



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination Eighty-eighth session

### Summary record of the 2399th meeting

Held at the Palais Wilson, Geneva, on Friday, 27 November 2015, at 10 a.m.

*Chair:* Mr. Calí Tzay

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*Combined sixth to eighth periodic reports of Lithuania*

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)**

*Combined sixth to eighth periodic reports of Lithuania (CERD/C/LTU/6-8 and CERD/C/LTU/Q/6-8)*

1. *At the invitation of the Chair, the delegation of Lithuania took places at the Committee table.*

2. **Mr. Germanas** (Lithuania), introducing the State party's report (CERD/C/LTU/6-8), said that Lithuania was a multicultural country that for centuries had been home to various ethnic groups and religions. The relatively small share of the population made up of ethnic minorities — some 17 per cent — played a vital part in the nation and had contributed greatly to its development.

3. Since the country had regained its independence in 1990, the Government had taken a wide range of measures to combat intolerance and racial discrimination. The country's membership in the European Union since 2004 had led to a number of amendments to national legislation in order to bring it into compliance with the established law and practice of the European Union. Government policies to combat all forms of discrimination had been drawn up in that context.

4. The Government cooperated closely with international organizations. Since 2014, it had done so, for example, through its active engagement as a non-permanent member of the Security Council, promoting the rule of law and democracy. Lithuanian nationals currently served as members of United Nations treaty bodies, including the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of Persons with Disabilities. In 2015, the Government had welcomed a visit by a delegation of the European Commission against Racism and Intolerance. It was currently completing a reporting cycle under the Council of Europe Framework Convention for the Protection of National Minorities.

5. He wished to emphasize the high value that his Government placed on cooperation with the United Nations human rights bodies and procedures. Following the consideration of the previous report, and in the light of the Committee's concluding observations (CERD/C/LTU/CO/4-5), the Prime Minister had set up a working group on implementation of the recommendations put forward by the Committee. The group was made up of representatives of various relevant State institutions. Representatives of non-governmental organizations (NGOs), the Municipality of Vilnius, the Office of the Equal Opportunities Ombudsman and the Bar Association had been invited to contribute to the group's discussions.

6. In late 2014, the Government had set up an Ethnic Minorities Department, which had recently begun its work and had taken over from the Ministry of Culture the function of coordinating policies relating to national minority issues. The Department was responsible for ethnic policy analysis and the development of national strategies, programmes and projects aimed at meeting the needs of minorities and helping them to preserve their traditions. The Government had also adopted a strategy for the development of a national minorities unit aimed at integrating minorities into society at large while protecting ethnic cultures and identities and promoting harmonious inter-ethnic relations.

7. The Roma minority was considered one of the most socially disadvantaged groups in Lithuania. The national policy on minorities therefore had a relatively greater focus on that group and included programmes for the integration of Roma into Lithuanian society. The policy sought to address problems facing the Roma

community in respect of health and education, to allow the community to keep its traditions alive and to promote tolerance. Roma continued to face problems in areas such as employment, education, health care and social housing. Nevertheless, a 2014 study of the situation of the Roma had revealed a substantial improvement in educational attainment and a reduction in illiteracy rates. Although the number of Roma employed in the formal sector had risen, more remained to be done. The recently adopted Action Plan for Roma Integration into Lithuanian Society for the period 2015-2020 placed particular emphasis on reducing social exclusion and promoting greater participation of Roma in public life. The full participation of the Roma community itself would be needed if the Action Plan was to produce tangible results.

8. Among the measures envisaged under the Inter-Institutional Action Plan for the Promotion of Non-Discrimination for the period 2012-2014 were education, legal literacy and public awareness campaigns aimed at increasing mutual understanding and respect for diversity. Furthermore, a number of training courses were offered to police officers and prosecutors in order to increase their awareness of laws on hate crimes. Hate crimes although uncommon in Lithuania, did occur. However, there had been a decrease in the number of such crimes from 163 in 2013 to 106 in 2014. The recently amended Code of Administrative Offences, which would enter into force in April 2016, covered hate crimes. Discrimination on grounds of race and ethnicity was considered an aggravating circumstance.

9. The current migration crisis was posing new challenges for all the countries of Europe, and Lithuania was no exception. In solidarity with other members of the European Union, Lithuania would take in 1,105 migrants as from 1 January 2016 under the European scheme for relocation and resettlement. The Government was working closely with local authorities and representatives of the business community, NGOs and communities to ensure that the migrants would be fully integrated into society. The Government had issued public tenders for the establishment of refugee integration centres in the country's three largest cities. The centres would provide courses in the Lithuanian language and offer legal and psychological counselling and career guidance. The national budget for the reception and integration of refugees in 2016 had already been approved by the Government.

10. **Mr. Kut** (Country Rapporteur) said that he welcomed the fact that the Government had sent such a large and high-level delegation, which indicated that the State party attached importance to the work of the Committee. The candour and success of the dialogue were indeed dependent on the importance the State party attached to the process. He commended the State party on its timely and regular reporting to the Committee. He found the annex to the report, which provided extensive statistics broken down by relevant indicators, to be particularly useful. However, the core document (HRI/CORE/1/Add.97) of 1998 was outdated. He therefore requested that the State party submit a new core document with up-to-date details.

