and wait at least a few seconds for residents to answer before entering their rooms; measures have been taken to improve the knowledge of staff and residents of the residents' right to privacy and the rights of persons with disabilities; measures have been taken to ensure that residents with more severe disabilities who are unable to move without a wheelchair are taken outside periodically and that this fact is recorded; measures have been taken to ensure that all residents have their own personal clothes assigned to them; more independent residents are encouraged to wash their own clothes and are provided with the necessary tools for that; social workers in the wards have been instructed to discuss with residents the personalisation of their living rooms; the description of the procedure for ensuring the privacy of the residents of the Macikai social care home has been updated; measures have been taken to ensure that residents, especially those who are not able to move around independently, are never left in a room that is not ventilated or has a pungent smell of chemicals from the use of cleaning agents.

## **Control over implementation of recommendations**

The implementation of the National Prevention of Torture Programme in 2022 was significantly affected by insufficient material and human resources of the Seimas Ombudspersons' Office, as a result of which there were fewer visits to places of detention. The staff of the Human Rights Division used a variety of methods to monitor the implementation of the recommendations made in the reports. The responsible institutions were consulted by telephone, e-mail and other means of communication, and, following an analysis of the implementation plans submitted to the Seimas Ombudspersons' Office, the institutions were provided with proposals for improving and executing those plans and were asked to revise them in case the plans lacked information.

In terms of the implementation of the recommendations made following the inspections of places of deprivation of liberty, 79 recommendations were made to the respective public authorities in 2022, the majority of which concerned improving material conditions in places of deprivation of liberty, improving the right to lodge complaints, applications and other requests and the right to information, improving access to personal health care services, and ensuring a more diverse and tailored organisation of engagement activities for individuals.

Thus, 87.32% of all recommendations made in the National Prevention of Torture Report of 2022 have been implemented. It should be noted that the implementation of the recommendations addressed to the Medininkai FRC and the Kybartai FRC, which have not yet been implemented, has become irrelevant since a decision was made to close these foreigners' registration centres.

### III. ACTIVITIES OF THE SEIMAS OMBUDSPERSONS IN IMPLEMENTATION OF THE FUNCTIONS OF A NATIONAL HUMAN RIGHTS INSTITUTION

In the exercise of its functions as a national human rights institution, the Seimas Ombudspersons' Office (the Office) continued to pay close attention to ensuring the rights of migrants in 2022: it provided comments and suggestions on the improvement of draft laws submitted for approval, took part in discussions and deliberations, monitored the situation of human rights and freedoms in the registration centres of foreigners, and drew the attention of Lithuanian institutions and the public to the gaps in the guarantee of the rights and freedoms of foreigners.

In view of the need to strengthen environmental democracy, the Seimas Ombudspersons' Office conducted a study on the implementation of the public right of access to justice in environmental matters in Lithuania. It also provided information to international organisations on the implementation of Lithuania's international human rights obligations, commented on proposed amendments to legislation within its competence, and organised training for staff in places of deprivation of liberty and social care institutions on the implementation of human rights standards in their work with people living in these institutions. For the fifth consecutive year, the Office contributed to the organisation of the National Human Rights Forum to commemorate International Human Rights Day. In 2022, the Seimas Ombudsperson Erika Leonaitė and/or employees of the Office participated in 9 meetings of the Seimas Committee on Human Rights and 1 meeting of the Seimas Committee on Legal Affairs, where they spoke on topical issues related

to the guarantee of human rights and freedoms and were familiarised with the information presented during the meetings.

Activities of the Seimas Ombudspersons' Office in the reporting year:

**The Seimas Ombudspersons' Office carried out human rights monitoring in Lithuania and drafted reports on the human rights situation (Article 19<sup>2</sup> (2)(1) of the Law on the Seimas Ombudsmen (hereinafter - the Law))**

**On 3 March 2022**, the meeting was held with Virginijus Kulikauskas, Director of the Prison Department (now the Prison Service) under the Ministry of Justice of the Republic of Lithuania. During the meeting, the Seimas Ombudspersons reviewed the problems identified in the complaints received by the Seimas Ombudspersons' Office, also discussing preventive measures to reduce violence in places of deprivation of liberty, and resocialisation programmes for prisoners.



**On 10 March 2022**, the Seimas Ombudsperson Erika Leonaitė and employees of the Seimas Ombudspersons' Office met with representatives of the international non-governmental

organisation Amnesty International. The meeting discussed the challenges posed by irregular migration across the Belarusian border in Lithuania. The representatives of the above-mentioned organisation were interested in the problems of migrants accommodated in foreigners' registration centres. The Seimas Ombudsperson presented the problems related to irregular migration in the national reports on the prevention of torture and discussed the reactions of state institutions and the public to the reports, as well as the prospects for the implementation of the recommendations contained therein.

**On 16 March 2022**, Erika Leonaitė, Head of the Seimas Ombudspersons' Office, emphasised at the meeting of the Seimas Committee on Human Rights that many systemic problems persist at the Foreigners' Registration Centres, such as the insufficient and formal provision of state-guaranteed legal aid, long-term *de facto* detention without an assessment of individual circumstances, the lack of information and the uncertainty of the future, which not only lead to psychological problems and growing tension at the places of detention, but also show lack of guarantee of the fundamental rights of the migrants present in Lithuania so far.

**On 4 April 2022**, taking part in a remote conference organised by the Prison Department (now Prison Service) on "The activities of collective councils of convicts and their significance in prisons", the Seimas Ombudsperson Erika Leonaitė discussed the most common problems hindering resocialisation that come to light in the complaints of convicts. One of the main problems identified was a professional culture geared towards strict enforcement of restrictions, with insufficient attention to reintegration. E. Leonaitė also expressed hope that councils of convicts

would become a tool for solving problems in places of imprisonment, involving prisoners' representatives in the search for solutions and seeking compromise solutions based on dialogue.



**On 3 May 2022**, the situation in places of deprivation of liberty and the need to create more opportunities for different forms of employment for prisoners was discussed at a meeting with representatives of the Ministry of Justice and the then Department of Prisons. The problems raised by prisoners in their complaints concerning the availability of food supplements to supplement their diet were also discussed.



**On 1 June 2022**, the Seimas Ombudspersons Erika Leonaitė and Milda Vainiutė, together with the Ombudsperson for Child's Rights Edita Žiobienė and the Equal Opportunities

Ombudsperson Birutė Sabatauskaitė, participated in a meeting with the President of the Republic of Lithuania, His Excellency Gitanas Nausėda. The meeting focused on the steps to be taken to make life better and safer for children in Lithuania. The issues of gearing the environment and provision of services to children with disabilities and their families were discussed, challenges faced by people and their families who have illegally crossed the border into Lithuania, as well as by mothers with children who have fled hostilities in Ukraine. The meeting also discussed other topical human rights issues, highlighting the challenges and opportunities for protecting the rights of vulnerable persons.

**On 1 June 2022**, the Seimas Ombudsperson Erika Leonaitė, together with representatives of the Seimas Committee on Human Rights, the Ministry of the Interior, the State Border Guard Service, the Migration Department, the Ministry of Social Security and Labour, Caritas Lithuania and the Lithuanian Red Cross Society, took part in a discussion at the Centre for Civil Education on the topic of “Possible Solutions Having Opened Up the Gates of the Migrants’ Camps”. The discussion focused on the prospects for migrants once restrictions on their movement are lifted, i.e. when they are allowed to leave the foreigners’ registration centres.



**On 2 June 2022**, the Seimas Ombudspersons Erika Leonaitė and Milda Vainiūtė and the staff of the Seimas Ombudspersons’ Office participated in an international roundtable discussion organised by the Seimas Ombudspersons’ Office in cooperation with the Office of the Equal Opportunities Ombudsman and the Lithuanian Gay League, which focused on the role of ombudsmen in the promotion and protection of the rights of LGBTQ+ persons. The event took place in the context of the Baltic Pride 2022 festival and aimed not only to draw attention to the challenges in the implementation of LGBTQ+ rights, but also to jointly seek solutions to change the current situation. Representatives of ombudsmen’s offices from Norway, Finland and Estonia participated in the discussion and shared their good practices and challenges. During this meeting, the Equal Opportunities Ombudsperson Birutė Sabatauskaitė, the Seimas Ombudsperson Erika Leonaitė, the Norwegian Equality and Non-Discrimination Ombudsperson Bjørn Erik Thon, and the Finnish Non-Discrimination Ombudsperson Mirka Mokko signed a statement expressing their support for LGBTI+ persons, calling on the responsible authorities to: adopt the Law on Civil Union, which, once in force, would provide same-sex families in Lithuania with at least minimum legal guarantees; to include gender identity and gender expression as grounds for non-discrimination in the Law on Equal Opportunities with an aim to ensure that transgender and non-binary people are legally protected from equal opportunities violations; to ensure that transgender people receive the personal health care they need in a way that is respectful and does not undermine the dignity of the individual; to ensure that law enforcement authorities protect LGBTI+ people without discriminatory attitudes, are able to effectively identify and prevent hate crimes based

on sexual orientation and/or gender identity; to provide safe and inclusive education for LGBTI+ children and young people; and to encourage the society to respond to cases of discrimination and/or harassment on the basis of sexual orientation or gender identity.

**On 15 June 2022**, the Seimas Committee on Human Rights debated a proposal to grant the right to work to migrants, who do not have asylum status, 12 months after their registration. The Seimas Ombudsperson Erika Leonaitė, who supported the initiative, emphasised that the current 5-year time limit, which was introduced as part of the deterrence policy, could not be considered as a proportionate measure to prevent irregular migration. The Seimas Ombudsperson pointed out that illegal migration flows were under control and that a work permit would not affect the execution of the expulsion decision. On the other hand, not providing migrants in Lithuania with the possibility to legally take up employment would create conditions for their illegal work, as well as increase their risk of becoming victims of trafficking and exploitation, and of being subjected to situations of extreme poverty. Such a situation would not only be unacceptable from a human rights point of view, but would also lead to threats to public order. It would also encourage irregular secondary migration to other European Union countries.



**On 30 August 2022**, a meeting with representatives of the United Nations Refugee Agency (UNHCR) in Lithuania discussed the challenges related to ensuring the right to asylum in Lithuania, the human rights situation in foreigners' registration centres and the refugee reception centres, as well as further cooperation between the Seimas Ombudspersons' Office and UNHCR in Lithuania.

**On 13 September 2022**, a meeting with representatives of the then Prison Department (now the Prison Service) was held to discuss the problems raised in the prisoners' complaints concerning the right to work, the possibilities of resocialisation and the application of the OASys risk assessment methodology in respect of convicts. An agreement was reached with the Director of the then Prison Department Virginijus Kulikauskas that there is a need to better inform prisoners about employment opportunities, including through the use of councils of convicts. Finally, future plans in the field of re-socialisation were discussed.

At a meeting of the Seimas Committee on Human Rights held **on 14 September 2022**, the Seimas Ombudsperson Erika Leonaitė welcomed the substantial implementation of the recommendations on improving the accommodation conditions for migrants and asylum seekers in the Kybartai Foreigners' Registration Centre, also emphasising problems related to the access of migrants in Lithuania to the right to work, the identification of vulnerability and the availability of psychological support. The Seimas Ombudsperson also drew the Committee's attention to the problematic aspects of the draft law on the amendment of the Law on the State Border and the Guard Thereof, which aims to legalise the practice of so-called "pushbacks" in times of a massive influx of foreigners at the legislative level.



**On 30 September 2022**, the Seimas Ombuds-person Erika Leonaitė took part in a discussion organised by the Seimas Committee on Human Rights, together with the World Health Organisation (WHO), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM), on the topic “Are there any alternatives to detention? Standards, health implications and practices”, which highlighted that alternatives to detention are not only necessary from the point of view of respect for human rights, are generally less pricy than detention, but also that alternatives to detention can achieve better results than detention, including in terms of voluntary decisions to return to the country of origin, co-operation with the asylum authority, etc. The Seimas Ombuds-person also stressed the need for alternative measures to detention to be accompanied by horizontal measures, such as the provision of comprehensible information to people on their rights and obligations, provision of effective legal aid and, where possible, case management.

**On 11 October 2022**, the Seimas Ombuds-persons’ Office hosted a meeting of the Seimas Ombuds-person Erika Leonaitė and employ-ees of the Seimas Ombuds-persons’ Office with

representatives of the Ministry of Social Security and Labour, the Disputes Commission under the Ministry of Social Security and Labour, and the Disability and Working Capacity Assessment Office under the Ministry of Social Security and Labour. During the meeting, topical issues related to solutions for people with disabilities were discussed.



**On 26 November 2022**, the Head of the Seimas Ombuds-persons’ Office Erika Leonaitė and employ-ees of the Seimas Ombuds-persons’ Office discussed with the President of the Supreme Ad-ministrative Court of Lithuania (SACL) Skirgailė Žalimienė, Judges Veslava Ruskan and Dalia Višinskienė the implementation of the public’s right of access to courts in the field of environ-ment protection in the practice of the SACL, as well as possible improvement of legal acts in the field of environment. The representatives of the SACL and the Seimas Ombuds-persons’ Office discussed the practice of the SACL in analysing problematic aspects of the application of the United Nations Convention on Access to Infor-mation, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention), such as: whether the existing national legislation sufficiently clearly defines the possibilities for the public concerned

to access justice on environmental matters in accordance with the Aarhus Convention, and the problems of the legislative framework, also the practice in administrative cases which combined the rights of the interested public and the interests protected by laws.

**On 12 December 2022**, the Seimas Ombuds-person Erika Leonaitė and the Head of the Human Rights Division Vytautas Valentinavičius participated in a meeting with a delegation from the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), where they provided their opinion on human rights-related matters.

**On 19 December 2022**, the Seimas Ombuds-person Erika Leonaitė and employees of the Office participated in the presentation of the annual report on the monitoring of reception conditions and raised questions related to human rights of foreigners who have illegally crossed the Belarusian-Lithuanian border.

**On 28 December 2022**, the Head and employees of the Seimas Ombudspersons' Office met with representatives of the international organisation Doctors Without Borders to discuss human rights issues related to the protection of the human rights of foreigners who have illegally crossed the Belarusian-Lithuanian border.

In 2022, the Seimas Ombuds-person Erika Leonaitė and/or a representative of the Office participated in periodic inter-institutional meetings organised by the Ministry of Social Security and Labour to discuss issues related to ensuring the rights of foreigners who have illegally crossed the Belarusian-Lithuanian border (accommodation, employment, integration, securing the rights and legitimate interests of

children, prevention of violence, etc.) and to present an overview of the situation and the relevant statistical information.

### **The Seimas Ombudspersons' Office carried out dissemination of information on human rights and education of the public on human rights issues (Article 19<sup>2</sup>(2) (2) of the Law)**

**On 14 January 2022**, Vytautas Valentinavičius, Head of the Human Rights Division of the Seimas Ombudspersons' Office, took part in a discussion organised by Steponas Kairys Foundation on "The Migrant Crisis: Challenges for the EU's Border Security", as part of the series of events "Conference on the Future of the EU: Lithuania's left-wing ideas for Europe". Valentinavičius gave a presentation "Can EU borders protect both democracies and humanity?", where he spoke about the importance of ensuring respect for human rights as part of national security policy priorities.

**On 25 January 2022**, the Seimas Ombuds-person Erika Leonaitė presented the Seimas Ombudspersons' Office report on the human rights situation at the Kybartai Foreigners' Registration Centre during the LRT programme "Dėmesio centre" (English: In the Centre of Attention") and commented on the report at a press conference held on the same day. The Seimas Ombuds-person noted that the living space per person in this sector of the accommodation facility, where the largest number of persons were accommodated, was far too small, and that migrants were not provided with any kind of employment, their access to information about their status and legal pathways was very limited, their right to receive actual rather than formal state-guaranteed legal aid was not guaranteed, and the availability of personal health care services was limited due to the lack of doctors at the centre. The Seimas



Ombudsperson concluded that the totality of the circumstances found led to the conclusion that conditions at the Kybartai Foreigners' Registration Centre amounted to prohibited, inhuman and degrading treatment.

**On 26 January 2022**, Vytautas Valentinavičius, Head of the Human Rights Division of the Seimas Ombudspersons' Office, Birutė Sabatauskaitė, Equal Opportunities Ombudsperson, and Jurga Greičienė, Deputy Minister of Justice, took part in LRT TV show "60 minučių" (English: 60 Minutes) to review the human rights issues highlighted at the United Nations Human Rights Council in Geneva, where Lithuania presented its third report on the situation of human rights protection.

**On 27 January 2022**, the Seimas Ombudsperson Erika Leonaitė, Deputy Minister of the Interior Arnoldas Abramavičius, Head of the State Border Guard Service Rustamas Liubajevs, lawyer Asta Astrauskienė and Head of the Asylum and Migration Programme of the Lithuanian Red Cross Society Eglė Samuchovaitė spoke on the topic "Can living conditions of migrants be considered as torture?" at the LRT programme "Aktualijų studija".

**On 9 May 2022**, the Seimas Ombudsperson Erika Leonaitė participated in an inter-institutional meeting with the Speaker of the Seimas on assistance to victims of sexual violence in Ukraine.

**On 12 May 2022**, the Seimas Ombudsperson Erika Leonaitė gave a public lecture to the students of Vytautas Magnus University on the institution of the Ombudsman and the role of the Seimas Ombudspersons' Office in protecting the rights of vulnerable groups.

**On 26 May 2022**, the Seimas Ombudsperson Erika Leonaitė, together with the Chairman of the Seimas Committee on National Security and Defence

Laurynas Kasčiūnas, the Member of the Seimas Committee on Human Rights Vytautas Bakas, and the Deputy Minister of the Interior Arnoldas Abramavičius, took part in a Delfi TV programme, which was devoted to the state's actions in relation to the migrants who were locked up in camps.



**On 22 June 2022**, the Seimas Ombudsperson E. Leonaitė participated in the discussion "Lithuania's Plan for Migrants" organised by V. Bakas, member of the Seimas, and emphasised Lithuania's responsibility as a democratic state for all the people in its territory, called on Lithuania to stop building invisible borders in society and to ensure the dignity of every human being. The Seimas Ombudsperson also pointed out that studies and national experiences show that migrants can play an important role in strengthening the welfare state and urged to look at migrants as an opportunity rather than a threat.



**On 11 July 2022**, the Seimas Ombudspersons Erika Leonaitė and Milda Vainiūtė took part in a roundtable discussion “Enhancing the Rights of Defendants and Detainees with Intellectual and/or Psychosocial Disabilities”, organised by the public institution VšĮ Psichikos sveikatos perspektyvos (English: Mental Health Perspectives) in cooperation with the Seimas Ombudspersons’ Office. E. Leonaitė emphasised that suspects with intellectual and psychosocial disabilities are one of the most vulnerable groups in criminal proceedings, and that it is therefore important not only to be able to identify suspects’ and defendants’ intellectual and psychosocial difficulties in a timely and appropriate manner, but to also focus on the strengthening of the competences of investigators, prosecutors and judges, which are necessary to ensure the right of such persons to a fair trial.

**On 20 September 2022**, a delegation from Kazakhstan paid a study visit to the Seimas Ombudspersons’ Office to learn about the activities of the Seimas Ombudspersons’ Office in protecting the right to good public administration. The guests were particularly interested in the cases where the recommendations of the Seimas Ombudspersons have been taken into account in order to amend legislation, address systemic problems of human rights protection, and initiate proceedings for the application of liability. They also discussed the processes of communication with the media and specific examples.



**On 29 September 2022**, the Head of the Seimas Ombudspersons’ Office Erika Leonaitė hosted a delegation of officials from the European Border and Coast Guard Agency *Frontex* from 15 different countries, who were interested in the activities of the Seimas Ombudspersons’ Office and its experience in dealing with migration-related human rights issues. Introducing the members of the delegation and the objectives of the visit, Jonas Grimheden, Head of Frontex’s Fundamental Rights Office, pointed out that the delegation wanted to gain practical knowledge in the areas of monitoring violations at the border and dealing with migrants’ asylum complaints. During the meeting, the Head of the Seimas Ombudspersons’ Office Erika Leonaitė presented the activities of the Office and the mandates of the Seimas Ombudspersons, with a special focus on the application of these mandates to human rights issues in the field of migration. Erika Leonaitė also presented legislation used as a basis for national prevention of torture, explained the process of provision of recommendations and monitoring of their implementation.



**On 11 November 2022**, employees of the Seimas Ombudspersons’ Office organised a training course on “Human Rights Based Penal Enforcement System: Standards, Challenges, Practice” at the then Pravieniškės Correction House-Open

Prison Colony (now Pravieniškės Prison Nr. 1). The expert and psychologist Valija Šap gave a presentation on stress recognition and management to the 70 employees of imprisonment institutions from all over Lithuania who attended the training, while the staff of the Human Rights Division of the Seimas Ombudspersons' Office discussed the state's obligations in the field of human rights protection and the role of staff of imprisonment institutions in the implementation of these obligations, and also presented a human rights-based approach to person-centred work in place of imprisonment. In addition, the training organised by the Seimas Ombudspersons' Office focused on the analysis of problems arising in practice, such as limited employment opportunities for prisoners, disproportionate use of force by officers against non-resisting prisoners, restriction of the possibility to spend time in the recreation room, or confiscation of coloured folding paper sent by the prisoner's relatives without allowing the prisoner to engage in individual creative activities.



**On 29 November 2022**, employees of the Human Rights Division of the Seimas Ombudspersons' Office held a training course "Human Rights Based Supervision of Persons in Social Care Institutions: Standards, Challenges, Practice" for

employees of the social care institutions in Western Lithuania. In order to encourage the participants to think about human rights in their daily work, staff of the Human Rights Division of the Seimas Ombudspersons' Office presented a human rights-based model of care for residents of social care institutions, applying the principles of autonomy, equality, dignity, respect and justice. Participants in the training discussed in working groups how to solve specific everyday situations in practice and how to find the most effective ways of solving problems in the light of human rights. The training organised by the Human Rights Division of the Seimas Ombudspersons' Office for employees of social care institutions is a continuous activity aimed at contributing to the improvement of the competences of these employees in the field of ensuring human rights and freedoms.

For the fifth consecutive year, the Seimas Ombudspersons' Office contributed to organising the National Human Rights Forum to commemorate International Human Rights Day. The event took place **on 9 December** and focused on human rights issues in the face of crises and military conflicts, and the 30<sup>th</sup> anniversary of the Constitution of the Republic of Lithuania. Representatives of various international organisations, members of the Seimas, ombudsmen, foreign ambassadors, academia, representatives of non-governmental organisations and human rights activists attended the National Human Rights Forum. During the event, the Seimas Ombudspersons' Office hosted a discussion "Lithuania's openness to refugees: lessons (not) learned", where together with representatives of NGOs, governmental and international organisations, discussed the situation of refugees in the country from a human rights perspective.



Vytautas Valentinavičius, Head of the Human Rights Division of the Seimas Ombudspersons' Office, took part in the National Human Rights Forum's discussion "The First EU LGBTIQ Equality Strategy 2020-2025: Will LGBTIQ-inclusive policy become integral to Lithuanian strategic targets?", organised by the national LGBT rights organisation LGL.

**The Seimas Ombudspersons' Office presented the assessment of the human rights situation in Lithuania to international organisations and provided them with information in accordance with the obligations laid down in the international treaties of the Republic of Lithuania (Article 19<sup>2</sup> (2) (3) of the Law)**

The Seimas Ombudspersons' Office has regularly provided information on restrictions on the rights and freedoms of individuals in the country, the prevention of violations of human rights and freedoms, developments in national legislation and compliance with international obligations to international organisations active in the field of human rights and freedoms (the European Network of National Human Rights Institutions, the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the European Committee

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Association for the Prevention of Torture).

**On 31 March 2022**, the Head of the Seimas Ombudspersons' Office Erika Leonaitė attended the General Assembly of the European Network of National Human Rights Institutions (ENNHRI), where she spoke on the situation in Ukraine and the situation of refugees fleeing the Ukrainian war.

**On 14 June 2022**, the Seimas Ombudsperson Erika Leonaitė attended the 47<sup>th</sup> session of the UN Subcommittee on Prevention of Torture (SPT), where she spoke about the situation of vulnerable migrants accommodated in Foreigners' Registration Centres. According to the Seimas Ombudsperson, there are three main concerns: firstly, there are challenges in identifying the vulnerability of migrants whose vulnerability is not obvious; secondly, the continued *de facto* administrative detention of children raises serious concerns about the impact on their development; thirdly, all migrants in *de facto* detention, including vulnerable persons, face mental health effects of prolonged deprivation of liberty, the uncertainty caused by the absence of an effective system of legal aid, and the anxiety of the future. E. Leonaitė also informed the Subcommittee on Prevention of Torture of the decision taken at the political level to discontinue the administrative detention of migrants who pose no threat to public order. At the same time, the Seimas Ombudsperson drew attention to the need to provide legal work opportunities for those migrants who cannot be deported.

**On 1 July 2022**, at the 50<sup>th</sup> session of the United Nations Human Rights Council, the report of the third cycle of the Universal Periodic Review of Lithuania was approved. Erika Leonaitė, Head of the Seimas Ombudspersons' Office, who spoke

at the session, emphasised the necessity of strengthening the process of implementation of the recommendations made to Lithuania and called for special attention to be paid to the implementation of recurrent recommendations and to the introduction of a human rights-based approach in the public sector. During the human rights review held in January 2022, Lithuania received 232 recommendations from 82 countries, of which the vast majority (214) were accepted for implementation and 18 were reasonably rejected.

**On 14 July 2022**, representatives of the Seimas Ombudspersons' Office participated in a webinar organised by the Subcommittee on Prevention of Torture (SPT), where the Head of the Seimas Ombudspersons' Office presented the situation of vulnerable groups of migrants subject to administrative detention in Lithuania.

**On 13 September 2022**, investigators from Amnesty International visited the Seimas Ombudspersons' Office and met with the Seimas Ombudsperson Erika Leonaitė. During the meeting, the Seimas Ombudsperson presented the developments that have taken place since Amnesty International's report on the Lithuanian authorities' response to the challenges posed by irregular migration across the Belarusian border, published in June 2022.



**On 12 October 2022**, a delegation from the Counter-Terrorism Executive Directorate (CTED) of the United Nations Security Council Counter-Terrorism Committee (CTC) visited the Seimas Ombudspersons' Office to discuss the situation in the country in relation to countering extremism and the extent to which the counter-terrorism measures ensure respect for human rights. At the request of the delegation, the meeting was organised with experts in the field from civil society, non-governmental organisations, the private and academic sectors in order to listen to their insights, which could complement CTED's previous cooperation with the Government. Presenting the mandates of the Seimas Ombudspersons' Office, the Head of the Seimas Ombudspersons' Office Erika Leonaitė highlighted the Seimas Ombudspersons' activities in the fields of intelligence and criminal intelligence, as well as the problems related to the oversight of the intelligence and criminal intelligence activity. Focusing on the prevention of terrorism, civil society representatives shared their experience in addressing human rights issues in the areas of extremism, hate speech, combating human trafficking and migration.

**On 14 December 2022**, the Seimas Ombudsperson Erika Leonaitė met with representatives of the European Union (EU) Fundamental Rights Agency (FRA) to discuss the possibility of establishing a national independent mechanism to monitor respect for fundamental human rights at the EU's external borders in Lithuania. The guests asked the Seimas Ombudsperson for her opinion on fundamental human rights issues in response to instrumentalised migration and were interested in how draft legislation is assessed in the country in order to ensure that it does not contravene the Constitution and EU law. The Seimas

Ombudsperson presented the problems related to the right of migrants who have crossed the border at undesignated locations to apply for asylum and shared her insights on the forthcoming amendments to the Law on the State Border and the Guard Thereof and the Law on the Legal Status of Foreigners. In her presentation on the activities of the Seimas Ombudspersons' Office, E. Leonaitė pointed out that, in spite of the fact that the resources available to the Seimas Ombudspersons' Office limited its ability to operate efficiently, even with the existing capacity, the places of detention of foreigners were visited, legislation was assessed, and cooperation with international and non-governmental organisations and state institutions was pursued.

**On 15 December 2022**, the Seimas Ombudspersons' Office provided the European Network of National Human Rights Institutions (ENNHRI) with information on the mechanism for the implementation of the recommendations made to Lithuania by international organisations and the Universal Periodic Review (UPR) to improve the situation of human rights, and on the Government's monitoring of the implementation of these recommendations.

**On 16 December 2022**, the Seimas Ombudsperson Erika Leonaitė gave a presentation on migrant problems in Lithuania to representatives of the European Border and Coast Guard Agency Frontex. Representatives of the Seimas Ombudspersons' Office and the Frontex Fundamental Rights Office discussed the fundamental human rights monitoring mechanism, the ongoing mission and monitoring activities at Lithuanian border control points. The meeting focused on the assessment of the measures taken by the Government to control instrumentalised migration, including the policy of turning back, from

the perspective of European Union law, as well as on the role of Frontex in carrying out enforced returns. Given that Frontex's mandate in Lithuania does not currently include monitoring in the "green" border area, Frontex representatives were interested in the main concerns at the border.

### **The Seimas Ombudspersons' Office made proposals to state and municipal institutions and bodies on human rights issues (Article 19<sup>2</sup> (2)(4) of the Law)**

**On 22 July 2022**, the Seimas Ombudspersons' Office submitted an opinion to the Constitutional Court of the Republic of Lithuania in Constitutional Justice Case No 4/2022 on the compatibility of Article 2(3), Article 3(2)(3), Article 11(3), Article 15(1) of the Law on Intelligence Ombudsmen of the Republic of Lithuania, as well as of Article 12(2) of the Law on the Seimas Ombudsmen of the Republic of Lithuania with the provisions of Article 7(1) of the Lithuanian Constitution. The Seimas Ombudsperson E. Leonaitė emphasised that there is no clear place for intelligence ombudsmen in the system of ombudsmen and supervisory authorities, which corresponds to the scope of their activities and duties. By aligning the status of the Seimas Ombudspersons' Office with that of the Intelligence Ombudsmen's Office, but giving the Intelligence Ombudsmen a narrow scope of competence, and at the same time limiting the mandate of the Seimas Ombudspersons, as enshrined in the Constitution, in the area of human rights and freedoms, not only the Seimas Ombudspersons' Office and the Intelligence Ombudsmen's Office are being opposed, but also the overall system of Ombudsmen and oversight bodies is being distorted.

**On 13 December 2022**, the Seimas Ombudspersons' Office provided its opinion to the Ministry of the Interior on the recommendation formulated at the meeting of the Commission for the Coordination of the Fight Against Trafficking in Human Beings to appoint an additional function of the National Rapporteur for the Fight Against Trafficking in Human Beings to the Office. The Head of the Seimas Ombudspersons' Office pointed out in her letter that the lack of analysis of the alignment between the functions carried out by the Institution and the new function in the studies of the Centre for Strategic Analysis of the Government (STRATA) does not allow for a thorough and systematic assessment of the scope of the functions carried out by the Institution analysing the resources available to the Institution to carry out the existing functions, and, consequently, the risks associated with the appointment of a new function with a broad scope. According to the Head of the Seimas Ombudspersons' Office, the analysis of the totality of the National Rapporteur's functions suggests that an independent body should be established to carry out these functions, which is identified as a model for the National Rapporteur, inter alia, in the recommendations of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA). This position was also expressed at the meeting of the Seimas Ombudsperson Erika Leonaitė, human rights and GRETA representatives on 12 December 2022.

Having assessed the findings of the study conducted by the Office on the implementation of the public right of access to justice in environmental matters in the context of the implementation of Lithuania's international obligations in the field of human rights, the Seimas Ombudsperson made recommendations to the following institutions:

- ♦ the Seimas Ombudsperson recommended the Ministry of the Environment to take measures to clarify the provisions of the Law on Environmental Protection so that it is clear that only public legal entities promoting environmental protection have the right to apply to court for protection of the public interest by challenging the substantive or procedural lawfulness of decisions, actions or inactions in the field of the environment and its protection and use of natural resources, while other persons, i.e. one or more natural or legal persons, are conferred the right to defend public interest in the field of the environment provided that they seek to defend their own subjective rights or legitimate interests in the same matter, and that the analogous provisions of other laws in the field of the environment are assessed and, where necessary, adjusted and remedied, that the official website of the Ministry of the Environment and other means provide the public with comprehensive, accurate, visually clear and regularly reviewed and, where necessary, updated information (guidelines) on the procedure for the exercise of the public's right to refer to courts on environmental matters under the Aarhus Convention in Lithuania. This information should include relevant provisions of national law, the most recent review of national case law on the subject, the conditions for access to justice in environmental matters, visual representations of access to justice under individual provisions of Article 9 of the Aarhus Convention, flowcharts, and other important legal and practical aspects of the right to refer to courts.
- ♦ The Seimas Ombudsperson recommended to the Government to ensure that the national legislation of the Republic of Lithuania guarantees the widest possible access

of the public, and in particular of the public concerned, to courts to challenge actions, omissions and decisions of various entities in the field of the environment, as well as to defend the environment as a public interest, that the criteria which the public seeking to take advantage of the opportunity to refer to courts in environmental matters is subject to are clearly defined in legislation, and that the public is adequately and continuously informed of these opportunities.

- ♦ The Seimas Ombudsperson recommended to the Ministry of Justice to take measures to ensure that legislation contains clear criteria for the exercise of the right of access to justice in environmental matters by the public concerned, which are consistent with the objectives of the Aarhus Convention; take measures to ensure that the right provided for in Article 112(1) of the Law on Administrative Proceedings to apply to an administrative court for an examination of whether a normative administrative act (or its part) relating to the environment is in conformity with the law or a normative act of the Government, could be exercised not only by the public concerned, as defined in the Law on Environmental Protection, but also by persons who meet the definition of “the public concerned” in other environmental laws, such as the Law on Territorial Planning and the Law on Environmental Impact Assessment of Planned Economic Activities.
- ♦ **On 31 August 2022**, the Seimas Ombudspersons’ Office submitted proposals to the Ministry of Justice for the implementation of the recommendations adopted by Lithuania during the third cycle of the Universal Periodic Review of the United Nations Human Rights Council.

### The Seimas Ombudspersons’ Office sought to harmonise national legislation with the international human rights obligations of the Republic of Lithuania (Article 19<sup>2</sup> (2)(5) of the Law)

By its letter of **25 April 2022**, the Seimas Ombudspersons’ Office provided to the Board of the Seimas and the Seimas Committee on Human Rights its position on the Draft Law No XIVP-766 Amending and Supplementing Articles 2 and 7 of the Law on Meetings No 1-317, Draft Law No XIVP-819 on Amendments to Articles 6, 7, and 12 of the Law on Meetings No 1-317, and Draft Law No XIVP-1328 on Amendments to Articles 6, 7, and the title of Chapter II of the Law on Meetings from the perspective of the guarantee of freedom of assembly. The Seimas Ombudsperson E. Leonaitė was critical of the proposal to involve a person authorised by the offices of the President of the Republic of Lithuania, the Seimas of the Republic of Lithuania and the Government of the Republic of Lithuania in the process of coordination of the assembly, if the assembly to be organised is planned to take place in the vicinity of these institutions. According to the Seimas Ombudsperson, such a requirement would be redundant, as the existing provisions of the Law on Meetings also allow for the inclusion of the necessary representatives of other institutions in the coordination procedure of the notifications of the meeting to be held. Moreover, a more complex procedure for the coordination of notifications of meetings to be held at the highest political authorities of the State is also critical from the point of view that the possibility of expressing one’s views on the decisions taken by these very authorities and their officials during peaceful assemblies in a democratic State should be particularly protected. The Seimas Ombudsperson also saw risks in the proposal that the organisers of a meeting with more than



15 participants should be required to give notice of the meeting at least 15 working days before the date of the meeting. The Seimas Ombuds-person noted that extending the current deadline of 5 working days to 15 working days would significantly hamper the possibility of organising meetings aimed at responding quickly to current events. According to E. Leonaitė, a possibility of enshrining in the law provisions obliging courts to take steps to ensure that disputes between meeting organisers and the municipality are resolved in the shortest possible time, possibly before the scheduled date of the meeting, without extending the period of notice of the meeting, should be taken into consideration. The position paper also points out that the unjustified restrictions on the freedom of assembly that are of concern are not so much the result of the existing legal framework, but rather of inadequate application of the framework in practice, where the procedure for the exercise of the right to freedom of assembly, as set out in the Law on Meetings, has in practice been transformed into a *de facto* procedure for the granting of permits. Situations in which municipal administrations refuse to approve a notice of assembly on the grounds of inconvenience caused by the assembly, hypothetical risks of disturbance of public order or other circumstances are not only incompatible with international standards for the protection of the freedom of assembly, but also with the existing national legal framework. From the perspective of the protection of human rights and freedoms, the grounds for restricting the right of citizens to assemble peacefully without arms, as provided for in the Law on Meetings, cannot be invoked to create artificial obstacles to the exercise of the constitutional right to freedom of assembly by persons intending to exercise their right.

By its letter of **14 June 2022**, the Seimas Ombudspersons' Office assessed, within its competence, the proposal of the Member of the Seimas Mindaugas Lingė on the Draft Law No. XIVP-1648 on the amendment to the Law No. IX-2206 on the Legal Status of Foreigners (hereinafter – the LSF) of the Republic of Lithuania and submitted to the Human Rights Committee of the Seimas of the Republic of Lithuania an evaluation of the proposed legal regulation from the point of view of ensuring human rights and liberties. The Seimas Ombudspersons' Office supported the proposal to grant the right to work to foreigners who are not asylum seekers 12 months after the date of registration in the Lithuanian Migration Information System, offering to leave the existing legal regulation, according to which an asylum seeker acquires the right to work 6 months after the date of submitting an application for asylum, unchanged, if the Migration Department did not take a decision on granting asylum in the Republic of Lithuania for reasons other than the fault of the asylum seeker.

