



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2076th meeting

Held at the Palais Wilson, Geneva, on Thursday, 3 March 2011, at 10 a.m.

Chairperson: Mr. Kemal

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The meeting was called to order at 10 a.m.

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

Fourth and fifth periodic reports of Lithuania (continued) (CERD/C/LTU/4-5; CERD/C/LTU/Q/4-5; CERD/C/LTU/CO/3/Add.1; HRI/CORE/1/Add.97)

1. *At the invitation of the Chairperson, the delegation of Lithuania took places at the Committee table.*
2. **Mr. Valentukevičius** (Lithuania) said that article 60 of the Lithuanian Criminal Code had been amended in 2009 to categorize racist and xenophobic motives as aggravating circumstances, thereby enabling courts to toughen sentences for perpetrators of racially motivated offences. In 2007, 25 complaints of racial and ethnic hatred had been recorded by law enforcement agencies, of which 10 had led to prosecution. In 2008, there had been 69 complaints, of which 17 had been heard in court. Of 34 complaints in 2009, seven had resulted in criminal prosecution, while in 2010, 2 out of 20 complaints had led to convictions. Most of the cases related to statements inciting to racial hatred that had been disseminated through the Internet.
3. With regard to comments by Mr. Lahiri on racist incidents against Nigerians and Ghanaians, there had been only two such incidents in the country, one of them involving two students, a Nigerian and an American, in 2007 in Klaipeda. They had been attacked and robbed by four individuals, of whom one, a minor, had later been arrested. On investigation it had been found that the minor had indeed called the Nigerian a “dirty black” and that the robbery had been racially motivated. The minor had been tried, found guilty of racially aggravated robbery and sentenced to 3 years in prison, commuted to 1 year because he had been a minor at the time of the offence.
4. Commenting on examples cited by members of the Committee at the previous meeting of racist incidents at sporting events, he said that several such cases had indeed attracted considerable attention nationally and abroad. In particular, he referred to an incident that had attracted great attention in 2007 when, at a football match between Lithuania and France in a Lithuanian stadium, Lithuanian supporters had held aloft a banner reading: “We welcome you to Europe”. An investigation had produced no results as it had failed to establish that the supporters in question intended to denigrate the French footballers.
5. With regard to a telephone conversation between the President of the Lithuanian Basketball Association and a journalist during which the former had revealed his wish to exclude coloured basketball players from the national side and rely exclusively on players of European origin, an investigation had failed to conclude that the impugned statements constituted incitement to hatred and had therefore been closed.
6. Another incident, which had taken place in 2008 in Kaunas, concerned two basketball players of African origin who had been insulted in the street by a drunken supporter because of their skin colour. Having obtained confirmation of the incident from witnesses, the police had brought the case to court, where it had been found that the incident constituted a clear case of public incitement to racial hatred and the perpetrator had been sentenced to 1 year in prison.
7. A singer of Indian origin married to a Lithuanian had also been publicly harassed and beaten in 2008 by a group of youths, some of them skinheads, who had attacked her because of her racial origin. One young skinhead woman had beaten the singer while her friends had looked on, in the presence of witnesses. The young individuals who had not participated directly in the assault had been left alone by the authorities but the young

woman responsible for beating and insulting the singer had been tried, found guilty of racially aggravated assault and sentenced to 43 days of detention.

8. Those specific examples demonstrated that cases involving racism, xenophobia and intolerance were dealt with appropriately by the Lithuanian courts and that everything was done to punish offenders. Since 2008, no such case had been brought to the attention of the police or prosecutors.