11. Lithuania had a small, declining population made up of about 85 per cent Lithuanians and a number of ethnic and linguistic minorities, the largest of which were the Polish and Russian communities. He was surprised to see that, in the tables provided in the annex to the report, the Turkish community was categorized under the list of "Asian States" rather than "other European States".

12. He praised the organization of the State party's report, which facilitated the Committee's follow-up work. Noting the reduction in the public budget allocations for advisory bodies dealing with human rights, he asked whether those reductions had been proportional in comparison with those for other bodies and whether the advisory bodies in question were able to properly conduct their work with the resources at their

disposal. Citing NGO reports, he asked why the draft law on national minorities had remained under consideration for so long. Was the adoption of the law not a priority for the Government?

13. He requested more specific information on investigations, prosecutions and court decisions in connection with xenophobic incidents and discriminatory behaviour. The number of such cases cited by the State party was low, which could indicate either a failure to bring cases of that kind to the attention of the authorities or a problem with the application of the relevant criminal provisions. He therefore requested further information about the implementation of the various laws referred to in the list of themes. For example, it would be useful to have updated data on the activities of the Office of the Inspector of Journalist Ethics. The Committee had received reports indicating that few investigations or prosecutions had been carried out under the new article of the Criminal Code that addressed discrimination or incitement by organizations against a group of persons. The delegation should provide further information about the implementation of the various strategies, plans and programmes established to combat discrimination and on the results achieved.

14. The delegation should summarize the contents of the annual reports issued by the Equal Opportunities Ombudsman's Office and provide more detailed, updated information on the representation of minority groups within the police force and the judiciary. He wished to know more about the implementation of the Action Plan for Roma Integration into Lithuanian Society for 2012-2014 and the results achieved by it. While he welcomed the thought and planning put into the programmes and strategies described in the report, he urged the State party to evaluate those programmes and inform the Committee of the results.

15. Only a small number of Roma lacked identity cards. Why, then, did that problem persist, if there were so few cases to be dealt with? The number of Roma children enrolled in secondary or tertiary education had apparently declined. He was unconvinced that the creation of two posts for assistant teachers to help teach Roma children would adequately address the problem. The delegation should provide more information about the planned strategies and programmes for the national minority policy and for the integration of Roma, including the specific indicators to be used and the expected outcomes, and should report the findings of the study cited in the State party's report on the situation of women from various social groups.

16. While he welcomed the simplification of the naturalization procedures, he expressed disappointment at the results achieved. Relatively speaking, a decline of about 1,000 in the number of stateless persons in five years could not be considered a great success. It was regrettable that, despite the Committee's previous recommendations, the State party had no plans to ratify the human rights treaties to which it had not yet become a party. The Committee would continue to follow up on that point.

17. The delegation should explain what was meant by unified language examinations for secondary school leaving certificates. The integration of refugees posed a challenge. It would be of interest to the Committee to know the current and projected numbers of refugees in the State party.

18. **Mr. Avtonomov** said that he welcomed the fact that the Lithuanian Government had sent a high-level, multisectoral delegation. Could the delegation explain why the population of ethnic Lithuanians was declining relative to the populations of minority groups? Noting that certain passages in Lithuanian textbooks seemed to offer an unorthodox view of twentieth-century history, he asked the delegation to comment.

19. **Mr. Diaconu** said that the State party's adoption of the Inter-Institutional Action Plan for the Promotion of Non-Discrimination for 2012-2014, which set out, inter alia,

measures for the implementation of the Durban Declaration and Programme of Action, was a welcome development that should be mentioned as such in the concluding observations. The Office of the Inspector of Journalist Ethics had a unique mandate unlike anything he had previously encountered. As he understood it, the Office was not empowered to penalize unethical journalists. What was its relationship with the institutions that had such powers?

20. The State party should be urged to hasten the adoption of the draft law on minorities and the draft law on the Seimas Ombudsman, as they were necessary for the full implementation of the Convention. He wondered whether a person's nationality referred only to his or her citizenship or whether, as in some countries, it also referred to a person's ethnic background. The Committee was concerned about the findings of a survey mentioned in the State party's report that stated that more than half the members of national minority communities were not fully prepared for the labour market because of their insufficient knowledge of the Lithuanian language. Giving such persons the opportunity to take language courses, as the State party had done, was commendable, but it was not sufficient. He asked what was being done to promote access to the labour market for Roma, more than half of whom were apparently unemployed. Did Roma children have the opportunity to study their native language at Lithuanian schools?

21. What was the State party doing to increase the number of persons from national minorities occupying positions with the police, the prosecution service or the courts? Lastly, he asked how many of the criminal proceedings referred to in the State party's report involved prosecution of hate speech and whether the authorities could provide unemployment statistics for minorities.