By its letter of **25 August 2022**, the Seimas Ombudspersons' Office presented its position to the Ministry of the Interior on the Draft Law Amending Articles 1, 2, 4, 11, 14, 15, 16, 18, 21, 23 and 26 of the Law No. VIII-1666 on the State Border and the Guard Thereof of the Republic of Lithuania, and on Supplementing the Law with new Article 2<sup>1</sup> and new Chapter IX. Taking into account the fact that the draft law proposes to reinforce the already existing legal regulation, which severely restricts the right to apply for international protection in the territory of the Republic of Lithuania, doubts have been expressed as to the compatibility of the regulation proposed in the draft with the European Union law, in particular in light of the judgment of the Court of Justice of the European Union in the case of M.A. of 30 June 2022 (case No. C-72/22 PPU).

**On 13 December 2022**, the Seimas Ombudpersons' Office submitted an opinion to the Seimas Committee on Legal Affairs and the Seimas Committee on Human Rights on the Draft Law amending Article 1 of the Law No XIV-1196 on Amendments to the Code of Execution of Sentences. The Seimas Ombudpersons' Office proposed to consider the possibility of ensuring that the justification, necessity and proportionality of the extension of the period of restriction of the right to private and family life of convicted persons would be reviewed by the court, and to provide in the Code of Execution of Sentences that if it is considered that the grounds for which the decision to impose preventive measures on a convict has been taken have not disappeared and it is necessary to prolong the application of such measures, the decision to extend the period of application of these measures would be taken by a reasoned decision of a court.

### **The Seimas Ombudpersons' Office has initiated investigations into fundamental human rights issues (Article 19<sup>2</sup> (2)(6) of the Law)**

The study on the implementation of the public right of access to justice in environmental matters in Lithuania in compliance with the international human rights obligations of the Republic

of Lithuania, which was completed on 30 December 2022, evaluated the procedure for the implementation of the public right of access to justice in environmental matters in Lithuania, whether it is compatible with the Republic of Lithuania's international obligations under the Aarhus Convention, and whether there are any significant human rights issues in this area. The Seimas Ombudsperson Erika Leonaitė concluded that legal acts of the Republic of Lithuania do not clearly define what interest is considered sufficient for the public to have the right to defend in court in environmental matters, not only the violated subjective rights, but also the public interest in the manner prescribed by law, that examples of case law have revealed the risks of legal uncertainty in the implementation of the Aarhus Convention, and that Lithuania does not adequately ensure that the public has access to relevant, clear and comprehensive information on the procedures for exercising the right of access to justice in environmental matters, which may not only have the effect of limiting the public's knowledge of the limits, possibilities and procedures for exercising the right of access to justice in environmental matters in Lithuania, but may also create obstacles to the effective exercise of the rights under the Aarhus Convention.

## IV. HUMAN RIGHTS MONITORING REPORT

Pursuant to Article 19<sup>2</sup> (2)(1) of the Law, the Seimas Ombudspersons regularly monitor the situation of human rights and freedoms in the country. By following and analysing the situation in the field of protection of human rights and freedoms (amendments to legal acts, results of studies conducted by international and national institutions/organisations, information available in the public space), taking into account the studies conducted by the Seimas Ombudspersons, insights, opinions and recommendations of the Seimas Ombudspersons on various issues related to the protection of human rights and freedoms, the Seimas Ombudspersons' Office conducted the monitoring of the situation of human rights and freedoms in the country in 2022.

The Human Rights Monitoring Report was drafted by analysing the information provided by state and municipal authorities to the Seimas Ombudspersons' Office, information from state registers, reports and studies prepared by international organisations, non-governmental organisations and state institutions, the case law of the European Court of Human Rights and of national courts.

### ENSURING GENDER EQUALITY AND EQUAL OPPORTUNITIES

In reviewing the progress of gender equality in Lithuania and analysing the provision of equal opportunities, it is important to note that the National Programme for Equal Opportunities for Women and Men, which was launched almost 20 years ago and entered into force in 2003, is no longer being continued from 2022. This

programme was one of the key strategic documents of the State, which set out how it planned to tackle systemic gender inequalities. From 2022, gender equality issues have been entrusted to the ministries on a horizontal basis, i.e. recommending to integrate gender equality into all public policies coordinated by the ministries on a priority basis.<sup>9</sup> It is important to note that this decision made by the Government is not a problem in itself, but on the contrary, it is an important tool to address gender inequalities. However, the strategy adopted at the governmental level should not only be formally amended by the planning documents of individual ministries, but also implemented in a practical, coherent and systematic way on the basis of inter-ministerial cooperation, as systemic gender equality issues are overlapping and often involve more than one ministry's area of public policy responsibility. After almost a year's gap, given the above-mentioned decision of the Government and in order to contribute to the implementation of the European Commission's Gender Equality Strategy 2020-2025, the Ministry of Social Security and Labour prepared a draft order "Regarding the Approval of the Action Plan for Equal Opportunities for Women and Men 2023-2025"<sup>10</sup> and submitted it for approval on 9 November 2022,

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<sup>9</sup> Beatričė Bankauskaitė, "Lithuania waives the national programme for equal opportunities for women and men: will it leave just a two-way traffic without any rules?", 15min.lt, 7 May 2021.

<sup>10</sup> Ministry of Social Security and Labour, on the approval of the draft order "Regarding the approval of the Action Plan for Equal Opportunities for Women and Men 2021-2025", 9 November 2022.

proposing to assign the implementation of the tasks and measures envisaged in the plan referred to in the draft order to several institutions (ministries, non-governmental organisations and social partners) in order to ensure a unified interinstitutional cooperation and the development of a unified policy for equal opportunities for women and men.

On 19 May 2022, the Seimas adopted amendments to the Law on Equal Opportunities,<sup>11</sup> the aim of which is to ensure full protection of employees of the European Union and their family members, including Lithuanian citizens who have lodged a complaint of discrimination, from hostile treatment or adverse consequences, and to align the obligations imposed on educational institutions, other education providers, research and education institutions, employers, sellers of goods, manufacturers, service providers, organisations and associations.<sup>12</sup> Prior to the adoption of these amendments, protection against hostile treatment or negative consequences (in the event of a complaint of discrimination) was limited to the field of employment relations, but since the amendments came into force, the scope of protection against hostile treatment or negative consequences has been extended to include the areas of education, consumer protection, organisations and associations. In the light of the cases of harassment and sexual harassment

in the field of consumer rights that were made public in 2022<sup>13</sup>, the amendments to the Law enabled the Office of the Equal Opportunities Ombudsperson to deal with complaints of discrimination in areas other than employment relations, as provided for in the Law on Equal Opportunities. The fact that gender equality in Lithuania remained a relevant issue in 2022 can be seen from the data provided by the Office of the Equal Opportunities Ombudsperson. In 2022, the Office of the Equal Opportunities Ombudsperson received a total of 54 complaints, conducting 18 investigations, adopting 25 decisions and providing 245 consultations on possible gender discrimination. The majority of complaints and decisions on this basis were in the area of consumer protection.<sup>14</sup>

### Progress on gender equality in Lithuania

In the assessment of gender equality progress in the European Union (EU), Lithuania scored 60.6 points out of the possible 100 in the Gender Equality Index published by the European Institute for Gender Equality (EIGE) in 2022. Although still 8 points behind the overall EU average (68.6), Lithuania's score went 2.2 points up in 2022 compared to 2021, when it scored 58.4. It should be noted that, although Lithuania's score has increased the most since 2019 compared to other EU Member States (+2.2 points), it ranks 20<sup>th</sup> among all 27 Member States.<sup>15</sup>

<sup>11</sup> Law Amending Articles 2, 4, 6, 7, 8, 9 and Annex to the Law on Equal Opportunities No IX-1826, 21 April 2022.

<sup>12</sup> Explanatory note on the draft Law Amending Articles 2, 4, 6, 7, 8, 9 and Annex to the Law on Equal Opportunities No IX-1826.

<sup>13</sup> Lrytas.lt, "Young lady was shocked at Bolt driver's behaviour: 'He tried to touch my breasts and put his hand between my legs'", lrytas.lt, 9 November 2022.

<sup>14</sup> Letter No 1D-267 of the Office of the Equal Opportunities Ombudsperson of 3 February 2023 "On the submission of data".

<sup>15</sup> European Institute for Gender Equality, Gender Equality Index, money area, 2022

In line with Lithuania's annual assessment, the National Progress Plan 2021-2030 approved by Resolution No. 998 of the Government "On the Approval of the 2021-2030 National Progress Plan" of 9 September 2009, states that Lithuania's Gender Equality Index, which is one of the lowest among EU countries, still does not sufficiently address areas such as the disproportionate burden of domestic and childcare for women, the accessibility of childcare facilities, the reconciliation of work and family responsibilities, gender balance in politics, the prevalence of gender stereotypes, the extent of domestic violence, and the salary and pension gaps between women and men. The Plan's progress targets address these issues and aim to achieve a gender equality index of 70 in Lithuania in 2030.<sup>16</sup> In order to integrate the horizontal principle of *equal opportunities for all* into the strategic management system in a targeted manner, the Ministry of Social Security and Labour prepared a guide to the implementation of this principle, detailing the concept of the principle, the structure of indicators, the link with other horizontal principles, its integration into the different stages of the strategic management process, and the mechanism for monitoring and reporting.<sup>17</sup>

### **Different perception of the value of women's and men's work**

In 2022, women in Lithuania still earned less on average than men, also observing biased differences in the distribution of economic activities

between women and men. According to the Gender Equality Index, gender inequality in Lithuania is most pronounced where it comes to money, scoring 70.4. It should be noted that there is a recurring trend in this area of gender equality, with a consistently low ranking (24<sup>th</sup> out of 27), and an improvement of only half a point over three years. The economic situation, which reflects the risk of poverty for women and men and the distribution of financial incomes between the genders, was identified as the area most in need of improvement.<sup>18</sup> National statistics also reveal a problem area: although the gross monthly salary gap between women and men has been narrowing for five years, it remains high, and the consequences of the gap are felt later in life: the gap was 9.9% in 2021, 11.4% in 2020, 11.3% in 2019, 13.4% in 2018, and 15.1% in 2017<sup>19</sup>. It is important to highlight that the pay gap and disparities are due to different socio-economic factors, such as men's and women's education, age, length of service, longer career breaks for childcare taken by women, power to negotiate higher positions and pay at work, instances of gender-based discrimination, and other reasons<sup>20</sup>.

However, it is worth noting that a pronounced occupational divide is one of the key drivers of the overall pay gap, with women working predominantly in lower-paid areas of healthcare, education, accommodation and catering. Over the last five years, the most pronounced gender

<sup>16</sup> Government Resolution No 998 of 9 September 2020 "On the adoption of the National Progress Plan 2021-2030", 9 September 2020.

<sup>17</sup> Ministry of Social Security and Labour, "Guide to the Implementation of the Horizontal Principle "Equal Opportunities for All" of the National Progress Plan 2021-2030", 2023.

<sup>18</sup> European Institute for Gender Equality, [Gender Equality Index](#), 2022

<sup>19</sup> Official Statistics Portal, [Gender pay gap in 2017-2021](#)

<sup>20</sup> Official Statistics Portal, [Gender pay gap](#), 17 June 2022 ; Sodra, "The highest gap in labour income between men and women is in the 30-39 age group, the lowest – after 50", 24 February 2022.

pay gaps have been observed in financial and insurance activities, information and communication enterprises, human health and social work institutions. Women earned on average more than men in two out of 18 economic activities – transport and storage and construction – with the gap narrowing every year.

It is important to highlight the consequences of the pay gap: women's lower salary means lower pensions, with a corresponding impact on the risk of gender poverty in the long term. For example, at the end of 2021, the social security

pension gap was 15.4%<sup>21</sup>, and, taking into account the poverty risk statistics, the difference remains significant: in 2021, the poverty risk rate for women was 22.4% and for men – 17.1%. Women aged 65 and over (43%) face the highest risk of poverty and the highest gender gap in the same age group.<sup>22</sup>

To address the gender pay gap, the European

<sup>21</sup> Official Statistics Portal, [Year-end gap in the old-age state social insurance pension of women and men, 2021](#).

<sup>22</sup> Official Statistics Portal, [Poverty Risk Rates for Women and Men, 2021](#).

	2017	2018	2019	2020	2021
<b>B-S Whole economy</b>	<b>14.3</b>	<b>13.2</b>	<b>12.4</b>	<b>12.1</b>	<b>11.1</b>
B-S(-O) Whole economy, except for public administration, defence, compulsory social security	15.2	14.0	13.3	13.0	12.0
B-N Business	16.5	16.2	15.0	15.9	14.8
B – Mining and quarrying	7.2	6.9	3.4	3.6	4.2
C – Manufacturing	24.1	24.6	24.6	24.1	24.0
D – Electricity, gas, steam and air conditioning supply	10.6	9.2	9.1	8.8	7.4
E – Water supply; sewerage, waste management and remediation activities	14.9	12.1	11.6	10.9	10.6
F – Construction	1.5	-1.5	-2.9	-1.8	-1.7
G – Wholesale and retail trade; repair of motor vehicles and motorcycle	23.3	23.9	23.0	23.5	22.6
H – Transportation and storage	-10.1	-12.6	-10.7	-3.5	-5.8
I – Accommodation and food service activities	13.3	16.7	13.9	13.7	15.0
J – Information and communication	29.8	29.9	30.2	28.8	29.3
K – Financial and insurance activities	34.2	32.1	36.3	33.8	34.3
L – Real estate activities	12.9	13.9	14.3	12.0	9.3
M – Professional, scientific and technical activities	19.4	21.5	17.2	15.9	17.7
N – Administrative and support service activities	10.6	9.1	14.7	10.8	8.4
O – Public administration and defence; compulsory social security	5.2	5.1	4.2	4.6	3.2
P – Education	0.5	1.4	2.6	2.5	2.8
Q – Human health and social work activities	26.7	25.2	26.8	27.1	27.5
R – Arts, entertainment and recreation	12.2	14.4	12.1	10.9	10.1
S – Other service activities	9.0	7.8	14.8	12.5	9.7

**Figure 16.** Gender pay gap by economic activity 2017-2021

Source: Official Statistics Portal, *Women's pay gap*.

Commission published the Pay Transparency Directive on 4 March 2021, aiming to empower employees to secure their right to equal pay for the same work or work of equal value<sup>23</sup>. It is important to note that the measures provided for in the Directive have been applied more strictly in Lithuania: the Directive requires employers who have at least 250 employees to make publicly available information on the average pay gap between categories of workers performing equal work or work of equal value, but since May 2021, in Lithuania, employers having at least 8 employees, 4 or more of whom are women or men, made data on average salary by gender publicly available on the open data portal of the State Social Insurance Fund Board under the Ministry of Social Security and Labour (“Sodra”). More stringent implementation of the Directive in Lithuania is expected, in the longer term, to help both the society and employers to take gender pay gap into consideration and take appropriate action to reduce it.<sup>24</sup>

In 2022, the Lithuanian Diversity Charter, an organisation which brings together public, private and non-governmental sector organisations, conducted a study on the transparency of equal opportunities for people working in Lithuanian municipalities and businesses. The results of the study revealed that 3 out of 4 (46 out of 60) Lithuanian municipalities have formally adopted documents for ensuring equal opportunities, but the measures provided for in the documents

are insufficient to effectively ensure equal opportunities for municipal employees, including gender equality. It should be noted that none of the municipalities received the highest score (the average score of municipalities was a mere 3 out of 10 points). Notably, only one fifth (12) of the municipalities identified a person or a group of persons responsible for ensuring equal opportunities in the institution. This means that municipalities are committed to ensuring equal opportunities in the institution, but the majority of municipalities do not have one formally responsible and accountable person for ensuring equal opportunities. Equal opportunities in Lithuanian municipalities mainly involve the creation of documents and the setting out of basic or abstract principles, but in most cases practical mechanisms – specific objectives, the situation analysis of equal opportunities, measures and tools – have not been planned. The largest Lithuanian companies face similar problems: 14 out of 20 companies publish documents on equal opportunities within the company, but only half of them make public information on the measures implemented within the company to ensure equal opportunities.<sup>25</sup>

### **Gender balance in knowledge, culture and power**

In Lithuania, women still outnumber men in higher education, but when it comes to the distribution of women and men among the most common disciplines and specialities chosen by women, which are education, health, social care, humanities and arts, the EIGE gave a positive

<sup>23</sup> European Council, “Pay transparency in the EU”, [consilium.europa.eu](https://www.consilium.europa.eu/en), online access: <https://www.consilium.europa.eu/lt/policies/pay-transparency/>.

<sup>24</sup> Ministry of Social Security and Labour, “Gender pay gap: what are the plans for closing it?”, 2021, online access: <https://socmin.lrv.lt/lt/naujienos/vyru-ir-moteru-atlyginimu-skirtumas-kaip-ketinama-ji-mazinti?lang=lt>

<sup>25</sup> Lithuanian Charter for Diversity, “Equal Opportunities in Lithuanian Municipalities and the Largest Lithuanian Companies: a Situation Analysis”, 2022.

evaluation of the progress in the gender balance in the field of knowledge (+1.5 points). It is still important to note that there is a significant inequality in the choice of higher education fields, with a significantly higher number of women (44% of women and 17% of men) choosing to study the so-called “feminised”<sup>26</sup> fields<sup>27</sup>. Despite the improved gender balance in the above-mentioned fields of choice in higher education (including arts and creative higher education), the Gender Equality Survey in the cultural and creative sector conducted by the Lithuanian Council for Culture in 2022 found that women in this sector earn on average around EUR 200 less per month than men. Women would need to work almost 3.5 months more to earn the same annual income as men. The gender income gap is also highest in film, dance and interdisciplinary arts, while women earn relatively more than men in ethnic culture and folklore, music and photography professions.<sup>28</sup> According to this study, women are 3.5 times less likely than men to receive global recognition and national recognition, 2 times more likely to experience discrimination and bullying at the workplace and 6 times more likely to experience sexual harassment. It should be stressed that there is a public-private divide in the gender distribution of the cultural

sector professions: in the public practice, i.e. the creation of art, men remain the most recognised and prominent, while women are most often found in the position of project managers, art managers, art historians and critics.<sup>29</sup> It is therefore important to note the significant gender inequalities that continue to exist after education: while the number of women pursuing higher education in the cultural and creative field tends to be higher, according to the above-mentioned study, it is the men who receive higher salaries, a greater emotional stability and more prominent global and national recognition.

According to EIGE data, Lithuania’s score also rose significantly in the power area (+6.1 points), where it ranked 18<sup>th</sup>. This was driven by progress in economic and political decision-making, with 42% of ministers and deputy ministers being women in 2022 (compared to the EU average of 33.4%). Although the results have improved significantly since 2019, it is worth noting that at the highest level, women’s participation and inclusion in decision-making is still low: the composition of the Seimas included 28% of women and 71.6% of men in 2022.<sup>30</sup>

In 2022, EIGE experts focused on the socio-economic consequences of the COVID-19 pandemic, in particular gender inequalities in work-life balance. Women and single parents (mainly mothers) were hit the hardest by the pandemic: the service sector, which is female-dominated, was one of the hardest hit sectors, with a corresponding impact on the working conditions of

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<sup>26</sup> “Feminised” fields such as education, health, social care, humanities and the arts, which tend to be chosen by a disproportionate number of women. See European Institute for Gender Equality, *Gender Equality Index, Knowledge Area*, 2022.

<sup>27</sup> European Institute for Gender Equality. *Gender Equality Index, Knowledge Area*, 2022, online access: <https://eige.europa.eu/gender-equality-index/2022/domain/knowledge/LT>.

<sup>28</sup> Kristina Mažeikaitė and Kamilė Čelutkaitė, “Gender equality in the cultural sector: the economic and emotional status of women artists”, Lithuanian Council for Culture, pp. 16-17, 2022.

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<sup>29</sup> Lithuanian Council for Culture, “Study reveals that women in the art work as managers, while men still are the prominent creators”, Itkt.lt, 14 September 2022.

<sup>30</sup> European Institute for Gender Equality, *Gender Equality Index, Power Area*, 2022



women working in it.<sup>31</sup> As regards the distribution of childcare responsibilities between men and women, 57% of women, compared to 13% of men, reported that they are the only or mainly responsible for looking after their children. The 44% difference between women and men in terms of childcare responsibilities is one of the most striking inequalities in the EU. Housework is also the most reported chore of women (70% compared to 8% of men).<sup>32</sup>

### Domestic violence, violence against women and children

The number of reports on domestic violence has decreased slightly following the end of the quarantine restrictions imposed on the country due to COVID-19. According to the data of the Emergency Response Centre, 52,000 such reports were registered in 2022, compared to 55,500 in 2021. On the other hand, data from the Department of Informatics and Communications under the Ministry of the Interior (DIC) show that the number of reported crimes of domestic violence did not decrease, with 5,881 crimes recorded in 2022 compared to 5,802 in 2021.<sup>33</sup> <sup>34</sup> Out of the total number of reports of domestic violence registered in 2022, a mere 11.3% were reported as crimes.

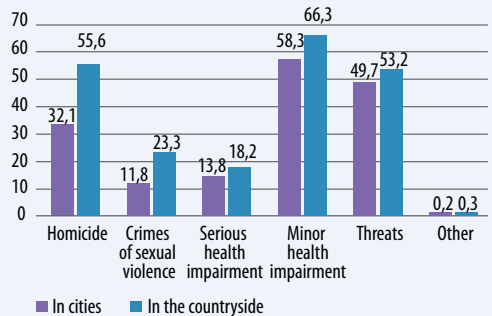
<sup>31</sup> European Institute for Gender Equality, “Gender Equality Index 2022: The COVID-9 pandemic and care”, 24 October 2022.

<sup>32</sup> European Institute for Gender Equality. *Gender Equality Index, COVID-19*, 2022.

<sup>33</sup> Department of Informatics and Communications under the Ministry of the Interior, “Data on criminal offences registered in pre-trial investigation institutions, persons suspected (accused) of committing criminal offences related to domestic violence”, IRD Statistics, January-December 2022.

<sup>34</sup> Official Statistics Portal, *Domestic violence*, 31 January 2022.

There is also a 29% increase in sexual violence offences in 2022 compared to 2021<sup>35</sup>, a 26.6% increase in serious health impairment and an increase in homicides, registering 21 domestic homicides in 2021 and 25 – in 2022. Domestic violence crimes accounted for 14.4% of all the recorded crimes, while minor health impairment caused by domestic violence accounted for 60.9% of all minor injuries recorded in the country (62.7% in 2021) (Figure 17)<sup>36</sup>.



**Figure 17.** Comparative share of domestic violence crimes in the total number of domestic violence crimes recorded.

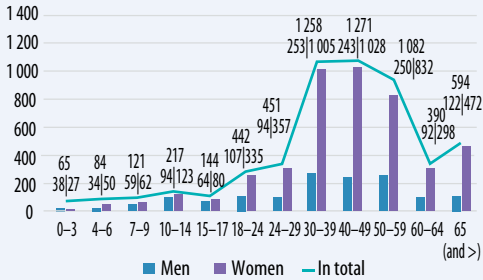
Source: Official Statistics Portal, *Domestic Violence, 2022*.

The trend that women are disproportionately affected by domestic violence, i.e. in 8 out of 10 cases, has remained unchanged for many years. In 2022, 6119 victims of crimes committed as a result of domestic violence were registered. The majority (4,300 or 78.8%) of adult victims were women, of whom 80.6% were victims of an intimate partner. Of the 4,388 suspected/

<sup>35</sup> In accordance with Articles 149-151 and 153 of the Criminal Code of the Republic of Lithuania.

<sup>36</sup> Official statistics portal, *domestic violence*.

accused perpetrators of domestic violence offences registered in 2022, 86.3% were male (2% less than in 2021) (Figure 18).<sup>37</sup>



**Figure 18.** Number of domestic violence crimes registered by victims by sex and age group.  
Source: Official Statistics Portal, Domestic Violence, 2022.

The extent of domestic violence outside official statistics, as well as the urgency of the problem, is illustrated by the data from the psychological helpline – the Women’s Helpline – in 2022. Emotional support calls were made to 25,973 women in the country during the year under review. 2.93% of women reported domestic violence, of whom 65.85% reported psychological violence. 14.4% of the 507 e-mails received and 18% of the 1,094 live online chats were about possible domestic violence.<sup>38</sup>

Quantitative data shows that domestic violence in Lithuania is of high extent, claiming the lives of more than 12 women on average every year for the last six years<sup>39</sup>.

<sup>37</sup> Ibid.

<sup>38</sup> Information provided by e-mail by the Head of the Women’s Helpline Vilnius branch.

<sup>39</sup> Official Statistics Portal, [Women murdered by their intimate partner in 2017-2022](#)

	2017	2018	2019	2020	2021	2022
Number of persons from the domestic environment in total	13	6	10	13	16	17
By intimate partner	6	4	9	6	11	8
By family members and other persons from the domestic environment	7	2	1	7	5	9
By parents and foster-parents (mother (foster-mother), father (foster-father), guardian)	-	-	-	-	-	1
By children and foster children	2	1	1	6	5	6
By other persons from the domestic environment (brother, sister, grandfather, grandmother)	5	1	-	1	-	2

**Figure 19.** Women murdered in the domestic environment in 2017-2022  
Source: Official Statistics Portal

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which Lithuania signed a decade ago (on 7 June 2013), and the draft law on ratification was registered in the Seimas five years later (12 June 2018), is of particular relevance to combating violence against women. However, during the five-year period, the issue of ratification of the Istanbul Convention has been strongly opposed by opponents due to the use of the term “gender” in the text of the Convention, defined as “the socially constructed roles, behaviour, activities and traits which a certain society considers appropriate for women and men” and the misunderstanding of

the provisions of the Convention.<sup>40</sup> Despite the return to the public arena of the debate on the ratification of the Istanbul Convention in 2022, the discussion of this issue has not been included in the programme of work of the spring or autumn session of the Seimas, due to the lack of political consensus.

One of the most important developments in the area of protection against domestic violence in 2022 was the adoption of the Law Amending the Law on Protection against Domestic Violence on 15 March 2022 (entering into force on 1 July 2023), which recast the Law on Protection against Domestic Violence. The adopted law reflects a compromise reached after two years of intensive debate. The draft law has been amended several times, taking into account the comments and suggestions of interested institutions and organisations. The proposed introduction of the concept of “gender-based violence” was particularly controversial, with opponents arguing that the concept was intended to implement the provisions of the Istanbul Convention<sup>41</sup>. Human rights experts, including the Equal Opportunities Ombudsperson, stressed that while men are also affected by gender-based violence, the vast majority of victims are women and girls. Without explicitly identifying this difference, no meaningful results can be expected in the areas of

prevention and assistance<sup>42</sup>. Finally, the phrase “including gender-based violence” has been removed from the provision of the draft law “the law defines domestic violence, including gender-based violence, which disproportionately affects women”, but the provision regulating that women are disproportionately affected by domestic violence remained.<sup>43</sup> Incidentally, under the Istanbul Convention, violence disproportionately suffered by women also falls under the concept of gender-based violence against women<sup>44</sup>. Thus, even if the direct reference to gender-based violence has been dropped, the key element of the content of this concept has been preserved.

In this context, it should be noted that the concept of “gender-based violence” has been successfully established in the field of labour relations regulation. On 6 June 2022, amendments to the Labour Code were adopted (entered into force on 1 November 2022), which specified and expanded the employer’s obligations to protect employees from violence and harassment. According to Article 30(2) of the Labour Code, gender-based violence and harassment is violence and harassment directed against persons on the basis of their sex or which disproportionately affects persons of a particular sex, including sexual harassment.

The main innovation of the new version of the Law on Protection against Domestic Violence is the possibility to grant protection orders against

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<sup>40</sup> Indrė Kiršaitė, “Istanbul Convention: we are more scared of concepts than of violence”, nara.lt, 31 January 2021; Indrė Vainalavičiūtė, “Istanbul Convention continues to divide Lithuania: it is most fiercely discussed by those who haven’t even read it”, lrytas.lt, 24 February 2021; LRT.lt, “VU TSPMI researchers: non-ratification of the Istanbul Convention will not isolate us from the concept of gender”, lrt.lt, 5 March 2021.

<sup>41</sup> Domantė Platūkytė, “Seimas adopts the Law on Protection against Domestic Violence, the widely discussed concept was removed”, lrt.lt, 15 March 2022.

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<sup>42</sup> Manoteises.lt, “Birutė Sabatauskaitė: the law protecting victims of domestic violence must include a gender perspective”, 17 January 2022.

<sup>43</sup> Law No XI-1425 of the Republic of Lithuania on the Protection against Domestic Violence, 22 March 2022, TAR, No 2022-05117.

<sup>44</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, Article 3(d).

violence. This type of measure is also used in other EU countries, including Austria, Belgium, Denmark, Finland and Germany. The two-year-long discussions on the model of the protection order against violence in Lithuanian law focused on finding a balance between the rights of the person who is at risk of violence and the rights of the person who is experiencing violence. Discussions focused on the duration of the protective order, the entities issuing the protective order, the procedure for imposing the protective order (administrative or judicial), the scope of the obligations imposed by the protective order on the person at risk of violence, the procedure for appealing the protective order, and the liability for false reports of violence and breaches of the protective order.

According to the provisions of the law, which will enter into force on 1 July 2023, as mentioned above, a 15-day protective order will be issued by a police officer who has received a report of possible domestic violence and has determined the risk of domestic violence in accordance with the approved criteria. The protective order will require the person posing a risk of domestic violence to temporarily move out of his/her residence (if he/she is living with a person at risk of domestic violence), to refrain from socialising, contacting and approaching the person posing a risk of domestic violence and any children living with him/her. The decision to grant or not to grant an anti-violence protection order can be appealed to the district court and later to the county court, but the filing of an appeal will not stop the execution of the order. Persons who falsely report domestic violence, abuse the rights of persons at risk of or affected by domestic violence, or violate the obligations of the protection order will be subject to administrative liability.

The amendments to the Law on Protection

against Domestic Violence also establish the procedure for making, suspending or revoking decisions on the granting of the right to provide specialised comprehensive assistance to persons subjected to violence (although there has been some criticism of the possible underdevelopment of the accreditation mechanism),<sup>45</sup> and create pre-conditions for the continuity of the financing of specialised complex assistance. The new wording of the law, and in particular the possibility of applying for a protective order to be protected from violence, will contribute to a more effective protection of persons affected by domestic violence.

At the same time, it should be noted that the Lithuanian legal system has not yet established a systemic concept of domestic violence. Systemic violence is perceived as a recurrent behaviour whereby a relationship of domination is created and maintained with the abused person (usually an intimate partner) through intimidation, coercion and other control tactics; it is the consistent use of various forms of behaviour and types of violence (physical, emotional, economic, sexual, etc.) in order to restrict the other person's autonomy, to bend to the will of the person who is using the systemic violence.<sup>46</sup> The non-recognition of systemic violence means that only isolated episodes of systemic domestic violence, such as infliction of physical pain or sexual abuse, are usually "visible" from a legal perspective. Considering such cases

<sup>45</sup> Lilija Henrika Vasiliauskė and Evelina Dirmotaitė, "L. H. Vasiliauskė and E. Dirmotaitė: the Ministry of Gender Equality has failed women. Members of the Seimas have failed civil society", 15min.lt, 18 March 2022.

<sup>46</sup> According to All Matters, "Types of Domestic Violence", visureikalas.lt; Human Rights Monitoring Institute, "Officer's Communication with Victims. Practical Guide", hrmi.lt, 2018, pp. 63-64; Human Rights Monitoring Institute, "Why is it difficult for women to leave an abusive partner?", hrmi.lt, 2019.

in isolation from the broader violent context does not provide a proper understanding of their dangerousness and the harm they cause to those affected by systemic violence. Importantly, intimate partner violence experienced by women is often systemic. This form of violence is characterised, inter alia, by the fact that women who seek to end a violent relationship face the risk of physical violence or even homicide<sup>47</sup>.

### Violence against women with disabilities

There are about 123,000 women with disabilities living in Lithuania<sup>48</sup>. The Lithuanian Disability Organisations Forum carried out a targeted victimology survey in 2022 in order to identify the forms and intensity of violence experienced by women with disabilities. The results of the survey showed that as many as 93% of women with disabilities have experienced psychological domestic violence at least once in their lifetime, 84% have experienced physical violence, 56% have experienced sexual violence, and almost one in three (68%) have experienced economic violence. In terms of the intensity of the violence experienced, 64% of respondents experience systematic (recurring monthly or more often) psychological violence, while almost one in four women in the survey experience intense sexual and physical violence. According to the survey data, the most frequent perpetrator is a spouse or partner, but a significant percentage of violence (17%) is attributed to family members (father, mother, stepfather or stepmother).<sup>49</sup>

<sup>47</sup> According to All Matters, “Why is it so hard to leave the abuser”, [visureikalas.lt](http://visureikalas.lt).

<sup>48</sup> Simona Aginskaitė and Rokas Uscila, “Victimological survey: experiences of violence of women with disabilities”, Inf.lt, 2022.

<sup>49</sup> Ibid.

Although the United Nations Convention on the Rights of Persons with Disabilities, which Lithuania ratified in 2010, recognises that women and girls with disabilities are at increased risk of violence, injury or abuse, as well as of exposure to neglect, maltreatment or exploitation, both inside and outside the home<sup>50</sup>, research reveals a latent side of violence against women and girls with disabilities that is often not reflected in official statistics: victims with disabilities account for a mere 3% of all victims of domestic violence, 75% of whom are women<sup>51</sup>.

According to a survey conducted by the Lithuanian Disability Forum, almost a third of the respondents did not report the violence: only 19% of women contacted the police, and only about 5% contacted organisations providing assistance to victims of violence. The most passive help-seeking is in cases of psychological violence (44% do not seek for help) and physical violence (37% do not seek for help) (Figure 20).



**Figure 20.** Forms of violence and reporting violence.  
Source: Lithuanian Disability Forum, Victimology survey: experiences of violence by women with disabilities, 2022.

<sup>50</sup> United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol, Official Gazette, 19 June 2010, No 71-3561.

<sup>51</sup> Rokas Uscila, “Domestic Violence: the Situation Assessment of Crimes Victims with Disabilities” *Pedagogika*, 138(2), pp. 183-184, 2020.

One of the key factors determining the risk and likelihood of victimisation of disabled victims of violence is the interaction with the perpetrator(s). In many cases, the victim is not only related to the perpetrator by kinship and family ties, but also by actual dependence on the other person. This results in a significant power and strength differential between the parties and leads to a relationship based on total control and domination of the victim by the person<sup>52</sup>. In addition, there are often other circumstances in the relationship (cohabitation, financial dependence on the perpetrator, shared children with the abusive partner or spouse, inability or unwillingness to resolve the situation, etc.) that contribute to a failure to report the violence and to seek help.<sup>53</sup>

Women with psychosocial or intellectual disabilities are particularly vulnerable. A public survey on attitudes towards women with disabilities initiated by the Office of the Equal Opportunities Ombudsperson revealed that women with these disabilities are most stigmatised. 4 out of 10 Lithuanians agree that women with intellectual or psychosocial disabilities provoke violence against themselves, and that these women are more likely than others to exaggerate when talking about violence, according to respondents. In contrast, fewer respondents (16%, 14%, 15% respectively) agree that women with mobility, hearing or visual impairments provoke violence themselves. The majority (more than 50%) of respondents believe that a partner or a spouse can control money of a woman having an intellectual disability and a woman having a psychosocial disability, and can decide who and

when the woman can meet. 48% of respondents would justify a doctor's decision to terminate a pregnancy without a woman with an intellectual disability knowing about it<sup>54</sup>.

The problem of violence against women with disabilities is an integral part of the phenomenon of violence against women, but there are certain characteristics of the problem that are linked to the challenges arising from the situation of disability (physical capacities and limitations, stereotypes and attitudes, both in relation to the disability and gender), which makes women with disabilities more vulnerable<sup>55</sup>. The societal attitudes revealed in the study, which justify the psychological, economic and sometimes bodily control of women with disabilities, lead to deeper causes and consequences of the latency of the problem of violence against women with disabilities: women who have experienced violence avoid asking for the necessary help and services, and lack confidence in the responsible institutions and specialists.

Systemic solutions are needed to prevent violence against women, including the collection of statistical data, the organisation of education on psychological disability, the creation of a safe and accessible environment for victims of violence and their children, the availability of specialised support services (physical and information access), the reduction of isolation of women with disabilities, the organisation of their employment, and the development of services to promote their independence.

<sup>52</sup> Simona Aginskaitė and Rokas Uscila, "Victimological survey", pp. 16-17.

<sup>53</sup> Ibid.

<sup>54</sup> Vilnius survey commissioned by the Office of the Equal Opportunities Ombudsperson, "Public opinion poll on women with disabilities", lygybė.lt, 2022.

<sup>55</sup> Simona Aginskaitė and Rokas Uscila, "Victimological study", p. 32.

## Protection against sexual violence and abuse

Statistics on sexual offences suggest that these crimes are also characterised by gender-based violence, which disproportionately affects women. According to the data published by the Department of Informatics and Communications under the Ministry of the Interior (IM), 303 criminal offences were registered in Lithuania in 2022 (9 cases, or 3.1% more than in 2021) provided for in Chapter XXI of the Criminal Code “Crimes and criminal offences against the freedom and inviolability of human sexual self-determination”, 66 of which are cases of rape (Article 149 of the Criminal Code), 69 cases of sexual abuse (Article 150 of the CC), and 4 cases of sexual harassment (Article 152 of the CC).<sup>56</sup> According to the data provided by the IM on suspected/accused persons and victims in Lithuania, all victims of rape and sexual harassment in 2022 were women and all suspected/accused persons were men. The year-on-year trend of the majority of registered victims of sexual offences being women continues, with 229 female and 32 male victims registered in 2022<sup>57</sup>.

According to the data provided by the National Courts Administration, in 2022, 10 cases of unlawful persecution of a person (Article 148<sup>1</sup> of the Criminal Code) were received and tried in Lithuanian courts and 7 persons were

convicted; 14 cases of rape (Article 149(1) of the Criminal Code) were received and 11 of them were tried, including 7 convictions; 21 cases of sexual abuse (Article 150(1) of the Criminal Code) were received and tried, including 9 convictions, and 3 cases in relation to forced sexual intercourse (Article 151(1) of the Criminal Code) were received and tried, convicting 3 persons. The data discussed here have one common indicator: all convicted persons were male.<sup>58</sup>

Given that sexual offences, which are particularly harsh in terms of violating the dignity and physical integrity of the person, and cause intense psychological trauma to the victims, it is essential that the recording of these crimes, the gathering of evidence, and the provision of medical assistance do not lead to further traumatisation of the victims.