9. **Mr. Baranovas** (Lithuania) said that Lithuania had been ranked eleventh worldwide, the same as Denmark and Japan, in the Reporters Without Borders 2010 Press Freedom Index. Under the Law on the Provision of Information to the Public, a self-regulating press body and the Ethics Commission of Journalists and Publishers had been established. The Code of Ethics of Public Information Producers and Journalists also prohibited direct or indirect incitement to racial hatred and xenophobia motivated by race or ethnic origin. The Law governed the Office of the Inspector of Journalist Ethics. The current Inspector, who had a public service background, monitored compliance with the Law and had the power to issue warnings to press organizations that published contentious material, lodge complaints with the Ethics Commission, report on offences by the press and impose administrative penalties on publications and journalists that committed offences under the Law. On 15 July 2009, articles 49 and 50 of the Law had been amended with a view to enabling prosecutors to request that the Inspector investigate claims of the dissemination of information that could be construed as an incitement to hatred on the basis of race, nationality, language, descent, religion or opinions. In 2010, the Inspector had received and acted upon 75 such requests, mostly related to the publication on the Internet of documents and declarations directed against Jews and homosexuals.

10. **Mr. Melianas** (Lithuania) said that the Department of National Minorities had been established in late 2009 within the Ministry of Culture with the task of devising a strategy and action plan for 2010–2015 aimed at raising the profile of minorities. A cross-cutting action plan for the Roma, the country's most vulnerable minority, had been formulated in that context. Several ministries were also working together on a bill on national minorities that would amend legislation in force since 1989, some of whose provisions were incompatible with other legislation, such as that on national languages. Under the bill, the National Minorities Advisory Council would retain its current role but also be brought under the Ministry of Culture. The bill also envisaged that 29 seats in Parliament would be assigned to representatives of national minorities, a term that referred to any minority group made up of 10,000 to 100,000 members. Once elected, those representatives would be able to exert influence on the Ministry of Culture's policy on national minorities through their proposals.

11. The principal innovation of the bill on national minorities was the move to regulate the use of languages in regions where such minorities were concentrated. In areas where a given minority accounted for more than a third of the population, the bill provided for the mandatory use of their national language in the public administration and obliged the local authorities to ensure that signs were posted in Lithuanian and the national language concerned.

12. The Programme for the Integration of Roma into Lithuanian Society 2008–2010, which aimed to foster the integration of that community while at the same time preserving their traditional way of life and culture, had been extended to 2012. Unfortunately, because of the crisis, only one third of the funding originally intended for the programme had been made available. Nevertheless, several parts of the programme had been implemented in cooperation with various ministries and with a view to facilitating access by the Roma to education, employment and the cultural life of the country. Experience to date had shown that the process would take time and require the cooperation of numerous institutions, as well as efforts to make the broader public aware of the issues.

13. The Roma Community Centre provided the Roma with support services, distributed food to them and helped them to fill out the forms needed in order to obtain welfare benefits and subsidized housing. Moreover, in an effort to combat prejudices against them, the Roma were the subject of press articles and television and radio programmes. A website (www.roma.lt) also furnished information about them in Lithuanian, Russian, English and the Romani language.

14. As early as 2008, various seminars attended by numerous members of the law enforcement agencies had been organized by the Department of National Minorities and the Office of the Equal Opportunities Ombudsman to deal with matters as wide-ranging as efforts to combat discrimination, the integration of Roma in Lithuanian society and Roma who had lost their lives during the Second World War. Those events had provided the occasion to encourage the Roma to maintain their traditions and culture no matter what. The Department of National Minorities had also made courses in the Lithuanian language and the use of computers, as well as legal aid, available to the Roma. A CD-ROM on Roma culture, which had awakened considerable interest among the wider population, had also been released. Cultural programmes, unfortunately, had fallen victim to budget cuts as a result of the international economic and financial crisis.

15. Vocational training and business start-up assistance had also been made available to the Roma, who, in general, had been unable to take any more advantage of them than they had of regular, nationwide job exchanges, in particular the quarterly one organized by the Roma Community Centre in Vilnius.

16. Health programmes for the Roma had also suffered from budget cuts and the public health-care centre in Vilnius had even been obliged to close. However, talks on health and hygiene aimed at Roma women and girls had been held, and awareness-raising activities and information campaigns on that subject had been run by the Roma Community Centre with the help of the Lithuanian Red Cross. Given that the Roma community in Vilnius was the last stop in a transnational drug-trafficking network, the narcotics division had set up a counselling service to provide advice on the pernicious effects of drugs. Unhappily, it had had only a modest impact.