22. **Mr. Murillo Martínez** said that he would appreciate information about the conceptual framework and scope of the draft law on minorities. Was the recent drop in the number of crimes involving racism and racial discrimination connected to the State party's new framework for prosecuting race-related crimes, or to a possible reinterpretation of case law in that area? The delegation should provide more information about the debate on the issue of surnames and given names in languages other than Lithuanian and should explain how the functions of the Equal Opportunities Ombudsman's Office differed from those of a national human rights institution. He invited the State party to join the Hour against Racism initiative, which was being led by 25 Latin American countries, and to take part in the activities commemorating the International Decade for People of African Descent.

23. **Ms. Crickley** said that Lithuania, like every other member State of the European Union, was obliged to produce a plan for the integration of its Roma population and that she would appreciate more information on the contents and results of that plan. What specific targets did the plan set for the next few years, and how did it address the intersectional discrimination experienced by Roma women?

24. Under Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, member States of the European Union were required to have anti-discrimination legislation in place and to communicate to the European Commission all the information necessary for it to draw up a report on the application of the directive. In the absence of such legislation in the State party, how did Lithuania report to the Commission on its attempts to apply the directive? There had been plans to enhance the status of the Seimas Ombudsman's Office so that it would meet the requirements of the Paris Principles for a national human rights institution. Had those plans already come to fruition? Did Lithuania have a national action plan to combat racial discrimination or a mechanism to bring together the various relevant instruments already in place?

25. **Mr. Huang** Yong'an asked what remedies were provided by the courts to victims of racist or xenophobic acts. Was compensation for damages awarded? Had a victim of racial discrimination ever been given substantial compensation?

26. He also asked why no individuals had been prosecuted since the entry into force in 2009 of an article of the Criminal Code criminalizing the activities of groups and organizations that promoted racial hatred and discrimination. The delegation should comment on reports that the activities of the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania, referred to in the State party's report, had created considerable ill will among the Russian minority in Lithuania, which reportedly accounted for between 6 and 7 per cent of the country's population. He voiced concern about the paltry amount — only 10,000 euros — spent on Roma cultural projects by the Ministry of Culture in 2013.

27. **Mr. Vázquez**, recalling general recommendation No. 35 (2013), in which the Committee had stressed the importance of the formal rejection of hate speech by high-level officials, said that he would like to know what action the authorities were taking to condemn the activities of neo-Nazi groups. In that connection, he would welcome the delegation's comments on reports that in 2013 the President of Lithuania had described those who had taken part in a neo-Nazi march as patriotic youth.

28. He would appreciate more information about the so-called double genocide theory, according to which the Holocaust was merely an equal and opposite response to the genocide of Eastern Europeans perpetrated by Stalin and the Jews. In particular, he would like to know whether it was a fringe position or a broadly held view and what stance, if any, the Government had taken regarding that theory. Was it correct that the names of Nazi collaborators were sometimes given to memorials in public spaces? If so, were there any plans to change that practice?

29. According to information received by the Committee, the introduction in a 2013 ruling by the Supreme Court of the principle of *ultima ratio*, whereby hate crime cases could be presented only as a last resort, had made it more difficult for people to report such crimes. It would be useful to have further information on what that legal principle involved. In particular, did it simply reflect the principles of legality, proportionality and necessity, as articulated by the Human Rights Committee and the European Court of Human Rights, or did it go beyond that?

30. According to the State party report, with the amendment of the Equal Opportunities Act, the burden of proof in discrimination cases had shifted to the defendant. However, reports from some European Union agencies appeared to suggest that under other existing legal provisions the burden of proof in such cases remained with the plaintiff. He would appreciate clarification of where the burden of proof fell in civil cases.

31. **Mr. Bossuyt** said that the provision of the Citizenship Act of 2011 that allowed for the withdrawal of citizenship from an individual who worked in the public service of another State without the permission of the Lithuanian Government was disproportionate and could lead to an increase in the number of stateless persons. It should therefore be rescinded.

32. The information provided by the report on the rights of aliens in such areas as education, housing and the provision of social and health services was somewhat contradictory. The delegation should clarify what rights were extended to foreigners.

33. The State party had said in its report that it was not planning to make a declaration under article 14 of the Convention because of the large number of reservations formulated by those States parties that had made such a declaration. He found that reasoning hard to understand.

34. While recognizing that, by accepting 1,105 refugees under the relocation scheme put in place by the European Union, the State party had agreed to take in many more refugees than it was accustomed to receiving, the number was nonetheless relatively low in comparison with the contingents taken in by other countries.

35. **Mr. Amir**, referring to plans to designate a parliamentary body, the Seimas Ombudsman's Office, as the national human rights institution, said that he was concerned about that body's ability to meet the level of independence required under the Paris Principles. It was essential that any future national human rights institution should be able to operate in a totally independent manner, in accordance with international standards. He asked for clarification of the relationship between international law and domestic law, in particular whether the former took precedence over the latter. He would also welcome information on what the authorities were doing to raise awareness among the media of the dangers of hate speech.

36. **Mr. Khalaf** asked what criteria the authorities had used to determine the number of refugees to be resettled in the State party. It would also be interesting to know whether, if the present influx continued, the Government intended to take in more refugees, or whether it would bar entry to new arrivals.

*The meeting rose at 12.15 p.m.*