On 1 January 2022, the Procedure for the Provision of Personal Health Care Services to Female Victims of Possible Sexual Violence, approved by Order No V-1765 of the Minister of Health of 30 July 2021, entered into force, setting out the requirements for personal health care institutions (PHCIs), professionals providing assistance, facilities and medical equipment. According to the approved procedure, emergency and non-emergency services for female survivors of sexual violence should be provided 24/7, in PHC facilities located in the fifteen largest cities of Lithuania<sup>59</sup>. This is an important service delivery algorithm that should ensure medical assistance to victims

<sup>56</sup> Department of Informatics and Communications under the Ministry of the Interior, “Data on criminal offences registered and investigated in police institutions. Criminal offences registered and investigated. Articles 149-164 of the Criminal Code of the Republic of Lithuania”, IRD Statistics, January-December 2022.

<sup>57</sup> Department of Informatics and Communications under the Ministry of the Interior, “Data on Suspected (Accused) and Victims in the Republic of Lithuania. Articles 149-164 of the Criminal Code of the Republic of Lithuania”, IRD Statistics, January-December 2022.

<sup>58</sup> Letter of the National Courts Administration of 13 February 2023 “On the provision of information” No 4R-272-(1.13.Mr.)

<sup>59</sup> Order No V-1765 of the Minister of Health of 30 July 2021, “On the approval of the description of the provision of personal health care services to possible female victims of sexual violence”.

of sexual violence and regulate the collection of evidence of abuse. However, Kristina Mišiniene, Head of the Centre Against Human Trafficking and Exploitation (KOPŽI), notes that the procedure for the provision of services to survivors of sexual violence has only been established at a formal level, but is not applied in practice, even in health care institutions in major Lithuanian cities. Victims of sexual violence face difficulties in accessing medical assistance, as medical staff have not been trained in the targeted application of the assistance algorithm since the adoption of the service provision procedure. As a result, according to the head of KOPŽI, victims in need of urgent care have to wait in general queues at the reception or the reception desk, and are prescribed inappropriate medication.<sup>60</sup>

To strengthen protection against sexual violence, on 24 November 2022, a group of members of the Seimas registered a draft law amending Article 151 of the Criminal Code (Compulsion to have sexual intercourse), proposing that the criminal liability for compelling sexual intercourse or any other sexual gratification should not be limited to cases where, in cases of threats of violence, other forms of psychological coercion or taking advantage of a person's dependence, but also in cases of sexual intercourse or other sexual gratification without the person's express and free consent<sup>61</sup>. The authors of the draft stated that there is a tendency in Europe to emphasise the importance of consent to sexual intercourse, with the possibility of imposing liability not only for explicitly coercive but also for

non-consensual sexual acts. It was emphasised that a consent-based model not only shifts the emphasis from the perpetrator to the victim and the value to be protected (the victim's sexual integrity and freedom of self-determination), but is also designed to provide broader protection for victims of sexual offences, including in cases where the victim does not defend herself due to a psychological state of shock manifesting in a stupor. Attention is also drawn to the recommendations of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) for States to ensure a definition of sexual crimes based on the absence of free consent<sup>62</sup>.

The registered draft has led to an intense debate in the public domain on the legal provability of consent and the discrediting of sexual violence *per se*<sup>63</sup>. The Prosecutor General's Office has expressed the view that the amendment may lead to ambiguities, as the definition of "express consent" is not clear, and may lead to manipulation. The photo of a form of a consent to sexual relations chosen to illustrate the position of the Prosecutor General's Office (presented on social media) mocking the draft amendment fuelled an active debate:<sup>64</sup>.

Meanwhile, the NGO Lithuanian Centre for Human Rights initiated a position supported by 90 organisations, including specialised

<sup>60</sup> Interview with Kristina Mišiniene, Head of the Centre Against Human Trafficking and Exploitation

<sup>61</sup> Draft Law amending Article 151 of the Criminal Code, 24 November 2022

<sup>62</sup> Explanatory Note on the Draft Law on Amendments to Article 151 of the Criminal Code of the Republic of Lithuania drafted by Member of the Seimas Morgana Daniele, No XIVP-2292, 24 November 2022.

<sup>63</sup> Roberta Salynė, "Consent to sex" law presented for consideration in the Seimas: what would explicit consent to sexual relations look like?, 15min.lt, 24 November 2022.

<sup>64</sup> Position of the Prosecutor General's Office in Facebook post, "Prosecutor's comment" of 2 December 2022



comprehensive assistance centres, calling for a broader reform for the liability for sexual offences. The appeal sent to members of the Seimas, the Seimas Committee on Legal Affairs and the Seimas Committee on Human Rights, not only expresses support for the amendment to the CC, but also proposes to abolish the provision on liability for rape (Article 149 of the CC), and to enshrine liability for having sexual intercourse with a person (in vaginal, anal, oral or other physical contact) without the person's express and free consent, by means of violence or by taking advantage of the victim's helpless state in Article 150 of the CC (Sexual assault). The latter proposals are based on the fact that the essential difference between rape (which is considered the most serious sexual offence) and sexual assault (which is less punishable) is the method of coercion – in rape, vaginal intercourse is used, whereas in sexual assault, sexual desires are satisfied through anal, oral or another physical contact. Therefore, the gravity of the offence is linked to the mode of sexual assault, thus undermining the gravity of non-vaginal assault (e.g. sexual assault of a minor boy by anal rape is considered a less dangerous mode of assault than the rape of a minor girl by vaginal assault), even though the consequences for the victim may be identically harmful. According to the authors of the petition, the current distinction between rape and sexual assault is based on a heteronormative approach to sexual violence and does not take into account the consequences that these acts have on the victims, and should therefore be changed.<sup>65</sup>

<sup>65</sup> Appeal of non-governmental organisations “On amendments to the Criminal Code of the Republic of Lithuania related to sexual violence”, 24 November 2022.

NGOs have also highlighted the need to establish a specialised network of centres for the support of victims of sexual offences, to ensure their permanent funding, and to provide for a reimbursement from the state budget for the tests and medicines needed in the event of abuse.<sup>66</sup>

The discussions highlight the need to revise the concept of sexual offences in the light of the need to expand protection for victims of sexual violence in the light of scientific, including psychological, knowledge and societal developments, as well as to take urgent action to develop effective support mechanisms for victims of sexual violence. Given the wide range of expertise and practical experience of NGOs, listening to their arguments and suggestions, cooperation and openness to leadership initiatives is crucial.

### ***Violence against children***

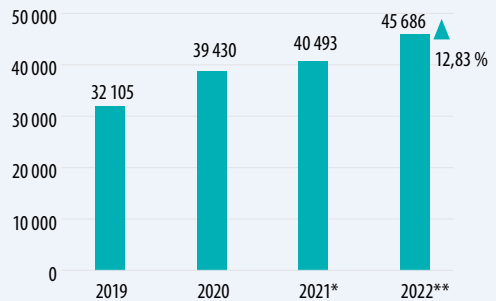
According to IRD's data on cases of violence against children, 648 offences of violence against children (physical violence, sexual and psychological abuse, neglect) were registered in 2022, which is 105 fewer than in 2021 (753)<sup>67</sup>. Out of the 6,119 victims of domestic violence crimes registered in 2022, one in 10 is a child, i.e. a person under 18 years of age.<sup>68</sup>

<sup>66</sup> Ibid.

<sup>67</sup> Department of Informatics and Communications under the Ministry of the Interior, “Data on child victims (up to 18 years of age) registered in pre-trial investigation institutions (based on preliminary data)”, IRD Statistics, January-December 2022.

<sup>68</sup> Official Statistics Portal, [Domestic violence](#).

According to data of the State Child Rights Protection and Adoption Agency, 45,686 reports of possible violations of children’s rights were received in 2022, which is 12.83% more than in 2021 (Figure 21). The most frequent reports concern possible physical violence (2,216 reports). 421 reports involve child neglect, 300 reports – sexual violence and 291 reports – psychological violence. The vast majority of sexual offences against children originate in the child’s immediate environment, with the perpetrator(s) being a person(s) whom the child known or a person(s) in kinship with the child. The most vulnerable age group in terms of sexual violence is 10–14-year-olds. Although the number of reports of possible cases of violence increased annually when comparing 2021 and 2020, the Director of the State Child Rights Protection and Adoption Agency says that this does not necessarily mean that an increase in the level of violence against children also increased. Violence against children remains a latent problem, where official statistics do not necessarily reveal the true extent of violence (the age of the child, the child’s ability to recognise violence, and societal attitudes towards justifying or recognising violence against children are all factors that influence reporting. However, an increase in the number of reports of possible violence against children is rather indicative of the decreasing societal tolerance of violence, as well as of the ability of professionals working with children to recognise violence.<sup>69</sup>



**Figure 21.** Number of reports of possible violations of child rights in 2019-2022 based on SPIS data. Source: Recording of the meeting of the Seimas Commission on Suicide and Violence Prevention of 1 February 2023.

In 2022, 199 pre-trial investigations were initiated in Lithuania in relation to the sexual exploitation of children (172 in 2020 and 223 in 2021). A total of 247 criminal offences related to the sexual exploitation of children were registered in 2022, affecting 236 children. There were also 343 investigations into child sexual exploitation offences in 2022. The length of pre-trial investigations into allegations of sexual offences against children has decreased over the last three years. The average length of pre-trial investigations was 267 calendar days in 2020, 245 days in 2021 and 197 days in 2022. Despite the significant positive change, the length of pre-trial investigations remains significantly long.<sup>70</sup>

According to the data provided by the National Courts Administration, in 2022, 12 cases were received and heard in Lithuanian courts for rape

<sup>69</sup> Ilma Skuodienė, Director of the State Child Rights Protection and Adoption Agency, meeting of the Seimas Commission on Suicide and Violence Prevention, video, 1 February 2023.

<sup>70</sup> Modesta Gaučaitė-Znūtienė, “Politicians shouted questions at Grunskienė about the Bartoševičius scandal: “I don’t believe the information was leaked from the prosecutor’s office”, Irt.lt, 7 February 2023.

of a minor (Article 149(3) of the Criminal Code) and 9 persons were convicted; 19 cases were received and 18 cases were heard for rape of a young child (Article 149(4) of the Criminal Code), convicting 15 persons; 9 cases were received and 7 cases were heard for sexual assault of a minor (Art 150(3) of the CC), convicting 7 persons; 24 cases were received and 27 cases were heard for sexual assault of a young child (Article 150(4) of the CC), convicting 17 persons; 1 case was received, 2 cases were heard and 1 person was convicted for compelling a minor to have sexual intercourse (Article 151(2) of the CC); 54 cases were received, 51 cases were heard and 43 persons were convicted (one of whom was a woman) for sexual abuse of a person under the age of sixteen years (Article 153 of the CC). All the convicted persons (91) for the above-mentioned offences were men, with the exception of one woman.<sup>71</sup>

The Child Rights Hotline, an initiative of the State Child Rights Protection and Adoption Agency, was launched in Lithuania on 29 November 2022. The Child Rights Hotline is a call centre where both children and adults can turn to for information on the implementation of children's rights in Lithuania<sup>72</sup>. In the first month, the Child Rights Hotline received around 370 calls, 20 of which were from children. It should be noted that the high level of use of the Child Rights Hotline demonstrates

<sup>71</sup> Letter No 4R-272-(1.13.Mr.) of the National Courts Administration of 13 February 2023 "On the provision of information"

<sup>72</sup> State Child Rights Protection and Adoption Agency under the Ministry of Social Security and Labour, "Launching Child Rights Hotline: free consultations for everyone", 29 November 2022.

that issues related to the (in)enforcement of children's rights and interests are relevant to the public, including children themselves, as well as the growing awareness of the public in order to identify child abuse.<sup>73</sup>

## PROTECTING THE RIGHTS OF LGBT+ PEOPLE

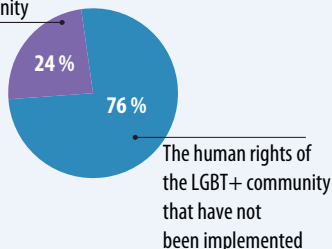
Every year, ILGA-Europe assesses the legal situation of LGBT+<sup>74</sup> people in 49 European countries and publishes the Rainbow Europe Map and the European LGBT+ Rights Index. According to the assessment data published by the association in 2022, Lithuania's overall LGBT+ rights protection score was 24%, one percentage point higher than in 2021, and Lithuania ranked 35<sup>th</sup> among 49 European countries (one position down compared to 2021) and 23<sup>rd</sup> among the 27 European Union countries. In the area of freedom of assembly and freedom of expression, Lithuania's score remained unchanged at 83% and remained the highest scoring area, but the scores in the other areas were within the 30% threshold: the areas of combating hate speech and crimes, equality and non-discrimination were each scored at 26%, the area of legal recognition of gender identity – 23%, the field of asylum policy – 17%. The worst assessment relating to the rights of LGBT+ persons in Lithuania (0%) remained in the field of legal protection of same-sex couples<sup>75</sup>.

<sup>73</sup> BNS, "Child Rights Hotline received over 370 calls, 20 of which were from children themselves", Irt.lt, 1 January 2023.

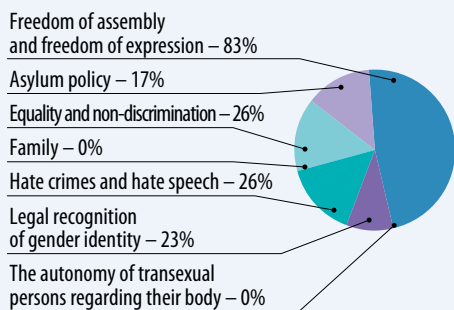
<sup>74</sup> LGBT+ is an acronym for people of different sexual orientations and gender identities, including lesbian, gay, bisexual and transgender people. A plus (+) denotes a non-exhaustive range of identities.

<sup>75</sup> ILGA- Europe, LGBTI equality and human rights in Europe and Central Asia, Rainbow Europe, 2022

Evaluation of the implemented rights of the LGBT+ community



**Figure 22.** Implementation of LGBT+ rights



**Figure 23.** Human rights situation of LGBT+ persons in Lithuania in 2022. Source: ILGA-Europe

On 31 May - 5 June 2022, Vilnius hosted the fifth Baltic Pride festival and march under the slogan “For equality and peace”. The motto of Baltic Pride was to draw public attention to the need to guarantee the rights of LGBT+ people and to show support for LGBT+ soldiers fighting for the freedom of Ukraine.

2 June 2022, the Lithuanian, Norwegian and Finnish ombudspersons – the Seimas Ombudsperson Erika Leonaitė, the Equal Opportunities Ombudsperson Birutė Sabatauskaitė, the Norwegian

Equality and Non-Discrimination Ombudsperson Bjørn Erik Thonas and the Finnish Non-Discrimination Ombudsperson Mirka Mokko – signed a statement calling on Lithuania to adopt the Civil Union Law and to include gender identity and gender expression as grounds for discrimination in the Law on Equal Opportunities. It also called for ensuring that transgender people receive the healthcare they need, guaranteeing that law enforcement authorities protect LGBT+ people without discriminatory attitudes, providing safe and inclusive education for LGBT+ children and young people, and promoting a societal response to discrimination and/or harassment on the basis of sexual orientation or gender identity.<sup>76</sup>

On 1 May 2022, amendments to the Procedure for the health screening of blood and blood component donors and for the collection of blood and blood component donors<sup>77</sup> entered into force, modifying the Blood and blood component donor survey. According to the previous version of this procedure, clauses 8 and 9 of the Blood and Blood Component Donor Questionnaire contained questions asking men and women about their sexual partner’s intimate relationship with other men (sexual orientation). The Equal Opportunities Ombudsperson declared this procedure discriminatory back in 2011<sup>78</sup>. Following the en-

<sup>76</sup> Seimas Ombudspersons’ Office of the Republic of Lithuania, “Ombudswomen: it’s time to ensure the human rights of LGBTI+ persons”, Irski.lt, 3 June 2022.

<sup>77</sup> Description of the procedure for health screening of donors of blood and blood components and collection of blood and blood components approved by Order No V-84 of 4 February 2005 of the Minister of Health “On the Approval of the Procedure for Health Screening of Donors of Blood and Blood Components and Collection of Blood and Blood Components”.

<sup>78</sup> Report of the Office of Equal Opportunities Ombudsperson 2011, lygybe.lt, 2015, pp. 63-71.

try into force of the amendments to the above-mentioned legislation, the updated questionnaire asks persons, regardless of their gender, about unprotected sexual relations they have had in the last six months. Thus, after the removal of the discriminatory questions, focus is now only on a person's health and behaviour rather than on his/her sexual orientation<sup>79</sup>.

A draft Law on Civil Union was registered on 16 May 2022,<sup>80</sup> which was approved by the Seimas by a majority vote after its submission. The provisions of the draft Law on Civil Union propose to regulate the grounds and procedures for the registration, validity and termination of civil unions, as well as the property and non-property rights and obligations between partners, both for same-sex and different-sex persons.<sup>81</sup> The Coalition of Human Rights Organisations, together with law firms, submitted comments on the draft Law on Civil Union to the Seimas Committee on Legal Affairs and Law and Order, pointing out that the draft law defines civil union in an extremely narrow manner and that, according to the jurisprudence of the Constitutional Court, the definition does not reflect the content of the relationship and the legal status of the family relationships between both same-sex and different-sex couples. Furthermore, this draft law does not propose to provide for the possibility of choosing the surname of the other partner (the person entering into another civil union) as a joint surname or to choose a double surname. Also, as noted by the Lithuanian Centre for Human Rights,

the drafters of this draft law did not take into account the actual situation in the society: although same-sex couples do not have the right to adopt under the current legal regulation, children born through assisted reproduction in foreign countries or children from previous relationships grow up in same-sex families, but only one of the partners, i.e., the one who is in a biological or custodial relationship with the child, can exercise parental rights and obligations, thus violating interests of children<sup>82</sup>. According to human rights experts, this draft law is an important step towards establishing a legal framework for relationships between same-sex couples, but it is seen as a very compromising one compared to its predecessor, the Law on Partnership, which was rejected at the submission stage in May 2021 by two votes and returned to the drafters for further development.

It is important to mention that on the same day of the debate on the Law of Civil Union, another, more conservative alternative, was also proposed (which was also approved after its presentation): the draft Law Supplementing the Civil Code with Article 2.23<sup>1</sup>, which proposes to define "close relationship" as a person's relationship with another person resulting from a stable and trusting personal social relationship. These amendments propose to establish that a close relationship is inherently held by family members and relatives and is therefore considered prior to a relationship established on other grounds.<sup>83</sup> The draft was criticised on the grounds that the adoption of the proposed amendment to the Civil Code would lead to legal uncertainty and

<sup>79</sup> National Blood Centre, "Innovations in blood donation: homosexuals will be able to donate blood from May, also introducing other changes", 2 May 2022.

<sup>80</sup> Law on Civil Union, 16 May 2022

<sup>81</sup> LRT.lt, "Second time's the charm: the Seimas approved the draft Law on Civil Union after presentation", 26 May 2022.

<sup>82</sup> Letter of 23 June 2022 of the Lithuanian Human Rights Centre to the Seimas Committee on Law and Order "On the Draft Law on Civil Union No XIVP-1694".

<sup>83</sup> Draft Law on Supplementing the Civil Code with Article 2.23<sup>1</sup>; Indrė Jurčėnaitė, "This time was a success - the draft Law on Civil Union has passed the submission, also approving an alternative", 15min.lt, 26 May 2022.

insecurity, since the draft law not only seeks to narrow by legal means and leave in a legal vacuum the social (emotional) ties and relationships that actually exist between persons, but also, for reasons of urgency, does not submit for consideration the accompanying draft legislation, which would be relevant for assessing the legal consequences of the proposed legislation<sup>84</sup>.

In 2020, the European Commission presented the first LGBTIQ Equality Strategy, which aims to address inequalities between LGBTIQ people and sets out targeted actions and measures for the next five years. Importantly, the strategy calls on EU Member States to develop national action plans on equality for LGBTIQ people, building on existing good practices.<sup>85</sup> However, two years after the publication of the Strategy, Lithuania has still not developed an action plan to address LGBT+ issues. At the same time, it is worth noting that the Action Plan for the Promotion of Non-Discrimination approved by the Minister of Social Security and Labour barely includes issues related to the rights of LGBT+ persons. Although the “Analysis of Environmental and Internal Factors” section of this Action Plan contains an extensive discussion of the statistics, problems and consequences faced by LGBT+ persons on a daily basis, the Action Plan only includes one measure to address these problems – to hold trainings for young people and those working with young people on sexuality education issues<sup>86</sup>.

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<sup>84</sup> Simona Budreikaitė and Rūta Jasilionė, “Proposed amendment to the Civil Code lacks substance on close ties”, 3 June 2022.

<sup>85</sup> European Commission, “Equality Union, Commission presents first EU strategy for equality for LGBTIQ people”, 12 November 2020, ec.europa.eu

<sup>86</sup> Order No A1-1256 of the Minister of Social Security and Labour of 10 December 2020 “On the Approval of the Action Plan for the Promotion of Non-Discrimination 2021-2023”.

Thus, although the problems of LGBT+ people in Lithuania are acknowledged and visible, there is still a lack of political will and initiative to address them through specific measures.

The results of the study “Universities Towards Diversity” conducted by the NGO Diversity Development Group and Vytautas Magnus University revealed that the majority of Lithuanian universities have included the definition of discrimination from the Law on Equal Opportunities in their codes of ethics or guidelines. However, the Vilnius University is the only one having an LGBT+ strategy, gender-neutral language guidelines and the University’s LGBT+ group (the first and only organisation in Lithuania that brings together LGBT+ students, staff, alumni and their supporters).<sup>87</sup>

In 2022, the Office of the Equal Opportunities Ombudsperson (OEO) received 4 complaints about possible discrimination on the grounds of sexual orientation, 1 of which related to consumer protection, 1 – to organisations and associations, and 2 – to areas outside the OEO’s remit. In 2022, the OEO carried out 2 investigations and adopted 3 decisions on possible discrimination on grounds of sexual orientation, also providing 23 consultations<sup>88</sup>.

## Rights of transgender people

The situation of transgender people’s rights in Lithuania in 2022 remains almost unchanged compared to 2021. According to the data published by TGEU in 2022, the situation relating to

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<sup>87</sup> Research report by NGO Diversity Development Group and Vytautas Magnus University, “Universities towards diversity: the Case of Lithuania”, diversitygroup.lt, 2022.

<sup>88</sup> Letter No 1D-267 of the Office of the Equal Opportunities Ombudsperson of 3 February 2023 “Regarding the provision of information”

the rights of transgender people in Lithuania scores 3 out of 30. This score remains unchanged from the previous year: the situation in Lithuania in the areas of asylum, hate speech and crime, non-discrimination, health and family scored 0 points, and in the area of legal recognition of gender identity scored 3 out of 13 points. Compared to other EU countries, Lithuania shares 25<sup>th</sup> – 26<sup>th</sup> position (out of 27) in the ranking<sup>89</sup>.

The Constitutional Court has stated that “one of the forms of discrimination prohibited under Article 29 of the Constitution is the restriction of human rights on the grounds of gender identity and/or sexual orientation, which also constitutes a violation of human dignity”<sup>90</sup>. However, despite the Constitution’s presumption in favour of granting legal protection against discrimination to transgender persons, gender identity is not mentioned in the legal provisions which contain an exhaustive list of grounds for discrimination.

Although the Action Plan for the Promotion of Non-Discrimination 2021-2023<sup>91</sup> includes a review of the legal framework for equal opportunities and protection against discrimination to assess its compliance with the latest international human rights standards and to implement the recommendations of international organisations,

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<sup>89</sup> Transgender Europe – TGEU, [Trans Rights Map, Europe and Central Asia](#), 2022

<sup>90</sup> [Resolution No KT3-N1/2019 of the Constitutional Court of the Republic of Lithuania of 11 January 2019, RLE](#), 11 January 2019, No 439.

<sup>91</sup> Order No A1-1256 of the Minister of Social Security and Labour of 10 December 2020 “[On the Approval of the Action Plan for the Promotion of Non-Discrimination 2021-2023](#)”, quoted from the report of Erika Leonaitė and André Jurgaitis to the Council of Europe, “[The Right to Recognition of Gender Identity in Lithuania. National Overview](#)”, January 2022, p.6.

gender identity has not yet been included in the list of prohibited grounds for discrimination in the Law on Equal Opportunities<sup>92</sup>. Accordingly, while discrimination against a transgender person can be investigated as discrimination on the grounds of sex, this possibility is limited to cases where a transgender person is treated less favourably than a person of the other sex (e.g. a transgender woman is treated less favourably at the workplace than a transgender man). Gender identity is also not included in the provisions of the Criminal Code defining the hate motive as an aggravating circumstance for criminal liability, a qualifying element of crimes against human life or health, or in the composition of specific crimes against persons on the grounds of their nationality, race, sex, origin, religion or other group affiliation<sup>93</sup>. Therefore, as noted in the report “[The Right to Recognition of Gender Identity in Lithuania](#)” prepared by E. Leonaitė and A. Jurgaitis, cases of discrimination against transgender persons remain legally invisible and unrecognised, as the existing legal framework does not provide them with sufficient legal protection.<sup>94</sup>

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<sup>92</sup> [Current consolidated version of the Law on Equal Opportunities of the Republic of Lithuania, No IX-1826.](#)

<sup>93</sup> Article 60 (1)(12) of the Criminal Code of the Republic of Lithuania (“Aggravating Circumstances”), Article 129 (2)(13) of the Criminal Code of the Republic of Lithuania (“Murder”), Article 135 (2)(13) of the Criminal Code of the Republic of Lithuania (“Severe Health Impairment”), Article 138 (2)(13) (“Non-Severe Health Impairment”), Article 169 (“Discrimination on Grounds of Nationality, Race, Sex, Descent, Religion or Belonging to Other Groups”), Article 170 (“Incitement against any national, racial, ethnic, religious or other group of people”), Article 1701 (“Creation and Activities of the Groups and Organisations Aiming at Discriminating a Group of Persons or Inciting against It”).

<sup>94</sup> Quoted from the report by E. Leonaitė and A. Jurgaitis, “[The right to recognition of gender identity in Lithuania. National Overview](#)”, pp. 11, 33.

In the context of the right to recognition of gender identity (including gender identifiers, change of name and surname in civil status records where appropriate, and issuance of personal documents reflecting the person's true gender), it should be noted that, although back in 2007, the European Court of Human Rights found a legal loophole in the case of *L. v. Lithuania*, leading to a violation of the right of transgender persons to respect for their private and family life, the decision of the European Court of Human Rights in this case has not yet been implemented, and it is under increased scrutiny.<sup>95</sup> The gap in the legal framework created by the absence of a set procedure for the right to recognition of gender identity is filled on a case-by-case basis by the courts when dealing with applications from transgender persons requesting that the Civil Registry Office be obliged to change the record of a person's gender (or, where appropriate, name and surname). In their judgments, the courts usually derive the right to recognition of gender identity ("gender reassignment") from the provisions of Article 2.27 of the Civil Code, which establishes the right to "change sex", and also refer to the provisions of the Constitution on the protection of personal dignity, natural rights and the right to respect for private life, and to Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the right to respect for private and family life)<sup>96</sup>.

Case law establishes the rule that "the main legal prerequisites for the amendment of civil status

records are a person's diagnosed transsexuality and the person's identification of himself or herself as the respective sex". It also requires that the applicant is not married<sup>97</sup>. As regards the age requirement, it should be noted that, although the requirement of the age of majority is standardly mentioned in the case law as one of the conditions laid down in the Civil Code, in specific cases the courts have taken the position that a minor may exercise his/her right to recognition of his/her gender identity through his/her representatives under the law (parents or guardians). Although the discretion of the courts leads to a certain legal uncertainty as to the criteria to be applied for the recognition of gender identity (e.g. whether it is necessary to undergo a medical transition in order to prove the identification of oneself as the appropriate sex), it also opens the way for a gradual development of case law based, inter alia, on the standards developed by the European Court of Human Rights. On the other hand, a situation in which recognition of gender identity can only be achieved through the courts is not in line with the principle enshrined in the year 2010 Recommendation of the Committee of Ministers of the Council of Europe on combating discrimination on grounds of sexual orientation or gender identity, which stipulates that States should make it possible to change name and gender in official documents in a rapid, transparent and easily accessible manner. In this respect, it should be noted, inter alia, that the duration of the legal process of recognition of gender identity, from the first application to the receipt of the new personal documents, is usually around 6 months.<sup>98</sup>

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<sup>95</sup> Representative of the Government at the European Court of Human Rights, "[Cases against Lithuania under enforcement](#)".

<sup>96</sup> Quoted from the report by E. Leonaitė and A. Jurgaite, "The right to recognition of gender identity in Lithuania. National Overview", p. 14.

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<sup>97</sup> *Ibid.*, p. 17.

<sup>98</sup> *Ibid.*, p. 23.



In addition, a diagnosis of “transsexuality” (ICD-10 code F64.0) is a prerequisite for legal recognition of gender identity. The mandatory diagnostic criterion leads to the pathologisation of transgender people, especially given that until the application of ICD-11, which removes transgenderism from the list of mental disorders, being transgender is still officially considered a “personality and behavioural disorder”<sup>99</sup>. It should be noted that the World Health Organisation’s (WHO) updated International Statistical Classification of Diseases and Related Health Disorders (ICD-11), which was published in 2018 and will come into force in 2022, has removed transgenderism from the list of mental and behavioural disorders and added it to the list of conditions related to sexual health, replacing it with the term “*gender incongruence*”<sup>100</sup>. ICD-11 has not been adopted in Lithuania. Lithuanian healthcare institutions are obliged to follow the ICD-10 Australian Modification (ICD-10-AM)<sup>101</sup>.

One of the most important changes in 2022 in the area of transgender rights was the amendment to the rules on changing a person’s name, which came into force on 1 February,<sup>102</sup> allowing a person diagnosed as transgender to change his or her name if he or she wishes to have a

gender-specific personal name. The introduction of an administrative procedure facilitates the social transition of transgender persons and reduces the preconditions for involuntary disclosure of gender identity and everyday discrimination.<sup>103</sup> However, in accordance with these rules, a transgender person may only change his/her name if he/she is in possession of a document confirming his/her diagnosis of transgenderism (F64.0) (a certificate issued by a health care institution of the Republic of Lithuania or a Member State of the European Union). Moreover, this right is only available to citizens of the Republic of Lithuania who are of legal age and unmarried, and it is still only possible to change one’s gender marker and personal identification number by means of a legal procedure. According to the experts, the provisions of the abovementioned rules, which allow only citizens of the Republic of Lithuania who are of legal age and unmarried to exercise the right to change their names, are discriminatory, and the adoption of the amendment in question did not address the problems of transgender minors, and the fact that the change of the gender marker and the personal identification number can still only be carried out through a judicial procedure makes it difficult to exercise this right.<sup>104</sup>

<sup>99</sup> Ibid, p. 16.

<sup>100</sup> World Health Organization, “Gender incongruence and transgender health in the ICD”

<sup>101</sup> Order No V-164 of the Minister of Health of the Republic of Lithuania of 23 February 2011 “On the implementation of the International Statistical Classification of Diseases and Related Disorders, Tenth Revised and Updated Edition, Systematic List of Diseases” (Australian Modification, ICD-10-AM)”

<sup>102</sup> Order No 1R-453 of the Minister of Justice of 31 December 2021 “On Amendments to Order of the Minister of Justice No 1R-333 of 28 December 2016 “On the Approval of the Rules on Changing the Name and Surname of a Person””.

<sup>103</sup> Quoted from the report of E. Leonaitė and A. Jurgaitė, “The right to recognition of gender identity in Lithuania. National Overview”, p. 14

<sup>104</sup> Jonas Valaitis, member of “Trans Autonomija” Andre: it is not for psychiatrists to assess whether a person is transgender”, 8 February 2022, Irytas.lt; Report of the Human Rights Monitoring Institute, “Position of the Committee of Ministers of the Council of Europe on the implementation of the L. case”, 19 April 2022, hrmi.lt; Report by E. Leonaitė and A. Jurgaitė, “The right to the recognition of sexual identity in Lithuania. National Overview”, pp. 11, 33.

In April 2022, the Human Rights Monitoring Institute, together with the international network of organisations TGEU-Transgender Europe, the national association for trans rights and self-help Trans Autonomija, the national LGBT rights organisation LGL and the international association ILGA-Europe, submitted a position paper to the Committee of Ministers of the Council of Europe in the light of the Government's latest Action Plan on the implementation of the ECtHR's judgment in the case of *L. v Lithuania*. The position paper stresses the need to initiate a legislative process for a rapid, transparent and accessible procedure for the recognition of a person's gender identity based on the individual's decision (i.e. without a diagnosis, age limit and marital status requirements). The position paper also noted that according to the Trans Autonomy Association, at least five transgender people have exercised their right to change their name in Lithuania in the first couple of months after the new provisions of the Rules on Changing a Person's Name came into force.<sup>105</sup> According to A. Jurgaitis, a representative of Trans Autonomy, the requirement of a diagnosis is becoming a serious complicating factor in the process of changing a person's name. Moreover, according to the adopted provisions, only transgender persons of legal age can change their name, though in other cases changing one's name is allowed from the age of 16. It was also noted that some transgender persons seeking to exercise their right to change their names face practical difficulties in submitting the appropriate form for the diagnosis of "transsexuality" provided for in the law, as not all professionals know which form

must be completed. According to the representative, when the Rules on Changing the Name of the Person came into force, there was a lack of dissemination of information among the institutions, as well as a lack of information among transgender persons (living outside the capital) seeking to exercise the right to change their names, especially on further steps to be taken (which institutions are to be informed thereof) after a request for a change of is upheld.<sup>106</sup>

Another important change is the approval of the new procedure for the diagnosis and treatment of gender identity disorder (transsexualism)<sup>107</sup> by Order No. V-1307 of the Minister of Health of 4 August 2022 on the approval of the procedure for the diagnosis and treatment of gender identity disorder (transsexualism). In this respect, the approval of the description is an important legal step in the implementation of the above-mentioned judgment of the European Court of Human Rights and in the guarantee of the rights of transgender persons in the field of personal health care services. This regulation provides for the actions of family doctors, psychiatrists, endocrinologists, obstetricians, gynaecologists, urologists and other specialists in organising and providing services to persons suspected of and/or diagnosed with gender identity disorder (transsexualism). Prior to the approval of the description of this procedure, there was no unified practice in the organisation and provision of services to transgender persons in personal health care institutions. Hormone replacement therapy

<sup>105</sup> Human Rights Monitoring Institute, "Position of the Committee of Ministers of the Council of Europe on the implementation of the *L. case*", 19 April 2022, hrmi.lt.

<sup>106</sup> 3 March 2023 Interview with Ajus Jurgaitis, a representative of Trans Autonomija.

<sup>107</sup> Order No V-1307 of the Minister of Health of 4 August 2022 "On the Approval of the Description of the Procedure for the Diagnosis and Treatment of Gender Identity Disorder (Transsexuality)".

was administered only by individual endocrinologists in private practice, and some transgender people used hormonal preparations which they had sent to them from abroad on their own. However, this Description regulates the provision of diagnostic and drug treatment services for gender identity disorder (transsexualism) only to adults with suspected and/or diagnosed gender identity disorder (transsexualism). This means that minors remain formally excluded from services even with the consent of their parents or other legal representatives. This legal framework potentially discriminates against minors and leaves them without the necessary assistance. Other experts have also expressed concern about discrimination against this group of people, arguing that transgender minors are in a desperate situation, as they are not able to obtain legal recognition of their gender identity, to exercise the right to change their name, or to legally access medical services to begin their transition under the existing legal framework. This leads to psychological suffering and a desire to find ways to illegally obtain hormonal drugs<sup>108</sup>. In this context, it should be noted that data from the European Union Agency for Fundamental Rights (FRA) show that in Lithuania, the vast majority (83%) of transgender people were aware that they were transgender even before they reached the age of majority<sup>109</sup>.

Situations where health care institutions impose additional conditions limiting the provision of these services are particularly critical in

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<sup>108</sup> Report of the Human Rights Monitoring Institute, “Position to the Committee of Ministers of the Council of Europe on the implementation of the L. case”.

<sup>109</sup> Aušrinė Smilgytė, “Equal Opportunities Expert: Schools have a duty to provide a safe environment for transgender children”, lygybe.lt, 21 November 2022.

terms of the right of transgender people to access the health care they need. The description of the procedure governing the actions of staff in cases of gender identity disorder (transsexualism) approved by order of the Director General of Vilnius University Hospital Santaros Clinics in October 2022 stipulates that the subject of this document is the provision of personal healthcare services to unmarried persons. In contrast, the above-mentioned Regulation on the diagnosis and treatment of gender identity disorder (transsexualism) provides for an age criterion, but does not contain a requirement to be unmarried (which, in the case of married persons, implies a requirement to divorce or annul a marriage). In addition, the Description of the Procedure of Santaros Clinic contain other provisions that are questionable from a human rights perspective, such as the possibility to refuse hormone therapy and psychotherapy, the terms used in the “transgender questionnaire” (e.g. “the chosen gender”) and the possibility to refuse part of the treatment plan (e.g. psychotherapy in the case of hormone therapy) if it is not acceptable to the transgender individual.<sup>110</sup>

In conclusion, although there have been positive developments in 2022, the protection of transgender rights is not yet based on the principle of respect for personal autonomy and the freedom of self-determination, and there is no legal basis for effective protection of transgender people against discrimination and for investigating cases of discrimination on the basis of gender identity.

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<sup>110</sup> Order No 1000 of 18 October 2022 of the Director General of Vilnius University Hospital Santaros Clinics “Regarding the procedure “Actions to be taken by staff in cases of gender identity disorder (transsexualism) in patients”.