17. The matter of housing for the Roma in the Kirtimai district had been neglected for years, which explained the current poor state of hygiene and sanitation there. Only a dozen of the 70 buildings in the district were in acceptable condition. The remainder were fashioned of corrugated iron and planks and were barely fit for habitation. However, because the Roma felt at home and lived according to their traditions there, they were attached to the district. Government plans to relocate them had met with an outcry among other groups in need of social housing, who had claimed that the Roma were receiving preferential treatment. It was now planned to work specifically with certain Roma families in the district in an attempt to improve the situation. A satisfactory outcome could serve as an example and be applied to other families.

18. **Ms. Urbonė** (Lithuania) said that the police never investigated offences, unless merely administrative, committed by its own members while on duty. No internal inquiry could therefore be made into criminal acts. The Ministry of the Interior would be made responsible for such inquiries under a bill that was currently being examined. Moreover, persons who considered that any of their rights had been violated by a member of the police could complain to the Ministry of the Interior, which would launch an inquiry within a month. The procedure for lodging complaints against members of the police force had been simplified by the amendment of legislation on the public service to make it possible to submit complaints by e-mail.

19. **Ms. Zabarauskienė** (Lithuania) said that the aim of the National Antidiscrimination Programme for 2006–2008 had been to make the public aware of the different types of

discrimination and how to combat them. The programme, which had focused on education and been run in conjunction with government bodies and human rights NGOs, had also aimed to bring about a drop in the number of cases of discrimination in all areas of public life and to promote a tolerant society. A variety of training sessions had been organized, especially for employers, trade unions, public servants, judges and police. Awareness-raising programmes had been broadcast on radio and an anti-discrimination campaign had been run. The Government had provided funding of more than LTL 1 million for the programme. At a conference held in 2008 to examine the results of the programme, it had been concluded that it had had a positive influence on society and the decision had been taken to launch a second one in 2009–2012. Its goal was to boost respect for human rights, strengthen anti-discrimination and equal opportunities legislation and foster the work of human rights NGOs by deepening their cooperation with a range of ministries. Cuts to the original LTL 3 million budget for the programme in 2009 and 2010 had not prevented the organization of training courses, seminars and various awareness-raising activities, including a campaign on the different kinds of discrimination. The Ministry of Social Security and Labour planned to set up a working group to draw up an anti-discrimination programme for the coming years.

20. **Ms. Crickley** asked what priorities the Government would set itself in the areas of discrimination and the integration of minorities in the current climate of economic recession and budget cuts. She wished to know why so few complaints of racial discrimination were registered and whether that indicated a lack of trust in the institutions or a lack of understanding by people of their rights and the complaint mechanisms available to them. She asked how the Government intended to foster such trust.

21. Remarking that, according to the statistics, the Roma community constituted a very small minority in Lithuania, she asked whether the Government was considering launching initiatives in partnership with the Roma and Roma organizations, in particular to improve the at times apparently less than satisfactory sanitation and hygiene conditions in their communities. It was generally more effective to seek the opinions of the communities concerned and to involve them in the implementation of programmes. One way of combating the drugs problem among the Roma would be to help them gain employment and promote their integration into society.

22. She had the impression that the difficulties encountered by minority women were often due to economic problems and was of the opinion that measures needed to be targeted at helping the most vulnerable people in disadvantaged communities.

23. **Ms. Grigolovičienė** (Lithuania) replied that the number of complaints lodged (18 in 2005), although not high, was on the increase. Complaints of racial or ethnic discrimination accounted for 13 to 15 per cent of the total, in third place behind complaints of discrimination for reasons of gender or age. In 2007, a complaint by a woman who had claimed that an employer had refused to give her work because she belonged to the Roma community had led to the launching of administrative proceedings. In the end, the complainant had taken the case to court and won, receiving compensation.