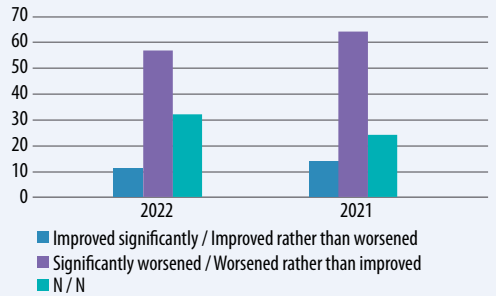
## Public attitudes towards LGBT+ people

Summarising the recent surveys on public attitudes in Lithuania, it can be noted that public attitudes towards LGBT+ people have changed slightly – compared to 2021, in 2022 public attitudes have shifted minimally to the positive side, but still remain significantly negative. According to the annual survey of public attitudes carried out by the NGO Diversity Development Group and the Institute of Sociology of the Lithuanian Centre for Social Sciences, 35.5% of the members of the public would not like to live in a neighbourhood with homosexual people. Compared to 2021 data, public attitudes on this issue have changed by -6.1% in 2022 (41.6% in 2021). Almost one in two Lithuanians would not want to rent out a place to (45.4%) and 24.2% would not want to work at the same workplace as homosexual persons (Figure 24). The assessment of the change in public attitudes remains consistently negative and almost unchanged, with 57.8% of the population claiming that their attitude towards homosexuals has worsened a lot over the last 5 years or has worsened rather than improved (Figure 25).<sup>111</sup>



**Figure 24.** Public attitudes towards homosexual persons

Source: NGO Diversity Development Group and Institute of Sociology of the Lithuanian Centre for Social Sciences (LCSS), *Public Attitudes towards Ethnic, Religious and Social Groups: Social Distance (2021 and 2022)*



**Figure 25.** Public attitudes towards homosexual persons

Source: NGO Diversity development group and LCSS Institute of Sociology, *Public attitudes towards ethnic, religious and social groups: social distance (2021 and 2022)*

<sup>111</sup> Research conducted by Diversity Development Group and LSMC Institute of Sociology, “Public Attitudes Towards Ethnic and Religious Groups in 2022”, diversitygroup.lt, 2022; Giedrė Blažytė, Research conducted by Diversity Development Group and LSMC Institute of Sociology, “Public Attitudes Towards Ethnic and Religious Groups in 2021”, Diversity Development Group and LSMC Institute of Sociology, “Public Attitudes towards Ethnic and Religious Groups in 2021”, diversitygroup.lt, 2021, online access: <https://www.diversitygroup.lt/wp-content/uploads/2021/11/Giedres-skaidres.pdf>

In Lithuania, residents of the capital city tend to have a more favourable attitude towards LGBT+ people. There were many supporters attending the Baltic Pride 2022 march held on 4 June

2022 in Vilnius, and no criminal acts offenses were recorded during the march, unlike the Kaunas Pride march a year ago. On the other hand, on the day of the march, the journalist and politician Kristupas Krivickas organised a march in support of the “traditional” family in Vilnius’ Vingis Park, and dozens of people gathered in Vilnius’ Cathedral Square with placards bearing the slogans “Laws in favour of homosexual unions are contrary to common sense, and the state cannot legalize these unions”, “You are hijackers of the rainbow, not gays!”, “There are fewer hospitals but increasingly more sick people”, etc.<sup>112</sup> This shows the discriminatory and negative stereotyping attitudes of a part of the society towards LGBT+ people<sup>113</sup>.

During Baltic Pride, the conflict over the rainbow-coloured crossing, which started in 2021, was still ongoing, as the crossing was painted black during the festival. The Vilnius District Police have taken two decisions on this crossing in the last two years: the first was to paint the crossing black initiated by activists of the Great March for Families, and the second was to paint the crossing in different colours. When it came to the second decision, following Road Traffic Regulations, the Vilnius District Police demanded that the Vilnius City Municipality to repaint the crossing in usual colours. The dispute subsequently reached the Vilnius Regional Administrative Court. The court decided to close the complaint, stating that a complaint of this nature cannot be heard in court, as the dispute

is based on a difference of opinion. The police order was annulled as unjustified<sup>114</sup>.

In summary, in the Lithuanian legal system important changes regulating the rights of LGBT+ persons took place in 2022, e.g. the draft Law on Civil Union was approved, the description of the procedure for collecting blood and blood components from donors of blood and blood components was changed, the amendment in the rules for changing a person’s name and surname came into force, and the description of diagnosis and treatment of gender disorder (transsexuality) was also approved. However, it is important to highlight that the mentioned changes should be regarded as incremental or compromise, and therefore do not fully meet the needs and rights of members of the LGBT+ community. Due to this reason, the protection of the rights of transgender persons is still not based on the principle of respect for personal autonomy and the freedom of personal self-determination, as well as the legal prerequisites for effective protection against discrimination and investigating cases of discrimination based on gender identity remain unfulfilled. Moreover, the issue of legalizing same-sex couples is being resolved extremely slowly. In addition, the society’s significantly negative attitude expressed by language directed at the LGBT+ community, posters and other means show that attitudes towards LGBT+ persons of a part of the society are still based on negative stereotypes and are changing only slightly from year to year.

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<sup>112</sup> Roberta Salynė, “Baltic Pride march happened - participants were welcomed with prayers, the festival will continue”, 15min.lt, 4 June 2022.

<sup>113</sup> For more on freedom of assembly for LGBT+ people and restrictions on it, see “Freedom of expression and assembly”.

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<sup>114</sup> Made in Vilnius, “Court revoked the order of Vilnius police to remove rainbow crossing on Pylimo street”, madeinvilnius.lt, 14 July 2022; Jarmo.net, “Juškaitė speaks out about revoked police order on rainbow crossing: looking for problems out of the blue”, 14 July 2022.

## FREEDOM OF EXPRESSION AND ASSEMBLY

The European Court of Human Rights (hereinafter – the Court and the ECtHR) has consistently taken the position that freedom of expression is one of the fundamental foundations of a democratic society and one of the basic conditions for its development and for self-fulfilment of every individual.<sup>115</sup> The Constitutional Court has attached particular importance to the freedom of expression enshrined in the Constitution, stressing that the constitutional freedom to seek, receive and impart information and ideas without hindrance is one of the foundations of an open, just and harmonious civil society and a democratic state.<sup>116</sup>

Freedom of expression goes hand in hand with freedom of information, and with the freedom of the media, which, by exercising its right and duty to inform the public on issues of public concern, provides an important platform for public debate. Reporters Without Borders, an international organisation that monitors freedom of expression and media activity worldwide, has positively assessed press freedom in Lithuania in its annual Press Freedom Index 2022, which has improved its position 21 steps up compared to the previous year's result, and now ranks 9<sup>th</sup> in the world in the Press Freedom Index.<sup>117</sup>

<sup>115</sup> Judgment of the European Court of Human Rights in the case *Handyside vs the United Kingdom*, 7 December 1976, Petition No 5493/72, clause 49.

<sup>116</sup> Constitutional Court of the Republic of Lithuania, Resolution on the protection of the private life of a public person and the right of a journalist not to disclose the source of information, Official Gazette Valstybės Žinios No. 104-4675 (2002), online access: <http://www.lrkt.lt/lt/teismo-aktai/paieska/135/ta311/content>.

<sup>117</sup> VZ (03 05 2022). Reporters Without Borders have raised Lithuania's press freedom index to 9th in the world, online access: <https://www.vz.lt/verslo-aplinka/2022/05/03/reporteriai-be-sienu-lietuovos-spaudos-laisves-indeksa-pakele-i-9-vieta-pasaulyje#ixzz7JWwvPQ>

On the other hand, a legislative initiative in 2022 was the subject of much debate, which could affect media independence. A draft amendment to the Law on Public Information submitted by the Seimas Committee on Culture sought to restructure the media self-regulatory institute, the Public Information Ethics Commission, eliminating some media and journalists' organisations from the Commission.<sup>118</sup> Criticism of the proposed amendments on the willingness of politicians to actively participate in media self-regulation was voiced by different media channels and the Lithuanian Journalists' Union<sup>119</sup>. Following criticism that the amendments proposed by the Seimas Committee on Culture would worsen the situation of media freedom in the country, the proposed amendments were dropped and removed from the agenda<sup>120</sup>.

The provisions of the Law on the Protection of Minors against the Adverse Effects of Public Information<sup>121</sup>, which include in the category of information that has a negative impact on minors public information that "denigrates family values, promotes a different concept of marriage and family formation than that enshrined in the

<sup>118</sup> Draft Law amending Articles 31, 46, 46(1) and 48 of the Law on Public Information No I-1418, online access: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/7c03af64618e11ed9df7cab99e34d2f?jfwid=u8oh6byvm>

<sup>119</sup> Draft Law amending Articles 31, 46, 46(1) and 48 of the Law on Public Information No I-1418, online access: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/7c03af64618e11ed9df7cab99e34d2f?jfwid=u8oh6byvm>

<sup>120</sup> VZ (24 11 2022). Seimas postpones consideration of a new model of self-regulation for journalists once again, online access: <https://www.vz.lt/rinkodara/medijos/2022/11/24/seimas-vel-atidejo-naujo-zurnalistu-savireguliacijos-modelio-svarstyma#ixzz7vluelfmM>

<sup>121</sup> Law on the Protection of Minors from the Negative Effects of Public Information of the Republic of Lithuania, Official Gazette Valstybės Žinios, 18 09 2002, No 91-3890

Constitution and the Civil Code”, are also worthy of mention. These provisions remain a potential basis for restricting the dissemination of public information relating to the right of LGBT+ persons to respect for their private and family life and ensuring this right.

Case law is crucial in determining the balance between freedom of expression and other competing rights and interests. In this respect, the courts are often confronted with questions of balance between freedom of expression and the protection of the rights of others, including honour and dignity, privacy. In 2022, the Supreme Court of Lithuania ruled on a sign on Upė Street, the residence of the then Prime Minister Saulius Skvernelis, which read “Skvernelis. 1 km to the thief’s house” and an arrow sign pointing in the direction of his house<sup>122</sup>. In a final and unappealable ruling, the Supreme Court of Lithuania upheld the acquittal of the man who made the sign, emphasising that although the man’s behaviour in expressing his opinion was not justified and appropriate, it did not reach the level or degree of dangerousness necessary for criminal liability<sup>123</sup>.

The case law of the Supreme Administrative Court of Lithuania is of particular importance with regard to the relationship of freedom of expression and information with the protection of personal data. In this respect, the case heard by the court concerning the complaint of the applicant public institution “Klaipėda Atvirai” against the defendant, the Office of the Inspector of

Journalist Ethics, should be mentioned. Having published information in its publication about allegedly non-transparent public procurement of a company managed by the Klaipėda City Municipality and the sole shareholder of another company involved therein, the applicant challenged the decision of the Office of the Inspector of Journalist Ethics, whereby it was declared to be in violation of the provisions of the General Data Protection Regulation. The extended panel of judges of the Supreme Administrative Court of Lithuania noted that the right to freedom of expression and freedom of information may be considered a legitimate interest within the meaning of the General Data Protection Regulation. When discussing the criteria relevant for the balancing of the right to protection of private life and the right to freedom of expression (contribution to a debate of public interest, notoriety of the person, content of the publication, etc.), the extended panel of judges stated that the public has an interest to be informed when the transparency of public procurement procedures may be affected. While the public has a reason to be interested in the activities of a legal person, the sole shareholder of a private company, whose interests are served by the activities of that legal person, cannot be dissociated from it. In the present case, the natural person whose personal data were published in the publication is to be regarded as a public figure by reason of the public interest significance of his activities. Although the right of such a person to keep his private life secret is in principle broader than that of public persons who hold official positions in the public sector, such a person, unlike a private person who is not known to the public, cannot claim special protection for his private life. The panel held that the publication referred to a

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<sup>122</sup> Weekly Review, Criminal Law, Associate Professor, lawyer Dr. Remigijus Merkevičius, online access: [Criminal Law \(infoplex.lt\)](https://www.infoplex.lt)

<sup>123</sup> Resolution of the Supreme Court of Lithuania of 25 October 2022 in criminal case No 2K-223-697/2022.

public figure in the context of a subject of public interest (the issue of public procurement, i.e. the allocation and use of public resources) and that the reported facts contributed to the debate in a democratic society. The panel also emphasised that the information published in the publication about the natural person – his name and relationship to an employee of another economic entity – was not presented in a juicy or curiosity-inducing manner, but on the contrary, it was considered necessary and contributed to the public interest debate and informed the public about the subject of public procurement covered by the publication. On the basis of these arguments, the decision of the Office of the Inspector of Journalist Ethics was annulled<sup>124</sup>.

In terms of balancing competing rights, the judgment of the European Court of Human Rights of 15 November 2022 in the case *Marcinkevičius v. Lithuania*, which established a violation of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (freedom of expression) is also worth mentioning. The case concerned statements made by the applicant, which was one of the shareholders, in the context of a dispute between the founders and the shareholders of Vilniaus Prekyba, about another shareholder, suggesting non-payment of taxes and misappropriation of the shareholders' assets. The Court noted that the article in which the contested statements were quoted dealt with a matter of public interest, since it covered tax issues, the activities of the companies in question were of economic importance, and the persons referred to in the article were also important.

Therefore, in the court's view, the state's freedom of assessment in restricting the applicant's freedom of expression in the present case was narrow. Having assessed the way in which the national courts had carried out their assessment of the balance between the two rights – the right to freedom of expression and the right to respect for honour and dignity – the Court noted that the statement "[o]bviously, not only we but also the State of Lithuania has suffered an enormous damage" should, in the context of the other statements, have been regarded as an evaluative statement rather than a statement of fact. In the light of these circumstances and the fact that the person about whom the information had been disseminated had not proved that he had suffered adverse consequences as a result of the applicant's statements, the court held that an order issued by national courts for the applicant to refute his statement was not necessary in a democratic society<sup>125</sup>.

To protect media pluralism and independence in the EU, the European Commission has adopted the European Media Freedom Act, a new set of rules that includes measures to protect media outlets from political interference in editorial decisions and surveillance. The regulation focuses on issues related to the independence and stable funding of public service media, transparency of media ownership and the distribution of public advertising. It also proposes the establishment of a new independent European Media Services Board composed of representatives of national

<sup>124</sup> Ruling of the Supreme Administrative Court of Lithuania of 3 February 2022 in administrative case eA51-822/2022.

<sup>125</sup> Judgment of the European Court of Human Rights in the case *Marcinkevičius v. Lithuania* No. 24919/20, online access: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-220866%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-220866%22]})



media authorities<sup>126</sup>. Lithuania expressed its support for the document and called for compromises on the issues under discussion<sup>127</sup>.

In reviewing the relevant aspects of the legal regulation of freedom of assembly, it is important to mention the 2022 legislative initiatives on amendments to the Law on Meetings. One of the draft laws amending the Law on Meetings sought to include a person authorised by the Chancellor of the President, the Seimas and the Government in the process of coordination of an assembly, if the assembly is planned to be held in the vicinity of these institutions.<sup>128</sup> In her assessment of the draft, Erika Leonaitė, the Seimas Ombudsperson, noted that such a requirement would be redundant, as the existing provisions of the Law on Meetings also allow for the inclusion of the necessary representatives of other bodies in the coordination procedure of the notifications of the organised meeting. In the opinion of the Seimas Ombudsperson, a more complex procedure for the coordination of notifications of meetings to be held at the highest political authorities of the State is also critical in that the possibility of expressing one's views

on the decisions taken by these authorities and their officials during peaceful meetings should be particularly protected in a democratic state. Meanwhile, the existing provisions of the Law on Meetings, which provide for the involvement of the police in the coordination process, as well as for prohibited acts during meetings, the grounds for the termination of the meeting and the liability of the organisers and participants of the meeting, are sufficient to ensure public order.

The Seimas Ombudsperson also identified risks in another proposal to amend the Law on Meetings, which would require the organisers of a meeting attended by more than 15 people to give notice of the meeting at least 15 working days prior to the date of the meeting. Although this proposal was motivated by the need to allow the court to hear a complaint against a refusal to coordinate a meeting before the meeting, the Seimas Ombudsperson pointed out that extending the current 5 working days to 15 working days would significantly hinder the possibility of organising meetings that are intended to react quickly to current events. Moreover, in practice, the most controversial issue is the refusal to coordinate large meetings involving a large number of people, the organisers of which usually give more than 5 working days' notice in any case.<sup>129</sup> The Seimas Ombudsperson recommended considering the possibility of enshrining provisions in the law obliging the courts to take measures so that disputes between the organizers of the meeting and the municipality are examined in the shortest possible time, if possible - before the expected date of the meeting,

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<sup>126</sup> European Commission (16 09 2022). European Media Freedom Act. European Commission proposes rules to protect media pluralism and independence in the EU, online access: [https://lithuania.representation.ec.europa.eu/news/europos-ziniasklaidos-laisves-aktas-europos-komisija-siuolo-taisykles-ziniasklaidos-pliuralizmui-ir-2022-09-16\\_lt](https://lithuania.representation.ec.europa.eu/news/europos-ziniasklaidos-laisves-aktas-europos-komisija-siuolo-taisykles-ziniasklaidos-pliuralizmui-ir-2022-09-16_lt)

<sup>127</sup> Ministry of Culture of the Republic of Lithuania (22 11 2022). Discussion of the European Media Freedom Act currently in preparation, online access: <https://lrkm.lrv.lt/lt/naujienos/aptartas-siuo-metu-rengiamas-europos-ziniasklaidos-laisves-aktas>

<sup>128</sup> Draft Law amending and supplementing Articles 2 and 7 of the Law on Meetings No. I-317, 13 August 2021, reg. No. XIVP-766, online access: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/88752460fc2511ebb4af84e751d2e0c9>

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<sup>129</sup> Letter No 1/3D-919 of the Seimas Ombudsperson to the Seimas Management Board and the Seimas Committee on Human Rights of 25 April 2022.

without extending the deadline for informing about the meeting.

The amendments to the Law on Meetings adopted at the end of the year (entering into force on 1 April 2023) shortened the deadline of notifications to the municipality about meetings of more than 15 people to 4 working days, as well as established the deadline for appealing and examining the decision on (non)coordination of the meeting at court.

In order to prevent abuse, when several or even a dozen meetings of 15 participants are organized in the same place in order to circumvent the meeting coordination requirement, a limitation has been established that no more than two such meetings can be held in the same place at the same time. Other significant changes have also been introduced - the duty of mayors or directors of municipal administrations to ensure smooth coordination of notices about the organized meeting, and a prohibition to oblige meeting organizers to take measures that require financial resources to implement (except for cleaning up the meeting place). It is also possible to apply administrative responsibility to mayors or directors of municipal administrations for violations of the Law on Meetings.

These amendments to the Law on Meetings have strengthened the protection of the right to peaceful meetings, as they have made it possible to organize meetings more quickly, to resolve disputes regarding the coordination of meetings faster, and also created the prerequisites for reducing cases when municipalities unjustifiably refuse to coordinate meetings, citing the inconvenience caused by the meeting, hypothetical risks of public order violations or something under the circumstances.

The procedure for organizing meetings at the highest state institutions remained unchanged. The initiation of amendments to the Law on Meetings was prompted, among other things, by protest rallies organised by the association "Lietuvos šeimų sąjūdis" (English: Lithuanian Families Movement) in 2021 and 2022. In this respect, the protest organised by the Lithuanian Families Movement at the Seimas on 13 January is noteworthy. A protest organised by the Lithuanian Families Movement was approved with the Vilnius City Municipality to take place on 13 January 2022 after the official commemoration event at the Seimas. However, the protesters arrived earlier and disrupted the commemoration of the January 13<sup>th</sup> Freedom Defenders and the Freedom Prize award ceremony. The police opened 10 administrative proceedings – for a failure to ensure that the participants of the event kept the expected distance from the Seimas Palace, as well as for breaches of morality, good morals and ethics, and disturbance of public peace. When the Families Movement expressed its wish to organise another event of this kind, this time on the 16<sup>th</sup> of February, the municipality refused to approve the meeting, arguing that the organisers' plans interfere with official state events.

On 15 May 2022, members and supporters of the Lithuanian Families Movement gathered at a private holiday resort in Kaunas district for a meeting called "The Great Family March 2022"<sup>130</sup>. The event was to be organised in Vilnius on 10 January 2022. The Vilnius City Municipality Administration agreed to the rally being held in Vingis Park on 24 February 2022. On 24 February 2022, the

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<sup>130</sup> Delfi, "The Grand Family March 2022" started in Kaunas district, online access: <https://www.delfi.lt/news/daily/lithuania/kauno-rajone-prasidejo-didysis-seimos-gynimo-marsas-2022.d?id=90223153>

Mayor of Vilnius posted on Facebook that the permission was cancelled. The organisers contacted the municipality and were informed that the order to approve the event had been revoked due to a threat to state and public security. On 28 June 2022, the Vilnius Regional Administrative Court found that the actions of the Vilnius City Municipality were unlawful. The panel of judges found that the municipal administration had not provided any evidence that the Department of State Security or any other official state body had issued a conclusion on a reasonably foreseeable threat to the security of the state and public safety in the organisation of the Grand March of Families 2022, nor had the municipal administration applied for an assessment of the threat to the security of the state and of the public safety, and that the private Facebook posts submitted by the municipal administration did not constitute data that could substantiate a threat to the security of the state and of the public. In the light of these circumstances, the court concluded that the restriction imposed on the organisers of one of the fundamental rights enshrined in the Constitution – the right of assembly – was based on mere assumptions and was disproportionate.<sup>131</sup>

Meanwhile, in its final and non-appealable ruling of 3 November 2022, the Supreme Administrative Court of Lithuania held that the decision of the Vilnius City Municipality to refuse to approve the “Grand Family Defence March 2021” event at the Seimas and the Government in 2021 was lawful and justified. The Court noted that, in adopting the contested decision, the municipal administration had taken into account the fact that the country

was in a state of emergency, under quarantine, and that the coronavirus was spreading, with fatal and otherwise serious health consequences. Furthermore, the municipal administration did not restrict the applicant’s right to organise meetings to an absolute extent, i.e. the applicant was offered to control the number of participants in order to ensure that safe distances between persons were respected, and it was suggested that to organise a meeting in a different venue which would hold more people, but the applicant itself refused the suggestions. The Supreme Administrative Court of Lithuania recognised that in this situation, the freedom of assembly was restricted in order to protect the health and life of people from a real and not an imaginary threat. The Court stated that the freedom of assembly cannot be absolutized and placed above fundamental values such as health and life, that the municipal administration has properly balanced the constitutional values, and that therefore the contested decision cannot be regarded as disproportionate.<sup>132</sup>

The Lithuanian Families Movement managed to organise a protest rally in Vilnius on 22 October 2022. The rally took place at the Cathedral Square<sup>133</sup>. The rally participants spoke out against the Law on Civil Union being debated in the Seimas and the government’s policy in the wake of the sharp rise in energy prices. After a group of young people wearing LGBT+ symbols appeared at the pro-traditional family rally

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<sup>132</sup> Ruling of the Supreme Administrative Court of Lithuania of 3 November 2022 in administrative case No eA-611-575/2022.

<sup>133</sup> 15MIN, Rally of the Lithuanian Families Movement in Vilnius: out of thousands of protesters a mere few hundreds remain, online access: <https://www.15min.lt/naujiena/aktualu/lietuva/seimu-sajudzio-mitingas-vilniuje-daugybe-policijos-aptverta-vyriausybe-ir-seimas-56-1949308>

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<sup>131</sup> Decision of the Vilnius Regional Administrative Court, online access: <https://kaunoforumas.com/2022/06/28/lietuvos-seimu-sajudis-laimejo-byla-del-didziojo-seimugynimo-marso-2022/>

and caused dissatisfaction among the rally participants, the police ordered the group of young people to leave the rally<sup>134</sup>. However, given that the young people were only peacefully expressing their opposition to the rally participants' statements, it is questionable whether there was a legitimate basis for the police to take such measures<sup>135</sup>, especially given that the police did not take identical action against opponents during the Baltic Pride march on 4 June 2022.

In terms of freedom of assembly for LGBT+ people, the incident of 22 March 2022, when human rights activists were on the balcony of the Seimas watching the vote on leaving the draft Law on Partnerships on the agenda of the Seimas's spring session, is noteworthy. The human rights activists displaying LGBT+ signs such as a rainbow-coloured flag and a bag, were asked to leave the balcony of the Seimas on the basis of the Law on Meetings, which prohibits protests in state institutions. However, it should be noted that the Seimas was subject to the Rules of Procedure of the Seimas Chamber, which, inter alia, laid down the requirements for persons in the Seimas Chamber, their enforcement and liability.<sup>136</sup> Furthermore,

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<sup>134</sup> Police ordered young people with LGBT posters to leave the square at the Families Movement's rally, online access: <https://www.tv3.lt/naujiena/lietuva/seimu-sajudzio-mitinge-neapseita-be-apsizodziavimu-policijai-teko-isprasyti-su-lgbt-simbolika-pasirodziausius-jaunuolius-n1196652>

<sup>135</sup> Law on Meetings of the Republic of Lithuania, online access: <https://eseimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.5644/CpAFJrpcTT>

<sup>136</sup> Rules of Procedure of the Seimas Chamber approved by Order No 400-JVK-145 of the Chancellor of the Seimas of the Republic of Lithuania of 3 June 2022 "On the Approval of the Description of the Rules of Procedure of the Seimas Chamber of the Republic of Lithuania", <https://e-seimas.lrs.lt/portal/legalActPrint/lt?fwid=19alyr tklt&documentId=08df5400e3f111ec896de0b71e988500&category=TAD>

the automatic classification of LGBT+ merchandise as protest paraphernalia is questionable<sup>137</sup>.

In summary, the exercise of freedom of expression and assembly often involves the need to reconcile competing rights and interests and to balance different values. However, it is important that any restrictions on these rights, which form the foundation of a democratic society, are applied in a highly responsible manner, with factual evidence to support the need for the restriction. In particular, isolated incidents must not be used as a pretext to change the legal framework in such a way as to weaken the independence of the media or the possibility to assemble peacefully.

## ENSURING THE RIGHTS OF PERSONS WITH DISABILITIES

The rights and fundamental freedoms of persons with disabilities are enshrined in the Convention on the Rights of Persons with Disabilities of the United Nations<sup>138</sup> (hereafter – Convention on the Rights of Persons with Disabilities, or the Convention). The purpose of this instrument is to promote and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and

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<sup>137</sup> LGBTQ+ rights activists gathered to observe the Law on Partnerships were approached by parliamentary security guards, online access: LGBTQ+ activists vow to appeal to the Seimas Board over the behaviour of security guards: they accuse the guards of being insolent and arrogant (jarmo.net)

<sup>138</sup> Lithuania ratified the United Nations Convention on the Rights of Persons with Disabilities (the original title of the Convention on the Rights of Persons with Disabilities and its Optional Protocol) by Law No XI-854 of 27 May 2010 on the Ratification of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol.

to promote respect for their inherent dignity. The Convention on the Rights of Persons with Disabilities recognises that all human beings have the same rights and are equal, and commits states that are parties of the Convention to ensure the implementation of the rights of persons with disabilities through their national legislation.

To monitor and promote the implementation of the Convention on the Rights of Persons with Disabilities in Member States, the United Nations Committee on the Rights of Persons with Disabilities (CRPD) makes recommendations to Lithuania on its implementation.<sup>139</sup> In order to properly implement provisions of the Convention, an institutional mechanism for the implementation of the Convention has been established in Lithuania, taking into account the provisions of Article 33(1) of the Convention<sup>140</sup>. In the context of the implementation of Article 33(2) of the Convention, the functions of the independent mechanism in Lithuania are carried out by the Commission for the Monitoring of the Rights of Persons with Disabilities under the Office of the Equal Opportunities Ombudsperson (hereafter – the Commission), which monitors the implementation of the United Nations Convention on the Rights of Persons with Disabilities. The implementation of the Convention is monitored by the Equal Opportunities Ombudsperson.<sup>141</sup>

<sup>139</sup> Article 34 of the United Nations Convention on the Rights of Persons with Disabilities.

<sup>140</sup> Resolution No 1739 of the Government of the Republic of Lithuania of 8 December 2010 “On the Implementation of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol”.

<sup>141</sup> Law on Equal Opportunities of the Republic of Lithuania (Official Gazette, 2003, No. 114-5115; 2008, No. 76-2998; RLE, 17-11-2016, No. 2016-26967).

## **Regulatory developments**

Although the 2016-2020 Plan of Measures for the Implementation of the Recommendations of the United Nations Committee on the Rights of Persons with Disabilities<sup>142</sup> has not been extended, Lithuania undertook legislative changes in 2022, which, among other things, respond to the recommendations of the CRPD on the implementation of the Convention. On 19 May 2022, the Seimas of the Republic of Lithuania adopted amendments to the Law on Equal Opportunities<sup>143</sup>, which established the obligation of sellers of goods, manufacturers or service providers, as well as organisations and associations, to ensure that they do not assault, sexually harass or instruct persons to discriminate on the grounds of discrimination set out in the law, including disability. These provisions have added to the previously existed prohibition of discrimination a proactive duty to take action to protect individuals from harassment and discrimination.

On 28 June 2022, the Law on Equal Opportunities was amended again, including revising the employer’s obligations in the area of equal opportunities for people with disabilities in employment relations. The previous provision on the employer’s obligation to take measures to ensure that the premises are suitably adapted has been amended to refer to the provision of suitable working conditions instead of adaptations, thus extending the employer’s obligations beyond persons with

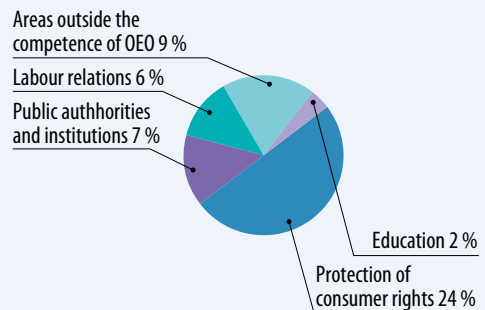
<sup>142</sup> Order of the Minister of Social Security and Labour No A1-596 of 9 November 2016 “On the Approval of the Plan of Measures for the Implementation of the Recommendations of the United Nations Committee on the Rights of Persons with Disabilities for the 2016-2020 period”

<sup>143</sup> [Law No XIV-1109 of 19 May 2022 Amending Articles 2, 4, 6, 7, 8, 9 and the Annex to the Law on Equal Opportunities of the Republic of Lithuania No IX-1826](#)

mobility disabilities. As before, the employer is only obliged to take such measures if they do not result in a disproportionate burden on the employer's obligations.<sup>144</sup> It should be noted that in its Recommendations to Lithuania back in 2016, the CRPD expressed concern about the inconsistent application of the concept of reasonable adaptation, narrowing it down to adaptation of premises. The CRPD urged Lithuania to take all necessary legal, regulatory and administrative measures to promote, ensure and monitor reasonable adaptation for persons with disabilities in all public and private sectors.<sup>145</sup> This amendment can be said to have at least partially addressed the recommendation of the CRPD – to declare the absence of reasonable adaptation a form of discrimination on the grounds of disability – has not yet been implemented.

According to data provided by the Office of the Equal Opportunities Ombudsperson (hereinafter – OEO)<sup>146</sup>, a total of 48 complaints were received, 22 investigations were carried out, 26 decisions were taken and 302 consultations were given regarding possible discrimination on the grounds of disability. Thus, compared to 2021,<sup>147</sup> there were fewer investigations

(44 in 2021) but more consultations (294 in 2021) on possible discrimination on the grounds of disability. In 2022, as in the previous year, the highest number of complaints on possible discrimination on the grounds of disability was received in the field of consumer protection (24), followed by complaints in the field of public authorities and institutions (7), employment relations (6) and education (2). 9 complaints were received in areas outside the competence of the Equal Opportunities Ombudsman.



**Figure 26.** Number of complaints received by the OEO in 2022 regarding possible discrimination on the grounds of disability, by area (based on the information provided by the OEO)

The Law on Social Integration of Disabled Persons was amended on 30 June 2022. These amendments were aimed at resolving a difficult situation caused by the previous regulation, where families caring for or looking after a child with a severe disability due to mental or behavioural disorders at home, when he or she reached the age of 18 years, faced a certain “transitional” period, when the payment of allowances and compensation was interrupted, while the process of establishing legal capacity and the appointment of a guardian was ongoing. This process could take up to 36 months before a court decision was taken.

<sup>144</sup> Law No XIV-1192 of 28 June 2022 Amending Articles 2, 7 and the Annex to the Law on Equal Opportunities of the Republic of Lithuania No IX-1826

<sup>145</sup> Concluding observations of the United Nations Committee on the Rights of Persons with Disabilities on the initial report of Lithuania of 20 April 2016, online access: [https://socmin.lrv.lt/uploads/socmin/documents/files/pdf/11136\\_neigaliuju-teisiu-komiteto-rekomendacijos-lietuvaui.pdf](https://socmin.lrv.lt/uploads/socmin/documents/files/pdf/11136_neigaliuju-teisiu-komiteto-rekomendacijos-lietuvaui.pdf)

<sup>146</sup> Reply of the Office of the Equal Opportunities Ombudsperson of 3 February 2023 to the letter No 1/3D-145 of 19 January 2023 of the Office of the Equal Opportunities Ombudsperson on the provision of data.

<sup>147</sup> Data of the Ombudsman for Equal Opportunities of the Republic of Lithuania for 2021, 2021 Activity Report, 14 March 2021, BR-31.

The amendments introduce the concept of a “carer of a disabled person” and other related changes. The amendments stipulate that the Disability and Capacity for Work Service (NDNT) must diagnose a person who was diagnosed as severely disabled before the age of 18 due to a severe or profound mental retardation as having a 0 % level of capacity for work after the age of 18 automatically, without any further application, allowing caregivers who care for the person at home to obtain the status of a carer for 36 months, until the court appoints a guardian or a carer. The right to apply to various institutions for social integration services for the person being cared for, as well as the possibility to receive and use targeted compensation, social assistance and other benefits, and social insurance pensions for the person with a disability, has been established. The carer of a person with a disability may also be covered by state-funded pension and unemployment social insurance, as well as compulsory health insurance.

On 1 July 2022, amendments to the Law on Social Services adopted at the end of 2021 came into force<sup>148</sup>, which, inter alia, introduced an additional type of social services – preventive social services. The aim of preventive social services is to strengthen the ability of a person/family to take care of his/her own personal life and to participate in society, to strengthen the social activity of the community and to promote the social inclusion of the community, as well as to strengthen the person’s or the family’s knowledge and skills to prevent the emergence of potential social problems and social risks in the future. These services have been included in the

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<sup>148</sup> Law No XIV-877 Amending Articles 1, 2, 3, 4, 6, 8, 11, 14, 15, 16, 17, 18, 19, 20, 26, 29, 34, 38 of the Law on Social Services of the Republic of Lithuania No X-493, Supplementing the Law with Articles 6-1, 19-3, 20-1, 20-2, and declaring Articles 36, 37 invalid, 23 December 2021

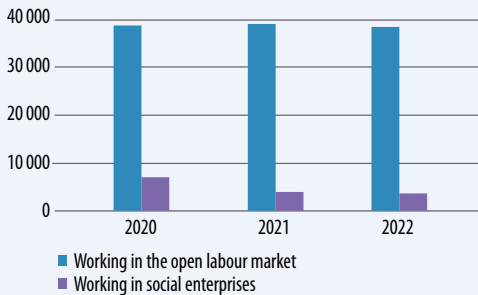
recast Catalogue of Social Services of 30 June 2022.<sup>149</sup> Preventive services include, inter alia, the search for potential beneficiaries of social services and comprehensive services for the family, including family counselling in the person’s/ family’s home after the disability and/ or special needs of the person have been identified.

There were 147,500 people with disabilities of working age in Lithuania on 1 January 2022, but only one in three (29.1%) were employed. 37,000 people with disabilities worked in the open labour market, and the remaining 4,500 – in social enterprises. Moreover, the number of people with disabilities working in the open labour market has not changed significantly over the last three years (38,912 in 2020, 39,231 in 2021 and 38,406 at the beginning of 2022), while the number of people with disabilities working in social enterprises has been decreasing (6,821 at the beginning of 2020, 4,685 in 2021 and 4,512 in 2022)<sup>150</sup>.

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<sup>149</sup> Order No A1-451 of the Minister of Social Security and Labour of the Republic of Lithuania “On Amendments to the Order No A1-93 of the Minister of Social Security and Labour of the Republic of Lithuania “On Approval of the Catalogue of Social Services” of 5 April 2006”, 30 June 2022.

<sup>150</sup> Explanatory note to the Law Amending Articles 2, 16, 20, 24, 25, 30-2, 35, 38, 41, 42, 43, 44, 45 and 47 of the Law on Employment of the Republic of Lithuania No XII-2470, Law Repealing the Law on Social Enterprises of the Republic of Lithuania No IX-2251, Law Amending Article 23 of the Law on Public Procurement of the Republic of Lithuania No I-1491, Law Amending Article 18 of the Law on Public Procurement of the Republic of Lithuania in the field of Defence and Security of the Republic of Lithuania No IX-2251, Law Amending Article 35 of the Law of the Republic of Lithuania on Procurement by Contracting Entities in the Field of Water, Energy, Transport or Postal Services No XIII-328, the Law Amending Articles 16 and 18 of the Law of the Republic of Lithuania on the Social Integration of Disabled Persons No I-2044, the Explanatory Note to the Law of the Republic of Lithuania on the Social Integration of Disabled Persons, Amending the Title of Section IV of the Law and Supplementing the Law with Article 203.



**Figure 27.** Persons with disabilities working in the open labour market and social enterprises in 2020-2022<sup>151</sup>

Taking into account the CRPD recommendations of 20 April 2016 to eliminate segregated working environments<sup>152</sup> on 19 July 2022, the Seimas adopted a package of laws to increase the inclusion of persons with disabilities in the labour market by creating a unified model of employment assistance for people with disabilities<sup>153</sup>. One of the key legislative changes was the

<sup>151</sup> Ibid.

<sup>152</sup> United Nations Committee on the Rights of Persons with Disabilities, "Concluding observations on the initial report of Lithuania", CRPD/C/LTU/CO/1, 20 April 2016.

<sup>153</sup> Law No. XII-2470 Amending Articles 2, 16, 20, 24, 25, 30-2, 35, 38, 41, 42, 43, 44, 45 and 47 of the Law on Employment of the Republic of Lithuania XIV-1390, Law No. XIV-1391 on Repealing the Law on Social Enterprises of the Republic of Lithuania No. IX-2251, Law Amending Article 23 of the Law on Public Procurement of the Republic of Lithuania No. I-1491, Law Amending Article 18 of the Law on Public Procurement of the Republic of Lithuania in the field of Defence and Security of the Republic of Lithuania, Law Amending Article 35 of the Law of the Republic of Lithuania on Procurement by Contracting Entities in the Field of Water, Energy, Transport or Postal Services No XIII-328, Law Amending Articles 16 and 18 of the Law of the Republic of Lithuania on the Social Integration of Disabled Persons No I-2044 Republic of Lithuania, Law of the Republic of Lithuania on the Social Integration of Disabled Persons, Amending the Title of Section IV of the Law and Supplementing the Law with Article 203, 19 July 2022.

abolition of the social enterprise status<sup>154</sup>. The legislative changes aim to increase the availability of assisted employment services, to allow for a comprehensive application of the measures, and to extend the possibilities for adapting jobs and working environments to the unemployed with disabilities and to employees after they become persons with disabilities. The amendments provide for a new supported employment measure – a subsidy for the cost of a job assistant – and introduce the concept of a "job assistant" defined as an employee of an enterprise, institution, organisation or other organisational structure who assists an employee with disabilities in performing the functions of a job. These changes are expected to increase the number of people with disabilities in employment by an average of 3,300 per year, which will contribute to achieving the target of the Inclusive Labour Market Development Programme of the Ministry of Social Security and Labour, the manager of the development programme for the period 2021-2030, which is to include 39% of persons with disabilities of working age in the labour market in 2025, and to reach a share of 47% in the labour market by 2030<sup>155</sup>.

Organisations working in the field of human rights of persons with disabilities point out that the services provided by these organisations could be more closely linked to the employment model being developed for people with

<sup>154</sup> Law No IX-2251 Repealing the Law on Social Enterprises of the Republic of Lithuania, RLE, 25-07-2022, No 16118.

<sup>155</sup> Resolution of the Government of the Republic of Lithuania of 10 November 2021 "On the Approval of the Inclusive Labour Market Development Programme of the Ministry of Social Security and Labour of the Republic of Lithuania, Manager of the Development Programme 2021-2030".



disabilities. With regard to the implications of the employment system for people with disabilities, disability organisations suggest the accreditation of service providers that could contract with the Employment Service to provide inclusive services, also providing a possibility for a person with disabilities to choose between a case manager and inclusive services, through an individual employment plan with an inclusive service provider, and organising funding for inclusive services.<sup>156</sup>

On 8 December 2022, the Seimas adopted the Law on Accessibility Requirements for Products and Services<sup>157</sup>. The aim of this law is to ensure that only products and services that comply with accessibility requirements are placed on the market in the Republic of Lithuania, provided that they are subject to such requirements. This law, which will enter into force on 28 June 2025, is the main piece of legislation transposing Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on accessibility requirements for products and services<sup>158</sup>. Member States had time until 28 June 2022 to adopt the laws, regulations and administrative provisions implementing it. Once the law enters into

force, the accessibility requirements will apply in respect to computers and operating systems, banking services, payment terminals and certain self-service terminals, telephony services, etc.<sup>159</sup>

## Disability assessment reform

The Law on the Amendment of the Law on Social Integration of Persons with Disabilities adopted on 20 December 2022 is one of the most important changes in the legal framework. It was recast with a new title, followed by a change to the Law on the Protection of the Rights of Persons with Disabilities, and its accompanying legislation<sup>160</sup>, which change the model for assessing disability, as well as aim to increase the accessibility of services and assistance to persons with disabilities, and make public information more accessible. These changes are scheduled to enter into force on 1 January 2024.<sup>161</sup>

The changes to the disability assessment model are intended to reduce the influence of medical criteria on the outcome of the disability assessment and to take more account of the individual's

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<sup>156</sup> Position of the Lithuanian Disability Organisations Forum and the National Network of Poverty Reduction Organisations to the Ministry of Social Security and Labour on the consequences of the employment system for people with disabilities.

<sup>157</sup> [Law on Accessibility Requirements for Products and Services of the Republic of Lithuania, No XIV-1633, 8 December 2022.](#)

<sup>158</sup> The aim of this Directive, also known as the Accessibility Directive, is to harmonise accessibility requirements for certain products and services in order to ensure the smooth functioning of the European Union's internal market, by removing barriers to the free movement of products and services caused by diverging national laws, and to ensure that the greatest possible number of disabled people have access to the products and services concerned.

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<sup>159</sup> [Explanatory note to the draft Law on Accessibility Requirements for Products and Services of the Republic of Lithuania.](#)

<sup>160</sup> [Law No. XIV-1722 Amending the Law on Social Integration of Persons with Disabilities of the Republic of Lithuania No. I-2044, Law No. XIV-1724 Amending Articles 2, 3, 5, 11, 13, 14, 20 and 21 of the Law on Pre-Trial Administrative Dispute Resolution of the Republic of Lithuania ; Law No. XIV-1723 Amending Law No. XII-2507 on Targeted Compensation of the Republic of Lithuania adopted on 20 December 2022; Law VIII-1605 on Repealing Articles 7 and 7-1 of Law No. VIII-1605 on Transport Preferences of the Republic of Lithuania , adopted on 22 December 2022](#)

<sup>161</sup> [Law Amending the Law on Social Integration of Disabled Persons of the Republic of Lithuania No. I-2044 will enter into force on 1 January 2024 \(Article 3\(3\) of the Law will enter into force on 5 January 2023\).](#)

needs and environmental barriers. For this reason, the definition of disability in the Framework Law on the Protection of the Rights of Persons with Disabilities has been amended, new concepts have been introduced (e.g. “accessible means of communication”, “easily understandable language”), previous concepts have been replaced with new ones (e.g. “level of participation” has been replaced by “level of ability to work”), and some stigmatising concepts for persons with disabilities have been dropped (e.g. “disabled person”, “special need”). It should be noted that although the changes after creating the institute of “a carer of a disabled person” by amendments to the Law on the Social Integration of Persons with Disabilities effective from 30 June 2022 remained, but the automatic equation of a person who has been diagnosed as severely disabled before reaching the age of majority to a 0% participation rate has been dropped. In such cases, the level of disability is to be equated with the participation level in accordance with the criteria for determining the participation level.

The Law on the Framework for the Protection of the Rights of Persons with Disabilities also establishes the fundamental rights of persons with disabilities, including the right to seek, receive, disseminate information and ideas in a way of communication that is accessible to the individual, as well as the right to use the Lithuanian Sign Language, which is equivalent to other languages, as the native language of the deaf and the hearing-impaired, which ensures their cultural and linguistic identity. In addition, once the law enters into force, the number of employees with disabilities in state and municipal institutions, enterprises, public limited liability companies where the state or the municipality is a shareholder, public institutions in which the state or municipality is a founder or shareholder, and in

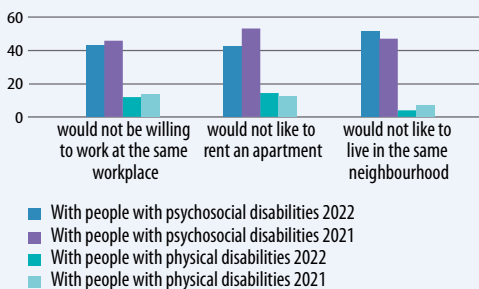
which the state’s or municipality’s ownership interest in the capital confers 1/2 or more of votes, will have to be at least 5% of the total number of employees, if the number of employees is 25 and more in these organizations.

The amendments to the law that will lead to changes in the model of disability assessment will also lead to institutional changes – the reorganisation of the Department for the Affairs of the Disabled and the Disability and Capacity for Work Service will lead to the establishment of the Agency for Protection of the Rights of Persons with Disabilities under the Ministry of Social Security and Labour of the Republic of Lithuania, which will, inter alia, be tasked with organising the protection of the rights of persons with disabilities, coordinating the implementation of the policy on the protection of the rights of persons with disabilities and the measures and projects for its implementation, as well as organising the drawing up of an assistance plan, which determines the extent of the individual assistance needs of the person with a disability, coordinating the meeting of the needs of individual assistance, and monitoring how the assistance plan is implemented. Such a plan will be drawn up and implemented in cooperation with the municipal authorities and bodies when the person’s level of participation is determined.

The procedure for handling disputes over the determination of disability will also change, as the amendments to the law abolish the Disputes Commission under the Ministry of Social Security and Labour, which handles disputes in a mandatory pre-court procedure between a person, the institution that pays a pension or benefit, and the National Disability Insurance Institution. Its functions will be transferred to the Lithuanian Administrative Disputes Commission.

## The right to live in a community

According to the 2022 public opinion poll, which has measured the social distance between the so-called majority society and various ethnic, religious and social groups every year since 2005<sup>162</sup>, more than half of the respondents (50.7%) would not want to live in a neighbourhood with people with psychosocial disabilities (48% in 2021)<sup>163</sup>, and 4.1% of the respondents (4.1% in 2021) would not wish to have a neighbour with a physical disability (8% in 2021). 42.2% of respondents said they would not rent to persons with psychosocial disabilities (53% in 2021), while 15.3% would not rent to persons with physical disabilities (14% in 2021). 43.43% (46% in 2021) of respondents would not be willing to work with people with psychosocial disabilities at the same workplace, while 12.6% (14% in 2021) would not be willing to work with people with physical disabilities.



**Figure 28.** Public attitudes towards people with disabilities in 2021 and 2022

<sup>162</sup> Here and hereafter data for 2022 from: the Lithuanian Social Research Centre, Ethnic Research Unit, and the Public Institution Diversity Development Group, “Public Attitudes towards Ethnic and Religious Groups: 2022”.

<sup>163</sup> Here and hereafter data for 2021 from: the Lithuanian Social Research Centre, Institute of Sociology, and the Public Institution Diversity Diversity Development Group, “Results of the Public Opinion Survey 2021”.

These trends in societal attitudes towards persons with disabilities are a serious obstacle to ensuring the right of persons with disabilities to live full-fledged lives in the community on an equal basis with others. This right is enshrined in Article 19 of the Convention for Persons with Disabilities.

On 10 October 2022, the United Nations Committee on the Rights of Persons with Disabilities published “Guidelines on deinstitutionalisation, including in emergencies”<sup>164</sup>. The Guidelines emphasize that states ratifying the Convention on the Rights of Persons with Disabilities must reject all forms of institutionalisation, stop institution-alizing new people and refrain from investing in them. The document points out that deinstitutionalisation requires states to develop quality, personalised and community-based services.

In Lithuania, the restructuring of social care institutions has been underway since 2014, but according to the data of the Department for the Affairs of the Disabled under the Ministry of Social Security and Labour<sup>165</sup>, at the beginning of 2023, 5,829 people were still living in adult social care institutions, and 215 were on a waiting list.

The ineffectiveness of the restructuring of care institutions is attributed to a lack of political will, over-investment in the existing system, and the interest and participation of care institutions in the restructuring process, with funds being allocated to upgrading existing institutions and

<sup>164</sup> Committee on the Rights of Persons with Disabilities, Guidelines on deinstitutionalization, including emergencies CRPD/C/5, 10 October 2022.

<sup>165</sup> Department of Disability Affairs under the Ministry of Social Security and Labour, Information on vacancies in adult social care homes, information updated on 7 February 2023.

improving the quality of services they provide, and to the introduction of new services in care institutions, thus preventing persons with disabilities from living in the community. The fact that the development of alternative services is not linked to the gradual closure of existing institutions also contributes to the ineffectiveness of the restructuring of care institutions.<sup>166</sup> In addition, the lack of progress in the transformation of care institutions is also affected by the fact that the provision of some forms of community-based services is limited by the existing legal framework, and by the contradictory nature of the concept of the new forms of community-based services and the existing legislation. It is also notable that the legal framework relevant to the provision of new forms of community-based services (e.g. encouraging persons with disabilities to become more independent, to earn an income, to participate in community life) still lacks coherence and clarity.<sup>167</sup>

As part of the national prevention of torture in social care institutions, the Seimas Ombudsperson emphasised that deinstitutionalisation must be a fundamental priority in order to ensure the provision of human rights-based services. Institutional care must be replaced by community-based services that are tailored to the individual, enabling autonomy and life in the society.<sup>168</sup>

<sup>166</sup> Genienė, R. and Šumskienė, E. (2016). Transformation of residential care in Lithuania from the point of view of institutionalism theory. Social theory, empirics, policy and practice, 12, 74-89.

<sup>167</sup> Contextus (2020). Evaluation of Phase I of the Transformation of Institutional Care, online access at: [https://www.pertvarka.lt/wp-content/uploads/\\_mediavault/2020/03/Pertvarka\\_santrauka\\_20200328.pdf](https://www.pertvarka.lt/wp-content/uploads/_mediavault/2020/03/Pertvarka_santrauka_20200328.pdf).

<sup>168</sup> Seimas Ombudsmen's Office, "The Seimas Ombudsperson has published a report on the implementation of recommendations in the Macikai Social Care Home", 22 November 2022.

## Implementation of the legal capacity institute

Article 12 of the Convention on the Rights of Persons with Disabilities stipulates that persons with disabilities are to be considered subjects of the law in all cases and have legal capacity in all areas of life, just like everyone else. Countries that have ratified the Convention on the Rights of Persons with Disabilities, including Lithuania, are obliged to take measures to ensure that people with disabilities retain legal capacity on an equal basis with others in all areas of life and that they have access to assistance to exercise their legal capacity.

Following amendments to the Civil Code in 2016 which amended the legal regulation of the legal capacity of a person, court decisions rendered until then had to be reviewed within two years, i.e. by 1 January 2018.<sup>169</sup> However, according to the data provided by the Centre of Registers to the Seimas Ombudsmen's Office<sup>170</sup>, 347 court decisions declaring persons incapacitated prior to 1 January 2016 had still not been reviewed as of 31 December 2022. 296 decisions were reviewed in 2022.

<b>Decisions declaring people incapacitated by 2016</b>	4235
<b>of which reviewed</b>	3888
<b>Reviewed in 2022</b>	296
<b>Left unreviewed</b>	347

**Figure 29.** Review of decisions declaring persons "incapacitated" (data from the Centre of Registers)

<sup>169</sup> Law Amending Article 72 of the Law on Amendments to the Civil Code of the Republic of Lithuania No. XII-1566, RLE, 14-12-2015, No. 19742.

<sup>170</sup> Letter from the State Enterprise Centre of Registers of 3 February 2023 "On the provision of data" No SP-16824.

The National Courts Administration (hereinafter – the NCA) explained<sup>171</sup> that it cannot provide data on the number of decisions reviewed in relation to persons who were declared incapacitated by a court decision prior to 1 January 2016, because the LITEKO information system does not allow to filter data accordingly. The NCA indicated that in 2022, courts received 59 cases for review of court decisions declaring persons to be incapacitated in a certain area and heard them, but stressed that these data are indicative.

According to Article 2.10 of the Civil Code, a person may be declared incapacitated in a certain area, and the court’s decision must specify an exhaustive list of areas in which the person is declared incapacitated. However, according to the data of the Centre of Registers, there were 77 persons in Lithuania who were declared incapacitated in all areas in 2022 (there were 87 such persons in 2021<sup>172</sup>), of which 9 were declared incapacitated in all areas in 2022.

It should be noted that the changes that came into force after the 2016 reform of the legal capacity limitation, while positive, were still not in line with the provisions of the Convention on the Rights of Persons with Disabilities. The Government Programme Implementation Plan foresees the drafting of amendments to the Civil Code

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<sup>171</sup> Letter of the National Courts Administration of 13 February 2023 “On the provision of information” No 4R-272-(1.13.Mr).

<sup>172</sup> Eglė Šumskienė, Violeta Gevorgianienė, Jurga Mataitytė-Diržienė, Aidas Gudavičius, Report on the study “Model of alternatives to the restriction of capacity and the preparation of an action plan for its implementation”, 2022.

and other related legislation in order to abolish the institution of total incapacity.<sup>173</sup> On 12 January 2022, the Minister of Social Security and Labour set up a working group to develop a model for alternatives to the institute of restriction of legal capacity<sup>174</sup>.

In 2022, the report on the study “Model of alternatives to the restriction of legal capacity and preparation of an action plan for its implementation” (hereinafter – the Study) was prepared for the Department for the Affairs of the Disabled under the Ministry of Social Security and Labour of the Republic of Lithuania. The Study revealed that the current system of restriction of legal capacity is too standardised and applied to different groups of persons and cases without taking into account the individual needs of persons. The incapacitation system tends to include people with psychosocial and intellectual disabilities, as well as people facing irreversible degenerative ageing processes, unconsciousness, addictions, but the incapacitation system itself does not differentiate between them according to their needs, and therefore does not serve their interests.<sup>175</sup>

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<sup>173</sup> Resolution No 155 of the Government of the Republic of Lithuania of 10 March 2021 “On the Approval of the Implementation Plan for the Provisions of the Eighteenth Government Programme of the Republic of Lithuania”.

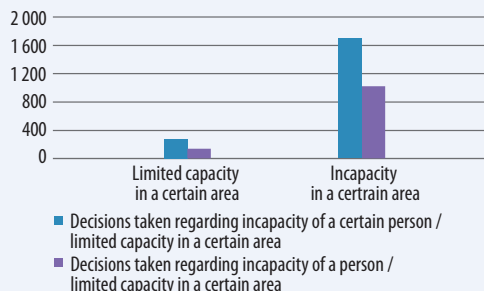
<sup>174</sup> Order No. A1-19 of the Minister of Social Security and Labour of the Republic of Lithuania “On the Establishment of a Working Group for Developing an Alternative Model for the Institute for the Restriction of Legal Capacity”, 12 January 2022.

<sup>175</sup> Eglė Šumskienė, Violeta Gevorgianienė, Jurga Mataitytė-Diržienė, Aidas Gudavičius (2022). Report on the study “Model of alternatives to the restriction of legal capacity and development of an action plan for its implementation”.

After identifying the shortcomings of the system, the expert group that carried out the study developed a model for ensuring capacity. It proposes different approaches (referred to in the Study as models or maps) for (1) partially independent and independent persons with mental and/or intellectual disabilities; (2) persons with more severe disabilities, as well as persons facing irreversible age-related degenerative processes; and (3) situations where the person is in a coma, post-stroke or otherwise unconscious state, and is not able to respond to and understand environmental factors. These models/ maps are based on the removal of the most common limitations of capacity and their main objective is to ensure rather than limit the capacity.

While alternatives to the institution of restriction of legal capacity are being explored, the total number of people who have been declared by a court to be legally incapacitated<sup>176</sup> or to have limited legal capacity<sup>177</sup> in a particular area remains high in the Register of Persons with Incapacity or Limited Legal Capacity. According to the data of the Centre of Registers, there were 8,596 people in Lithuania who have been recognised as incapacitated in a certain area and 1,506 people recognised as having limited

capacity in a certain area in 2022. 1,694 decisions were made when a person was declared incapacitated in a certain area, with an initial decision declaring a person incapacitated in a certain area being made in respect of 1,058 of them in 2022. In 2022, 233 persons were declared to have limited capacity in a given area, with an initial decision taken in respect of 130 people.



**Figure 30.** Decisions on a person's legal capacity/incapacity in a certain area in 2022 (data from the Centre of Registers)

According to data from the National Courts Administration, 1,828 cases for declaring a natural person to be incapacitated in a certain area reached the courts in 2022, of which 1,677 were resolved. Of these, 31 cases were received for recognizing a natural person declared as incapacitated in a certain area as having capacity or limited capacity (34 cases were heard, including those received in the previous year), 89 cases were received for declaring a natural person as having a limited capacity in a certain area (86 cases were heard), and 9 cases were received for declaring a natural person with limited capacity as having legal capacity (8 were heard).

<sup>176</sup> A natural person who is unable to understand the meaning of or to control his/ her actions in a particular area because of a mental or behavioural disorder, may be declared incapable of exercising his/ her powers in that area in a court procedure (Article 2.10(1) of the Civil Code).

<sup>177</sup> A natural person who is unable to understand the meaning of or to control his/ her actions in a particular area because of a mental or behavioural disorder, may be declared having a limited capacity in that area in a court procedure (Article 2.11(1) of the Civil Code (Art. 2.11(1) CC).

	Received	Heard
Cases for declaring a natural person to be incapacitated in a certain area	1828	1677
of which:		
Cases for declaring a natural person recognized as incapacitated in a certain area as having capacity or limited capacity	31	34
Cases for recognising a natural person as having limited capacity in a certain area	89	86
Cases for recognising a natural person with limited capacity as having capacity	9	8

**Figure 31.** Cases relating to declaring a natural person incapacitated in a certain area (NCA data)

It should be noted in this context that according to the practice of the Supreme Court of Lithuania (hereinafter – the SC) in cases concerning the interpretation and application of legal norms governing the recognition of a natural person as incapacitated (of limited capacity) in a certain area, special attention should be paid to the protection of the rights of the persons affected. The risk of violation of fundamental personal rights is inherent in the question of the limitation of a person’s legal capacity, which requires the initiation of strong arguments and must pay particular attention to the proper protection of the rights of the person allegedly lacking legal capacity, as well as to the fairness of the proceedings. The Supreme Court emphasises that the institute of limitation of the legal capacity of a natural person is an *ultima ratio* measure to be applied in exceptional cases in accordance with a strictly prescribed procedure.<sup>178</sup> Having heard

the case, the Supreme Court emphasised the importance of the participation in the proceedings of a person who is to be declared incapacitated or having limited capacity in a certain area.

One of the alternatives to legal capacity limitation is support in making a decision, which is being developed by the Department for the Affairs of the Disabled through the project “From care to empowerment: developing community-based services”. The aim of the support is to strengthen the ability of a person with an intellectual or psychosocial disability to take care of himself/herself and to make everyday decisions, with a view to independent living and participation in all areas of life, with the help of a decision-maker or a team of professionals.<sup>179</sup> Since 2020, more than 400 people have benefited from decision support during the project period<sup>180</sup>. However, the service offered by the project has not been regulated in national legislation.

The Civil Code regulates two alternatives to the limitation of legal capacity: the institute of assistance in decision-making (Articles 3.279<sup>1</sup> -3.279<sup>3</sup> of Chapter XIX1 of the Civil Code) and the institute of a prior instruction (Articles 2.137<sup>1</sup> -2.137<sup>3</sup> of Chapter XI of the Civil Code). However, their use is not widespread. According to the data of the Centre of Registers, by the end of 2022, only 22 decision support contracts had been signed in total, and only one such contract was concluded in 2022.

Another legal alternative to the limitation of legal capacity is a prior instruction, where a person can give an advance instruction as to how his/

<sup>178</sup> Order of the Supreme Court of Lithuania of 9 September 2022 in civil case No 3K-3-253-684-2020.

<sup>179</sup> [Pertvarka.lt](https://www.pertvarka.lt), Decision support.

<sup>180</sup> [Pertvarka.lt](https://www.pertvarka.lt), “From Care to Empowerment: the Development of Community Services”.

her property rights and personal non-property rights and obligations should be handled if he/she is declared to be incapacitated in a certain area in the future or to have limited capacity in a certain area. According to the data of the Centre of Registers, by the end of 2022, there was a total of 58 prior instructions registered, registering 10 prior instructions during 2022.

Article 13(2) of the Convention on the Rights of Persons with Disabilities provides that, in order to help ensure the effective access to justice for persons with disabilities, states shall support appropriate training for personnel involved in the administration and enforcement of justice, including police and prison staff. In its thematic report on “Access to justice under Article 13 of the Convention on the Rights of Persons with Disabilities”, the United Nations Commission on Human Rights urged States to seek to overcome barriers to access to justice by providing training to judges, lawyers and others, including forensic experts, prison staff and the police, on the human rights of persons with disabilities.<sup>181</sup>

In its concluding observations on Lithuania’s initial report, the CRPD recommended Lithuania, in close cooperation with disability organisations, to develop and implement a national action plan to strengthen the capacity of the judiciary and law enforcement personnel, including judges, prosecutors, police officers and prison staff, and to improve their knowledge of the rights of persons with disabilities.<sup>182</sup>

<sup>181</sup> Report of the United Nations Commissioner for Human Rights of 17 December 2017 “Access to justice under Article 13 of the Convention on the Rights of Persons with Disabilities”, clause 60

<sup>182</sup> Concluding observations of the United Nations Committee on the Rights of Persons with Disabilities to Lithuania of 11 May 2016, (CRPD/C/LTU/1), clause 28.

In addition, the Committee recommended the States to ensure that training programmes cover, inter alia, areas such as: barriers faced by persons with disabilities in accessing justice<sup>183</sup>; rights enshrined in the Convention, including participation on an equal basis with others; procedural accommodations in legal proceedings<sup>184</sup>; overcoming stereotypes related to gender and disability<sup>185</sup>; rights relating to marriage, family, parenthood, fertility and relationships<sup>186</sup>; and ways to combat prejudice against persons with disabilities, in particular those with psychosocial and/or intellectual disabilities<sup>187</sup>. In 2022, National Courts Administration organized two academic hours of training on the topic “Legal capacity and its realization. A model of decision-making support as a standard for ensuring human rights”. The training took place twice, and 47 judges participated in it.

Considering that, according to the NCA, there were over 750 judges working in Lithuania in 2022, the number of judges who participated in the training is not sufficient to properly implement the CPRD recommendations.

<sup>183</sup> *Ibid.*

<sup>184</sup> Concluding observations of the United Nations Committee on the Rights of Persons with Disabilities to Slovakia of 17 May 2016, (CRPD/C/SVK/1), clause 42 (a) (b).

<sup>185</sup> Concluding observations of the United Nations Committee on the Rights of Persons with Disabilities to Cyprus of 8 May 2016, (CRPD/C/SVK/1), 18.

<sup>186</sup> Concluding observations of the United Nations Committee on the Rights of Persons with Disabilities to Italy of 6 October 2016, (CRPD/C/ITA/1), clause 30.

<sup>187</sup> Report of the United Nations Commissioner for Human Rights of 17 December 2017, “Access to justice under Article 13 of the Convention on the Rights of Persons with Disabilities”, clause 60.



## HATE CRIME AND HATE SPEECH

Hate crimes and hate speech violate one of the fundamental principles of democracies – the equality of persons. Hate crimes and hate speech send the message that a particular community and its members, distinguished on the basis of a protected identity characteristic – age, gender, sexual orientation, disability, race, colour, nationality, language, descent, ethnic origin, social status, religion – are unwelcome in the society and have no right to be fully integrated into it.<sup>188</sup> An appropriate and effective response by law enforcement authorities and raising public awareness of the impact of these offences are important to prevent these types of criminal acts and to send a message to offenders that such criminal acts are not tolerated.

### Regulatory developments

On 22 April 2022, the Seimas adopted amendments to the Criminal Code (hereafter – the CC)<sup>189</sup> which added the grounds of hatred “colour” and “ethnic origin” to the articles criminalising hate speech and hate crimes. In addition, the Criminal Code provision establishing liability for publicly endorsing, denying or grossly disparaging international crimes, crimes committed by the USSR or Nazi Germany was amended. Previously, public support for genocide or other crimes against humanity or war crimes committed by the USSR or Nazi Germany could only be punishable if such crimes were committed on the territory of the Republic of Lithuania or against the population of the Republic of Lithuania. The amendment to Article

170<sup>2</sup> of the CC abolishes this feature, opening the possibility of criminal liability for public denial of international crimes committed by the USSR or by Nazi Germany, irrespective of the territory of the State in which they were committed and the population of that State. The element of public approval of international crimes, of very serious or serious crimes against the Republic of Lithuania or its population committed in 1990-1991, and of denial or belittling of the consequences of these crimes has also been extended. Prior to the entry into force of the amendments, in cases where public approval, denial or gross disparagement of international crimes was not expressed in a threatening, abusive or insulting manner, criminal liability was only incurred if it was proved that the public approval, denial or disparagement in question disturbed public order. Following the entry into force of the amendments, liability may also be incurred where it is proved that the acts in question may have caused a breach of public order.

The amendments to the Criminal Code were initiated in response to the official notification of the European Commission (hereinafter - EC) regarding the infringement procedure of the European Union law No. INFR(2021)2069 regarding inadequate transposition and implementation of the Council’s Framework Decision 2008/913/TVR of 28 November 2008 on the fight against certain forms and manifestations of racism and xenophobia by means of criminal law (hereinafter - the Framework Decision) in the national law of Lithuania. The EC criticized the fact that the Criminal Code provided for a narrower liability for public approval or denial of crimes against humanity or war crimes than provided for in the Framework Decision, since criminal prosecution was threatened only when public order was disturbed as a result of such actions.

<sup>188</sup> Liutauras Labanauskas, [Hate Crime Vulnerable Communities Qualitative Research Report](#), 2019.

<sup>189</sup> [Law No. XIV-1065 Amending Articles 60, 129, 135, 138, 169, 170, 170-1 and 170-2 of the Criminal Code of the Republic of Lithuania](#), 28 April 2022.

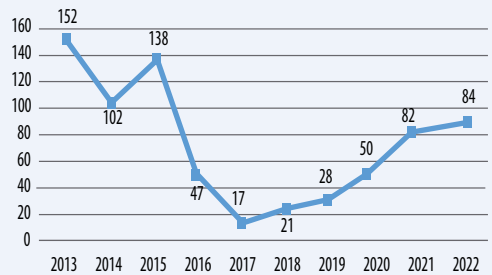
It should be noted that the distribution or display of Nazi, communist, totalitarian or authoritarian symbols is punishable under Article 524 of the Code of Administrative Offences<sup>190</sup>. On 19 April 2022, amendments to this Article were adopted<sup>191</sup>, which provide for liability not only for the dissemination or display of Nazi and communist symbols, as was the case before, but also for the dissemination or display of totalitarian or authoritarian symbols. The amendments also banned the distribution and display of the bicolour (black and orange) Georgian (St George) band.

In 2022, the Ministry of the Interior took the initiative to draft a “Memorandum on Strengthening the Response to Hate Crimes and Hate Speech”<sup>192</sup> (hereafter – the Memorandum), which was proposed for signing to various state institutions and bodies and to the Coalition of Human Rights Organizations. The aim of the Memorandum is to ensure a coordinated, multifaceted and effective response to hate crimes and hate speech in Lithuania by state institutions and bodies and non-governmental organisations. The institution expressed its support for this initiative.

### Statistics on criminal offences

The highest number of offences related to hatred or incitement to hatred was registered under Article 170 of the Criminal Code – “Incitement

against any national, racial, ethnic, religious or other group of people”. In 2022, 84 such offences were registered (82 in 2021), of which 11 (22 in 2021) under Article 170(3) of the CC, which provides for liability for public incitement to violence, physical violence against a group of people or a person belonging to a group of people on the basis of an identity characteristic enshrined in the CC. As in the previous year, the highest number of cases of incitement to hatred was registered against persons on the grounds of their sexual orientation – 57 (67 in 2021), as well as on the grounds of nationality – 15 (6 in 2021), race – 7 (3 in 2021), and other characteristics – 5 (5 in 2021).<sup>193</sup> (see Figure 29).



**Figure 32.** Offences registered under Article 170 of the Criminal Code in 2013-2022

In 2022, 35 cases of offences under Article 170 of the Criminal Code reached the courts of first instance and 36 cases were heard<sup>194</sup>. Of these, 5 cases were brought before the courts under Article 170(1) of the Criminal Code (production, acquisition, transport or possession with intent

<sup>190</sup> Law No XIV-1022 of 19 April 2022 Amending Article 524 of the Code of Administrative Offences of the Republic of Lithuania

<sup>191</sup> Law No XIV-1022 on Amendments to Article 524 of the Code of Administrative Offences of the Republic of Lithuania, 19 April 2022

<sup>192</sup> Draft Memorandum on Strengthening the Response to Hate Crimes and Hate Speech, submitted for approval by the Ministry of the Interior by letter No 1D-4180 of 7 August 2022.

<sup>193</sup> Data on registered criminal offences are provided by the Department of Informatics and Communications under the Ministry of the Interior of the Republic of Lithuania, Crime and Pre-trial investigation statistics.

<sup>194</sup> Teismai.lt, Report on criminal case hearing. Case proceedings (in courts of first instance), 2022.

to distribute items with the intent to incite hatred or discrimination against a group of people or a person belonging to a group of people on account of an identity characteristic established by the Criminal Code, which is the subject of ridicule, contempt, hatred, or incitement to discriminate against a group of people or a member of a group of people on account of a characteristic of the group), in which two persons were convicted. Under Article 170(2) of the Criminal Code (public mockery, contempt, incitement to hatred or incitement to discrimination against a group of people or a person belonging to a group of people on the basis of an identity characteristic enshrined in the Criminal Code), 29 cases were brought before courts, and 27 persons were convicted. Under Article 170(3) of the Criminal Code, 10 cases were received and 7 persons were convicted. This shows not only that the number of cases where pre-trial investigations are opened for incitement to hatred is increasing, but also that increasing more cases are being brought before court (only 3 cases under Article 170 of the CC have reached the courts in 2019, 6 cases in 2020, and 26 cases in 2021<sup>195</sup>).

Under Article 169 of the Criminal Code (discrimination on grounds of nationality, race, sex, origin, religion or other group affiliation), 2 offences were registered in 2022 and one case was referred to court. It should be noted that no such offences were registered in 2014-2021, so there is no case law yet on when discrimination on the grounds of discrimination under the Law on Equal Opportunities and the Law on Equal Opportunities for Women and Men punishable by criminal liability.

6 offences were registered under Article 170<sup>2</sup> of the CC, 1 case was tried in court and resulted in the conviction of one person. Also, the District Court of Vilnius City found one person incompetent to stand trial, who was investigated under Article 170<sup>2</sup> (1) of the Criminal Code for publicly supporting war crimes and denigrating persons of Ukrainian nationality. According to the case file, on 1 March 2022, the person posted a video he had made on a social network, in which he publicly endorsed war crimes – military aggression by the Russian Federation in Ukraine started on 24 February 2022.<sup>196</sup>

CC Article	Acts registered at pre-trial investigation bodies	Cases before courts	Cases heard	Persons convicted
Article 169	2	1	0	0
Article 170(1)	3	4	5	2
Article 170(2).	70	30	29	27
Article 170(3).	11	9	10	7
Article 170 <sup>1</sup>	0	0	0	0
Article 170 <sup>2</sup>	6	1	1	1

**Figure 33.** Cases registered, received, heard and persons convicted under Articles 169, 170, 170<sup>1</sup>, 170<sup>2</sup> of the CC in 2022 (based on data of the NCA, the Department of Informatics and Communications and the Criminal Offence Register)

<sup>195</sup> Teismai.lt, Report on criminal case hearing. Case proceedings (in courts of first instance, 2019-2021.

<sup>196</sup> Prokuraturos.lt, "Court sentenced a man who supported war crimes and humiliated Ukrainians to compulsory treatment"; 23 December 2022.

In 2022, the most high-profile hate crimes were the repeated desecration of the Paneriai Memorial monuments, on which the symbols of the Russian war in Ukraine, “Z” and “V”, were painted. In connection with these crimes, the police have opened an investigation for violation of public order.<sup>197</sup> Following the first attacks, the Lithuanian Jewish (Litvak) Community issued a statement urging state institutions and citizens not to tolerate anti-Semitism and to take swift action to prevent such acts in time and to ensure that their perpetrators receive a proper response.<sup>198</sup>

In addition, hatred and hostility in 2022 were expressed through a variety of means against LGBT+ people. In the summer of 2022, a couple of homosexual guys holding hands were attacked by a person living in the neighbourhood. The passer-by followed the couple to their house, filmed, threatened and insulted them, but when the incident was reported to the law enforcement authorities, they did not see discriminatory motives and refused to start a pre-trial investigation. In early 2023, the Lithuanian Human Rights Center filed a petition with the European Court of Human Rights regarding the non-reaction of law enforcement institutions to hate speech. The representative of the Lithuanian Center for Human Rights M. Guliakaitė - Danisevičienė noted that the ECHR as early as 2020 in the decision of the case *Beizaras and Levickas v. Lithuania* stated that the Lithuanian

institutions react inappropriately to hate speech, and that the judicial practice and the criteria applied to hate speech are flawed.

On 16 July 2022, V. Simonko, the head of LGL, received a threatening letter sent to his official e-mail account with a derogatory reference to LGBT+ people, which the State Commission for the Lithuanian Language deemed pejorative and unusable.<sup>199</sup> When a representative of LGL reported the incident to the Vilnius District Police, the latter refused to open a pre-trial investigation, arguing that the police did not see any real threat against the head of LGL in the letter, and that the expression of hate was not public. Hence, in 2022, hate threats against a national organisation representing and defending the rights of LGBT+ people continued to be made,<sup>200</sup> but insufficient measures were taken to prevent such incidents and to ensure that LGBT+ people could feel safe in society.<sup>201</sup>

Discrimination, violence and abuse based on sexual orientation or gender identity is not only a social phenomenon, but also a violation of human rights, and it is important that the society understands that such discrimination is unacceptable and intolerable. The development of effective measures is important not only for LGBT+ people, but also for the society whose well-being and stability depend on tolerance and equality.

<sup>197</sup> LRT.lt, BNS, “Paneriai memorials desecrated painting letters “Z” and “V” on them, the PM says it’s a clear provocation”, LRT.lt, 1 April 2022, BNS, “Symbols of Russia’s war in Ukraine painted on Paneriai memorial again”, LRT.lt., 21 April 2022

<sup>198</sup> Lithuanian Jewish (Litvak) Community, “Lithuanian Jewish (Litvak) Community urges the Government and the responsible institutions to stop the repeated attacks at the Paneriai Memorial”, 4 April 2022.

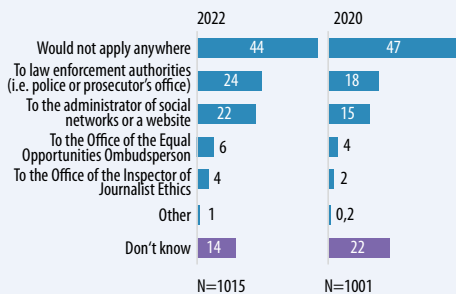
<sup>199</sup> Jarmo.net, “After jarmo.net’s appeal, the SCLC verdict: the word “pederast” is degrading, offensive and unusable”, jarmo.net, 14 April 2021.