24. **Mr. Vidtmann** (Lithuania) said that the sanitation and hygiene problems in the Roma communities that he knew were not as great as those that would be experienced by other ethnic or social groups living in poverty. Nevertheless, the Government had taken steps to improve the sanitary conditions in which the Roma lived, in particular by building a sanitary centre for them that took into account their traditions and included low-cost bathing and clothes washing facilities and all necessary installations. The centre had proved popular with the Roma. Activities to educate and raise the awareness of women and girls who lived in the Roma camps on matters of hygiene were also held regularly.

25. With regard to the nomadic nature of the Roma minority, one quarter of the Roma in Lithuania lived in Kirtimai camp, on the outskirts of Vilnius, and was therefore more or less settled. The problem of discrimination against people of the national minorities in employment was not widespread but it was true that the unemployment rate was, on occasion, higher in certain regions where members of those minorities lived and were at a disadvantage on the labour market because they did not speak the national language well.

26. **Mr. Melianas** (Lithuania) said that, in the current climate of budget restrictions, the Government would focus on awareness-raising and education, as they were essential tools for combating discrimination, as much from the Government's point of view as from that of NGOs. The most effective way to combat stereotypes and myths concerning particular groups or minorities was to inform the public and raise its awareness of the issue by focusing on certain groups, like the Roma, who were especially affected by such stereotypes. Equally, work had to be done to make the Roma themselves more aware of the need to send their children to school and to enter the job market. Such activities did not require a great deal of funding and could produce results over time.

27. **Mr. Avtonomov** said that the poverty of the Roma was connected to the degree of marginalization to which they were subjected in many countries. The European Union's planned new programme, which was aimed at improving the situation of the Roma living in the Union, could permit the adoption of measures to help the Roma without the need for recourse to funding, and therefore without reducing the budget available for combating poverty among other disadvantaged groups. The Government could also ask non-profit associations, whether Lithuanian or foreign, to help the Roma minority. He welcomed the fact that such tiny minorities as the Karaites were so well integrated into Lithuanian society and asked whether a Latvian minority still existed in the country.

28. **Mr. Vidtmann** (Lithuania) said that the presence of the Karaites in the country for the past six centuries had great symbolic value. Prior to the financial crisis of 2007–2008, the Lithuanian Government had contributed LTL 1 million to the complete renovation of buildings of the Karaite community of Trakai and LTL 350,000 (approximately €100,000) for the construction of a meeting centre for the Karaites living in Nemėžė, in the region of Vilnius.

29. **Mr. Melianas** (Lithuania) said in response to Mr. Avtonomov that the Livonians, a Finno-Ugric people that lived on the Baltic coast and had given its name to the historical region of Livonia, had virtually disappeared. A handful, some 200, remained, but could be found only in Latvia.

30. Lithuania was proud that several Turkic minorities lived in the country, including Kazan Tartars, Lithuanian Tartars, Azeris and Uzbeks. All still spoke their own language save the Lithuanian Tartars, who had dropped theirs in favour of Lithuanian in the three centuries since they had settled in Lithuania. The Karaites, of whom there were about 200, also continued to speak their own language.

31. **Mr. de Gouttes** asked whether the Lithuanian Government intended to contribute to the preparatory work being done by the European Union for its Roma programme. He invited the delegation to assess the results of the implementation of the Programme of Control and Prevention of Trafficking in Human Beings and Prostitution 2002–2004, which had been extended for the period 2005–2008. Lastly, he wished to know whether Lithuania considered that the Office of the Equal Opportunities Ombudsman was in compliance with the Paris Principles.

32. **Ms. Skaisgirytė Liauškienė** (Lithuania) said that Lithuania would be involved in the preparation of the European Union's Roma programme.