<sup>200</sup> In 2018, the door of the organisation’s office was deliberately set on fire.

<sup>201</sup> Made in Vilnius, “The person who wrote “musings” about the scythe to LGL employees has not yet been found by police”, madeinvilnius.lt, 28 August 2022.

## Raising public awareness and building competences

In 2022, on the initiative of the Office of the Equal Opportunities Ombudsperson, a new representative public opinion survey was conducted<sup>202</sup>, which showed that, compared to 2020<sup>203</sup>, the Lithuanian population is less tolerant of hate speech. The number of people who would take action if they were personally confronted with negative comments on the internet increased in 2022 compared to 2020. According to the survey, 24% of respondents would go to law enforcement authorities, compared to 18% in 2020, and 22% of male and female respondents would report it to administrators of social networks or websites, compared to 15% in 2020 (see Figure 34).



Respondents with higher education more often indicate that they would contact law enforcement authorities, the administrator of social networks or a website.

Women more often say they don't know where to turn.

Male respondents with lower education and lower income more often say that they would not apply anywhere in the face of negative comments on the Internet.

**Figure 34.** Places addressed when a person faced negative comments on the Internet (%)

<sup>202</sup> Office of the Equal Opportunities Ombudsperson, "Study: more than half of Lithuanians do not consider hostile comments on the internet as freedom of expression"; 28 July 2022.

<sup>203</sup> A representative survey of the Lithuanian population "Incitement to hatred on the Internet", conducted by the Vilnius Centre for Public Opinion and Market Research on behalf of the Office of the Equal Opportunities Ombudsman, 2020.

The survey revealed that the number of people who disagree that negative online comments about certain social groups are not offensive has increased over two years (70% in 2020 and 76% in 2022). 73% of respondents disagree/strongly disagree with the statement that such comments are just innocent jokes (62% in 2020). 59% of respondents disagree/strongly disagree with the idea that negative comments on the internet about certain groups of society are an expression of freedom of expression (46% in 2020).

Various initiatives aimed at raising public awareness and knowledge of hate speech and hate crime have contributed to positive changes in public opinion. In 2022, the Ministry of the Interior prepared a Report on the Situation of Hate Crimes and Hate Speech in Lithuania in 2020-2021<sup>204</sup>. The Report provides a brief overview of relevant research, initiatives by legislators, reports received by state institutions and non-governmental organisations on hate crimes and hate speech, as well as registered criminal offences and the results of investigations.

In 2022, there were a number of initiatives by civil society organisations to combat hate speech: at the end of the year, a series of articles on the impact of hate speech appeared in the media<sup>205</sup>, meetings were held with various groups in

<sup>204</sup> Ministry of the Interior, [Report on the Situation of Hate Crimes and Hate Speech in Lithuania 2020-2021, 2022](#).

<sup>205</sup> For example, Jogaila Vaitekaitis, "The pyramid of hatred - are we climbing up?"; 15min.lt, 14 December 2022, Jūratė Juškaitė, "Stopping hate speech is an important step in preserving mutual coexistence and respect", manoteises.lt, 11 December 2022, Manoteises.lt, "Lawyer M. Guliakaitė-Danisevičienė: hate speech increases hostility in society", 11 December 2022; Manoteises.lt, "Criminologist: the more we do not tolerate aggression, the less hate speech there will be", manoteises.lt, 22 November 2022; Manoteises.lt, "Hatred on the basis of nationality: revenge for alleged sins", manoteises.lt, 15 November 2022.

society, training sessions were arranged<sup>206</sup> on how to identify and combat hate speech, and information materials were produced<sup>207</sup>.

In 2022, the Human Rights Monitoring Institute published a report “Hate Speech and Euroscepticism”<sup>208</sup>, which was prepared as part of a comparative study on the links between hate speech and Euroscepticism in the three Baltic States – Estonia, Latvia and Lithuania – and the three Balkan countries – Bulgaria, Croatia and Romania<sup>209</sup>.

The study, which analyses the forms of Euroscepticism and hate speech, identifies the main disseminators of Euroscepticism and hate speech between 2010 and 2020, and examines the overlap between the phenomena through the critique and/or denial of European values, reveals that Euroscepticism overlaps the most with the hate speech against LGBTQIA+ people, as the support of the European institutions to this community is perceived as an attack on traditional family. The links between Euroscepticism and hate speech were also highlighted during the so-called European migrant crisis of 2015-2016, due to the EU institutions’ initiative to distribute refugees to Member States according to quotas.

<sup>206</sup> The Human Rights Monitoring Institute organised the events “Active Youth Against Hate Speech”, the Human Rights Monitoring Institute, together with Trans Autonomy and the Diversity Development Group, organised the debate “A Society Without Hate: Why Should We Care About Hate Speech?”.

<sup>207</sup> Information leaflets “Why should we care about hate speech?”, 2022, produced by the Human Rights Monitoring Institute, Trans Autonomy and Diversity Development Group within the framework of the project “Intercommunity understanding and self-expression without hatred”.

<sup>208</sup> Mėta Adutavičiūtė, Goda Jurevičiūtė, “Hate Speech and Euroscepticism in Lithuania. National Report”, 2022.

<sup>209</sup> Anna Krasteva, “Hate, Euroscepticism, Citizenship: the Youth Connection. Comparative Report on Latvia, Lithuania, Estonia, Croatia, Bulgaria, and Romania”, 2022.

A potentially significant initiative in the fight against hate speech could be a tool developed by a team of researchers from the Faculty of Informatics of Vytautas Magnus University, which, together with its partners, is implementing the project “BE HATE FREE: Creating Hate-Free Communities in Lithuania” to identify the manifestations of hate speech online. The AI-based tool should help identify inappropriate, offensive and hateful speech online.<sup>210</sup>

An effective response to hate crime and hate speech is inextricably linked to the continuous upgrading of the competences of law enforcement officials and judges in this area. The Plan for the Promotion of Non-Discrimination 2021-2023, which identifies the prevention of hate speech and hate crimes as one of its areas of action, includes a measure to develop the professional competences of police trainees and officers to respond appropriately to, investigate, and prevent hate crimes. The measure provides for the training of 130 police trainees and officers annually.<sup>211</sup>

Also in 2022, over 100 police officers took part in the distance learning course “Strengthening Intercultural Competences in Combating Hate Crimes” organised by the Human Rights Monitoring Institute in cooperation with the Police Department. The training was designed to learn about different communities vulnerable to hate crimes and to relate this knowledge to the identification and investigation of hate crimes.<sup>212</sup>

<sup>210</sup> Department of National Minorities under the Government of the Republic of Lithuania, “Artificial Intelligence will help reduce hate speech”, 8 February 2022.

<sup>211</sup> Order of the Minister of Social Security and Labour of the Republic of Lithuania No A1-1256, “On the Approval of the Action Plan for the Promotion of Non-Discrimination 2021-2023”, 10 December 2020.

<sup>212</sup> Human Rights Monitoring Institute, “Police Officers Enhance Their Knowledge of Communities Vulnerable to Hate Crimes”, 12 May 2022.

In order to enhance the competences of judges in dealing with cases related to hate crimes and incitement to hatred, various training courses for judges were organised in 2022, which included, inter alia, competences on hate crimes, the concept of hate speech, the identification of offences, and the handling of these types of offences. Thirty-one judges participated in the four academic hours of training.<sup>213</sup> The question arises as to whether this number of judges is sufficient, given that there are 721 judges in Lithuania<sup>214</sup>.

## ENSURING THE RIGHTS OF PERSONS BELONGING TO NATIONAL MINORITIES

When Lithuania ratified the Council of Europe's Framework Convention for the Protection of National Minorities 22 years ago on 23 March, it committed itself to respect and protect the rights and freedoms of persons belonging to national minorities, to create equal opportunities for the expression of national minorities and to ensure cultural equality among all persons belonging to national minorities. However, 2022 marks 12 years without a valid Law on National Minorities in Lithuania<sup>215</sup>. During the 12 years, there have been several attempts to register and improve the draft laws defining the rights of national minorities, with the most recent attempt in 2021, when the Ministry of Justice drafted the Law on National Minorities, which was criticised in the public domain for its alleged compliance with the Constitution and the Law on the State Language, claiming that the

adoption of this law would weaken the status of the official Lithuanian language<sup>216</sup>. The draft Law on National Minorities was not registered in 2022.

On the other hand, there have also been positive developments. On 18 January 2022, the Law on Spelling of Names and Surnames in Documents was adopted and entered into force on 1 May 2022.<sup>217</sup> This Law provides for exceptions when names can be spelled in the Latin alphabet. This right is also granted to Lithuanian citizens of non-Lithuanian nationality and to Lithuanian citizens whose parent, grandparent, great-grandparent or another ancestor in the direct line of descent had or has the citizenship of another state and whose name and/or surname is written in these characters in the source document. Subsequently, Government Resolution No 424 of 27 April 2022 approved the Rules on Spelling of a Person's Name and Surname in Identity and Other Documents<sup>218</sup>. This legislation is of particular importance to the Polish community in Lithuania, which has long raised questions about the original spelling of surnames in documents<sup>219</sup>.

On 20 December 2022, the Seimas approved the Government's draft law on the amendment to the Law on Good Will Compensation for the Real Estate of Jewish Religious Communities, which proposes to pay €37 million in symbolic compensation for

<sup>213</sup> Letter from the National Courts Administration of 13 February 2023 "On the provision of information" No 4R-272-(1.13.Mr).

<sup>214</sup> According to teismai.lt "Lithuanian Courts. Performance in 2021", 721 out of 786 judicial positions were filled at the end of 2021.

<sup>215</sup> The Law on National Minorities was repealed on 1 January 2010.

<sup>216</sup> Roberta Salyne, "Law that has been swinging for a decade doesn't see the light of day: some cannot wait, while others talk about washing away the foundations of the state", 1 August 2022.

<sup>217</sup> Law No. XIV-903 On Spelling of Names and Surnames in Documents of the Republic of Lithuania, 18 January 2022.

<sup>218</sup> Resolution No 424 of 27 April 2022 "On the Approval of the Rules on Spelling of a Person's Name and Surname in Identity and Other Documents".

<sup>219</sup> Ignas Jačasuskas, "Almost 100 people of Polish nationality have changed their surnames in their passports", 15min.lt, 9 July 2022.

the illegally expropriated property during the totalitarian regimes' occupation, which was owned by Jews who lived in Lithuania before or during the Second World War<sup>220</sup>. The issue of the new compensation is of relevance to the Lithuanian Jewish community, as the old version of the law stipulates that Lithuania should have finished paying compensation for the property of expropriated religious communities by March 2023, while private property nationalised by private individuals has not yet been compensated, even though the Theresienstadt Declaration signed by Lithuania (along with 46 other countries) 13 years ago also foresaw the need for restitution for private property. According to Faina Kukliansky, Chairwoman of the Lithuanian Jewish (Litvak) Community, the law on new compensation is a compromise, but the community welcomes it<sup>221</sup>.

However, the problems of the Jewish community, such as the persistent manifestations of anti-Semitism and Holocaust denial in the public sphere, the lack of formal and informal education on Jewish history, culture and the rights of persons belonging to the Jewish community, and the lack of education of law enforcement officials on sensitive issues of Jewish rights, are still not fully addressed in Lithuania.<sup>222</sup> In 2021, the European Commission presented the first EU Strategy to combat anti-Semitism and promote Jewish life, which mentions that Member States are already committed to preventing and combating all forms of anti-Semitism, either through new

national strategies or measures in line with the existing national strategies and/or action plans on preventing racism, xenophobia, radicalisation and violent extremism. National strategies should have been adopted by 2022.<sup>223</sup> However, Lithuania has not developed a national strategy on issues of concern to the Jewish community.

In order to increase the dissemination of the culture of national minorities, the Department of National Minorities has been implementing for the past two years the Action Plan for the Representation of the History of National Minorities in Lithuania for the years 2020-2022 approved by Order No IV-198 of the Minister of Culture of 16 March 2020, which aims to strengthen the diversity of cultural expressions in the society by presenting it as an important and relevant part of the integral and dynamic Lithuanian identity. The Department of National Minorities has also commissioned and carried out research and public surveys on national minorities, and has actively contributed to cultural development projects involving not only the public, but also the national minorities themselves, thus promoting dialogue and fostering communication among Lithuania's national minorities themselves.<sup>224</sup>

Public attitudes surveys, which analyse social distance towards different ethnic groups, show that negative attitudes are decreasing, but Roma still have one of the highest positions among negative public attitudes. According to the results of the 2022 survey, 58.6% of Lithuanians would not want to live in a neighbourhood with Roma, i.e.

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<sup>220</sup> Draft Law No. XIVP-2290(2) on the Amendment of the Law No. XI-1470 on the Goodwill Compensation for the Real Estate of Jewish Religious Communities, 8 December 2022.

<sup>221</sup> BNS, "Seimas allocates EUR 37 million in compensation for expropriated Jewish personal property", Irt.lt, 20 December 2022.

<sup>222</sup> Seimas Ombudsmen's Office, "Report on the activities of the National Human Rights Institution in 2021", 2021.

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<sup>223</sup> European Commission, "EU Strategy on combating antisemitism and fostering Jewish life (2021-2030)", 30 September 2021.

<sup>224</sup> Letter No 1D-263 from the Department of National Minorities of 3 February 2023 "On the provision of information"



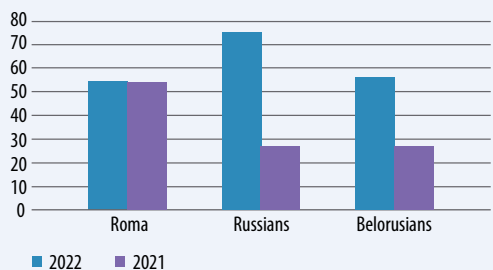
2.2% less than in 2021. 59.3% would not want to rent a home to Roma, and 31.1% would not want to work at the same workplace with persons of this ethnic minority. Also, when asked how their attitudes towards Roma have changed over the last 5 years, 54.1% of Lithuanians said that their attitudes have gotten much worse or worse rather than better. It should be noted that respondents' attitudes and approach towards this national minority have changed only within the margin of error over the last years (Figure 35).

More positive, but equally significant, public attitudes towards other ethnic groups are also reflected in the 2022 survey: 35% would not want to live in a neighbourhood with Chechens, 23.3% would not want to live in a neighbourhood with Iraqis, and 16.9% – with Syrians, 15.3% - with Chinese, 11.3% - with Tatars, 10% - with Turks, Moldovans and Belarusians, and 9% - with Jews. Similar results reflecting public attitudes can be seen in the issues of renting a home and working at the same workplace.

It is important to note that in 2022, compared to 2021, public attitudes towards Russians and Belarusians changed remarkably: when asked how respondents' attitudes towards these groups have changed over the past 5 years, 74.6% of respondents said that attitudes towards Russians have gotten much worse or worse rather than better, while 57.2% of respondents said the same about Belarusians. The opposite changes in opinion are seen for Ukrainians, with 48.7% of the population expressing a positive attitude towards Ukrainians in 2021 and 64.4% in 2022.<sup>225</sup>

<sup>225</sup> Lithuanian Social Science Centre (Dr. Giedrė Blažytė) and VšĮ Diversity Development Group "Public Attitudes Towards Ethnic and Religious Groups: 2022"; Lithuanian Social Science Centre (Dr. Giedrė Blažytė) and VšĮ Diversity Development Group "Public Attitudes Towards Ethnic and Religious Groups: 2021".

The strong change in attitudes towards Russians, Belarusians and Ukrainians can be attributed to the change in opinion in the period from 2021 to 2022. While the results of the survey show a dangerous inability of the public to distinguish between the Russian and Belarusian national minorities living in Lithuania and the Russian-speaking refugees of the war and regime from Belarus and Ukraine, as well as the media reports on the crimes committed by Russian soldiers in Ukraine,<sup>226</sup> national minority rights experts see a dangerous failure to differentiate between the Russians and Belarussians living in Lithuania and the Russian-speaking war refugees and regime refugees from Belarus and Ukraine. It is worth noting that the above-mentioned geopolitical events have led to a decrease (compared to 2021) in the hostility of public attitudes towards migrants and refugees.<sup>227</sup>



**Figure 35.** Changes in public attitudes towards Roma, Russians and Belarusians in 2021-2022  
 Source: Diversity development group and LCSS Institute of Sociology, Public attitudes towards ethnic, religious and social groups: social distance (2021 and 2022)

<sup>226</sup> Aidas Petrošius and Viliūnė Kairienė (Mediaskopas), A study on media narratives about Belarusians, Russians and Ukrainians in 2021-2022, 2022.

<sup>227</sup> More on this in the report's section on "Enforcing the rights of foreigners".

The results of the study on media narratives about Belarusian, Russian and Ukrainian nationalities in 2021-2022 published by Mediaskopas UAB revealed that at the beginning of the military aggression of the Russian Federation, in March 2022, the Lithuanian media published 66,400 reports on the topic of the war in Ukraine – the highest number of reports on a single topic in the history of Lithuanian media monitoring. The Russian aggression remained the main topic in Lithuanian media throughout 2022. Against this background, Lithuania's Belarusian, Russian and Ukrainian national minorities remained low-profile – they were mentioned in media reports 183, 440 and 235 times, respectively, but of the three Lithuanian national minorities, only the Russian minority was portrayed in a negative context during the period under review (1.59% of the negative reports). On the other hand, the contrast in media narratives between Ukrainians and Russo-Belarusians has indirectly but consistently shaped the negative public opinion towards Russians and Belarusians and their representatives in Lithuania. As the authors of the study have identified, the consistent derogatory narratives about Russians and Belarusians, although not dominant, and the dehumanising label of “orcs”, have likely contributed to this.<sup>228</sup>

According to the report of the Office of the Equal Opportunities Ombudsperson, in 2022, the Office received a total of 30 complaints regarding possible discrimination on the grounds of race, ethnicity, nationality, citizenship, language, descent, and ethnic origin, including 19 on the grounds of nationality, 11 on the grounds of citizenship, 4 on the grounds of language, 1 on the grounds of descent, and 2 on the grounds of

ethnic origin. 4 investigations were conducted on the grounds of nationality and citizenship each. It should be noted that a total of 121 consultations were given for possible discrimination on the grounds of race, nationality, citizenship, language, descent and ethnicity, 4 of which concerned persons of Roma ethnicity.<sup>229</sup> Although the number of formal complaints is relatively small, the number of consultations provided reveals the latent side of possible discrimination, where natural or legal persons seek information and clarification on the grounds of possible discrimination on these grounds.

The monitoring study conducted by NGO Media4change in 2022, as well as the monthly monitoring reports analysed how the most socially distanced groups, including Roma, are represented in the Lithuanian media. In total, Roma were mentioned 1,665 times in the media in 2022. The data collected shows that, overall, the Roma community has been mostly neutral in the media in the period 2021-2022, but it remains the least frequently and most negatively portrayed ethnic group in the Lithuanian media.<sup>230</sup>

Following the demolition of the last houses of the Vilnius Kirtimai Tabor settlement in May 2020, in August the Vilnius City Council approved a new Vilnius Roma Integration Programme 2020-2023<sup>231</sup>, which, in contrast to the previous

<sup>229</sup> Letter No 1D-267 from the Office of the Equal Opportunities Ombudsperson of 3 February 2023 “On the provision of data”.

<sup>230</sup> Media4change, “International Roma Day: how is the media portrayal of Roma changing?”, media4change.lt, 8 April 2022; Media4change, [Media Monitoring Results 2022, 2022](#).

<sup>231</sup> Vilnius City Municipal Council, “Decision on the Approval of the Programme for the Integration of the Roma of Vilnius into Society for 2020-2023”, No 1-609, 26 August 2020.

<sup>228</sup> Aidas Petrošius and Viliūne Kairienė (Mediaskopas).

Roma Integration Programmes of the City of Vilnius, focused more on the development of social services, education, health, culture and housing, and on increasing the participation of Roma into the labour market, rather than on crime prevention and funding for police.

Based on the study of public attitudes, human rights experts and representatives of the Roma community, the difficulties in implementing the right to housing faced by Roma people are becoming a systemic problem in Lithuania.<sup>232</sup> According to the results of the study conducted by Daumantas Stumbrys published by the Institute of Sociology of the Lithuanian Centre for Social Sciences in 2022, there are approximately 2,251 Roma living in Lithuania, which is 0.08% of the total population of Lithuania. A larger Roma population lives in urban areas (about 78%). Around a quarter of the Roma population in Lithuania lives in Vilnius City municipality.<sup>233</sup> Thus, housing remains one of the most pressing issues for Roma people throughout Lithuania, and especially in Vilnius, as they continue to face difficulties and discrimination in obtaining rent compensation and in the face of hostile attitudes. Despite the identified systemic problems in housing acquisition/renting, no changes have been made to the Vilnius Roma Integration Programme 2020-2023 during 2022. However, it is important to highlight that the envisaged inte-

gration programme for the period 2020-2022 actively focused on the integration of Roma into the education system: improvement of pre-school, pre-primary, general and non-formal education of Roma children, as well as general education of Roma adults.<sup>234</sup> Measures have also been developed to cover health services and the promotion and dissemination of Roma cultural identity, but less attention has been paid to reducing social exclusion and encouraging participation in the labour market<sup>235</sup>.

It should be noted that back in 2020, the European Commission presented the EU Strategic Plan for Roma Equality, Inclusion and Participation 2020-2030, which obliged Member States to take an active role in developing national strategic plans for Roma integration that respond to the needs of the Roma<sup>236</sup>. On 12 March 2021, the Council of the EU issued a Recommendation (2021/C 93/01) on “Equality, Inclusion and Participation of Roma”, which obliged the Member States to step up their efforts to adopt national strategic plans for Roma in the framework of their broader social inclusion policies improving the situation of the Roma and to submit these plans to the Commission by September 2021.<sup>237</sup> However, after a gap of almost a year and a half after the expiry of the Lithuania’s Action Plan on Roma Integration in Lithuania 2015-2020,

<sup>232</sup> Rugilė Augustaitytė, “Equal Opportunities Ombudsperson – on discrimination against Roma when looking for housing”, slaptai.lt, 3 September 2022; DELFI, “Ištvanas Kvik on discrimination: they are even afraid of renting an apartment to a Roma person”, delfi.lt, 6 December 2022.

<sup>233</sup> Daumantas Stumbrys (Institute of Sociology, Lithuanian Social Sciences Centre), The socio-demographic portrait of the Lithuanian Roma: what does the 2021 census reveal?, tmde.lrv.lt, 2022.

<sup>234</sup> In 2022, 22 Roma were enrolled in adult education institutions in Vilnius City.

<sup>235</sup> Letter No 1D – 265 of the Vilnius City Municipality of 3 February 2023 “On the provision of information”

<sup>236</sup> Communication from the European Commission to the European Parliament and the Council, “A Union for Equality. An EU Strategic Plan for Roma Equality, Inclusion and Participation”, (COM/2020/620 final), 2020.

<sup>237</sup> Recommendation of the Council of Europe, “On equality, inclusion and participation of Roma”, (2021/C 93/01), 12 March 2021.

which expired, the Action Plan for Roma Integration 2022-2023 (Action Plan) was adopted in July 2020<sup>238</sup>. The Action Plan aims to promote equality by effectively preventing discrimination against all Roma, including women, youth, children, the elderly, persons with disabilities or stateless persons; to reduce the economic and social exclusion of Roma by combating poverty and promoting the participation of Roma in the labour market and in society; to ensure that all Roma have access to education at all levels, and to raise public awareness and tolerance. It should be noted that the Action Plan draws attention to the fact that the information provided by organisations representing Roma and persons of Roma ethnicity on the discrimination experienced in the labour market, in the education system and in renting housing is relevant, but one measure only has been planned to address the problems of acquiring/renting housing.<sup>239</sup> Among other things, the measure foreseen focuses on skills training for Roma, which only partially addresses the problems of discrimination on the part of the service providers in the acquisition/rental of housing through other means. In this case, the provision of housing for Roma people or the improvement of existing housing conditions is still not ensured.

However, it is important to note that the implementation of the Action Plan focuses on the dissemination of Roma ethnic culture, education and health services. In addition, the European Commission-funded project “Local Roma Platforms – a pathway to cooperation with

municipalities” launched in 2016, is being actively pursued with the aim of fostering cooperation between Lithuanian municipal authorities and the Roma community.<sup>240</sup> The implementation of the identified inclusive goals and objectives at local (municipal) level is a positive initiative, as it aims to ensure an effective focus on the specific circumstances and opportunities of a particular municipality, as well as on the needs and problems of the Roma community in that municipality, which are not always covered or accurately reflected by national level initiatives.

Lithuanian municipalities having larger Roma communities<sup>241</sup> highlight that they receive reports from Roma representative organisations and/or individual Roma about discrimination in the labour market, in the education system or in renting housing, but targeted measures, plans or mechanisms that go beyond the dissemination of information on social assistance or the organisation of activities to promote tolerance in society are often not taken to address these issues. Depending on the size of the Roma population in a given municipality, municipalities have been actively involved in the implementation of the Action Plan for Roma Integration into Lithuanian

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<sup>240</sup> Letter No 1D-263 of the Department of National Minorities of 3 February 2023 “On the provision of information”.

<sup>241</sup> Information provided to the Seimas Ombudsmen’s Office by the municipalities of Joniškis district, Panevėžys city, Marijampolė city, Marijampolė city, Kaunas city, Ukmergė city, Vilkaviškis district, Šiauliai city, Šiauliai district, Šalčininkai district, Klaipėda city, Jonava district, Anykščiai district by letter “On the provision of information”. It should be noted that the municipalities with the largest Roma diasporas were selected on the basis of the data from the 2021 census of the Lithuanian population, based on the study by Daumantas Stumbris, “The socio-demographic portrait of the Lithuanian Roma: what does the 2021 census reveal?”

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<sup>238</sup> Order No. JV-33 of the Director of the Department of National Minorities “On the Approval of the Roma Integration Measures Plan 2022-2023”, 1 July 2022.

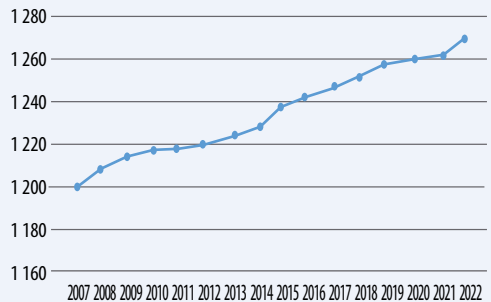
<sup>239</sup> Ibid.

Society 2015-2020, but in 2022, the municipalities organised activities covering the needs of the Roma community independently (not in accordance with the 2022-2023 Action Plan of the Department of National Minorities), either by continuing the implementation of the tasks and measures foreseen in the 2015-2020 Action Plan in accordance with the municipality's capacities, by engaging in/continuing the activities related to the projects from the previous period, or by taking specific measures taking into account the problems and needs of the local Roma community. It is important to note that many municipalities with a large Roma diaspora pay particular attention to the inclusion and retention of Roma youth and adults in the education system, extra-curricular and leisure-time educational activities, such as access to educational institutions, information literacy, Lithuanian language training, provision of additional educational counselling, etc. The municipalities also actively organise cultural dissemination (celebration of important dates for the Roma community, organisation of events, concerts, exhibitions, excursions, etc.) and pay attention to the provision of health care services (arranging vaccination of children, education on health issues). However, most of the municipalities note a significant problem of non-employment among the Roma community.<sup>242</sup> This is an important issue at national level, as this problem has also become systemic for the Roma community. For this reason, measures aimed solely at improving the skills of Roma people are not sufficient, and targeted measures are needed to raise awareness among employers and the general public, and to promote tolerance in the field of work and culture.

<sup>242</sup> Ibid.

## FREEDOM OF RELIGION

Religious communities and groups operating in Lithuania that do not belong to the category of traditional religious communities are registered under the Law on Religious Communities and Societies as other religious communities and societies<sup>243</sup>. At the end of 2022, there were 1,336 religious communities, societies or other religious organisations registered and entered in the Register of Legal Entities in Lithuania, of which 1,132 were traditional religious organisations and 204 were religious organisations that are not considered traditional. These religious communities or societies can be relatively divided into 39 religious streams<sup>244</sup> (Figures 36 and 37).

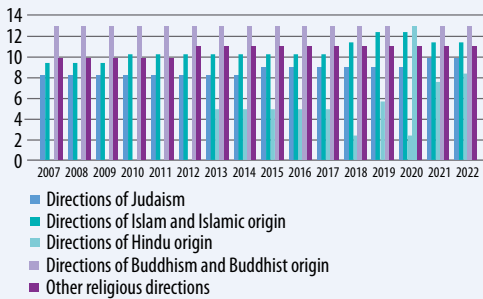


**Figure 36.** Number of Christian and Christian-origin organisations by year.

Source: Ministry of Justice.

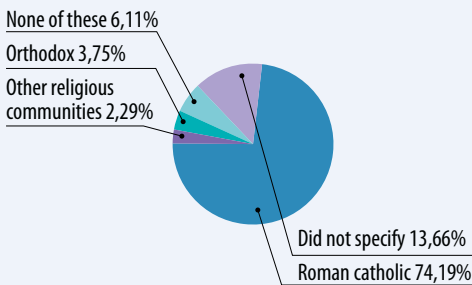
<sup>243</sup> Law on Religious Communities and Societies of the Republic of Lithuania, Official Gazette Valstybės žinios, 02 11 1995, No. 89-1985.

<sup>244</sup> Information from the Ministry of Justice to the Seimas Ombudspersons' Office, 2 March 2023. Religious orientations according to the major religious traditions which they belong to. The number of communities is indicated according to the data as at 31 December of each year.



**Figure 37.** Number of organisations of different religious orientations, by year. Source: Ministry of Justice.

According to the 2021 census, the religious diversity of the population is increasing. However, 74% of the population identifies themselves as Roman Catholic, 4% – as Orthodox, while other religious communities did not cross the one percent threshold. 6% of the population did not identify themselves with any religion, and 14% did not specify their religion (Figure 38).<sup>245</sup>



**Figure 38.** Population by the religious community which they attribute themselves to.

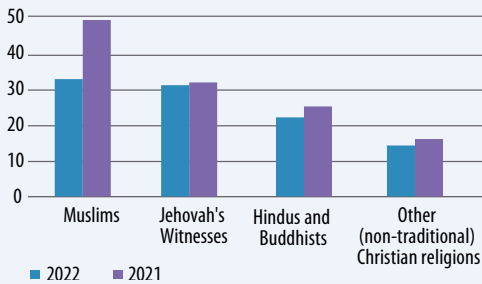
Source: Official Statistics Portal, “Population in 2021”

<sup>245</sup> Statistics Lithuanian, “Main Results of the Population and Housing Census”, 2021.

Despite the religious diversity in the country, data of public attitudes surveys reveal negative attitudes towards certain religious minorities. The comparison of 2021 and 2022 revealed that most public attitudes towards religious communities have changed slightly. Compared to the results of 2021, the share of respondents who would not want to live with Muslims in their neighbourhood decreased by 10.9% in 2022 (33.9%), almost the same percentage of people would not want to live in the neighbourhood with Jehovah’s Witnesses (32.2), 3% less (22.2%) – with Hindus and Buddhists, and 1.4% less (13.9) with other (non-traditional) Christian religions (Figure 39). Similar trends are observed in the case of renting a house and working at the same workplace with them.

The most negative attitude of population is towards the Muslim religious community: in 2022, 51.1% (8% less than in 2021) said that their attitudes towards Muslims have worsened a lot / gotten worse rather than better in five years. It is important to note that the crisis of migrants arriving in Lithuania via Belarus that started in the summer of 2021 and the information about it in the public space may have contributed to the change in public attitudes (e.g. in 2022, 33.9% said they would not want to live with Muslims in their neighbourhood compared to 44.8% in 2021) in the past two years. However, it should be noted that the slight improvement of attitudes in 2022 could also be due to Russia’s war against Ukraine, which has filled the media spotlight.<sup>246</sup>

<sup>246</sup> Study by the Lithuanian Social Science Centre (Dr. Giedrė Blažytė) and Public Institution Diversity Development Group, “Public Attitudes towards Ethnic and Religious Groups: 2021”, diversitygroup.lt, 2021; study by the Lithuanian Social Science Centre (Dr. Giedrė Blažytė) and Public Institution Diversity Development Group, “Public Attitudes towards Ethnic and Religious Groups: 2022”, tmde.lrv.lt, 2022.



**Figure 39.** Changes in public attitudes towards Muslims, Jehovah's Witnesses, Hindus and Buddhists, and other (non-traditional) Christian religions, in 2021-2022. Source: Diversity Development Group and the Institute of Sociology of the LCSS, *Public Attitudes towards Ethnic, Religious, and Social Groups: social distance (2021 and 2022)*

In 2022, the Office of the Equal Opportunities Ombudsperson received 10 complaints (21 fewer than in 2021) about possible discrimination on the grounds of religion, beliefs or opinion<sup>247</sup>, adopted 6 decisions, conducted 5 investigations, and provided 26 consultations in this area. Although the number of complaints received is significantly lower, the number of investigations carried out and consultations provided shows that possible discrimination on these grounds is a relevant topic in the society.<sup>248</sup>

The main piece of legislation that defines the rights and activities of religious communities is the Law on Religious Communities and Societies.

<sup>247</sup> Office of the Equal Opportunities Ombudsperson, "Report on the activities of the Equal Opportunities Ombudsperson of the Republic of Lithuania in 2021", 2022.

<sup>248</sup> Letter No 1D-267 from the Office of the Equal Opportunities Ombudsperson of 3 February 2023 "On the provision of data".

Article 6 of this law states that non-traditional religious communities may be recognised by the state as part of Lithuania's historical, spiritual and social heritage, provided that they are supported by society and that their teachings and rituals do not contravene the law and integrity. State recognition by the Seimas means that the State supports the spiritual, cultural and social heritage of religious communities. Religious communities can apply for state recognition at least 25 years after their initial registration in Lithuania. The Ministry of Justice concluded in 2017 that the religious community *Romuva* meets the criteria set out in Article 6 of the Law<sup>249</sup>.

However, the issue of granting state recognition to the Ancient Baltic Religious Community *Romuva*, which is now in its fifth year, was still ongoing in 2022. In its judgment of 8 June 2021 in the case of *Ancient Baltic Religious Community Romuva v. Lithuania* (Petition No. 48329/19) found violations of Article 14 (prohibition of discrimination), applied in conjunction with Article 9 (freedom of thought, conscience and religion), and Article 13 (right to an effective remedy) of the ECtHR. The ECtHR emphasised that it did not support the position that the existence of a religion to which the majority of the population ascribes itself, or merely perceived tensions between the applicant community and the majority religion, or opposition by the authorities of that religion, could constitute an objective and reasonable ground for refusing to grant the applicant community the status of a religious community recognised by the State. Having assessed

<sup>249</sup> Conclusion of the Ministry of Justice of the Republic of Lithuania of 29 December 2017 "On granting the status of a state-recognised religious community to the Ancient Baltic Religious Community *Romuva*".

the circumstances of the case, the ECtHR found that, in refusing to grant the applicant community state recognition, the state authorities had failed to provide a reasoned and objective explanation as to why the applicant community was to be treated differently from other religious communities which were in a correspondingly similar situation, and that the members of the Seimas who voted against state recognition did not remain neutral and impartial in the exercise of their legislative powers.<sup>250</sup> On 29 September 2022, the draft Seimas resolution “On granting state recognition to the ancient Baltic religious community *Romuva* was once again discussed at the Seimas, but the draft was rejected by three votes and returned to the Seimas Committee on Human Rights for further development.

It should be noted that during the debate in the Seimas, it had the same debate as in 2019, talking about the importance of Christianity for the identity of the Lithuanian, quoting the canons of Christianity, repeating the alleged links between the religious community *Romuva* and the Kremlin’s policy, which were denied and rejected by the Seimas Committee on National Security and Defence in the previous term.<sup>251</sup> This suggests that although, according to the jurisprudence of the Lithuanian Constitutional Court cited by the ECtHR in last year’s judgment, the constitutional principle of separation of the church and the state is the foundation of the secular nature of the Lithuanian state, its institutions and their activities, this principle is not properly implemented in practice.

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<sup>250</sup> [European Court of Human Rights, judgment of 8 June 2021 in the case of Ancient Baltic Religious Community “Romuva” v. Lithuania, petition No 48329/19.](#)

<sup>251</sup> [Evening sitting of the Seimas No. 209, Draft Seimas Resolution No. XIVP-893\(2\) on granting state recognition to the Ancient Baltic Religious Community \*Romuva\* \(Consideration\), 29 September 2022.](#)

The religious community *Romuva* appealed the results of the vote to the Committee of Ministers of the Council of Europe, asking it to launch an enhanced monitoring of the implementation of the ECHR judgment.<sup>252</sup>

Another case which Lithuania lost in 2022 concerned restrictions on freedom of thought, conscience and religion in the national defence system. On 7 June 2022, the ECtHR issued its judgment in the case *Teliatnikov v. Lithuania* (No. 51914/19), finding a violation of Article 9 (freedom of thought, conscience and religion) of the ECHR. The applicant, a clergyman of the Jehovah’s Witnesses, argued that he was not exempted from compulsory military service or alternative national defence service, despite his religious convictions, and that there was no such alternative national defence service in Lithuanian law, which was civilian in nature. The ECtHR concluded that the national courts did not substantially assess whether there were compelling reasons for not exempting the applicant from compulsory military service or alternative national defence service, and noted that Lithuanian administrative courts tend to place individuals’ constitutional duties to the State above the right to freedom of religion. The ECtHR also found that the Lithuanian conscription system does not balance the needs of the society as a whole with the interests of individuals who, because of their religious convictions, do not accept military service but agree to perform their civic duties in another way. According to the ECtHR, the alternative national defence service in Lithuania is not a genuine civilian alternative to military service, as it is subject to the control and supervision of the army, the persons

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<sup>252</sup> [Milena Andrukaitytė, “Romuva asks for increased monitoring of ECHR ruling after Seimas rejects recognition once again”, Irt.lt, 5 October 2022.](#)



performing the alternative national defence service are referred to as “conscripts” in Lithuanian law, etc. In the light of these circumstances, the ECtHR found that the restriction of the applicant’s rights was not necessary in a democratic society and stated a violation of Article 9 ECHR.<sup>253</sup>

During the period under review, public debate surrounded the Lithuanian Orthodox community. On 24 February 2022, following the Russian Federation’s military aggression against Ukraine, the Lithuanian Orthodox Church, one of the nine traditional religious communities in Lithuania with the title of Metropolitan and belonging to the Patriarchate of Moscow and all Russia, condemned Russia’s war on Ukraine, while Metropolitan Inokentiy of Vilnius and Lithuania expressed his disagreement with the sermon by Patriarch Kirill of the Russian Orthodox Church delivered on 27 February 2022 condemning Moscow’s adversaries in Ukraine, and promised to push for greater independence of the Lithuanian Orthodox Church from Moscow.<sup>254</sup> However, in the spring of 2022, Metropolitan Inokentiy dismissed three Lithuanian clergy members of the Russian Orthodox Church who openly criticised Russia’s hostilities against Ukraine and the Patriarch Kirill in public, and two of the dismissed clergy have been suspended from any active ministry. At the beginning of July of the year under review, the Metropolitan, together with an ecclesiastical court, expelled from the priesthood four other clergy who had also criticised Russia’s war against Ukraine and had initiated a process for the Lithuanian Orthodox churches to be transferred from the Patriarchate of

Moscow to the patriarchate of Constantinople.<sup>255</sup> The Prime Minister also expressed her support in a letter for the appeal of the faithful to allow the Orthodox Churches in Lithuania to be restored to canonical subordination to the Patriarch of Constantinople. According to the Prime Minister’s Spokesperson, the Government will be involved in this process to the extent that its involvement is necessary to ensure the freedom of belief, conscience and religion, as enshrined in Article 26 of the Constitution, for all Lithuanian citizens, taking into account that the Orthodox community in the country is growing rapidly, as a significant number of Ukrainians fleeing the war in Lithuania have settled in Lithuania.<sup>256</sup>

In July 2022, representatives of the Lithuanian Orthodox Church forwarded an appeal to the President of Lithuania, noting their concern about the division of the Orthodox Church, and asking to leave the Church in the Moscow Patriarchate.<sup>257</sup> In December of the same year, the General Assembly of the Lithuanian Orthodox Church stated that the Lithuanian Orthodox Church condemned Russia’s war against Ukraine and expressed its support for the anti-war position of the head of the Lithuanian Orthodox Church, Inokentiy, and for the desire for greater ecclesiastical independence.<sup>258</sup>

<sup>253</sup> European Court of Human Rights, Judgment of 7 June 2022, *Teliatnikov v. Lithuania*, Petition No 51914/19.

<sup>254</sup> BNS, “Lithuanian Orthodox Church condemns Russia’s war against Ukraine”, delfi.lt, 18 March 2022.

<sup>255</sup> BNS, “Four more priests who sought to break away from the Orthodox clergy have been expelled from the Orthodox priesthood”, 15min.lt, 29 June 2022.

<sup>256</sup> Jūratė Skėrytė, “In her letter to the Patriarch of Constantinople, Šimonytė supported the priests’ aspiration to separate from Moscow”, lrt.lt, 23 May 2022.

<sup>257</sup> Milena Andrukaitytė, “Lithuanian Orthodox Christians handed over signatures to the President on the alleged attacks against the Church”, lrt.lt, 8 July 2022.

<sup>258</sup> Orthodoxy.lt, “Lithuanian Orthodox Church: ‘We condemn the war and consider it necessary to accelerate the process of obtaining the status of a self-governing church’”, orthodoxy.lt, 27 December 2022.

There were different assessments of the situation. There were those who argued that the separation of the Orthodox Church from the Moscow Patriarchate should be a matter of state level, which the state does not take seriously enough, as the independence of the Lithuanian Orthodox Church in terms of canon law had been established back in the beginning of the twentieth century with the creation of the autocephalous Polish Orthodox Church and the more recent establishment of the autocephalous (i.e. independent) Orthodox Church in Ukraine.<sup>259</sup> Other experts argued that the decision to establish another Orthodox religious community should be taken by the community itself, while the state should remain aloof in order to ensure the principle of independence of religion from the state enshrined in the Constitution.<sup>260</sup> The latter position is also in line with the duty of neutrality and impartiality of the State, as emphasised in the jurisprudence of the ECtHR, which includes, inter alia, the duty to refrain from interfering in the internal affairs of religious communities, and not to take sides in the event of disagreements within a religious community or between different religious communities<sup>261</sup>.

## ENFORCING THE RIGHTS OF FOREIGNERS

In 2022, as in 2021, Lithuania faced significant challenges in the area of migration. Citizens of the Republic of Belarus fleeing the Minsk regime

continued to enter the country. Due to the continuation of the “push-back” policy launched by the Lithuanian authorities in August 2021<sup>262</sup>, a very few people who crossed the border of Belarus-Lithuania at an unspecified location had the opportunity to apply for asylum. In the first half of 2022, several thousands of foreigners who had irregularly crossed the border with Belarus in the second half of 2021 were still *de facto* detained in the Foreigners Registration Centres and Refugee Reception Centres of the State Border Guard Service (SBGS)<sup>263</sup>. Following Russia’s attack on Ukraine on 24 February 2022, Lithuania faced an unprecedented challenge with the arrival of thousands of Ukrainian refugees fleeing the war.

### Legal regime

The country-wide state of emergency declared on 2 July 2021 due to the massive influx of foreigners continued in 2022.<sup>264</sup>

<sup>259</sup> Lrytas.lt, “Lithuanian Orthodox can no longer tolerate the rules of the Russian Church - it’s not only a religious issue, but also a national security issue”, Lrytas.lt, 4 June 2022.

<sup>260</sup> Milda Ališauskienė, “Will the Lithuanian Orthodox Church split after the Ukraine war scandal”, 19 April 2022.

<sup>261</sup> F. Tulkens, “The European Convention on Human Rights and Church-State Relations: Pluralism vs. Pluralism. *Cardozo Law Review*”, vol. 30 (6), 2009, p. 2583.

<sup>262</sup> Decision No 10V-20 of the Minister of the Interior of the Republic of Lithuania, Head of the State Level Emergency Situation Operations of 2 August 2021 “On the Management of the Mass Influx of Foreigners in the Border Territories on the State Border with the Republic of Belarus and the Strengthening of the Protection of the State Border”.

<sup>263</sup> According to the information published by the Ministry of the Interior on 3 January 2022, 3,166 foreigners were living in Foreigners Registration Centres and Refugee Reception Centres (hereafter - Centres). Ministry of the Interior, “Almost 100 persons who crossed the border illegally from Lithuania to Iraq left Lithuania”. The number of foreigners in the Centres gradually decreased, but according to the Ministry of the Interior, on 7 June 2022, there were still 2,627 foreigners in the Centres. Ministry of the Interior, “Movement restrictions on irregular migrants will be lifted gradually”.

<sup>264</sup> Resolution No 517 of the Government of the Republic of Lithuania “On Declaring a State Level Emergency and Appointing the Head of State Level Emergency Operations”, 2 July 2021.

In response to Russia's aggression against Ukraine, a state of emergency has been imposed throughout the country on 24 February 2022<sup>265</sup>. On 10 March 2022, the introduction of a state of national emergency by the Seimas<sup>266</sup>, inter alia, provided for the reinforcement of the protection of the state border, stating that persons intending to cross or having crossed the external border of the European Union at places not designated for that purpose shall not be admitted to the territory of the Republic of Lithuania. It also provided that this provision does not apply to ensure humanitarian access for foreigners fleeing military aggression and/or persecution, including those without a valid travel document. It should be emphasised that only persons fleeing from the war of aggression in Ukraine by Russia can be included in the category of persons fleeing from military aggression, while persons seeking asylum from other wars and conflicts do not fall into this category. The resolution also tightened the visa regime for foreigners by suspending the acceptance of visa applications and decisions on visa applications from citizens of the Russian Federation and the Republic of Belarus, except in cases where the Ministry of Foreign Affairs acts as an intermediary for the issuance of visas.

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<sup>265</sup> The state of emergency was introduced by Decree No 1K-872 of the President of the Republic of Lithuania of 24 February 2022 "[On Declaring a State of Emergency](#)". The Seimas of the Republic of Lithuania approved the decision of the President of the Republic of Lithuania by its Resolution No XIV-929 of 24 February 2022 "[On the Approval of the Decision of the President of the Republic of Lithuania to Declare a State of Emergency](#)".

<sup>266</sup> Resolution No XIV-932 of the Seimas of the Republic of Lithuania of 24 March 2022 "[On the introduction of the state of emergency](#)".

In 2022, the state of emergency was extended twice more throughout Lithuania<sup>267</sup>, and on 13 September 2022, it was introduced in the border sections with the Republic of Belarus and the Kaliningrad Region of Russia, as well as at border checkpoints located outside the border territory<sup>268</sup>, while retaining the measure referred to in previous Seimas Resolutions, which foresees the exclusion of persons intending to cross the border in places not foreseen for that purpose, and stating that it will not apply to foreigners fleeing military aggression and/or persecution. On 13 December 2022, the Seimas extended the state of emergency until 16 March 2023.<sup>269</sup>

On 14 September 2022, the Government set the criteria for the admission of citizens of the Russian Federation to Lithuania during the state of emergency, thus making the conditions for their entry stricter<sup>270</sup>.

On 8 December 2022, the Seimas adopted amendments to the Law on the State of Emergency<sup>271</sup>, which, inter alia, provided that during

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<sup>267</sup> Resolution No XIV-1044 of the Seimas of the Republic of Lithuania of 21 April 2022 "[On the Introduction of a State of Emergency](#)", Resolution No XIV-1244 of the Seimas of the Republic of Lithuania of 28 June 2022 "[On the Introduction of a State of Emergency](#)".

<sup>268</sup> Resolution No XIV-1413 of the Seimas of the Republic of Lithuania of 13 September 2022 "[On the introduction of a state of emergency](#)".

<sup>269</sup> Resolution No XIV-1657 of the Seimas of the Republic of Lithuania of 13 September 2022 "[On the Introduction of a State of Emergency](#)".

<sup>270</sup> Resolution No 937 of the Government of the Republic of Lithuania of 14 September 2022 "[On Establishing the Criteria for the Citizens of the Russian Federation to be Admitted to the Territory of the Republic of Lithuania through the External Border of the European Union during the State of Emergency](#)".

<sup>271</sup> Law No XIV-1650 of the Republic of Lithuania on the State of Emergency (Law No IX-938) on Amendments to Articles 2, 3, 6, 7, 12, 13, 14, 15, 16, 20, 21, 22, 24, 27, 28, 29 and 31 of Law No XIV-1650 of 8 December 2022.

the state of emergency, in addition to the previously envisaged possibilities to apply restrictions on the stay and transit of foreigners through the territory of the Republic of Lithuania, it will be possible to restrict their entry and the right to reside in the Republic of Lithuania, to tighten their control, and to restrict or suspend the receipt of applications for, and the decision on, the citizenship of the Republic of Lithuania, the rendering of services or the conclusion of transactions.

### War refugees from Ukraine

Thousands of Ukrainians were forced to flee their homes and seek refuge in other countries when Russian aggression against Ukraine began on 24 February 2022. Since the beginning of the Russian aggression against Ukraine, more than 70,000 refugees have arrived in Lithuania by the end of 2022.<sup>272</sup>

The Lithuanian authorities reacted promptly to the arrival of Ukrainian war refugees. On 26 February 2022, a decision of the Minister of the Interior instructed the establishment of the first registration centre for persons fleeing the war in Ukraine in Alytus, where they would be referred to, accommodated, and provided with humanitarian aid and health services.<sup>273</sup> In March, registration centres were established in Marijampole,

Vilnius, Klaipėda, Šiauliai, Kaunas, Panevėžys<sup>274</sup>. Registered persons received meal boxes and hygiene kits<sup>275</sup>.

On 16 March 2022, following the Council Implementing Decision (EU) 2022/382, which establishes a mass influx of displaced persons from Ukraine in accordance with Article 5 of Directive 2001/55/EC and introduces the application of temporary protection, the Government decided<sup>276</sup> that temporary protection in the Republic of Lithuania shall be granted from 4 March 2022 till 4 March 2023 to persons who left Ukraine on or after 24 February 2022 as a result of military aggression by Russia, as well as to persons who left Ukraine temporarily and were legally staying in the European Union not earlier than 24 January 2022. Temporary protection applies not only to citizens of Ukraine and their family members, but also to stateless persons and third-country nationals who, before the outbreak of the Russian aggression in Ukraine, enjoyed international protection or equivalent national protection and their family members, as well as to persons who have been residing legally in Ukraine and who cannot be safely returned to their country of origin or to another receiving State. Persons granted temporary protection in Lithuania were accommodated free of charge in accommodation places offered by state and municipal institutions, bodies or other organisations. The civic initiative “Strong Together” also coordinated the placement of Ukrainian war refugees and invited Lithuanians who could provide temporary accommodation to those fleeing

<sup>272</sup> According to the data of the Migration Department, 72,496 Ukrainian war refugees were registered in Lithuania in 2022. 68,352 persons were granted a residence permit on the basis of temporary protection, and 2,325 – on humanitarian grounds, which apply when a person does not meet the conditions for temporary protection. Data from the Migration Department under the Ministry of the Interior of the Republic of Lithuania, “Migration Yearbook 2022”, 2023.

<sup>273</sup> Order No 1V-143 of the Minister of the Interior of the Republic of Lithuania of 26 February 2022 “On the operation of registration centres for foreigners who have fled Ukraine as a result of the military operations of the Russian Federation in Ukraine and the accommodation of these foreigners”.

<sup>274</sup> Ibid.

<sup>275</sup> Ministry of Social Security and Labour “Ukrainians arriving in Lithuania receive help”, 14 March 2022

<sup>276</sup> Resolution No. 224 of the Government of the Republic of Lithuania “On Granting Temporary Protection to Foreigners in the Republic of Lithuania”, 16 March 2022.

the war to register on their website<sup>277</sup>. According to the data of the beginning of 2023, Lithuanian residents offered more than 10,000 places of accommodation to Ukrainian war refugees<sup>278</sup>.

Later, as some unforeseen aspects of the reception of refugees from Ukraine became apparent, the Government established<sup>279</sup> that persons who are awaiting a decision on temporary protection shall also be provided with free accommodation, also granting the right to receive meals and hygiene products until the date of adoption of the decision to grant/ to refuse to grant temporary protection, 33 calendar days after registration with the Migration Department, if the municipal administration organises the provision of such services. In September, the Government decided, inter alia, that temporary residence permits will be issued until 4 March 2024 for persons under temporary protection in Lithuania.<sup>280</sup>

Individuals and legal entities that have provided free accommodation to Ukrainians were paid a compensation<sup>281</sup> of €150 per one accommodated

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<sup>277</sup> [“Strong Together will help coordinate asylum for Ukrainian refugees”](#), 15min.lt, 24 February 2022.

<sup>278</sup> [www.stipruskartu.lt](http://www.stipruskartu.lt)

<sup>279</sup> Resolution No 587 of the Government of the Republic of Lithuania of 1 June 2022 [“On Amending Resolution No 224 of the Government of the Republic of Lithuania of 16 March 2022 “On Granting Temporary Protection to Aliens in the Republic of Lithuania”](#).

<sup>280</sup> Resolution of the Government of the Republic of Lithuania No 924 of 14 September 2022 [“On Amending Resolution of the Government of the Republic of Lithuania No 224 of 16 March 2022 “On Granting Temporary Protection to Aliens in the Republic of Lithuania”](#)”.

<sup>281</sup> Order of the Minister of Social Security and Labour of the Republic of Lithuania No A1-254 of 5 April 2022 [“On the Approval of the Conditions and Procedure for the Provision of Compensation for Providing Housing to Foreigners who withdrew from Ukraine due to the Military Aggression of the Russian Federation”](#) [as subsequently amended].

Ukrainian from the second month onwards, and an additional €50 per month for each additional Ukrainian staying in the same accommodation. At the end of 2022, almost 14,000 Ukrainians were provided with housing on this basis. In December 2022, the payment of these compensations was extended until the end of 2023.<sup>282</sup>

After the Government’s decision adopted on 4 March 2022 granting Ukrainian war refugees collective temporary protection in Lithuania, had the right to work without the obligation to obtain a work permit, to engage in individual activities, and to benefit from labour market services and employment support measures provided by the Employment Service as soon as they arrived in Lithuania. Also, foreigners who are not under temporary protection but are unable to return to Ukraine due to the military actions of the Russian Federation in Ukraine were exempted from the obligation to obtain a work permit.<sup>283</sup> According to the data of the Employment Service of the beginning of 2023, there were around 22,000 Ukrainians working in Lithuania under employment contracts employed since the beginning of the war in Ukraine, accounting for more than a half of arriving Ukrainians of working age.<sup>284</sup>

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<sup>282</sup> Ministry of Social Security and Labour of the Republic of Lithuania, [“Compensation for Ukrainians who have been accommodated was extended until the end of 2023”](#), 21 December 2022.

<sup>283</sup> Order No.1V-216 of the Minister of the Interior of the Republic of Lithuania of 20 March 2022 [“On the Amending Order No. 1V-145 of the Minister of the Interior of the Republic of Lithuania of 28 February 2022 “On the requirements, conditions and provision of services applicable to foreigners who have withdrawn from Ukraine due to the military actions of the Russian Federation in Ukraine”](#)

<sup>284</sup> Employment Service, [“Fewer work permits issued to foreigners”](#), 30 January 2023.

On 17 March 2022, the Seimas adopted amendments to the Law on the Legal Status of Foreigners and other laws<sup>285</sup>, which expanded the scope of social assistance for foreigners. Ukrainian war refugees who have received an individual decision on granting temporary protection are entitled to social assistance in cash (social allowance, compensation for heating, drinking water and hot water), a one-off settlement allowance, compensation for a part of the housing rent, social services, and a funeral allowance. Those arriving in Lithuania with minors are entitled to child benefits and 6 months' compensation for pre-school (pre-primary) education. Moreover, considering individual circumstances, persons having received a decision granting temporary protection also acquired the right to social assistance pensions, determination of disability, assistance, benefits and services for people with disabilities.

Amendments to the Law on the Legal Status of Foreigners and the Civil Code<sup>286</sup> have simplified the

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<sup>285</sup> Law No XIV-946 Amending Articles 32, 64, 68 and 108 of the Law No IX-2206 on the Legal Status of Aliens of the Republic of Lithuania and Supplementing Chapter X2 of the Law with Section IV, Law No XIV-947 Amending Article 1 and Annex to the Law No I-621 on Child Benefits of the Republic of Lithuania, Law No XIV-948 Amending Article 5 and Annex to the Law No I-348 on Death Assistance of the Republic of Lithuania, Law No XIV-949 Amending Article 5 and Annex to the Law No XII-1215 on Assistance for Acquiring or Renting Housing of the Republic of Lithuania; Law No. XIV-950 amending Article 1 and Supplementing the Law No. XII-2507 on Targeted Compensations of the Republic of Lithuania; Law No. XIV-951 Amending Articles 1, 15, 224 of the Law No. I-675 on Disability Pensions of the Republic of Lithuania and Supplementing Annex to the Law; Law No. XIV-953 Amending Article 1 of and Annex to the Law No I-2044 on the Social Integration of Disabled Persons of the Republic of Lithuania, 17 March 2022.

<sup>286</sup> Law No XIV-946 Amending Articles 32, 64, 68 and 108 of the Law No IX-2206 on the Legal Status of Aliens and Supplementing Chapter X 2 of the Law with Section IV, 17 March 2022; Law No. XIV-965 Amending Article 3.242 of the Civil Code of the Republic of Lithuania, 22 March 2022

procedure for appointing a representative for unaccompanied minors when martial law, a state of emergency or a state of emergency due to a mass influx of foreigners has been declared. In 2023, there were 881 unaccompanied minors arrived since the beginning of the war in Ukraine living in Lithuania<sup>287</sup>.

An amendment to the Law on Social Services<sup>288</sup> provides for funding to social care institutions to accommodate unaccompanied foreign minors from a foreign country affected by a humanitarian crisis who have been living in social care institutions in the foreign country. It was also noted that, in order to avoid even deeper negative experiences for children, the aim should be not to separate unaccompanied alien minors from the above-mentioned countries in need of social care services in the Republic of Lithuania.<sup>289</sup>

It should be noted that while a package of social assistance is offered to persons who have fled the Russian war in Ukraine and have been granted temporary protection, no such assistance is provided to persons who have left Ukraine before 24 January

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<sup>287</sup> Ministry of Social Security and Labour, *Ukrainians in Lithuania: statistics*, 21 February 2023.

<sup>288</sup> Law No XIV-952 of 17 March 2022 Amending Articles 2, 23, 24 and 34 of the Law No X-493 on Social Services of the Republic of Lithuania

<sup>289</sup> Explanatory notes to the Law No XIV-946 Amending Articles 32, 64, 68 and 108 of the Law No IX-2206 on the Legal Status of Aliens of the Republic of Lithuania and Supplementing Chapter X2 of the Law with Section IV, Law Amending Article 3.242 of the Civil Code of the Republic of Lithuania, Law Amending Article 1 of the Law No I-621 on Child Benefits of the Republic of Lithuania and the Annex to the Law, Law Amending Article 5 of the Law No I-348 on Assistance in the Event of Death of the Republic of Lithuania and the Annex to the Law; Law Amending Article 1 of the Law No XII-1215 on Assistance in the Acquisition or Renting of Housing of the Republic of Lithuania and Supplementing Annex to the Law, Law No I-675 Amending Articles 1, 15 and 224 of the Law on Disability Pensions and the Annex to the Law, Law Amending Articles 2, 23, 24 and 34 of the Law on Social Services No X-493 of the Republic of Lithuania .

2022, although they are also unable to return to their country of origin for the same reasons.

### **De facto detention**

At the beginning of 2022, there were 3 SBGS Foreigners' Registration Centres in Lithuania – Pabradė Foreigners' Registration Centre (Pabradė FRC), Kybartai Foreigners' Registration Centre (Kybartai FRC), and Medininkai Foreigners' Registration Centre (Medininkų FRC), as well as two Refugee Reception Centres (hereinafter – the Centres), which are subordinated to the Ministry of Social Security and Labour, located in Rukla and Naujininkai.<sup>290</sup> At the beginning of 2022, a few thousand of foreigners who had irregularly crossed the border with Belarus in the second half of 2021 were still *de facto* detained at the Centres.<sup>291</sup>

It should be noted that for 6 months after irregularly crossing the border and applying for asylum in Lithuania, persons were held in the Centres in *de facto* detention conditions, in accordance with the provisions of the Law on the Legal Status of Foreigners (version of 13 July 2021),<sup>292</sup> which provided that in the event of a state of

war, a state of emergency, a state of emergency declared as a result of a mass influx of foreigners, or an emergency event, asylum seekers having submitted an application for asylum at border control posts, in transit zones or shortly after illegally crossing the State border of the Republic of Lithuania, shall be temporarily accommodated in places adapted for that purpose, without the right to move freely within the territory of the Republic of Lithuania, until a decision on their admission to the Republic of Lithuania is made.

On 1 January 2022, amendments to the Law on the Legal Status of Foreigners adopted on 23 December 2021<sup>293</sup> entered into force, regulating the legal status of foreigners in cases where a state of war, state of emergency or state of emergency has been declared due to a mass influx of foreigners. The amendments establish that the SBGS shall admit the asylum seekers who have applied for asylum to the Republic of Lithuania until a decision on their application is made, and shall accommodate foreigners who have illegally crossed the state border of the Republic of Lithuania and who are not asylum seekers, and foreigners in respect of whom a decision has been taken to refuse asylum, at border checkpoints, transit zones, the SBGS, the Refugee Reception Centre, other accommodation centres or places of accommodation, without the right of free movement on the territory of the Republic of Lithuania, until the implementation of the final decision on the return or expulsion of the foreigner or the issuance of the registration certificate. Such restriction of freedom of movement,

<sup>290</sup> In 2022, foreigners were also accommodated in the Jieznas Family Support Centre, but they were not subject to restrictions on their freedom of movement.

<sup>291</sup> According to the information published by the Ministry of the Interior on 3 January 2022, there were 3,166 foreigners living in the Foreigners' Registration Centres and Refugee Reception Centres (hereafter – Centres). Ministry of the Interior, "[Almost 100 persons who crossed the border illegally left Lithuania to return to Iraq](#)". Gradually, the number of foreigners in the Centres was decreasing, but as of 7 June 2022, according to the Ministry of the Interior, there were still 2,627 foreigners staying in the Centres. Ministry of the Interior, "[Movement restrictions on irregular migrants will be lifted gradually](#)".

<sup>292</sup> Law Amending Articles 5,71,76,77, 79, 113, 131, 136, 138, 139, 140 of the Law No IX-2206 on the Legal Status of Foreigners of the Republic of Lithuania, and supplementing the Law with Chapter IX-1, 13 July 2021.

<sup>293</sup> Law No XIV-816 Amending Articles 2, 3, 5, 26, 32, 40, 50, 67, 71,76, 77, 79, 113, 125, 126, 130-1, 136, 138, 139 and 140 of the Law No IX-2206 on the Legal Status of Foreigners of the Republic of Lithuania Republic of Lithuania, Repealing Article 69 and Chapter IX-1 and Supplementing the Law with Chapter X-2 on the Legal Status of Foreigners No. IX-2206 of 23 December 2021

which in essence the same as *de facto* detention, may last up to 6 months.

The latter provisions of the the Law on the Legal Status of Foreigners (LLSF), which regulate the accommodation of asylum seekers without granting them the right to free movement in the territory of the Republic of Lithuania during the so-called border procedure, are closely related to the procedure for examining asylum applications. Such a restriction of freedom of movement, which in its substance is the same as *de facto* detention, is imposed on asylum seekers until the Migration Department's decision to admit them to the Republic of Lithuania which it makes within 48 hours, unless the asylum application is not heard or is heard in essence in an urgent procedure. In other words, temporary accommodation in adapted places without the right to free movement in the territory of the Republic of Lithuania is applicable for up to 48 hours for those asylum seekers for whom a decision on admission to the Republic of Lithuania is taken within 48 hours and for up to 6 months for those asylum seekers whose asylum applications are being heard on the merits in an urgent procedure or are not heard.<sup>294</sup>

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<sup>294</sup> Such regulation was also enshrined in the versions of the Law on the Legal Status of Foreigners (LLSF) of 13 July 2021 and on 23 December 2021. The provisions of Article 5(3) of the LLSF (version of 13 July 2021) and Article 1408 (2) of the LLSF (version of 23 December 2021) specify which asylum seekers are covered by Article 5(6) of the LLSF (version of 13 July 2021) and Article 5(6) of the LLSF (version of 23 December 2021) respectively. Article 1408 (3) of the Law provides for temporary accommodation in places adapted for that purpose, without the right of free movement on the territory of the Republic of Lithuania, as this measure applies to asylum seekers until a decision is taken to admit them to the Republic of Lithuania. Pursuant to Article 5(3) of the LLSF (wording of 13 July 2021) and Article 1408 (2) of the LLSF (wording of 23 December 2021), the Migration Department shall take a decision within 48 hours from the moment of submission of the application to admit the asylum seeker to the Republic of Lithuania, except for asylum seekers who are subject to provisions of Article 76(4) or Article 77(1) of the present Law, i.e. when the asylum application is not heard or is heard on the merits in an urgent procedure.

It should be noted that such a measure – accommodation of asylum seekers and migrants in places adapted for that purpose, without granting them the right to free movement in the territory of the Republic of Lithuania, has for some time been equated in the case law to an alternative to detention rather than to detention itself<sup>295</sup>. The Agency has consistently taken the position that such accommodation of asylum seekers and foreigners without the status of asylum seekers without the right to move freely within the territory of the Republic of Lithuania is equivalent to *de facto* detention. In assessing the human rights situation of asylum seekers and aliens accommodated in a designated place without the right to move freely within the territory of the Republic of Lithuania, the Seimas Ombudsperson's report stated that the nature and degree of *de facto* restrictions imposed on asylum seekers and foreigners accommodated in a designated place, without differentiating between them according to their legal status, was equivalent to detention (material conditions of reception, nature of supervision/control, restrictions on the freedom of movement, duration of the accommodation).<sup>296</sup> It should be noted that the above-mentioned circumstances have also contributed to a change in the case-law, recognising that, in specific cases, accommodation without the right of free movement in the

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<sup>295</sup> Ruling of the Supreme Administrative Court of Lithuania of 3 November 2021 in the administrative case No A-4071-492/2021; Ruling of 18 November 2021 in the administrative case No A-4180-629/2021; Ruling of 25 February 2022 in the administrative case No A-1484-624/2022.

<sup>296</sup> Report No. NKP-2021/1-4 of the Seimas Ombudsperson of 24 January 2022 "[On ensuring human rights and freedoms of foreigners in the Kybartai Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania](#)".



territory of the Republic of Lithuania may also be regarded as *de facto* detention.<sup>297</sup>

Moreover, another report of the Seimas Ombudsperson points out that asylum seekers and foreigners, irrespective of the grounds for their accommodation at the place of detention, and without differentiation according to individual circumstances, were subject to the same regime, which was equivalent to an alternative measure to detention – accommodation with the right to move around in the area of the place of accommodation only (with the exception of persons in respect of whom court decisions have been taken to impose an alternative measure to detention on them, namely, accommodation in a place with no restrictions to freedom of movement). The report notes that the nature and degree of actual restrictions imposed was also equivalent to detention.<sup>298</sup>

International organisations have taken the same position. In May, the international organisation Doctors Without Borders that has been operating in Lithuania for a year, expressed its concern about the consequences of prolonged arbitrary detention on the psychological state of asylum seekers and migrants.<sup>299</sup>

The report published in June 2022 by the international human rights organisation Amnesty

International<sup>300</sup> revealed that several thousand people in Lithuania, including children, have been detained without a court decision for almost a year. The report stated that the automatic temporary accommodation of almost all persons, without exception, who have arrived through Belarus in foreigners' registration centres, with the right to move within the territory of the place of accommodation only, amounts to detention. Amnesty International concluded that such a temporary accommodation without the right to move within the territory of Lithuania cannot under any circumstances be considered an alternative to detention, as the difference between these regimes is a legal fiction. The report stated that the conditions of accommodation, especially in view of the long duration of detention, in the foreigners' registration centres visited by Amnesty International representatives in Kybartai and Medininkai amounted to inhuman and degrading treatment.

On 30 June 2022, the Court of Justice of the European Union (CJEU) adopted a preliminary ruling in Case C72/22 PPU<sup>301</sup> stating that an alternative measure to detention, as understood under Lithuanian law, i.e. accommodation in a SBGS centre, with the right of movement limited to the area of that detention centre, is equivalent to detention under Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards on the reception of applicants for

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<sup>297</sup> The rulings of the Supreme Administrative Court of Lithuania of 31 March 2022 in the administrative case No A-1807-442/2022, administrative case No A-1803-968/2022, administrative case No A-1804-502/2022 and administrative case No A-1805-756/2022.

<sup>298</sup> Report of the Seimas Ombudsperson of 7 July 2022 No NKP-2022/1-1 "On ensuring human rights and freedoms of foreigners in the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania at the Medininkai Foreigners' Registration Centre".

<sup>299</sup> Médecins Sans Frontières (MSF), "People detained in Lithuania are experiencing abuse, violence and mental health distress", 6 May 2022.

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<sup>300</sup> Amnesty International, "Lithuania: Forced out or locked up - Refugees and migrants abused and abandoned", 27 June 2022.

<sup>301</sup> Judgment of the Court of Justice of the European Union of 30 June 2022 in Case C-72/22 concerning an application to adopt a preliminary ruling in the case of M.A., under Article 267 of the TFEU of the Supreme Administrative Court of Lithuania passed on 2 February 2022 which the Court received on 4 February 2022, in participation of the State Border Guard Service.

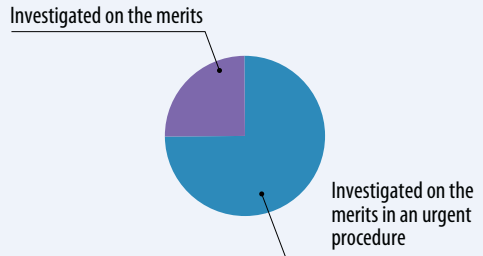
international protection (hereinafter – the Reception Conditions Directive). According to Article 2(h) of the Reception Conditions Directive, the term “detention” includes any measure whereby a Member State holds an applicant in isolation in a particular place where the applicant’s freedom of movement is deprived. The CJEU also held that the Reception Conditions Directive prohibits rules of a Member State under which, in cases where martial law or a state of emergency has been introduced or declared as a result of a mass influx of foreigners, an asylum seeker may be detained solely on the ground that he is unlawfully present in the territory of that Member State.

In summary, the legal framework introduced in 2021, which provides for automatic *de facto* detention for up to 6 months of asylum seekers and migrants arriving under martial law or a state of war or a state of emergency due to a massive influx of foreigners, continued in 2022. Moreover, the amendments to the LLSF, which entered into force on 1 January 2022, allowed such *de facto* detention for up to 12 months.

According to the data of the Migration Department, a total of 3,526<sup>302</sup> asylum applications were received in the second half of 2021 and 1,051 in 2022 (933 of which were first-time applications)<sup>303</sup>. From 23 July 2021, when amendments to the LLSF of 13 July 2021 entered into force, till 31 December 2022, first-time applications of 3,178 foreigners who crossed the state border with the Republic of Belarus illegally were

heard on the merits in an urgent procedure<sup>304</sup>. In 2021, 85 persons whose asylum applications were examined in essence in an urgent procedure were granted asylum in Lithuania, and in 2022, asylum was granted to 56 foreigners.

By comparison, 1,033 applications were heard on the merits (i.e. under the general procedure) during the same period of time, 609 of which were heard in 2022<sup>305</sup>, and 424 – in the second half of 2021. It should be noted that this figure includes all the remaining asylum applications that were not examined on the merits in an urgent procedure – both of the persons who crossed the border at an undesignated place, those who arrived to Lithuania legally and those who lodged their asylum applications at the Embassy of the Republic of Lithuania in the Republic of Belarus.



**Figure 40.** Proportions of asylum applications’ investigation procedure on the merits and on the merits in an urgent procedure according to data provided by the Migration Department.

<sup>302</sup> Migration Department under the Ministry of the Interior of the Republic of Lithuania, “The number of foreigners residing in Lithuania exceeded 100,000”, 1 February 2022.

<sup>303</sup> Migration Department under the Ministry of the Interior of the Republic of Lithuania, “Migration Yearbook 2022”, 2023.

<sup>304</sup> Letter No 10K-1656 of the Migration Department under the Ministry of the Interior of the Republic of Lithuania of 13 February 2023 “On the submission of information to the National Human Rights Institution”.

<sup>305</sup> Data sent to the Seimas Ombudspersons’ Office by the Migration Department under the Ministry of the Interior of the Republic of Lithuania on 15 February and 21 February 2023. The Migration Department could not provide information on how many of the 1,033 asylum applications that were examined in essence were submitted by persons who crossed the Lithuanian-Belarusian border at a place not designated for that purpose.

It should be noted that out of the 609 asylum applications that were examined on the merits in 2022, the most applications (370) were received from nationals of the Republic of Belarus, 122 – from nationals of the Russian Federation, 30 from Afghanistan, 25 from Tajikistan, and other countries. This confirms the information received by the Agency from different sources that the asylum applications of citizens of the Republic of Belarus were not examined on merits in an urgent procedure until 19 September 2022, when Government Resolution No 937 which tightens the entry of citizens of the Russian Federation into Lithuania, came into force, and, consequently, they were not subject to *de facto* automatic detention.

It should be noted that the amendments to the LLSF adopted on 23 December 2021, which entered into force on 1 January 2022, introduced the possibility for asylum seekers and migrants who had been subject to *de facto* detention for 6 months, to extend it for another 6 months by decisions of the Migration Department (in the case of asylum seekers) and of the SBGS (in the case of foreigners who are not asylum seekers). It should be noted that, unlike *de facto* detention, which has been applied for the first 6 months following the submission of an application for asylum in the face of martial law, state of emergency, or a state of emergency due to a mass influx of foreigners, without providing for the obligation of the respective entity to take a reasoned decision and without establishing a procedure for appealing against such a measure, extending *de facto* detention for another 6 months, such a procedure has been established.

Amendments to the LLSF as of 23 December 2021 also supplemented the grounds for detention imposed by the court by introducing a

provision which provided that an asylum seeker could be detained solely because he had entered the territory of the Republic of Lithuania by illegally crossing the Lithuanian border<sup>306</sup>.

These amendments to the LLSF which entered into force on 1 January 2022 meant that a large number of asylum seekers and those who no longer had this status were still in *de facto* detention in the first half of 2022.

### **Ensuring the rights and freedoms of foreigners in places of detention**

The reports of the Seimas Ombudspersons' Office, the Lithuanian Red Cross, the Office of the Equal Opportunities Ombudsperson, the Office of the Ombudsperson for Child's Rights and the international organization "Amnesty International" revealed the complex situation of ensuring the rights and freedoms of foreigners in places of deprivation of liberty.

Although according to international standards detention should not be applied to children, at the very end of 2021 the Statement issued by the Office of the Ombudsperson for Child's Rights on the situation of foreign migrant children in the Centers revealed the fact that they were housed in closed facilities surrounded by fences; in modular houses, the accommodation conditions for families were unsatisfactory due to the small square footage and especially unsatisfactory for families with babies, pregnant women,

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<sup>306</sup> Article 140<sup>17</sup> of the LLSF provides for this provision, see Law No. XIV-816 Amending Articles 2, 3, 5, 26, 32, 40, 50, 67, 71, 76, 77, 79, 113, 125, 126, 130-1, 136, 138, 139, 140 of the Law on the Legal Status of Foreigners No. IX-2206 of the Republic of Lithuania, Repealing Article 69 and Chapter IX-1 of the Law and Supplementing the Law with Section X-2 of 23 December 2021.

since during winter they had to go outside to get to the sanitary facilities; not all families were accommodated in the registration centers for foreigners in accordance with the requirement of square footage per person established in the Hygiene Norm; residents complained about the lack of sanitary facilities and hot water in them. In addition, such problems as provision of warm clothes and footwear to children, organization of education, insufficient social services due to the lack of social workers, etc. were identified. It can be noted that at least some of these problems remained relevant in the first half of 2022.