33. **Ms. Urbonė** (Lithuania) said that amendments had been made to criminal legislation between 2004 and 2009; in particular, article 147 of the Criminal Code had been brought into line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). New articles had been added to suppress the sale of children, trafficking in persons for the purpose of prostitution, labour exploitation and the prostitution of others, and international trafficking in persons with a view to exploiting them. Combating human trafficking had long been, and continued to be, a priority for the Lithuanian Government. A series of three programmes to combat human trafficking, the last of them covering the period from 2009 to 2012, had been adopted and carried out. Although the country had been hit hard by the global financial crisis, 14 of the 18 measures in the programme had been implemented in 2010 by the relevant bodies, including the Ministry of the Interior, the Ministry of Justice and the Ministry of Social Security and Labour. Measures taken included a project to bring the provisions of the Criminal Code into line with the Council of Europe Convention on Action against Trafficking in Human Beings and the creation of a computerized police database aimed at facilitating the exchange of information, in particular with Interpol, for the investigation of cases involving human trafficking. Funds had been allocated for the implementation of five projects aimed at helping victims of human trafficking and forced prostitution to enter or return to the labour market. As a result of those measures, three victims of trafficking who had been outside the country had been repatriated and Lithuanian consular and diplomatic staff had received training in the matter of human trafficking and the appropriate measures to take in order to protect victims.

34. In 2010, an international conference on human trafficking had been held in Vilnius. In addition, subsidies had been granted to NGOs such as Caritas that provided victims with support, meals and counselling. Lastly, 326 persons, six of them minors, had been held for questioning in 2010 over violations of provisions of the Code of Administrative Offences that prohibited prostitution, compared with 378 in 2009.

35. **Mr. Rakitskis** (Lithuania) said that research carried out in 2007 and 2008 by Lithuanian and foreign experts had shown that the institution of the Ombudsman was in total compliance with the Paris Principles. During that time, independent experts had considered the establishment of a national human rights institution in Lithuania and a high-level conference had been held, bringing together members of Parliament, and representatives of government, international organizations and universities. However, owing to the financial crisis, it had been impossible to put the results of the conference into practice. Lithuania would hold the presidency of the Organization for Security and Co-operation in Europe from January 2011, and one of the country's priorities would be to foster the efficiency of national human rights institutions in member countries. Further information on the subject would be provided to the Committee.

36. **Mr. Peter** (Country Rapporteur) said that he would like more detailed information on paragraphs 116–118 of the report (CERD/C/LTU/4-5). He wished to be sure that only administrative offences could lead to an internal inquiry and that the police was not authorized to carry out investigations of cases in which its members were suspected of human rights violations.

37. Expressing surprise that the woman who had insulted and attacked a South African singer of Indian origin in 2008 had been sentenced by the courts of the State party to just 43 days in prison, he wondered whether the judiciary was truly independent and whether judges received training to raise their awareness of human rights and, in particular, of the provisions of the Convention.

38. **Ms. Urbonė** (Lithuania) said that police internal inquiries dealt solely with the limited number of cases of officers who had failed to carry out their duty, leading to

disciplinary sanctions. The main task of the Inspector General's Division was to monitor the outcome of police internal inquiries. A bill that would authorize the Ministry of the Interior to carry out that kind of inquiry was being studied.

39. **Mr. Baranovas** (Lithuania) said that the judiciary was completely independent of the executive and that its administrative services were not controlled by the Ministry of Justice. In the framework of the 2009–2011 national anti-discrimination programme, judges received continuing training in areas such as how to interpret acts of discrimination based on race, ethnic background or religion and the application of the relevant national, regional and international standards, including the Convention. Ongoing training dealing specifically with the standards and jurisprudence of European institutions had been provided. Racial discrimination was also covered in other training courses for judges, particularly those that dealt with labour law.

40. **Mr. Valentukevičius** (Lithuania) said that prosecutors in Lithuania had a special status, enshrined in the Constitution and the relevant legislation, and that they did not come under the judiciary or executive. Prosecutors therefore enjoyed considerable independence.

41. The maximum penalty for acts of racism such as the assault on the singer of Indian origin was 60 days' imprisonment. The sentence of 43 days handed down in that case had therefore been adequate and served as a deterrent to others.

42. **Mr. Peter** (Country Rapporteur) thanked the Lithuanian delegation for its detailed answers to the numerous questions posed by the Committee and welcomed the fruitful and constructive dialogue between the two.

The meeting rose at 1 p.m.