The inspections of the Seimas Ombudspersons' Office, carried out in the implementation of the functions of the national institution for the prevention of torture, also revealed the extremely difficult housing conditions of migrants. In the NPM report of Seimas Ombudsperson Erika Leonaitė, published in January 2022, it was stated that the material accommodation conditions of asylum seekers and foreigners without this status in sector A of the Kybartai Foreigners' Registration Center (single men were accommodated in this center) amounted to inhuman or degrading treatment. Such a conclusion was made taking into account the significantly smaller than the established minimum living space per person; lack of private space; lack of furniture, equipment and other inventory; extremely strict restrictions on movement; lack of opportunities to take care of personal and environmental hygiene; insufficient number of sanitary units; lack of cleanliness and hygiene in common areas, insufficient ventilation, etc. Meanwhile, the accommodation conditions in sectors B and C of the Kybartai Foreigners' Registration Center (cell-type accommodation facilities; lack of furniture, equipment and other

inventory; extremely strict restrictions on movement) have been assessed as creating prerequisites for behavior that degrades human dignity. When implementing the recommendations of the Seimas Ombudsperson, these shortcomings were gradually eliminated.

In the middle of 2022, after carrying out an inspection in the Medininkai Foreigners' Registration Center (Medininkai FRC), the Seimas Ombudsperson came to the conclusion that the housing conditions of foreigners (single men, single women, families without children) in mobile homes sectors of the Medininkai FRC, were persons were held for a long time without the right to freely leave the territory of the Medininkai FRC, equaled to behavior degrading human dignity. This conclusion was determined by *de facto* detention of foreigners for long-term living in different seasons in unsuitable conditions, without the possibility to ensure the necessary supply of electricity and water, lack of cleanliness and hygiene in common areas, lack of social services and employment due to insufficient staff, lack of furniture, equipment and other inventory in common areas, etc. In September, Medininkai FRC was closed.

Inspections and monitoring visits carried out by different organizations revealed not only the material conditions, but also the problems of ensuring the most important rights of asylum seekers and foreigners who no longer have this status, especially the right to information and the right to legal assistance. During the inspection in Kybartų FRC, carried out by the Seimas Ombudspersons' Office, it was found that the foreigners housed in the center had extremely limited opportunities for meaningful employment, there was a lack of equipment and infrastructure for leisure and sports, and there were no premises where

non-Christians would be able to pray. Therefore, the employment of foreigners and the opportunity to manifest one's religion was not properly ensured. In addition, the foreigners accommodated in Kybartai FRC were not adequately informed about their legal status, the procedures and deadlines related to the investigation of asylum applications, and the foreigners faced problems related to the availability of legal assistance. It was established that state-guaranteed legal aid was provided only formally, foreigners were not informed about the legal aid assigned to them and the lawyer providing it. It was also recorded that foreigners who were assigned a lawyer providing state-guaranteed legal aid had not met him/her or had contacts with him/her in any other way. Meanwhile, Amnesty International, among other things, noted in its report that there were cases when legal aid not only was not provided to foreigners in Kybartai FRC and Medininkai FRC, but the state-funded lawyer acted against their interests.

Problems of providing the right to information and the right to legal aid in the Centers were also identified by the Lithuanian Red Cross organisation. In its thematic report "Access of foreigners to asylum procedures and state-guaranteed legal aid in accommodation centres"<sup>307</sup>, which summarises the results of the monitoring and survey of foreigners carried out in February-March 2022, the Lithuanian Red Cross notes that there was a significant number of cases where foreigners did not have and did not receive sufficient information about the procedures which they are subject to, including information about their legal situation and the progress of the application. A number of problematic aspects

were also identified in relation to the provision of state-guaranteed legal aid.

Shortcomings in vulnerability assessment and identification of special needs of foreigners is another problem identified in the Kybartai FRC. Detailed assessment of the vulnerability of foreigners, for example, due to disability, belonging to the LGBTQ+ community, having been a victim of trafficking in human beings in the past, having been subjected to torture, rape, or any other form of psychological, physical, or sexual violence, etc., was not carried out at the Kybartai FRC, and the staff working there was not trained in assessing the vulnerability and special needs of persons<sup>308</sup>. The monitoring by the Lithuanian Red Cross also revealed that the needs of vulnerable or vulnerable persons were ensured applying the general model of working with asylum seekers in place at the respective Foreigners' Registration Centre, which was designed for all the residents or a group of residents rather than for a particular person having individual special needs. The Lithuanian Red Cross report notes that the most emphasised guarantee given to the groups of vulnerable persons monitored was their separate accommodation from other groups. This solution, as emphasised by the Lithuanian Red Cross observers, can be seen as a model of accommodation the main purpose of which is to ensure physical control, but not to ensure special needs.<sup>309</sup>

<sup>307</sup> Lithuanian Red Cross, "Thematic Monitoring (report abstracts)", December 2022.

<sup>308</sup> Report No. NKP-2021/1-4 of the Seimas Ombudsman of 24 January 2022 "On the Ensuring of Human Rights and Freedoms of Foreigners at the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania in Kybartai".

<sup>309</sup> Lithuanian Red Cross, "Monitoring Report 2022", 2022.

At the end of 2022, the Office of the Equal Opportunities Ombudsperson (hereinafter – OEO) published a report “Ensuring Equal Opportunities for Persons Crossing the Belarus-Lithuania Border in Detention Facilities”<sup>310</sup>. The report, which summarises the results of the monitoring carried out in the registration centres for asylum seekers and migrant foreigners from 2021 to 2022, indicates that when a large number of asylum seekers arrived in Lithuania, a detailed, comprehensive and timely assessment of the vulnerability of the arriving persons was not carried out, and that the procedure for such assessment varied depending on the place of detention. Insufficient attention was paid to identifying whether detainees had been subjected to any kind of violence, abuse or trafficking during their trip or in the countries of origin, and persons with intellectual and psychosocial disabilities and persons with long-term health problems that could be considered as disabilities were not properly identified. The report highlights that a failure to identify the vulnerability of arriving persons in a timely manner had a direct impact on reception and detention conditions and the arrangement of appropriate assistance.

In April 2022, a case of possible sexual violence against asylum seekers was recorded in one of the registration centres of the SBGS<sup>311</sup>. This event revealed that there is no established and validated algorithm or procedure for the prevention

and response to this type of criminal offences, not so much through the actions of the law enforcement authorities, but from the perspective of the staff, officials and NGOs operating at the Foreigners’ Registration Centres where asylum-seekers and migrants are detained.

This was confirmed by the monitoring carried out by the OEO<sup>312</sup>, which found that none of the Foreigners’ Registration Centres had an approved internal procedure that provides for measures to protect, respond to and prevent discrimination, gender-based violence, domestic violence, exploitation, assault, sexual harassment or other unwanted treatment of detainees and staff on the basis of their identity characteristics. None of the detention facilities had a clear procedure on how such cases should be addressed.

In conclusion, it should be noted that the rights and freedoms of foreigners in places of their accommodation were not adequately guaranteed. Foreigners faced, inter alia, problems of access to legal aid, lack of information on the procedures applicable to them and lack of assessment of their vulnerability and identification of their special needs.

### **Right to work**

In the summer of 2022, with the 12-month period from the date of registration in the Lithuanian Migration Information System of the foreigners who crossed the Lithuanian-Belarusian border illegally in the summer of 2021 coming to the end, a decision was made not to continue the

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<sup>310</sup> Office of the Equal Opportunities Ombudsperson, “Ensuring Equal Opportunities for Persons Having Crossed Belarusian-Lithuanian Border at Places of Detention”. Independent Review Report, 2022.

<sup>311</sup> Jurga Bakaitė, “Prosecutors initiated an investigation into the possible sexual abuse of long-term migrants in one of the Foreigners’ Registration Centres of the SBGS”, LRT.lt, 26 April 2022.

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<sup>312</sup> Office of the Equal Opportunities Ombudsperson, “Ensuring Equal Opportunities for Persons Having Crossed Belarusian-Lithuanian Border at Places of Detention”. Independent Review Report, 2022.

restrictions on their freedom of movement (*de facto* detention)<sup>313</sup>. According to the data of the Ministry of the Interior, there were 2,627 persons detained at the Centres at that time, for 1,467 of whom the asylum procedure was completed, therefore they were staying in Lithuania illegally<sup>314</sup>.

The amendments to the LLSF which entered into force on 1 January 2022 stipulate that during a state of war, a state of emergency and a declared state of emergency due to a mass influx of foreigners, a temporary residence permit, during the validity of which the foreigner would acquire the right to work, will be issued to a foreigner, who has crossed the border illegally and is not an asylum seeker, and whose expulsion from the Republic of Lithuania is not possible, 5 years after the date of adoption of the decision to expel him from Lithuania, as compared to the usual regulation, when such a permit is issued after one year.<sup>315</sup>

In her approach paper submitted to the Seimas Committee on Human Rights and the Seimas Committee on Foreign Affairs, the Seimas

Ombudsperson E. Leonaitė emphasised that such regulation will create conditions for illegal work of these persons, as well as increase their risk of becoming victims of human trafficking and exploitation. In the opinion of the Seimas Ombudsperson, such a situation would not only be unacceptable from the point of view of ensuring human rights, but would also raise questions as to whether Lithuania is adequately fulfilling its international obligations in the field of combating trafficking in human beings. According to Article 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms and the Council of Europe's Convention on Action against Trafficking in Human Beings, all persons, including persons crossing the border illegally, must be protected from trafficking in human beings and other forms of exploitation. E. Leonaitė also pointed out that once illegal migration flows have been largely controlled, a 5-year work ban cannot be considered a necessary and proportionate measure to prevent illegal migration.<sup>316</sup>

Amendments to the LLSF adopted on 30 June 2022<sup>317</sup> granted the right to work or to engage in self-employment activities to illegally staying foreigners 12 months after the date of their registration in the Lithuanian Migration Information System.

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<sup>313</sup> Joana Lapėnienė, LRT TELEVISION programme "Savaitė", LRT.lt, "After years of forced isolation, illegal migrants will be released, but the ruling party fails to agree on what to do with them next", June 27, 2022.

<sup>314</sup> Ministry of the Interior of the Republic of Lithuania "Restrictions on the movement of illegal migrants to be lifted gradually", 7 June 2022.

<sup>315</sup> The 5-year period is provided for in Article 140<sup>22</sup> of the LLSF, which also states that the provisions of Article 132 of the LLSF do not apply in this case, see [Law No XIV-816 of the Republic of Lithuania Amending Articles 2, 3, 5, 26, 32, 40, 50, 67, 71, 76, 77, 79, 113, 125, 126, 130-1, 136, 138, 139, 140, of the Law on the Legal Status of Foreigners No. IX-2206 of the Republic of Lithuania, Repealing Article 69 and Chapter IX-1 of the Law and Supplementing the Law with Chapter X-2, 23 December 2021.](#)

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<sup>316</sup> Letters No 1/3D-1395 to the Seimas Committee on Foreign Affairs of the Republic of Lithuania and No 1/3D-1396 to the Seimas Committee on Human Rights of the Seimas Ombudspersons' Office "On the Proposal of the Member of the Seimas of the Republic of Lithuania Mr Mindaugas Linge on the Draft Law No XIVP-1648 Amending the Law on the Legal Status of Foreigners No IX-2206 of the Republic of Lithuania".

<sup>317</sup> [Law No. XIV-1277 of 30 June 2022 Amending the Law on the Legal Status of Foreigners of the Republic of Lithuania No. IX-2206](#)

At the same time, it should be noted that the amendments created a new legal status for persons who cannot obtain a residence permit in Lithuania for 5 years from the date of the expulsion decision, but are entitled to work. While this has enabled them to find employment, which is a positive development, it has also created additional challenges.

First of all, unlike asylum seekers who acquire the right to work when they are exempted from the provisions governing the rights of foreigners, when martial law, a state of emergency or a state of emergency due to a mass influx of foreigners has been declared, or persons entitled to temporary protection, these people were not exempted from obtaining a work permit from the Employment Service, the price of issue of which is EUR 121<sup>318</sup>. In addition, a person with this status is issued with a foreigner's registration certificate confirming his right to work, but such a certificate is only issued for up to 6 months, which imposes an additional administrative burden on the person or his employer in terms of processing the documents granting the right to work every six months.

Secondly, the foreigner's registration certificate is not considered a personal identity document, which prevents people without a residence permit from opening a bank account. For this reason, in June 2022, provisions of the LLSF and the Labour Code were also amended to provide that if asylum seekers and foreigners who have acquired the right to work do not have a payment account for objective reasons, their

salary and other employment-related benefits, as well as daily subsistence allowances and reimbursement of travel expenses, may be paid in cash.<sup>319</sup>

Thirdly, a person who has the right to work, but has not obtained a residence permit in Lithuania, has no chance of being covered by compulsory health insurance even if employed. According to the Law on Health Insurance<sup>320</sup>, the state budget only covers the cost of emergency medical care and essential services for persons who have crossed the border illegally, non-provision of which could lead to a deterioration of the patient's state of health to such an extent that he would require emergency medical care. Social insurance benefits for sickness, maternity, paternity, parental care, childcare, unemployment, pensions, and accidents at work are paid having acquired the required experience for the respective type of social insurance. This puts people who are not yet in employment in a rather difficult and vulnerable situation.

Practical difficulties in implementing the right to work have been highlighted in the Lithuanian Red Cross 2022 monitoring report<sup>321</sup>. It indicated that people at the Centres were not properly informed about the steps they should take to implement their right to work.

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<sup>319</sup> Law No XIV-1187 Amending Articles 14, 25, 27, 30, 52, 58, 139, 144, 221, 222, 223, 225, 226, 227 and 240 of the Labour Code of the Republic of Lithuania, 28 June 2022.

<sup>320</sup> Article 6(5)(5) of the Law No I-1343 of 21 May 1996 (as amended) on Health Insurance of the Republic of Lithuania

<sup>321</sup> Lithuanian Red Cross, "Monitoring Report 2022", 2022.

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<sup>318</sup> Employment Service, Procedure for issuing work permits to foreigners.



## End of *de facto* detention

The situation at the Centres started to change in the second half of 2022, when most of the migrants who had been *de facto* detained at the Centres were gradually granted the right to leave the territory of the Centres temporarily (for a period of 24 hours or 72 hours). Taking advantage of this option, people, most of whom had been living in *de facto* detention for almost a year, had been refused asylum and expelled from Lithuania, left and did not return, resulting in a sharp decrease in people living at the Centres.<sup>322</sup>

According to data provided by the SBGS<sup>323</sup>, as at 31 December 2022, there were 17 asylum seekers and 13 foreigners for whom the asylum procedure had been terminated and a decision not to grant asylum had been taken living at the Kybartai FRC. 3 asylum seekers were considered inadmissible to Lithuania and 4 asylum seekers were subject to an alternative detention measure imposed by court, providing for the right to move within the territory of the place of detention only, while others had the right to leave the territory of the centre.

At that time, 85 asylum seekers and 41 foreigners for whom the asylum procedure had been terminated and a decision not to grant asylum had been taken were accommodated at the Pabradė FRC. 28 asylum seekers who were deemed inadmissible to Lithuania, 7 asylum seekers and 5 foreigners without such status were subject to an alternative detention measure imposed by a court decision, with the right to move within the

territory of the accommodation only, 1 asylum seeker and 1 foreigner were detained by a court decision, while others had the right to leave the territory of the Centre.

According to the data provided by the Refugee Reception Centre<sup>324</sup>, there were 66 people living in Rukla at the end of 2022, 27 of whom had arrived via Belarus, 2 of whom were subject to restrictions on freedom of movement. The reception centre in Naujininkai (Vilnius) accommodated a total of 51 persons, 22 of whom arrived in Lithuania via Belarus. All persons were allowed to leave the territory of the Centre.

In September 2022, the Medininkai FRC was officially closed. Its residents were transferred to other centres.<sup>325</sup> Subsequently, it was also decided to close the Kybartai FRC. Its closure was scheduled for 1 March 2023.<sup>326</sup>

## The “push-back” policy

In 2022, the so-called push-back policy was continued. Under this policy, asylum applications of illegally arriving foreigners are not registered and they themselves are not allowed to enter once in the territory of the Republic of Lithuania, pushing them back to the territory of the Republic of Belarus which they came from.

The policy of „push-back” should be evaluated critically due to its incompatibility with the

<sup>322</sup> Ibid.

<sup>323</sup> Letter No 21-14-222 of 31 January 2022 from the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania “On the provision of information”.

<sup>324</sup> Data which was sent to the Office by the Refugee Reception Centre on 1 February 2023.

<sup>325</sup> Ministry of the Interior of the Republic of Lithuania, “Medininkai Foreigners’ Registration Centre Officially Closed”, 2 September 2022.

<sup>326</sup> State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania, “Kybartai Foreigners’ Registration Centre of the State Border Guard Service of the Republic of Lithuania to be closed”, 28 February 2022.

international obligations of the Republic of Lithuania and the obligations arising from the membership in the European Union in the field of human rights and asylum law. In particular, the application of „push-back“ may violate the principle of non-refoulement, which is absolute and prohibits deportation of individuals to a country where they would be at risk of torture or inhuman treatment. In addition, the jurisprudence of the European Court of Human Rights (ECtHR) shows that the application of „refoulements“ or „push-backs“ to persons who crossed the border illegally, when there are important circumstances due to which these persons did not use the legal means of entry, violates the 4th Article of the Fourth Protocol of the Convention for the Protection of Human Rights and Fundamental Freedoms, which prohibits collective deportation of foreigners. As is well known, the actions of the Belarusian regime lead to the fact that migrants are usually not given the opportunity to cross the border through border checkpoints, and illegal border crossings are organized. The policy of „push-back“, which leads to the denial of the right to seek asylum, does not comply with the provisions of the United Nations Convention on the Status of Refugees, as well as the provisions of European Union law in the field of asylum.

The push-back policy was implemented by officials of the SBGS in accordance with the Order of the Minister of the Interior of 2 August 2021<sup>327</sup>, and the asylum applications of persons

<sup>327</sup> Decision No 10V-20 of the Minister of the Interior of the Republic of Lithuania, Head of the State Level Emergency Operations, of 2 August 2021 [“On the management of the mass influx of foreigners in the territories of the state border of the Republic of Lithuania with the Republic of Belarus and the strengthening of the protection of the state border”](#).

who crossed the border at an unspecified place were not registered in accordance with the Law on Legal Status of Foreigners (LLSF), which states that when in the territory of the Republic of Lithuania, the application of a foreigner at the border checkpoints or in the transit zones may be submitted to the SBGS, or to the Department of Migration, where the foreigner has entered Lithuania legally. Pursuant to the LLSF, a foreigner's application for asylum submitted in breach of the above-mentioned procedure shall not be accepted, explaining the procedure for submitting an application for asylum and informing that taking into account the foreigner's vulnerability or other individual circumstances, the SBGS may accept the application for asylum of a foreigner who has crossed the State border of the Republic of Lithuania illegally.

According to data of the SBGS, in 2022, Lithuanian border guards implemented 11,211 such “push-backs”<sup>328</sup>. It should be noted that there were families with minor children, including toddlers, among the persons pushed back<sup>329</sup>.

As noted by the Lithuanian Red Cross, the policy of turn-back policy was not systematically applied in respect of illegally arriving Belarusian and Russian nationals only, and their asylum applications were registered even after they crossed the border at an undesignated place<sup>330</sup>.

<sup>328</sup> State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania, [“Statistics on Illegal Migrants”](#), 28 February 2022.

<sup>329</sup> For example, in September 2022, asylum applications were accepted from a Syrian family with a 4-year-old boy, but by then they had already been “turned back” at least once to the Republic of Belarus. See Vytenis Miškinis, [“Migrant stuck at the border with his family: help us, we are being punished by both Lithuania and Belarus”](#), www.delfi.lt, 2 September 2022.

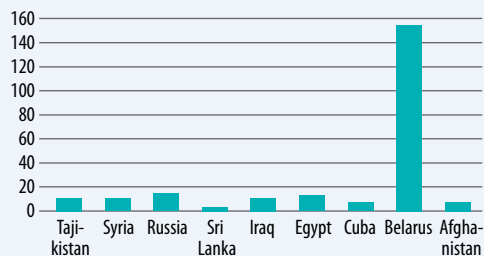
<sup>330</sup> Lithuanian Red Cross, [“Monitoring Report 2022”](#), 2022.

There have also been several cases where the ECtHR imposed interim measures in 2022, prohibiting the expulsion of persons to the Republic of Belarus, which subsequently led to the acceptance of their asylum applications. According to the data provided by the SBGS, 8 Syrian nationals, 12 Tajik nationals, 4 Cuban nationals and 4 Iraqi nationals having crossed the border at an undesignated place have applied for asylum this way<sup>331</sup>. It should be noted that the 4 Cuban nationals were initially pushed back to the Republic of Belarus, despite the interim protection measures imposed by the ECtHR.<sup>332</sup>

Several people were also allowed to apply for asylum due to their critical health condition. According to the Lithuanian Red Cross monitoring data, 2 Sri Lankans, 5 Iraqis, 6 Egyptians, 2 Afghans and 1 Syrian had their asylum applications accepted for this reason. At least three of them underwent partial amputation of their lower limbs. Others also required urgent medical intervention because of exhaustion, dehydration, unconsciousness, etc.<sup>333</sup>

According to the data provided by the SBGS<sup>334</sup>, 206 asylum applications submitted by persons who crossed the Lithuanian-Belarusian border at an undesignated place were registered in

2022 (at the border sections of the Varėna and Vilnius Border Police Stations). 159 of these asylum applications were submitted by citizens of the Republic of Belarus.



**Figure 41.** Asylum applications registered at the border crossing points of the Varėna and Vilnius Border Police Stations by nationality

On 30 June 2022, in the case C-72/22,<sup>335</sup> the CJEU also concluded that a Member State's legislation where, in cases where martial law or a state of emergency has been introduced or declared due to a mass influx of foreigners, third-country nationals who are unlawfully present in the country actually lose the possibility to take advantage of the procedure for hearing an application for international protection in the territory of that Member State shall be prohibited. However, on 10 August 2022, the Ministry of the Interior registered amendments to the Law on State

<sup>331</sup> Letter No 21-14-222 of 31 January 2022 of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania, "On the provision of information".

<sup>332</sup> Margiris Meilutis, "Strasbourg's order didn't protect migrants: four Cubans expelled from Lithuania", 15min.lt, 10 April 2022.

<sup>333</sup> Lithuanian Red Cross, "Monitoring Report 2022", 2022.

<sup>334</sup> Letter No 21-14-222 of 31 January 2022 of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania, "On the provision of information".

<sup>335</sup> Judgment of the Court of Justice of the European Union of 30 June 2022 in Case C-72/22 concerning a reference for a preliminary ruling under Article 267 of the TFEU from the Supreme Administrative Court of Lithuania made by ruling of 2 February 2022, which the Court of Justice received on 4 February 2022, in the case of M.A., in the presence of the State Border Guard Service.

Border Protection<sup>336</sup> which proposed to further strengthen the legal regulation that restricted the right to apply for international protection in the Republic of Lithuania when martial law or a state of emergency is imposed or declared due to a mass influx of foreigners. The Seimas Ombudspersons' Office submitted an assessment of the draft and expressed doubts about the compatibility of Article 4 of the draft legislation with European Union law.

### Access to the asylum procedure

In December 2022, the Lithuanian Red Cross prepared a study on "Access to Asylum Procedures in Diplomatic Representations of the Republic of Lithuania Abroad and Border Checkpoints of the State Border Guard Service"<sup>337</sup>, which analyses the possibilities of applying for asylum in the diplomatic representation of the Republic of Lithuania in Belarus and in the border control points with the Republic of Belarus.

According to the LLSF an asylum application may also be submitted in a foreign country – through diplomatic missions or consular offices of the Republic of Lithuania designated by the Minister of Foreign Affairs. The Order of the Minister of Foreign Affairs of the Republic of Lithuania of 21 September 2021<sup>338</sup> provided for the

possibility to submit an asylum application at the Embassy of the Republic of Lithuania in the Republic of Belarus.

According to the data provided by the Migration Department, 27 asylum applications (citizens of the Republic of Iraq, the Republic of Cuba, the Syrian Arab Republic, the Republic of Sudan) were received at the Embassy of Lithuania in the Republic of Belarus in 2022. At the beginning of the year 2023, 6 of the applications were pending, examination of 9 applications was terminated, and attempts were being made to contact 12 persons.<sup>339</sup>

A survey conducted by the Lithuanian Red Cross<sup>340</sup> showed that only foreigners with a valid document and a document confirming their legal stay in Belarus can apply for asylum at the Embassy of the Republic of Lithuania in Minsk. Moreover, persons having submitted their application wait in limbo and face the risk of being deported to their countries of origin without a decision from the Migration Department.

According to the data provided by the SBGS<sup>341</sup>, a total of 180 asylum applications were registered at border checkpoints, including 95 at the border checkpoints on the border of the Republic of Lithuania with the Republic of Belarus.

<sup>336</sup> Draft Law No VIII-1666 Amending Articles 1, 2, 4, 11, 14, 15, 16, 18, 21, 23, 26 of the Law on State Border Protection and Supplementing the Law with Article 21 and a new Chapter IX of 10 August 2022.

<sup>337</sup> Lithuanian Red Cross, "Access to Asylum Procedures in Diplomatic Missions of the Republic of Lithuania Abroad and Border Control Points of the State Border Guard Service", December 2022.

<sup>338</sup> Order No V-39321 of the Minister of Foreign Affairs of the Republic of Lithuania of 21 September 2021 "On the Submission of Applications for Asylum by Foreigners".

<sup>339</sup> Migration Department under the Ministry of the Interior of the Republic of Lithuania "Regarding the submission of information to the National Human Rights Institution" No 10K-1656, 13 February 2023.

<sup>340</sup> Lithuanian Red Cross, "Access to Asylum Procedures in Diplomatic Missions of the Republic of Lithuania Abroad and Border Control Points of the State Border Guard Service", December 2022.

<sup>341</sup> State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania, "On the provision of information", No 21-14-222, 31 January 2022.

Nationality	Border of the Republic of Lithuania with Belarus	Air-ports	Border of the Republic of Lithuania with Russia	Total
Afghanistan		21		21
Stateless person		1		1
Azerbaijan	3	1		4
Belarus	6	2	24	32
Cameroon		1		1
Eritrea		1		1
Guinea		1		1
Iraq		7		7
Pakistan		2		2
Russian Federation	61	3	12	76
Sakartvelo (Georgia)		1		
Togo		1		
Tajikistan	21	4		25
Ukraine	1		4	5
Uzbekistan		2		2
Total	92	48	40	180

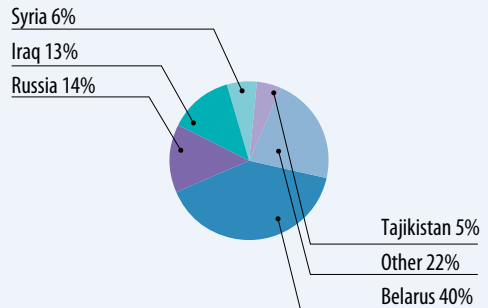
**Figure 42.** Asylum applications lodged at border checkpoints in 2022 (data from the SBGS)

A survey conducted by Red Cross<sup>342</sup> showed that people face obstacles at the Lithuanian-Belarusian border when applying for asylum at border checkpoints. First of all, only foreigners whom Belarusian officials allows to pass after a document check can apply for asylum at the BCPs. Moreover, even in cases where foreigners manage to reach SBGS officers, their asylum applications are often not registered and they themselves are returned to Belarus.

### Immigration of Belarusian nationals

The Migration Department states that a more favourable immigration regime will continue to apply in 2022 in respect of Belarusian nationals fleeing

their home country because of a systematic crackdown<sup>343</sup>. This is also reflected in previous data showing that citizens of the Republic of Belarus were able to apply for asylum even after illegally crossing the border of the Republic of Lithuania. Their applications were also examined on the merits, which means that they were not automatically subject to *de facto* detention. In 2022, Belarusians became the largest group of asylum seekers. Out of the 933 asylum applications submitted for the first time in 2022, 407 were submitted by Belarusian nationals.



**Figure 43.** All asylum applications received in 2022 by nationality. Data from the Migration Department.

According to the data of the Migration Department, at the beginning of 2023 there were 48,804 nationals of the Republic of Belarus residing in Lithuania, 9,789 of whom came to Lithuania in 2022<sup>344</sup>.

In November 2022, the public institution VšĮ Rytų Europos studijų centras (Public Institution Eastern Europe Studies Centre) presented a study “Migration from Belarus and the Economic,

<sup>342</sup> Lithuanian Red Cross, “Access to Asylum Procedures in Diplomatic Missions of the Republic of Lithuania Abroad and Border Control Points of the State Border Guard Service”, December 2022.

<sup>343</sup> Migration Department under the Ministry of the Interior of the Republic of Lithuania, “Migration Yearbook 2022”, 2023.

<sup>344</sup> Ibid.

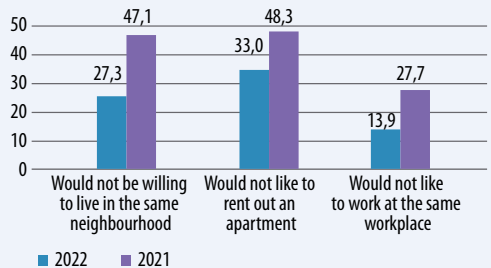
Social and Political Integration of Immigrants in Lithuania<sup>345</sup>. The results of an opinion survey with 335 respondents were supplemented by information collected through 11 in-depth interviews. According to the survey, about 86% of the respondents left Belarus for political reasons. The majority of those who came to Lithuania are persons of working age and have a regular source of income (almost 70% of respondents). 68% of respondents have a residence permit in Lithuania, 15% have a humanitarian visa, and slightly more than 8% have received asylum or are awaiting a decision on asylum. The main reasons why respondents chose Lithuania over another country were the availability of a visa or temporary residence permit in Lithuania, the absence of a language barrier, personal experience in Lithuania, a better political climate for civic and professional activities, and confidence in the rule of law. The survey also revealed that some Belarusian citizens living in Lithuania do not have health insurance. This problem is particularly acute for people with humanitarian or Schengen visas who are not yet employed. Pregnant women are the most vulnerable in this situation, as the cost of prenatal care and delivery services is extremely high in the absence of employment and compulsory health insurance.

### Public attitudes

The Public Attitudes Survey, which analyses social distance towards different social groups, shows a jump in positive attitudes towards refugees in 2022. In 2021, 47.1% of the population did not want to live in a neighbourhood with refugees,

<sup>345</sup> Živilė Dambrauskaitė, “Migration from Belarus and the Economic, Social and Political Integration of Immigrants in Lithuania”, Eastern Europe Studies Centre, 2022.

but in 2022, almost 20% fewer people (27.3%) expressed this attitude. In 2021, 48.3% of respondents did not want to rent a house to this social group, while in 2022 this figure had dropped to 33%. A similar change in negative opinion can be seen when asked about working in the same workplace: 27.7% of Lithuanians did not want to work in the same workplace as refugees in 2021, while 13.9% did not want to work in the same workplace as refugees in 2022 (Figure 44). Similarly, when asked how respondents’ attitudes towards refugees have changed over the last 5 years, 61.3% of the population in 2022 (or 10.5% less than in 2021) said that they have gotten very much worse or worse rather than better.<sup>346</sup>



**Figure 44.** Public attitudes towards refugees.

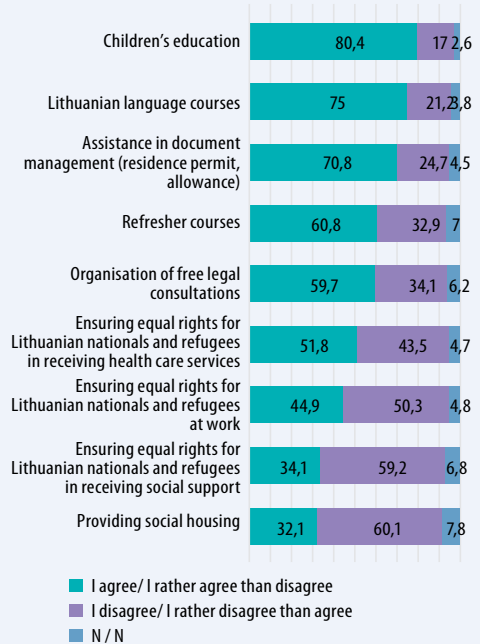
Source: NGO Diversity development group and LCSS Institute of Sociology, Public attitudes towards ethnic, religious and social groups: social distance (2021 and 2022)

<sup>346</sup> Giedrė Blažytė, Research conducted by Diversity Development Group and LCSS Institute of Sociology, “Public Attitudes Towards Ethnic and Religious Groups in 2022”, diversitygroup.lt, 2022, online access: [https://tmde.lrv.lt/uploads/tmde/documents/files/Visuomenės-nuostatos\\_2022\\_Giedre-Blazyte.pdf](https://tmde.lrv.lt/uploads/tmde/documents/files/Visuomenės-nuostatos_2022_Giedre-Blazyte.pdf); Giedrė Blažytė, Research conducted by Diversity Development Group and LCSS Institute of Sociology, “Public Attitudes towards Ethnic and Religious Groups in 2021”, diversitygroup.lt, 2021, online access: <https://www.diversitygroup.lt/wp-content/uploads/2021/11/Giedres-skaidres.pdf>.

While there has been a general improvement in the public's opinion and attitudes towards refugees as a social group, it is important to stress that public attitudes towards reception and integration policies for this group are heterogeneous, with some groups of refugees with certain ethnic or religious differences being more highly regarded than others. For example, in 2022, 79.7% of Lithuanians would agree or rather agree than disagree that Lithuania should accept war refugees from Ukraine. Residents had a similar positive opinion on the admission of non-EU citizens who come to Lithuania to study (77.3%), to visit their family members (71.9%), Christian war refugees (69.5%), and Belarusian citizens coming to Lithuania for special humanitarian reasons (57.1%). However, 85.4% of Lithuanians do not agree that non-EU citizens who have illegally crossed the border of the Republic of Lithuania should be admitted to the country. Also, 83.4% of respondents believe that refugees may increase the crime rate in Lithuania, and 81.2% agree with the statement that refugees may cause social unrest in the country. A mere 22.4% think that refugees enrich Lithuania's cultural life (in 2021, 14% of the population agreed with this statement).<sup>347</sup>

When it comes to the integration measures that would apply to refugees living in and coming to Lithuania, 80.4% of respondents support education for children, 75% support the holding of Lithuanian language courses, more than 60% support the provision of assistance in managing documents (residence permits, allowances, etc.)

and the organisation of qualification improvement courses. However, a mere 32.1% support the provision of social housing and 34.1% support the guarantee of equal rights for Lithuanian citizens and refugees when receiving social assistance (Figure 45).<sup>348</sup>



**Figure 45.** Public attitudes towards refugee reception and integration policies.

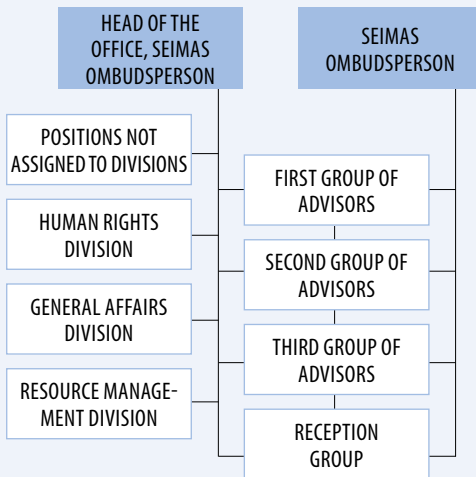
Source: NGO Diversity development group and LCSS Institute of Sociology, *Public attitudes towards ethnic, religious and social groups: social distance (2022)*

<sup>347</sup> Ibid.

<sup>348</sup> Ibid.

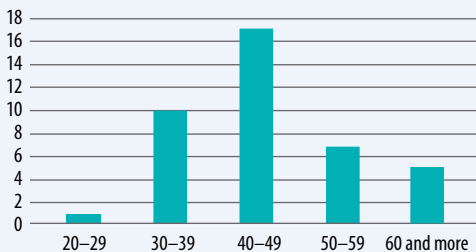
## V. HUMAN RESOURCES

At the end of 2022, the Seimas Ombudspersons' Office had 40 employees: two female Seimas Ombudspersons, 28 civil servants and 10 staff members with employment contracts and salaries payable from the state budget.



**Figure 46.** Structure of the Seimas Ombudspersons' Office

The institution employs 36 women and 4 men.



**Figure 47.** Composition of staff by age

The average age of employees is 46.2 years.

37 staff members have a university degree, 26 have a law degree and 6 have more than one university degree. The Seimas Ombudspersons Erika Leonaitė and Milda Vainiūtė hold PhDs.

Law	Mathematics
Political Science	Economics
History	Bookkeeping
Ecudology	Information technology
Sociology	Mechanics
Lithuanian Philology	Journalism
English Philology	Pedagogy

**Figure 48.** Diversity of educational background of employees

38 staff members speak more than one foreign language at different levels: 36 speak Russian, 35 – English, 13 – German, 4 – French, 3 – Polish, 2 – Spanish, 1 – Arabic, and 1 – Italian.

In 2022, staff spent 336 hours on in-service training.

In 2022, important internal legislation was updated, including the Rules of Procedure, the Internal Procedure Rules, the list of experts to be used for inspections of places of deprivation of liberty, the description of teleworking, the forms of legal acts used in the institution, the safety and health instructions for staff and the description of the briefing procedure etc.



- The following new legislation was adopted in 2022:
- ♦ the code of official ethics of staff of the institution;
  - ♦ the regulations of the Ethics Commission;
  - ♦ the description of procedure for the implementation of national prevention of torture in places of detention;
  - ♦ the institution's emergency management plan.




Head of the Seimas Ombudspersons' Office



Erika Leonaite

Ombudsperson



Milda Vainiute